Carlsbad TOMORROW

Growth Management Citizens Committee

APPENDIX 2
COMMITTEE MEETING MATERIALS

City of Carlsbad

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GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

March 30, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to the Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL: *City representatives will take attendance and announce absences.*

APPROVAL OF MINUTES:

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the Committee. Review agenda and meeting format. Introduce chair and vice-chair. Committee members will be invited to participate in an ice-breaker exercise and provide a brief self-introduction.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Growth Management Citizens Committee will receive comments at the beginning of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

DISCUSSION ITEMS:

1. RALPH M. BROWN ACT AND CALIFORNIA PUBLIC RECORDS ACT PRESENTATION – Receive a presentation and training from the City Attorney's Office regarding the Ralph M. Brown Act, the California Public Records Act, the committee handbook and Resolution of the City Council Establishing the Committee. (Staff Contact: Celia Brewer, City Attorney's Office and Sheila Cobian, City Manager's Office)

2. COMMITTEE BUSINESS – Receive presentations from city staff and consultants on the following topics:
   - **Committee Ground Rules Development.** Presentation will include a more detailed look at the proposed committee update process and tentative meeting topics. Committee members will then work together to establish ground rules for how they wish group members to conduct themselves during meetings.
   - **Growth Management Background.** City Planning to provide a brief presentation on existing Carlsbad growth management plan, pertinent state law.
   - **Committee name.** Members will participate in a facilitated discussion about the committee's name and how it could be changed to better reflect the breadth of issues the committee will be addressing. (Staff Contact: Sarah Lemons, Communication & Engagement and Don Neu, City Planner)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

NEXT STEPS:

ADJOURN: *Closing comments and adjourn meeting.*

NEXT SPECIAL MEETING:
Thursday, April 28, 2022, 5 p.m.

GROWTH MANAGEMENT CITIZENS COMMITTEE
Minutes

March 30, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Annika Jimenez, Gita Nassiri, Fred Briggs, William Sheffler, Amy Allemann, Joseph Stine, Steve Linke, Nelson Ross
Alternate – Ron Withall, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Terence Green, Thierry Ibri, Erin Nell, Angela O'Hara, Nora Jimenez George, Lisa Stark, Allen Manzano, Art Larson, Kevin Sabellico, , William Fowler

Absent:
Primary – Harry Peacock, Chad Majer, John Nguyen-Cleary
Alternate – Patricia Mehan, Patrick Goyarts, Matthew Reese, Marissa Steketee

APPROVAL OF MINUTES:

None

WELCOME:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson, who reviewed the purpose and charge for the committee, and the agenda and meeting format. It was noted that the presentation on the Brown Act and Public Records Act would be moved up in the agenda.

Committee members raised questions regarding saving personal emails. It was noted that if committee email exchanges contain content related to the Growth Management project or process, it should be forwarded to the clerk or staff liaison to ensure they are part of the public record.

Committee members also asked questions about retaining personal notes taken during the meetings. It was noted that if the notes will be referred to during decision making at any point, they should be saved to be included as part of public record.

DISCUSSION ITEM 1: RALPH M. BROWN ACT AND CALIFORNIA PUBLIC RECORDS ACT PRESENTATION

Committee received a presentation regarding the Ralph M. Brown Act, the California Public Records Act, and Resolution of the City Council establishing the committee. (Staff Contact: Celia Brewer, City Attorney's Office and Sheila Cobian, City Manager's Office).

INTRODUCTIONS:

City staff provided brief self-introductions. Committee members then participated in an ice-breaker exercise in which members were each given one half of a teamwork quote and asked to circulate around the room to find their other half. Once matched, each pair read their quote out loud and provided a brief self-introduction.

PUBLIC COMMENTS:

None

DISCUSSION ITEM 1 (continued):

The meeting facilitator, Susan Harden, walked through the committee handbook, the proposed meeting schedule and topics, and an overall process graphic. It was noted that the schedule will be amended to avoid the December conflict with a Planning Commission meeting.

The committee highlighted a desire for the process to be inclusive and to provide ample room for conversation. Committee members also identified a desire to discuss the following topics or questions during the process:

- Committee objectives
- Unanticipated factors or factors outside of the city's control in the updated plan
- Population growth and projection data

DISCUSSION ITEM 2: COMMITTEE BUSINESS

Ground Rule Development

Facilitator Susan Harden introduced the "Bike Rack" tool which will be used to capture notes or ideas that aren't focused on the agenda and that may be discussed at a later date. Committee members then worked together to establish ground rules for how they wish group members to conduct themselves during meetings. Emphasis was given to the idea that the ground rules were flexible in that they could be added to or tweaked as the committee developed. A summary of the ground rules drafted during the meeting include:

- Encourage diversity of ideas; every idea is a good idea during brainstorming
- Avoid applying personal biases based on geography, organizational affiliation, etc. – think about the city as a whole
- Establish and follow general time limits for discussions items
- Keep comments brief and do not dominate the conversation
- Always be respectful
- Be prepared by reading materials and thinking about topics ahead of meetings
- Encourage all to speak - both primary and alternate members
- Actively search for ways to identify gaps in data and make requests based on those gaps

The committee discussed how to meaningfully engage alternates during discussion while still keeping meeting times reasonable. As highlighted in the handbook, primary members will be invited to share thoughts and ideas first, but Chair/Facilitator will then invite participation from alternates, with a back-and-forth approach as time allows.

The committee suggested that general time limits be set for discussion items to keep meetings moving. It was noted that flexibility with time limits will be important to allow for meaningful dialogue.

To formalize and enforce the agreed upon ground rules, the committee will sign an "acknowledgement" during an upcoming meeting. Facilitator, chair and members will hold each other accountable for ground rules when necessary.

The committee spent time discussing where in the committee agenda that public comment should occur. The committee agreed that public comment will take place at the beginning of meeting with a limit of 15 minutes and may continue at the end of the meeting if needed. The committee can determine a different approach after a few meetings if they would like. Committee members were reminded that interaction with community members during public comment period is not recommended. Additionally, city staff was asked to look into how (if) a member of the public can request to make a formal presentation during a committee meeting.

Committee members requested to receive information prior to each meeting as early as possible with one week ahead being the ideal.

Growth Management Overview

City Planner Neu provided a brief presentation on the existing Carlsbad growth management plan and pertinent state law.

The committee asked questions and engaged in dialogue regarding growth management in Carlsbad. It was noted by staff that City Council's current stance is to be compliant with the state laws surrounding housing and that future state law trends will likely continue with a strong focus on housing. In discussions regarding open space, it was noted that a great deal of the open space in Carlsbad is protected by the state.

The committee highlighted that term definitions and data will be important to understand (housing units, household sizes, etc.) It was noted the committee is welcome to request specific information from city staff on a subject.

Committee members agreed that a key question for the committee is how to accommodate housing and maintain the same quality of life.

Committee Name

Kristina Ray, Communication & Engagement Director, provided a brief presentation on the committee's name and whether it should be changed to better reflect the breadth of issues that the committee will be addressing. Committee members and alternates were given some initial examples to think about and directed to bring potential ideas to discuss during the next meeting.

ADJOURNMENT:

Next meeting time: Thursday, April 28, 2022 5 p.m.
Chair Larson adjourned the duly noticed meeting at 7:32 p.m.

Bailey Warren - Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE

Staff Report

Meeting Date:	March 30, 2022
To:	Growth Management Citizen's Committee
Staff Contact:	Celia Brewer, City Attorney Celia.Brewer@carlsbadca.gov, 442-339-2890 Sheila Cobian, Director of Legislative and Constituent Services Sheila.Cobian@carlsbadca.gov, 442-339-2917
Subject	Ralph M. Brown Act and California Public Record Act Presentation

Recommended Action

Receive a presentation from the City Attorney's Office regarding the Ralph M. Brown Act and the California Public Records Act as they relate to the Commission.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 24 hours before the scheduled meeting date.

Exhibits

1. Open and Public V: A Guide to the Ralph M. Brown Act
2. The People's Business: A Guide to the California Public Records Act
3. Committee handbook
4. City Council Resolution 2021-223 Approving the Charter for the Growth Management Plan Update Advisory Committee

Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

LEAGUE® OF CALIFORNIA CITIES

ACKNOWLEDGEMENTS

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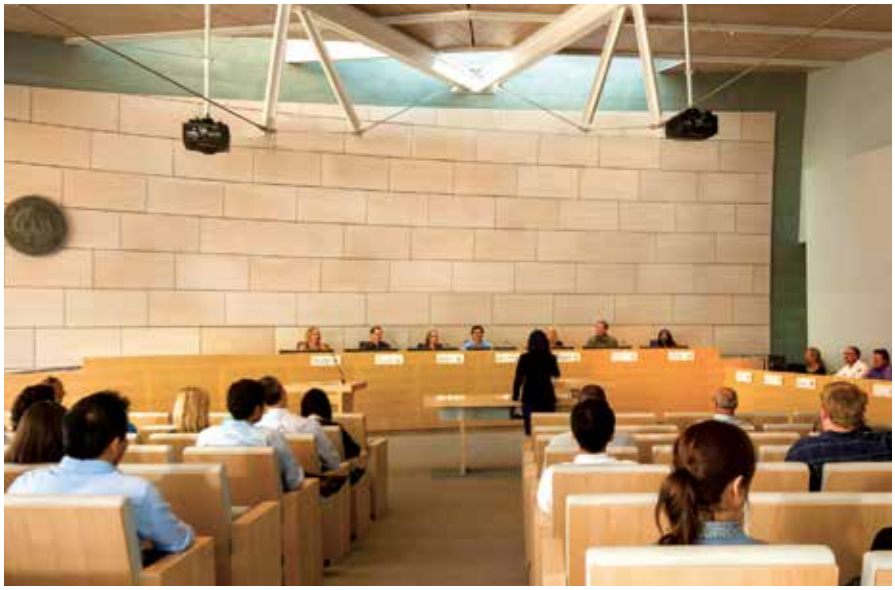

Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

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Chapter 1

IT IS THE PEOPLE'S BUSINESS

The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."[1]

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

> *"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."*[2]

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

The Brown Act's other unchanged provision is a single sentence:

> *"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."*[3]

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body

discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.[4]

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.[5]

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

PRACTICE TIP: Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Public participation in meetings

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.[6] Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on "Your Secret Government" that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

ENDNOTES:

1 California Government Code section 54950

2 California Constitution, Art. 1, section 3(b)(1)

3 California Government Code section 54953(a)

4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).

5 California Government Code section 54952.2(b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533

6 California Government Code section 54953.7

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at www.leginfo.ca.gov.

Chapter 2

LEGISLATIVE BODIES

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Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines "legislative body" broadly to include just about every type of decision-making body of a local agency.[1]

What is a "legislative body" of a local agency?

A "legislative body" includes:

- **The "governing body** of a local agency" and certain of its subsidiary bodies; "or any other local body created by state or federal statute."[2] This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A "local agency" is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency.[3] A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.[4] The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.[5] Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.[6]

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.[7] Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.[8]

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.[9] Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee "shall not exercise continuing subject matter jurisdiction" or the fact that the committee does not have a fixed meeting schedule is not determinative.[10] "Formal action" by a legislative body includes authorization given to the agency's executive officer to appoint an advisory committee pursuant to agency-adopted policy.[11]
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity's governing board.[12] These include some nonprofit corporations created by local agencies.[13] If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.[14] When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.[15]

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber's board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber's governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital)

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee's charge, or whether the committee exists long enough to have "continuing jurisdiction."

first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises "material authority" delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.[16]

What is not a "legislative body" for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.[17] Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.[18]
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.[19]

  Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

  A. *No, because the committee has not been established by formal action of the legislative body.*

  Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

  A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.[20]
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.[21]
- County central committees of political parties are also not Brown Act bodies.[22]

ENDNOTES:

1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127

2 California Government Code section 54952(a) and (b)

3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.

4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550

5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)

6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362

7 California Government Code section 54952.1

8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805

9 California Government Code section 54952(b)

10 79 Ops.Cal.Atty.Gen. 69 (1996)

11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793

12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)

13 California Government Code section 54952(c)(1)(A); International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc. (1999) 69 Cal.App.4th 287, 300; Epstein v. Hollywood Entertainment Dist. II Business Improvement District (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002)

14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal. App.4th 287, 300 fn. 5

15 "*The Brown Act, Open Meetings for Local Legislative Bodies,*" California Attorney General's Office (2003), p. 7

16 California Government Code section 54952(d)

17 California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.

18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129

19 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973)

20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879

21 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513

22 59 Ops.Cal.Atty.Gen. 162, 164 (1976)

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Chapter 3

MEETINGS

The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "… and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body."[1] The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.[2]

Brown Act meetings

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **"Regular meetings"** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.[3]
- **"Special meetings"** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements.[4]
- **"Emergency meetings"** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.[5]
- **"Adjourned meetings"** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.[6]

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:[7]

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

> **"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition. "I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"**
>
> *The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.*

Q. The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?

A. *Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.*

Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency.[8] Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?

A. *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*

Q. The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?

A. *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).[9]

Q. The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?

A. *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.[10] This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.[11]

Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that "[a] majority of the members of a legislative body shall not, outside a meeting … use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."[12] The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a "daisy chain" or a "hub and spoke" sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body's subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members, communicates with a majority of members (the spokes) one-by-one for for discussion, deliberation, or a decision on a proposed action.[13] Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members' respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."[14]

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.[15]

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.[16] Such a memo, however, may be a public record.[17]

> **The phone call was from a lobbyist. "Say, I need your vote for that project in the south area. How about it?"**
>
> **"Well, I don't know," replied Board Member Aletto. "That's kind of a sticky proposition. You sure you need my vote?"**
>
> **"Well, I've got Bradley and Cohen lined up and another vote leaning. With you I'd be over the top."**
>
> **Moments later, the phone rings again. "Hey, I've been hearing some rumbles on that south area project," said the newspaper reporter. "I'm counting noses. How are you voting on it?"**

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating

a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

> **The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."**

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."[18] Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

> **"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."**
>
> **"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"**
>
> **"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."**

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Q. The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?

A. *Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.*

Q. A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?

A. *No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.*

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the "reply to all" button that may inadvertently result in a Brown Act violation.

Informal gatherings

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.[19] A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

> **Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop's Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.**

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive's presence in no way lessens the potential for a violation of the Brown Act.

Q. The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?

A. *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*

Technological conferencing

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.[20] While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

"Teleconference" is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either

audio or video, or both."[21] In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:[22]

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

A. *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.[23]

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:[24]

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency's territory, provided the meeting is limited to items relating to that real or personal property;

Q. The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;
- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.[25]

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.[26] A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.[27]

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.[28]

Endnotes:

1 California Government Code section 54952.2(a)

2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870

3 California Government Code section 54954(a)

4 California Government Code section 54956

5 California Government Code section 54956.5

6 California Government Code section 54955

7 California Government Code section 54952.2(c)

8 California Government Code section 54952.2(c)(4)

9 California Government Code section 54952.2(c)(6)

10 California Government Code section 54953.1

11 "*The Brown Act,*" California Attorney General (2003), p. 10

12 California Government Code section 54952.2(b)(1)

13 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95

14 California Government Code section 54952.2(b)(2)

15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518

16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

17 California Government Code section 54957.5(a)

18 California Government Code section 54952.2(b)(2)

19 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)

20 California Government Code section 54953(b)(1)

21 California Government Code section 54953(b)(4)

22 California Government Code section 54953

23 California Government Code section 54954(b)

24 California Government Code section 54954(b)(1)-(7)

25 94 Ops.Cal.Atty.Gen. 15 (2011)

26 California Government Code section 54954(c)

27 California Government Code section 54954(d)

28 California Government Code section 54954(e)

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location "freely accessible to members of the public."[1] The courts have not definitively interpreted the "freely accessible" requirement. The California Attorney General has interpreted this provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.[2] This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.[3] While posting an agenda on an agency's Internet website will not, by itself, satisfy the "freely accessible" requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.[4]

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city's website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. *At a minimum, the Brown Act calls for "substantial compliance" with all agenda posting requirements, including posting to the agency website.[5] Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.[6] This inquiry requires a fact-specific examination of whether the agency or its legislative body made "reasonably effective efforts to notify interested persons of a public meeting" through online posting and other available means.[7] The Attorney General's opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.[8] The City Attorneys' Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain "a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session."[9] Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a "project" if the "project" is actually a set of distinct actions that must each be separately listed on the agenda.[10]

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street; and
- Consideration of contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read "consideration of a contract with ABC Consulting in the amount of $50,000 for traffic engineering services regarding traffic on Eighth Street."*

Q. The agenda includes an item entitled City Manager's Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. *Yes, so long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.[11]

Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency's website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.[12]

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.[13] If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.[14] A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.[15]

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.[16] News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.

News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.[17]

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.[18] However, they are generally consistent with the Brown Act. An item is probably void if not posted.[19] A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and to address the board on those items.[20]

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.[21] Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIIIC or XIIID, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.[22] As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.

Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:[23]

- When a majority decides there is an "emergency situation" (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

> **"I'd like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project," said Chair Lopez.**
>
> **"It's not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I'd like to keep it that way. Do I hear a motion?"**

The desire to stay ahead of schedule generally would not satisfy "a need for immediate action." Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

> **"We learned this morning of an opportunity for a state grant," said the chief engineer at the regular board meeting, "but our application has to be submitted in two days. We'd like the board to give us the go ahead tonight, even though it's not on the agenda."**

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to "briefly respond" to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body's rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.[24] However, caution should be used to avoid any discussion or action on such items.

Council Member Jefferson: I would like staff to respond to Resident Joe's complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council's agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public's right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise "fulfill any condition precedent" to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.[25]

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.[26] This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.[27]

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.[28]

Action by secret ballot, whether preliminary or final, is flatly prohibited.[29]

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.[30]

Q: The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.[31] Ejection is justified only when audience members actually disrupt the proceedings.[32] If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.[33]

Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.[34] A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.[35]

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A. *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*

A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.[36] A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.[37]

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.[38] The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.[39]

In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.[40]

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.[41]

The public's place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.[42]

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.[43]

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*

The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.[44]

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.[45]

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.[46]

Endnotes:

1 California Government Code section 54954.2(a)(1)

2 78 Ops.Cal.Atty.Gen. 327 (1995)

3 88 Ops.Cal.Atty.Gen. 218 (2005)

4 California Government Code sections 54954.2(a)(1) and 54954.2(d)

5 California Government Code section 54960.1(d)(1)

6 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262

7 *North Pacifica LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432

8 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262, Slip Op. at p. 8

9 California Government Code section 54954.2(a)(1)

10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)

11 California Government Code section 54954.1

12 California Government Code sections 54956(a) and (c)

13 California Government Code section 54955

14 California Government Code section 54954.2(b)(3)

15 California Government Code section 54955.1

16 California Government Code section 54956.5

17 California Government Code section 54952.3

18 Education Code sections 35144, 35145 and 72129

19 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196

20 California Education Code section 35145.5

21 California Government Code section 54954.6

22 See Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)

23 California Government Code section 54954.2(b)

24 California Government Code section 54954.2(a)(2)

25 California Government Code section 54953.3

26 California Government Code section 54961(a); California Government Code section 11135(a)

27 California Government Code section 54952.2(c)(2)

28 California Government Code section 54953(b)

29 California Government Code section 54953(c)

30 California Government Code section 54953(c)(2)

31 California Government Code section 54957.9.

32 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit "insolent" remarks by members of the public absent actual disruption).

33 California Government Code section 54957.9

34 California Government Code section 54957.5

35 California Government Code section 54957.5(d)

36 California Government Code section 54957.5(b)

37 California Government Code section 54957.5(c)

38 California Government Code section 54953.5(b)

39 California Government Code section 54957.5(d)

40 California Government Code section 54953.5(a)

41 California Government Code section 54953.6

42 California Government Code section 54954.3(a)

43 California Government Code section 54954.3(c)

44 California Government Code section 54954.3(b); Chaffee v. San Francisco Public Library Com. (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)

45 California Government Code section 54954.3(a)

46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at **www.leginfo.ca.gov**.

Chapter 5

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Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.[1]

As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.[2] The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.[3]

In this chapter, the grounds for convening a closed session are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),[4] the Brown Act does not authorize closed sessions for other contract negotiations.

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

Agendas and reports

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.[5] An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.[6]

The Brown Act supplies a series of fill in the blank sample agenda descriptions for various types of authorized closed sessions, which provide a "safe harbor" from legal attacks. These sample

agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor's Office.[7]

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.[8]

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.[9] The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.[10]

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential "minute book" be kept to record actions taken at closed sessions.[11] If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.[12] A court may order the disclosure of minute books for the court's review if a lawsuit makes sufficient claims of an open meeting violation.

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

Litigation

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.[13]

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.[14] The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel and required support staff.[15] For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.[16]

The California Attorney General has opined that if the agency's attorney is not a participant, a litigation closed session cannot be held.[17] In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.[18]

Existing litigation

Q. May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?

A. *Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.*

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.[19]

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on "existing facts and circumstances" as defined by the Brown Act.[20] The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the "existing facts and circumstances" must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed

session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.[21] Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.[22] Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.[23]

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern[24] and the names of the parties with whom its negotiator may negotiate.[25]

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.[26]

"Our population is exploding, and we have to think about new school sites," said Board Member Jefferson.

"Not only that," interjected Board Member Tanaka, "we need to get rid of a couple of our older facilities."

"Well, obviously the place to do that is in a closed session," said Board Member O'Reilly. "Otherwise we're going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar."

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

Public employment

The Brown Act authorizes a closed session "to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee."[27] The purpose of this exception — commonly referred to as the "personnel exception" — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.[28] The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.[29] That authority may be delegated to a subsidiary appointed body.[30]

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,[31] and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.[32] The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.[33] If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.[34]

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.[35]

Q. Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?

A. *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.[36] An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, "employee" specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter Include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.[37] Action on individuals who are not "employees" must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

Reclassification of a job must be public, but an employee's ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.[38] However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.[39]

> **"I have some important news to announce," said Mayor Garcia. "We've decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we've negotiated six months severance pay."**
>
> **"Unfortunately, that has some serious budget consequences, so we've had to delay phase two of the East Area Project."**
>
> *This may be an improper use of the personnel closed session if the council agenda described the item as the city manager's evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.*

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,[40] on employee salaries and fringe benefits for both represented ("union") and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an "employee" includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.[41]

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.[42]

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.[43] The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.[44]

Public participation under the Rodda Act also takes another form.[45] All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.[46] The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.[47]

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.[48] Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.[49]

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

Joint Powers Authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.[50]

License applicants with criminal records

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.[51]

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.[52] Action taken in closed session with respect to such public security issues is not reportable action.

Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.[53]

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.[54]

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.[55]

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.

A "trade secret" is defined as information which is not generally known to the public or competitors and which: 1) "derives independent economic value, actual or potential" by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district's dissolution.[56]

Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits,[57] consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,[58] hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services,[59] discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations concerning rates of payment,[60] and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.[61]

PRACTICE TIP: Meetings are either open or closed. There is nothing "in between."[62]

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.[63]

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency's advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.[64] It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.[65] Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.[66]

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is "improper" for officials to disclose information received during a closed session regarding pending litigation,[67] though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.[68] In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.[69]

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.[70]

The interplay between these possible sanctions and an official's first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

> **"I want the press to know that I voted in closed session against filing the eminent domain action," said Council Member Chang.**
>
> **"Don't settle too soon," reveals Council Member Watson to the property owner, over coffee. "The city's offer coming your way is not our bottom line."**
>
> *The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly.[71] The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.*

ENDNOTES:

1 California Government Code section 54962

2 California Constitution, Art. 1, section 3

3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).

4 California Government Code section 54957.1

5 California Government Code section 54954.5

6 California Government Code section 54954.2

7 California Government Code section 54954.5

8 California Government Code sections 54956.9 and 54957.7

9 California Government Code section 54957.1(a)

10 California Government Code section 54957.1(b)

11 California Government Code section 54957.2

12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18707

13 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

14 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).

15 82 Ops.Cal.Atty.Gen. 29 (1999)

16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471

17 "*The Brown Act,*" California Attorney General (2003), p. 40

18 California Government Code section 54956.9(g)

19 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172

20 Government Code section 54956.9(e)

21 California Government Code section 54957.1

22 California Government Code section 54956.8

23 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan Incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).

24 73 Ops.Cal.Atty.Gen. 1 (1990)

25 California Government Code sections 54956.8 and 54954.5(b)

26 California Government Code section 54957.1(a)(1)

27 California Government Code section 54957(b)

28 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).

29 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)

30 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty. Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.

31 California Government Code section 54957(b)(3)

32 88 Ops.Cal.Atty.Gen. 16 (2005)

33 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860

34 California Government Code section 54957(b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).

35 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87

36 *Moreno v. City of King* (2005) 127 Cal.App.4th 17

37 California Government Code section 54957

38 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165

39 California Government Code section 54957.1(a)(5)

40 California Government Code section 54957.6

41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not "employees" of the district).

42 California Government Code section 54957.6; and 51 Ops.Cal.Atty.Gen. 201 (1968)

43 California Government Code section 54957.1(a)(6)

44 California Government Code section 3549.1

45 California Government Code section 3540

46 California Government Code section 3547

47 California Education Code section 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).

48 California Education Code section 72122

49 California Education Code section 60617

50 California Government Code section 54956.96

51 California Government Code section 54956.7

52 California Government Code section 54957

53 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354

54 California Government Code section 54957.8

55 California Government Code section 54962

56 California Health and Safety Code section 32106

57 California Government Code section 54956.75

58 California Government Code section 54956.81

59 California Government Code section 54956.86

60 California Government Code section 54956.87

61 California Government Code section 54956.95

62 46 Ops.Cal.Atty.Gen. 34 (1965)

63 82 Ops.Cal.Atty.Gen. 29 (1999)

64 Government Code section 54963

65 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also California Government Code section 54963.

66 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

67 80 Ops.Cal.Atty.Gen. 231 (1997)

68 76 Ops.Cal.Atty.Gen. 289 (1993)

69 California Government Code section 54963

70 California Government Code section 54963

71 California Government Code section 54957.1

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at **www.leginfo.ca.gov**.

Chapter 6

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Chapter 6

REMEDIES

Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.[1] Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;[2]
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendized items are acted on by the governing body during a meeting.[3] The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.

Although just about anyone has standing to bring an action for invalidation,[4] the challenger must show prejudice as a result of the alleged violation.[5] An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.[6]

Applicability to Past Actions

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action.[7] Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a "cease and desist" letter to the legislative body, clearly describing the past action and the nature of the alleged violation.[8] The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.[9] If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.[10]

The legislative body's unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.[11] The unconditional commitment must be substantially in the form set forth in the Brown Act.[12] No legal action may thereafter be commenced regarding the past action.[13] However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.[14]

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.[15]

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.[16] Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.[17]

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

Costs and attorney's fees

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.[18] When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.[19]

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

Criminal complaints

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.[20]

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.[21]

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision.[22] If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.[23] In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member "to deprive the public of information to which the member knows or has reason to know the public is entitled" by the Brown Act.[24]

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.[25] There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.[26]

Voluntary resolution

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

ENDNOTES:

1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54596.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.

2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198

3 California Government Code section 54960.1 (b) and (c)(1)

4 *McKee v. Orange Unified School District* (2003) 110 Cal. App.4th 1310, 1318-1319

5 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561

6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118

7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)

8 Government Code Sections 54960.2(a)(1), (2)

9 Government Code Section 54960.2(b)

10 Government Code Section 54960.2(a)(4)

11 Government Code Section 54960.2(c)(2)

12 Government Code Section 54960.2(c)(1)

13 Government Code Section 54960.2(c)(3)

14 Government Code Section 54960.2(d)

15 Government Code Section 54960.2(e)

16 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6

17 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36

18 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein

19 California Government Code section 54960.5

20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to $1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.

21 California Government Code section 54959

22 California Government Code section 54952.6

23 61 Ops.Cal.Atty.Gen.283 (1978)

24 California Government Code section 54959

25 California Government Code section 1222 provides that "[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor."

26 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at **www.leginfo.ca.gov**.

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Printed on Recycled Paper

The People's Business

A GUIDE TO THE CALIFORNIA PUBLIC RECORDS ACT

REVISED APRIL 2017

LEAGUE OF CALIFORNIA CITIES

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ACKNOWLEDGEMENTS

The League thanks the following individuals for their work on this publication:

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Chapter 1

Introduction and Overview

Origins of the Public Records Act

The California Public Records Act (the PRA) was enacted in 1968 to: (1) safeguard the accountability of government to the public; (2) promote maximum disclosure of the conduct of governmental operations; and (3) explicitly acknowledge the principle that secrecy is antithetical to a democratic system of "government of the people, by the people and for the people."[1] The PRA was enacted against a background of legislative impatience with secrecy in government and was modeled on the federal Freedom of Information Act (FOIA) enacted a year earlier.[2] When the PRA was enacted, the Legislature had been attempting to formulate a workable means of minimizing secrecy in government. The resulting legislation replaced a confusing mass of statutes and court decisions relating to disclosure of government records.[3] The PRA was the culmination of a 15-year effort by the Legislature to create a comprehensive general public records law.

Fundamental Right of Access to Government Information

The PRA is an indispensable component of California's commitment to open government. The PRA expressly provides that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."[4] The purpose is to give the public access to information that enables them to monitor the functioning of their government.[5] The concept that access to information is a fundamental right is not new to United States jurisprudence. Two hundred years ago James Madison observed "[k]nowledge will forever govern ignorance and a people who mean to be their own governors, must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both."[6]

---

1 Gov. Code, § 6250 *et seq.;* Stats 1968, Ch. 1473; *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651–652; 52 Ops.Cal.Atty.Gen 136, 143; *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 771–772.

2 *San Gabriel Tribune v. Superior Court, supra,* 143 Cal.App.3d at p. 772; 5 U.S.C. §552 *et seq.*, 81 Stat. 54; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 447; *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651. The basic purpose of the FOIA is to expose agency action to the light of public scrutiny. *U.S. Dept. of Justice v. Reporters Com. for Freedom of Press* (1989) 489 US 749, 774.

3 *San Gabriel Tribune v. Superior Court, supra,* 143 Cal.App.3d at p. 772; *American Civil Liberties Union Federation v. Deukmejian, supra,* 32 Cal.3d at p. 447.

4 Gov. Code, § 6250.

5 *CBS, Inc. v. Block, supra,* 42 Cal.3d at p. 651; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1350.

6 *San Gabriel Tribune v. Superior Court, supra,* 143 Cal.App.3d at p. 772, citing Shaffer et al., *A Look at the California Records Act and Its Exemptions* (1974) 4 Golden Gate L Rev 203, 212.

The PRA provides for two different rights of access. One is a right to inspect public records: "Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided."[7] The other is a right to prompt availability of copies of public records:

> Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.[8]

Agency records policies and practices must satisfy both types of public records access that the PRA guarantees.

Exemptions from Disclosure — Protecting the Public's Fundamental Right of Privacy and Need for Efficient and Effective Government

The PRA's fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a legal basis not to do so.[9] The right of access to public records under the PRA is not unlimited; it does not extend to records that are exempt from disclosure. Express legal authority is required to justify denial of access to public records.

> ▶ **PRACTICE TIP:**
>
> There is no general exemption authorizing non-disclosure of government records on the basis the disclosure could be inconvenient or even potentially embarrassing to a local agency or its officials. Disclosure of such records is one of the primary purposes of the PRA.

The PRA itself currently contains approximately 76 exemptions from disclosure.[10] Despite the Legislature's goal of accumulating all of the exemptions from disclosure in one place, there are numerous laws outside the PRA that create exemptions from disclosure. The PRA now lists other laws that exempt particular types of government records from disclosure.[11]

The exemptions from disclosure contained in the PRA and other laws reflect two recurring interests. Many exemptions are intended to protect privacy rights.[12] Many other exemptions are based on the recognition that, in addition to the need for the public to know what its government is doing, there is a need for the government to perform its assigned functions in a reasonably efficient and effective manner, and to operate on a reasonably level playing field in dealing with private interests.[13]

7 Gov. Code, § 6253, subd. (a).

8 Gov. Code, § 6253, subd. (b).

9 Gov. Code, § 6253, subd. (b).

10 Gov. Code, §§ 6253.2 – 6268.

11 Gov. Code, §§ 6275 *et seq.*

12 See, e.g., "Personnel Records," p. 46.

13 See, e.g., "Attorney Client Communications and Attorney Work Product," p. 29.

Achieving Balance

The Legislature in enacting the PRA struck a balance among competing, yet fundamental interests: government transparency, privacy rights, and government effectiveness. The legislative findings declare access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state and the Legislature is "mindful of the right of individuals to privacy."[14] "In the spirit of this declaration, judicial decisions interpreting the [PRA] seek to balance the public right to access to information, the government's need, or lack of need, to preserve confidentiality, and the individual's right to privacy."[15]

Of the approximately 76 current exemptions from disclosure contained in the PRA, 38 or half, appear intended primarily to protect privacy interests.[16] Another 35 appear intended primarily to support effective governmental operation in the public's interest.[17] A few exemptions appear to focus equally on protecting privacy rights and effective government. Those include: an exemption for law enforcement records; an exemption that incorporates into the PRA exemptions from disclosure in other state and federal laws, including privileges contained in the Evidence Code; and the "public interest" or "catch-all" exemption, where, based on the particular facts, the public interest in not disclosing the record clearly outweighs the public interest in disclosure.[18] Additionally, the deliberative process privilege reflects both the public interests in privacy and government effectiveness by affording a measure of privacy to decision-makers that is intended to aid in the efficiency and effectiveness of government decision-making.[19]

The balance that the PRA strikes among the often-competing interests of government transparency and accountability, privacy rights, and government effectiveness intentionally favors transparency and accountability. The PRA is intended to reserve "islands of privacy upon the broad seas of enforced disclosure."[20] For the past four decades, courts have balanced those competing interests in deciding whether to order disclosure of records.[21] The courts have consistently construed exemptions from disclosure narrowly and agencies' disclosure obligations broadly.[22] Ambiguities in the PRA must be interpreted in a way that maximizes the public's access to information unless the Legislature has expressly provided otherwise.[23]

The PRA requires local agencies, as keepers of the public's records, to balance the public interests in transparency, privacy, and effective government in response to records requests. Certain provisions in the PRA help maintain the balancing scheme established under the PRA and the cases interpreting it by prohibiting state and local agencies from delegating their balancing role and making arrangements with other entities that could limit access to public records. For example, state and local agencies may not allow another party to control the disclosure of information otherwise subject to disclosure under the PRA.[24] Also, state and local agencies may not provide public records subject to disclosure under the PRA to a private entity in a way that prevents a state or local agency from providing the records directly pursuant to the PRA.[25]

---

14 Gov. Code, § 6250; Cal Const., art I, § 3(b)(3).

15 *American Civil Liberties Union Foundation v. Deukmejian, supra,* 32 Cal.3d at p. 447.

16 The following exemptions contained in the PRA appear primarily intended to protect privacy interests: Gov. Code, §§ 6253.2; 6253.5; 6253.6; 6254, subds. (c), (i), (j), (n), (o), (r), (u)(1), (u)(2), (u)(3), (x), (z), (ac), (ad), (ad)(1), (ad)(4), (ad)(5) & (ad)(6); 6254.1, subds. (a), (b) & (c); 6254.2; 6254.3; 6254.4; 6254.10; 6254.11; 6254.13; 6254.15; 6254.16; 6254.17; 6254.18; 6254.20; 6254.21; 6254.29; 6267; 6268.

17 The following exemptions contained in the PRA appear primarily intended to support effective government: Gov. Code, §§ 6254, subds. (a), (b), (c)(1), (c)(2), (c)(3), (c)(4), (e), (g), (h), (l), (m), (p), (q), (s), (t), (v)(1), (v)(1)(A), (v)(1)(B), (w), (y), (aa), (ab), (ad)(2) & (ad)(3); 6254.6; 6254.7; 6254.9; 6254.14; 6254.19; 6254.22; 6254.23; 6254.25; 6254.26; 6254.27; 6254.28.

18 Gov. Code, §§ 6254, subds. (f) & (k); Gov. Code, § 6255.

19 Gov. Code § 6255; *Times Mirror Co. v. Superior Court, supra*, 53 Cal.3d at pp. 1339–1344.

20 *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645, 653.

21 *Times Mirror Co. v. Superior Court, supra,* 53 Cal.3d at p. 1344; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136, 1144.

22 *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 476; *New York Times Co. v. Superior Court* (1990) 218 Cal.App.3d 1579, 1585; *San Gabriel Tribune v. Superior Court, supra,* 143 Cal.App.3d at pp. 772–773.

23 *Sierra Club v. Superior Court of Orange County* (2013) 57 Cal.4th 157, 175–176.

24 Gov. Code, § 6253.3.

25 Gov. Code, § 6270, subd. (a).

> **PRACTICE TIP:**
>
> Even though contracts or settlement agreements between agencies and private parties may require that the parties give each other notice of requests for the contract or settlement agreement, such agreements cannot purport to permit private parties to dictate whether the agreement is a public record subject to disclosure.

Incorporation of the PRA into the California Constitution

Proposition 59

In November 2004, the voters approved Proposition 59, which amended the California Constitution to include the public's right to access public records: "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."[26] As amended, the California Constitution provides each statute, court rule, and other authority "shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access."[27] The Proposition 59 amendments expressly retained and did not supersede or modify other existing constitutional, statutory, or regulatory provisions, including the rights of privacy, due process and equal protection, as well as any constitutional, statutory, or common-law exception to the right of access to public records in effect on the amendments' effective date. That includes any statute protecting the confidentiality of law enforcement and prosecution records.[28]

The courts and the California Attorney General have determined that the constitutional provisions added by Proposition 59 maintain the established principles that disclosure obligations under the PRA must be construed broadly, and exemptions construed narrowly.[29] By approving Proposition 59, the voters have incorporated into the California Constitution the PRA policy prioritizing government transparency and accountability, as well as the PRA's careful balancing of the public's right of access to government information with protections for the public interests in privacy and effective government. No case has yet held Proposition 59 substantively altered the balance struck in the PRA between government transparency, privacy protection, and government effectiveness.

Proposition 42

In June 2014, the voters approved Proposition 42, which amended the California Constitution "to ensure public access to the meetings of public bodies and the writings of public officials and agencies."[30] As amended, the Constitution requires local agencies to comply with the PRA, the Ralph M. Brown Act (The Brown Act), any subsequent amendments to either act, any successor act, and any amendments to any successor act that contain findings that the legislation furthers the purposes of public access to public body meetings and public official and agency writings.[31] As amended, the Constitution also no longer requires the state to reimburse local governments for the cost of complying with legislative mandates in the PRA, the Brown Act,

26 Cal. Const., art I, § 3, subd. (b)(1).

27 Cal. Const., art I, § 3, subd. (b)(2).

28 Cal. Const. art. I, §§ 3, subds. (b)(3), (b)(4) & (b)(5).

29 *Sierra Club v. Superior Court of Orange County, supra,* 57 Cal.4th at pp. 175–176; *Sutter's Place, v. Superior Court* (2008) 161 Cal.App.4th 1370, 1378–1381; *Los Angeles Unified Sch. Dist. v. Superior Court* (2007) 151 Cal.App.4th 759, 765; *P.O.S.T. v. Superior Court* (2007) 42 Cal.4th 278, 305; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 750; 89 Ops.Cal.Atty.Gen. 204, 211 (2006); 88 Ops.Cal.Atty.Gen. 16, 23 (2005); 87 Ops.Cal.Atty.Gen. 181, 189 (2004).

30 Cal. Const., art. I, § 3, subd. (b)(7).

31 Cal. Const., art. I, § 3, subd. (b)(7).

and successor statutes and amendments.[32] Following the enactment of Proposition 42, the Legislature has enacted new local mandates related to public records, including requirements for agency data designated as "open data" that is kept on the Internet and requirements to create and maintain "enterprise system catalogs."[33]

Expanded Access to Local Government Information

The policy of government records transparency mandated by the PRA is a floor, not a ceiling. Most exemptions from disclosure that apply to the PRA are permissive, not mandatory.[34] Local agencies may choose to disclose public records even though they are exempt, although they cannot be required to do so.[35] The PRA provides that "except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter."[36] A number of local agencies have gone beyond the minimum mandates of the PRA by adopting their own "sunshine ordinances" to afford greater public access to public records. Such "sunshine ordinances," however, do not purport to authorize a locality to enact an ordinance addressing records access that conflicts with the locality's governing charter.[37]

Local agency disclosure of exempt records can promote the government transparency and accountability purposes of the PRA. However, local agencies are also subject to mandatory duties to safeguard some particularly sensitive records.[38] Unauthorized disclosure of such records can subject local agencies and their officials to civil and in some cases criminal liability.

> ▶ **PRACTICE TIP:**
>
> Local agencies that expand on the minimum transparency prescribed in the PRA, which is something that the PRA encourages, should ensure that they do not violate their duty to safeguard certain records, or undermine the public's interest in effective government.

Equal Access to Government Records

The PRA affords the same right of access to government information to all types of requesters. Every person has a right to inspect any public record, except as otherwise provided in the PRA, including citizens of other states and countries, elected officials, and members of the press.[39] With few exceptions, whenever a local agency discloses an exempt public record to any member of the public, unless the disclosure was inadvertent, all exemptions that apply to that particular record are waived and it becomes

32 Cal. Const., art. XIIIB, §6, subd. (a)(4). Proposition 42 was a legislatively-referred constitutional amendment in response to public opposition to AB-1464 and SB-1006 approved June, 2012. The 2012 legislation suspended certain PRA and Brown Act provisions and was intended to eliminate the state's obligation to reimburse local governments for the cost of complying with PRA and Brown Act mandates through the 2015 fiscal year. There is no record of local agencies ceasing to comply with the suspended provisions.

33 Gov. Code, §§ 6253.10, 6270.5.

34 *Black Panther Party v. Kehoe, supra,* 42 Cal.App.3d at p. 656.

35 See Gov. Code, § 6254.5 and "Waiver," p. 26, regarding the effect of disclosing exempt records.

36 Gov. Code, § 6253, subd. (e).

37 *St. Croix v. Superior Court* (2014) 228 Cal.App.4th 434, 446. ("Because the charter incorporates the [attorney-client] privilege, an ordinance (whether enacted by the City's board of supervisors or by the voters) cannot eliminate it, either by designating as not confidential a class of material that otherwise would be protected by the privilege, or by waiving the privilege as to that category of documents; only a charter amendment can achieve that result.").

38 *E.g.,* individually-identifiable medical information protected under state and federal law (Civ. Code §§ 56.10(a), 56.05(g); 42 U.S.C. § 1320d-1-d-3); child abuse and neglect records (Pen. Code, § 11167.5); elder abuse and neglect records (Welf. & Inst. Code, §15633); mental health detention records (Welf. & Inst. Code, §§ 5150, 5328).

39 Gov. Code, §§ 6253, subd. (a); 6252, subd. (c); *Connell v. Superior Court* (1997) 56 Cal.App.4th 601, 610-612; Gov. Code § 6252.5; See "Who Can Request Records," p. 16.

subject to disclosure to any and all requesters.[40] Accordingly, the PRA ensures equal access to government information by preventing local agencies form releasing exempt records to some requesters but not to others.

Enforced Access to Public Records

To enforce local agencies' compliance with the PRA's open government mandate, the PRA provides for the mandatory award of court costs and attorneys' fees to plaintiffs who successfully seek a court ruling ordering disclosure of withheld public records.[41] The attorney's fees policy enforcing records transparency is liberally applied.[42]

The PRA at the Crux of Democratic Government in California

Ongoing, important developments in PRA-related constitutional, statutory, and decisional law continue to reflect the central role government's handling of information plays in balancing tensions inherent in democratic society: considerations of privacy and government transparency, accountability, and effectiveness. Controversial records law issues in California have included government's use of social media and new law enforcement technologies, and treatment of related records; management and retention of public officials' emails; open data standards for government information; disclosure of attorney bills; and new legal means for preserving or opposing access to government information.[43] Regarding all those issues and others, the PRA has been, and continues to be an indispensable and dynamic arena for simultaneously preserving information transparency, privacy, and effective government, which the California Constitutional and statutory frameworks are intended to guarantee, and on which California citizens continue to insist.

40 Gov. Code, § 6254.5. Section 6254.5 does not apply to inadvertent disclosure of exempt documents. *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1182–1183; *Newark Unified School Dist. v. Superior Court* (2015) 245 Cal.App.4th 887, 894. See "Waiver," p. 26.

41 Gov. Code, § 6259, subd. (d); see "Attorney Fees and Costs," p. 61.

42 See "Attorneys Fees and Costs," p. 61.

43 *American Civil Liberties Union Foundation of Southern California v. Superior Court* (review granted July 29, 2015, S227106; superseded opinion at 236 Cal. App.4th 673); *Regents of the Univ. of Cal. v. Superior Court* (2013) 222 Cal.App.4th 383, 399; *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608; Gov. Code, §§ 6253.10, 6270.5; *Marken v. Santa Monica-Malibu Unified Sch. Dist.* (2012) 202 Cal.App.4th 1250, 1265; *County of Los Angeles Board of Supervisors v. Superior Court* (review granted July 8, 2015, S226645; superseded opinion at 235 Cal.App.4th 1154).

Chapter 2

The Basics

The PRA "embodies a strong policy in favor of disclosure of public records."[44] As with any interpretation or construction of legislation, the courts will "first look at the words themselves, giving them their usual and ordinary meaning."[45] Definitions found in the PRA establish the statute's structure and scope, and guide local agencies, the public, and the courts in achieving the legislative goal of disclosing local agency records while preserving equally legitimate concerns of privacy and government effectiveness.[46] It is these definitions that form the "basics" of the PRA.

What are Public Records?

The PRA defines "public records" as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."[47] The term "public records" encompasses more than simply those documents that public officials are required by law to keep as official records. Courts have held that a public record is one that is "necessary or convenient to the discharge of [an] official duty[,]" such as a status memorandum provided to the city manager on a pending project.[48]

Writings

A writing is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."[49]

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44 *Lorig v. Medical Board of Cal.* (2000) 78 Cal.App.4th 462, 467; see Chapter 1, "Fundamental Right of Access to Government Information," *supra*, p. 5.

45 *People .v Lawrence* (2000) 24 Cal.4th 219, 230.

46 See Chapter 1, "Exemptions from Disclosure — Protecting the Public's Fundamental Rights of Privacy and Need for Efficient and Effective Government," *supra*, p.6.

47 Gov. Code, § 6252, subd. (e).

48 *Braun v. City of Taft* (1984) 154 Cal.App.3d 332, 340; *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 774.

49 Gov. Code, § 6252, subd. (g).

The statute unambiguously states that "[p]ublic records" include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics."[50] Unless the writing is related "to the conduct of the public's business" *and* is "prepared, owned, used or retained by" a local agency, it is not a public record subject to disclosure under the PRA. [51]

Information Relating to the Conduct of Public Business

Public records include "any writing containing information relating to the conduct of the public's business."[52] However, "[c]ommunications that are primarily personal containing no more than incidental mentions of agency business generally will not constitute public records."[53] Therefore, courts have observed that although a writing is in the possession of the local agency, it is not automatically a public record if it does not also relate to the conduct of the public's business.[54] For example, records containing primarily personal information, such as an employee's personal address list or grocery list, are considered outside the scope of the PRA.

Prepared, Owned, Used, or Retained

Writings containing information "related to the conduct of the public's business" must also be "prepared, owned, used or retained by any state or local agency" to be public records subject to the PRA.[55] What is meant by "prepared, owned, used or retained" has been the subject of several court decisions.

Writings need not always be in the physical custody of, or accessible to, a local agency to be considered public records subject to the PRA. The obligation to search for, collect, and disclose the material requested can apply to records in the possession of a local agency's consultants, which are deemed "owned" by the public agency and in its "constructive possession" when the terms of an agreement between the city and the consultant provide for such ownership.[56] Where a local agency has no contractual right to control the subconsultants or their files, the records are not considered to be within their "constructive possession."[57]

Likewise, documents that otherwise meet the definition of public records (including emails and text messages) are considered "retained" by the local agency even when they are actually "retained" on an employee or official's personal device or account.[58]

The California Supreme Court has provided some guidance on how a local agency can discover and manage public records located on their employees' non-governmental devices or accounts. The Court did not endorse or mandate any particular search method, and reaffirmed that the PRA does not prescribe any specific method for searching, and that the scope of a local agency's search for public records need only be "calculated to locate responsive documents." When a local agency receives a request for records that may be held in an employee's personal account, the local agency's first step should be to communicate the request not only to the custodian of records but also to any employee or official who may have such information in personal devices or accounts. The Court states that a local agency may then "reasonably rely" on the employees to search their own personal files, accounts, and devices for responsive materials.[59]

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50 Gov. Code, § 6252(e); *Regents of the University of California v. Superior Court* (2013) 222 Cal.App.4th 383, 399; *Braun v. City of Taft*, *supra*, 154 Cal.App.3d at p. 340; *San Gabriel Tribune v. Superior Court*, *supra*, 143 Cal.App.3d at p.774.

51 *Regents of the University of California v. Superior Court, supra*, 222 Cal.App.4th at p. 399.

52 Gov. Code, § 6252, subd. (e).

53 *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 618-619.

54 Gov. Code, § 6252, subd. (e); *Regents of the University of California v. Superior Court*, *supra*, 222 Cal.App.4th at pp. 403–405; *Braun v. City of Taft*, *supra*, 154 Cal.App.3d at p. 340; *San Gabriel Tribune v. Superior Court, supra*, 143 Cal.App.3d at p. 774.

55 Gov. Code § 6252,subd. (e).

56 *Consolidated Irrigation District v. Superior Court* (2013) 205 Cal.App.4th 697, 710; *City of San Jose v. Superior Court, supra*, 2 Cal.5th at p. 623.

57 *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1428; *City of San Jose v. Superior Court, supra*, 2 Cal.5th at p. 623.

58 *City of San Jose v. Superior Court, supra*, 2 Cal.5th at p. 629; *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1428.

59 *City of San Jose v. Superior Court, supra*, 2 Cal.5th at p. 628.

The Court's guidance, which includes a caveat that they "do not hold that any particular search method is required or necessarily adequate[,]" includes examples of policies and practices in other state and federal courts and agencies, including:[60]

- Reliance on employees to conduct their own searches and record segregation, so long as the employees have been properly trained on what are public records;
- Where an employee asserts to the local agency that he or she does not have any responsive records on his or her personal device(s) or account(s), he or she may be required by a court (as part of a later court action concerning a records request) to submit an affidavit providing the factual basis for determining whether the record is a public or personal record (e.g., personal notes of meetings and telephone calls protected by deliberative process privilege, versus meeting agendas circulated throughout entire department.)[61]
- Adoption of policies that will reduce the likelihood of public records being held in an employee's private account, including a requirement that employees only use government accounts, or that they copy or forward all email or text messages to the local agency's official recordkeeping system.[62]

Documents that a local agency previously possessed, but does not actually or constructively possess at the time of the request may not be public records subject to disclosure.[63]

Regardless of Physical Form or Characteristics

A public record is subject to disclosure under the PRA "regardless of its physical form or characteristics."[64] The PRA is not limited by the traditional notion of a "writing." As originally defined in 1968, the legislature did not specifically recognize advancing technology as we consider it today. Amendments beginning in 1970 have added references to "photographs," "magnetic or punch cards," "discs," and "drums,"[65] with the latest amendments in 2002 providing the current definition of "writing."[66] Records subject to the PRA include records in any media, including electronic media, in which government agencies may possess records. This is underscored by the definition of "writings" treated as public records under the PRA, which includes "transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."[67] The legislative intent to incorporate future changes in the character of writings has long been recognized by the courts, which have held that the "definition [of writing] is intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed."[68]

60 *Id.* at pp. 627-629.

61 See *Grand Cent. Partnership, Inc. v. Cuomo* (2d. Cir. 1999) 166 F.3d 473, 481 for expanded discussion on the use of affidavit in FOIA litigation.

62 See 44 U.S.C. Sec. 2911(a).

63 See *Am. Small Bus. League v. United States SBA* (2010) 623 F.3d 1052, (analyzed under FOIA). See "Practice Tip," p. 30 which discusses treatment of FOIA precedence.

64 Gov. Code, § 6252, subd. (e).

65 Gov. Code, § 6252, subd. (e); Stats. 1970, c. 575, p. 1151, § 2.

66 Gov. Code, § 6252, subd. (g); Stats. 2002, c. 1073

67 Gov. Code, § 6252, subd. (g).

68 *Braun v. City of Taft* (1984) 154 Cal.App.3d 332, 340, citing "Assembly Committee on Statewide Information Policy California Public Records Act of 1968. 1 Appendix to Journal of Assembly 7, Reg. Sess. (1970)."

Metadata

Electronic records may include "metadata," or data about data contained in a record that is not visible in the text. For example, metadata may describe how, when, or by whom particular data was collected, and contain information about document authors, other documents, or commentary or notes. No provision of the PRA expressly addresses metadata, and there are no reported court opinions in California considering whether or the extent to which metadata is subject to disclosure. Evolving law in other jurisdictions has held that local agency metadata is a public record subject to disclosure unless an exemption applies.[69] There are no reported California court opinions providing guidance on whether agencies have a duty to disclose metadata when an electronic record contains exempt information that cannot be reasonably segregated without compromising the record's integrity.

> ▶ **PRACTICE TIP:**
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> Agencies that receive requests for metadata or requests for records that include metadata should treat the requests the same way they treat all other requests for electronic information and disclose non-exempt metadata.

Agency-Developed Software

The PRA permits government agencies to develop and commercialize computer software and benefit from copyright protections so that such software is not a "public record" under the PRA. This includes computer mapping systems, computer programs, and computer graphics systems.[70] As a result, public agencies are not required to provide copies of agency-developed software pursuant to the PRA. The PRA authorizes state and local agencies to sell, lease, or license agency-developed software for commercial or noncommercial use.[71] The exception for agency-developed software does not affect the public record status of information merely because it is stored electronically.[72]

Computer Mapping (GIS) Systems

While computer mapping systems developed by local agencies are not public records subject to disclosure, such systems generally include geographic information system (GIS) data. Many local agencies use GIS programs and databases for a broad range of purposes, including the creation and editing of maps depicting property and facilities of importance to the agency and the public. As with metadata, the PRA does not expressly address GIS information disclosure. However, the California Supreme Court has held that while GIS software is exempt under the PRA, the data in a GIS file format is a public record, and data in a GIS database must be produced.[73]

69 *Lake v. City of Phoenix,* (2009) 218 P.3d 1004, 1008; *O'Neill v. City of Shoreline* (2010) 240 P.3d 1149, 1154; *Irwin v. Onondaga County* (2010) 895 N.Y.S.2d 262, 268.

70 Gov. Code, § 6254.9, subds. (a), (b).

71 Gov. Code, § 6254.9, subd. (a).

72 Gov. Code, § 6254.9, subd. (d).

73 *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 170. See also *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301.

Specifically Identified Records

The PRA also expressly makes particular types of records subject to the PRA, or subject to disclosure, or both. For example, the PRA provides that the following are public records:

- Contracts of state and local agencies that require a private entity to review, audit, or report on any aspect of the agency, to the extent the contract is otherwise subject to disclosure under the PRA;[74]
- Specified pollution information that state or local agencies require applicants to submit, pollution monitoring data from stationary sources, and records of notices and orders to building owners of housing or building law violations;[75]
- Employment contracts between state and local agencies and any public official or employee;[76] and
- Itemized statements of the total expenditures and disbursements of judicial agencies provided for under the State Constitution.[77]

What Agencies are Covered?

The PRA applies to state and local agencies. A state agency is defined as "every state office, officer, department, division, bureau, board and commission or other state body or agency."[78] A local agency includes a county, city (whether general law or chartered), city and county, school district, municipal corporation, special district, community college district, or political subdivision.[79] This encompasses any committees, boards, commissions, or departments of those entities as well. Private entities that are delegated legal authority to carry out public functions, and private entities (1) that receive funding from a local agency, and (2) whose governing board includes a member of the local agency's legislative body who is appointed by that legislative body and who is a full voting member of the private entity's governing board, are also subject to the PRA.[80] Nonprofit entities that are legislative bodies under the Brown Act may be subject to the PRA.[81]

The PRA does not apply to the Legislature or the judicial branch.[82] The Legislative Open Records Act covers the Legislature.[83] Most court records are disclosable as the courts have historically recognized the public's right of access to public records maintained by the courts under the common law and the First Amendment of the United States Constitution.[84]

74 Gov. Code, § 6253.31.

75 Gov. Code, § 6254.7. But see *Masonite Corp. v. County of Mendocino Air Quality Management District* (1996) 42 Cal.App.4th 436, 450–453 (regarding trade secret information that may be exempt from disclosure).

76 Gov. Code, § 6254.8. But see *Versaci v. Superior Court* (2005) 127 Cal.App.4th 805, 817 (holding that reference in a public employee's contract to future personal performance goals, to be set and thereafter reviewed as a part of, and in conjunction with, a public employee's performance evaluation does not incorporate such documents into the employee's performance for the purposes of the Act).

77 Gov. Code, § 6261.

78 Gov. Code § 6252, subd. (f). Excluded from the definition of state agency are those agencies provided for in article IV (except section 20(k)) and article VI of the Cal. Constitution.

79 Gov. Code, § 6252, subd. (a).

80 Gov. Code, § 6252, subd. (a), 85 Ops.Cal.Atty.Gen 55 (2002).

81 See Open & Public V, Chapter 2.

82 Gov. Code, § 6252, subds. (a) & (b); *Michael J. Mack v. State Bar of Cal.* (2001) 92 Cal.App.4th 957, 962–963.

83 Gov. Code, § 1070

84 *Overstock.com v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 483–486; *Pantos v. City and County of San Francisco* (1984) 151 Cal.App.3d 258, 263; *Champion v. Superior Court* (1988) 201 Cal.App.3d 777, 288; *Craemer v. Superior Court* (1968) 265 Cal.App.2d 216, 220.

Who Can Request Records?

All "persons" have the right to inspect and copy non-exempt public records. A "person" need not be a resident of California or a citizen of the United States to make use of the PRA.[85] "Persons" include corporations, partnerships, limited liability companies, firms, or associations.[86] Often, requesters include persons who have filed claims or lawsuits against the government, or who are investigating the possibility of doing so, or who just want to know what their government officials are up to. With certain exceptions, neither the media nor a person who is the subject of a public record has any greater right of access to public records than any other person.[87]

Local agencies and their officials are entitled to access public records on the same basis as any other person.[88] Further, local agency officials might be authorized to access public records of their own agency that are otherwise exempt if such access is permitted by law as part of their official duties.[89] Under such circumstances, however, the local agency shall not discriminate between or among local agency officials as to which writing or portion thereof is to be made available or when it is made available.[90]

85 *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

86 Gov. Code, § 6252, subd. (c); *Connell v. Superior Court* (1997) 56 Cal.App.4th 601.

87 Gov. Code, § 6252.5; *Los Angeles Unified School Dist. v. Superior Court* (2007) 151 Cal.App.4th 759; *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271, 1279.

88 Gov. Code, § 6252.5.

89 *Marylander v. Superior Court* (2002) 81 Cal.App.4th 1119; *Los Angeles Police Dept. v. Superior Court* (1977) 65 Cal.App.3d 661; *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271. See "*Information That Must Be Disclosed*," p. 22; "Requests for Journalistic or Scholarly Purposes," p. 38.

90 Gov. Code, § 6252.7. See also Gov. Code, § 54957.2.

Chapter 3

Responding to a Public Records Request

Local Agency's Duty to Respond to Public Record Requests

The fundamental purpose of the PRA is to provide access to information about the conduct of the people's business.[91] This right of access to public information imposes a duty on local agencies to respond to PRA requests and does not "permit an agency to delay or obstruct the inspection or copying of public records."[92] Even if the request does not reasonably describe an identifiable record, the requested record does not exist, or the record is exempt from disclosure, the agency must respond.[93]

Types of Requests — Right to Inspect or Copy Public Records

There are two ways to gain access under the PRA to a public record: (1) inspecting the record at the local agency's offices or on the local agency's website; or (2) obtaining a copy from the local agency.[94] The local agency may not dictate to the requester which option must be used, that is the requester's decision. Moreover, a requester does not have to choose between inspection and copying but instead can choose both options. For example, a requester may first inspect a set of records, and then, based on that review, decide which records should be copied.

▶ PRACTICE TIP:

If the public records request does not make clear whether the requester wants to inspect or obtain a copy of the record or records being sought, the local agency should seek clarification from the requester without delaying the process of searching for, collecting, and redacting or "whiting out" exempt information in the records.

91 Gov. Code, § 6250.

92 Gov. Code, § 6253, subd. (d).

93 Gov. Code, §6253

94 Gov. Code, § 6253, subds. (a), (b), & (f).

> **▶ PRACTICE TIP:**
> To protect the integrity of the local agency files and preserve the orderly function of the offices, agencies may establish reasonable policies for the inspection and copying of public records.

Right to Inspect Public Records

Public records are open to inspection at all times during the office hours of the local agency and every person has a right to inspect any public record. This right to inspect includes any reasonably segregable portion of a public record after deletion of the portions that are exempted by law.[95] This does not mean that a requester has a right to demand to see a record and immediately gain access to it. The right to inspect is constrained by an implied rule of reason to protect records against theft, mutilation, or accidental damage; prevent interference with the orderly functioning of the office; and generally avoid chaos in record archives.[96] Moreover, the agency's time to respond to an inspection request is governed by the deadlines set forth below, which give the agency a reasonable opportunity to search for, collect, and, if necessary, redact exempt information prior to the records being disclosed in an inspection.[97]

In addition, in lieu of providing inspection access at the local agency's office, a local agency may post the requested public record on its website and direct a member of the public to the website. If a member of the public requests a copy of the record because of the inability to access or reproduce the record from the website, the local agency must provide a copy.[98]

> **▶ PRACTICE TIP:**
> Local agencies may want limit the number of record inspectors present at one time at a records inspection. The local agency may also want to prohibit the use of cell phones to photograph records where the inspection is of architectural or engineer plans with copyright protection.

Right to Copy Public Records

Except with respect to public records exempt from disclosure by express provisions of law, a local agency, upon receipt of a request for a copy of records that reasonably describes an identifiable record or records, must make the records promptly available to any person upon payment of the appropriate fees.[99] If a copy of a record has been requested, the local agency generally must provide an exact copy except where it is "impracticable" to do so.[100] The term "impracticable" does not necessarily mean that compliance with the public records request would be inconvenient or time-consuming to the local agency. Rather, it means that the agency must provide the best or most complete copy of the requested record that is reasonably possible.[101] As with the right to inspect public records, the same rule of reasonableness applies to the right to obtain copies of those records. Thus, the local agency may impose reasonable restrictions on general requests for copies of voluminous classes of documents.[102]

95 Gov. Code, § 6253, subd. (a).

96 *Bruce v. Gregory* (1967) 65 Cal.2d 666, 676; *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 761; 64 Ops.Cal.Atty.Gen. 317 (1981).

97 See "Timing of Response" p. 20.

98 Gov. Code, §§ 5253, subds. (b), (f).

99 See "Fees," p. 25.

100 Gov. Code, § 6253, subd. (b).

101 *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 759.

102 *Id.*, at p. 761; 64 Ops.Cal.Atty.Gen. 317 (1981).

The PRA does not provide for a standing or continuing request for documents that may be generated in the future.[103] However, the Brown Act provides that a person may make a request to receive a mailed copy of the agenda, or all documents constituting the agenda packet for any meeting of the legislative body. This request shall be valid for the calendar year in which it is filed.[104] A person may also make a request to receive local agency notices, such as public work contractor plan room documents,[105] and development impact fee,[106] public hearing,[107] or California Environmental Quality Act notices.[108] The local agency may impose a reasonable fee for these requests.

> **▶ PRACTICE TIP:**
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> Agencies may consider the use of outside copy services for oversize records or a voluminous record request, provided that the requester consents to it and pays the appropriate fees in advance. Alternatively, local agencies may consider allowing the requester to use his or her own copy service.

Form of the Request

A public records request may be made in writing or orally, in person or by phone.[109] Further, a written request may be made in paper or electronic form and may be mailed, emailed, faxed, or personally delivered. A local agency may ask, but cannot require, that the requester put an oral request in writing. In general, a written request is preferable to an oral request because it provides a record of when the request was made and what was requested, and helps the agency respond in a more timely and thorough manner.

> **▶ PRACTICE TIP:**
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> Though not legally required, a local agency may find it convenient to use a written form for public records requests, particularly for those instances when a requester "drops in" to an office and asks for one or more records. The local agency cannot require the requester to use a particular form, but having the form and even having agency staff assist with filling out the form may help agencies better identify the information sought, follow up with the requester using the contact information provided, and provide more effective assistance to the requester in compliance with the PRA.

103 Gov. Code, §§ 6252, subds. (e) & (g); 6253, subds. (a) & (b).

104 Gov. Code, § 54954.1; see also Gov. Code § 65092 (standing request for notice of public hearing), Cal. Code Regs., tit. 14, §§ 15072, 15082 and 15087 (standing requests for notice related to environmental documents).

105 Pub. Contract Code, § 20103.7.

106 Gov. Code, § 66016.

107 Gov. Code, § 65092.

108 Pub. Resources Code, § 21092.2

109 *Los Angeles Times v. Alameda Corridor Transportation Authority* (2001) 88 Cal.App.4th 1381, 1392.

Content of the Request

A public records request must reasonably describe an identifiable record or records.[110] It must be focused, specific,[111] and reasonably clear, so that the local agency can decipher what record or records are being sought.[112] A request that is so open-ended that it amounts to asking for all of a department's files is not reasonable. If a request is not clear or is overly broad, the local agency has a duty to assist the requester in reformulating the request to make it clearer or less broad.[113]

A request does not need to precisely identify the record or records being sought. For example, a requester may not know the exact date of a record or its title or author, but if the request is descriptive enough for the local agency to understand which records fall within its scope, the request is reasonable. Requests may identify writings somewhat generally by their content.[114]

No magic words need be used to trigger the local agency's obligation to respond to a request for records. The content of the request must simply indicate that a public record is being sought. Occasionally a requester may incorrectly refer to the federal Freedom of Information Act (FOIA) as the legal basis for the request. This does not excuse the agency from responding if the request seeks public records. A public records request need not state its purpose or the use to which the record will be put by the requester.[115] A requester does not have to justify or explain the reason for exercising his or her fundamental right of access.[116]

> ▶ **PRACTICE TIP:**
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> A public records request is different than a question or series of questions posed to local agency officials or employees. The PRA creates no duty to answer written or oral questions submitted by members of the public. But if an existing and readily available record contains information that would directly answer a question, it is advisable to either answer the question or provide the record in response to the question.

A PRA request applies only to records existing at the time of the request.[117] It does not require a local agency to produce records that may be created in the future. Further, a local agency is not required to provide requested information in a format that the local agency does not use.

Timing of the Response

Inspection of Public Records

Although the law precisely defines the time for responding to a public records request for copies of records, it is less precise in defining the deadline for disclosing records. Because the PRA does not state how soon a requester seeking to inspect records must be provided access to them, it is generally assumed that the standard of promptness set forth for copies of records[118] applies to inspection. This assumption is bolstered by the provision in the PRA that states, "[n]othing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records,"[119] which again signals the importance of promptly disclosing records to the requester.

110 Gov. Code, § 6253, subd. (b).

111 *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 481.

112 *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 165.

113 See "*Assisting the Requester*," p. 22 .

114 *Cal. First Amend. Coalition v. Superior Court, supra*, 67 Cal.App.4th at p. 166.

115 See Gov. Code, § 6257.5.

116 Gov. Code, § 6250; Cal. Const., art I, § 3.

117 Gov. Code § 6254, subd. (c).

118 Gov.t Code, § 6253, subd. (b) ["…each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available…"]; 88 Ops. Cal. Atty. Gen. 153 (2005); 89 Ops. Cal. Atty. Gen. 39 (2006).

119 Gov. Code, § 6253, subd. (d).

Neither the 10-day response period for responding to a request for a copy of records nor the additional 14-day extension may be used to delay or obstruct the inspection of public records.[120] For example, requests for commonly disclosed records that are held in a manner that allows for prompt disclosure should not be withheld because of the statutory response period.

Copies of Public Records

Time is critical in responding to a request for copies of public records. A local agency must respond promptly, but no later than 10 calendar days from receipt of the request, to notify the requester whether records will be disclosed.[121] If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. The 10-day response period starts with the first calendar day after the date of receipt.[122] If the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.[123]

▶ PRACTICE TIP:

To ensure compliance with the 10-day deadline, it is wise for local agencies to develop a system for identifying and tracking public records requests. For example, a local agency with large departments may find it useful to have a public records request coordinator within each department. It is also very helpful to develop and implement a policy for handling public records requests in order to ensure the agency's compliance with the law.

▶ PRACTICE TIP:

Watch for shorter statutory time periods for disclosure of public records. For example, Statements of Economic Interest (FPPC Form 700) and other campaign statements and filings required by the Political Reform Act of 1974 (Govt Code §§ 81000 et seq) are required to be made available to the public as soon as practicable, and in no event later than the second business day following receipt of the request.[124]

Extending the Response Times for Copies of Public Records

A local agency may extend the 10-day response period for copies of public records for up to 14 additional calendar days because of the need:

- To search for and collect the requested records from field facilities or other establishments separate from the office processing the request;
- To search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request;
- To consult with another agency having substantial interest in the request (such as a state agency), or among two or more components of the local agency (such as two city departments) with substantial interest in the request; or
- In the case of electronic records, to compile data, write programming language or a computer program, or to construct a computer report to extract data.[125]

No other reasons justify an extension of time to respond to a request for copies of public records. For example, a local agency

120 Gov. Code, § 6253, subd. (d). See also "Extending the Response Times for Copies of Public Records," p. 21.

121 Gov. Code, § 6253(c).

122 Civ. Code, § 10.

123 Civ. Code, § 11.

124 Gov. Code, § 81008.

125 Gov. Code, § 6253, subds. (c)(1)-(4).

may not extend the time on the basis that it has other pressing business or that the employee most knowledgeable about the records sought is on vacation or is otherwise unavailable.

If a local agency exercises its right to extend the response time beyond the ten-day period, it must do so in writing, stating the reason or reasons for the extension and the anticipated date of the response within the 14-day extension period.[126] The agency does not need the consent of the requester to extend the time for response.

> ▶ **PRACTICE TIP:**
>
> If a local agency is having difficulty responding to a public records request within the 10-day response period and there does not appear to be grounds to extend the response period for an additional 14 days, the agency may obtain an extension by consent of the requester. Often a requester will cooperate with the agency on such matters as the timing of the response, particularly if the requester believes the agency is acting reasonably and conscientiously in processing the request. It is also advisable to document in writing any extension agreed to by the requester.

Timing of Disclosure

The time limit for responding to a public records request is not necessarily the same as the time within which the records must be disclosed to the requester. As a practical matter, records often are disclosed at the same time the local agency responds to the request. But in some cases, that time frame for disclosure is not feasible because of the volume of records encompassed by the request.

> ▶ **PRACTICE TIP:**
>
> When faced with a voluminous public records request, a local agency has numerous options — for example, asking the requester to narrow the request, asking the requester to consent to a later deadline for responding to the request, and providing responsive records (whether redacted or not) on a "rolling" basis, rather than in one complete package. It is sometimes possible for the agency and requester to work cooperatively to streamline a public records request, with the result that the requester obtains the records or information the requester truly wants, while the burdens on the agency in complying with the request are reduced. If any of these options are used it is advisable that it is documented in writing.

Assisting the Requester

Local agencies must provide assistance to requesters who are having difficulty making a focused and effective request.[127] To the extent reasonable under the circumstances, a local agency must:

- Assist the requester in identifying records that are responsive to the request or the purpose of the request, if stated;
- Describe the information technology and physical location in which the record or records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the record or records.[128]

126 Gov. Code, § 6253, subd. (c).

127 Gov. Code, § 6253.1; *Community Youth Atheletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1417.

128 Gov. Code, § 6253.1, subds. (a)(1)-(3).

Alternatively, the local agency may satisfy its duty to assist the requester by giving the requester an index of records.[129] Ordinarily an inquiry into a requester's purpose in seeking access to a public record is inappropriate,[130] but such an inquiry may be proper if it will help assist the requester in making a focused request that reasonably describes an identifiable record or records.[131]

Locating Records

Local agencies must make a reasonable effort to search for and locate requested records, including by asking probing questions of city staff and consultants.[132] No bright-line test exists to determine whether an effort is reasonable. That determination will depend on the facts and circumstances surrounding each request. In general, upon the local agency's receipt of a public records request, those persons or offices that would most likely be in possession of responsive records should be consulted in an effort to locate the records. For a local agency to have a duty to locate records they must qualify as public records.[133] "Thus, unless the writing is related 'to the conduct of the public's business' *and* is 'prepared, owned, used or retained by' a public entity, it is not a public record under the PRA, and its disclosure would not be governed by the PRA. No words in the statute suggest that the public entity has an obligation to obtain documents even though it has not prepared, owned, used or retained them."[134]

> ▶ **PRACTICE TIP:**
>
> To ensure compliance with the PRA and in anticipation of court scrutiny of agency diligence in locating responsive records, agencies may want to consider adopting policies similar to those required by state and federal E-discovery statutes to prevent records destruction while a request is pending.

The right to access public records is not without limits. A local agency is not required to perform a "needle in a haystack" search to locate the record or records sought by the requester.[135] Nor is it compelled to undergo a search that will produce a "huge volume" of material in response to the request.[136] On the other hand, an agency typically will endure some burden — at times, a significant burden — in its records search. Usually that burden alone will be insufficient to justify noncompliance with the request.[137] Nevertheless, if the request imposes a substantial enough burden, an agency may decide to withhold the requested records on the basis that the public interest in nondisclosure clearly outweighs the public interest in disclosure.[138]

129 Gov. Code, §6253., subd. 1(d)(3).

130 See Gov. Code, § 6257.5.

131 Gov. Code, § 6253.1, subd. (a).

132 *Community Youth Athletic Center v. City of National City, supra*, 220 Cal.App.4th at pp. 1417–1418; *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166.

133 See "What Are Public Records" p. 11.

134 *Regents of the University of California v. Superior Court* (2013) 222 Cal.App.4th 383, 399.

135 *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166.

136 *Ibid.*

137 *Ibid.*

138 *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 452–454; *see also* 64 Ops.Cal.Atty.Gen. 317 (1981).

Types of Responses

After conducting a reasonable search for requested records, a local agency has only a limited number of possible responses. If the search yielded no responsive records, the agency must so inform the requester. If the agency has located a responsive record, it must decide whether to: (1) disclose the record; (2) withhold the record; or (3) disclose the record in redacted form.

> ▶ **PRACTICE TIP:**
> Care should be taken in deciding whether to disclose, withhold, or redact a record. It is advisable to consult with the local agency's legal counsel before making this decision, particularly when a public records request presents novel or complicated issues or implicates policy concerns or third party rights.

If a written public records request is denied because the local agency does not have the record or has decided to withhold it, or if the requested record is disclosed in redacted form, the agency's response must be in writing and must identify by name and title each person responsible for the decision.[139]

> ▶ **PRACTICE TIP:**
> A local agency should always document that it is supplying the record to the requester. The fact and sufficiency of the response may become points of dispute with the requester.

> ▶ **PRACTICE TIP:**
> Although not required, any response that denies in whole or in part an oral public records request should be put in writing.

If the record is withheld in its entirety or provided to the requester in redacted form, the local agency must state the legal basis under the PRA for its decision not to comply fully with the request.[140] Statements like "we don't give up those types of records" or "our policy is to keep such records confidential" will not suffice.

Redacting Records

Some records contain information that must be disclosed, along with information that is exempt from disclosure. A local agency has a duty to provide such a record to the requester in redacted form if the nonexempt information is "reasonably segregable" from that which is exempt,[141] unless the burden of redacting the record becomes too great.[142] What is reasonably segregable will depend on the circumstances. If exempt information is inextricably intertwined with nonexempt information, the record may be withheld in its entirety.[143]

139 Gov. Code, §§ 6253, subd. (d), 6255, subd. (b).

140 Gov. Code, § 6255, subd. (a).

141 Gov. Code, § 6253, subd. (a); *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 458.

142 *American Civil Liberties Union Foundation v. Deukmejian, supra*, 32 Cal.3d , at p. 452–454.

143 *Ibid.*

No Duty to Create a Record or a Privilege Log

A local agency has no duty to create a record that does not exist at the time of the request.[144] There is also no duty to reconstruct a record that was lawfully discarded prior to receipt of the request. However, an agency may be liable for attorney fees when a court determines the agency was not sufficiently diligent in locating requested records, even when the requested records no longer exist.[145]

The PRA does not require that a local agency create a "privilege log" or list that identifies the specific records being withheld.[146] The response only needs to identify the legal grounds for nondisclosure. If the agency creates a privilege log for its own use, however, that document may be considered a public record and may be subject to disclosure in response to a later public records request.

> ▶ **PRACTICE TIP:**
>
> To ensure compliance with the PRA or in anticipation of court scrutiny of the agency's due diligence, the local agency may wish to maintain a separate file for copies of records that have been withheld and those produced (including redacted versions).

Fees

The public records process is in many respects cost-free to the requester. The local agency may only charge a fee for the direct cost of duplicating a record when the requester is seeking a copy,[147] or it may charge a statutory fee, if applicable.[148] A local agency may require payment in advance, before providing the requested copies;[149] however, no payment can be required merely to look at a record where copies are not sought.

Direct cost of duplication is the cost of running the copy machine, and conceivably the expense of the person operating it. "Direct cost" does not include the ancillary tasks necessarily associated with the retrieval, inspection, and handling of the file from which the copy is extracted. [150] For example, if concern for the security of records requires that an agency employee sit with the requester during the inspection, or if a record must be redacted before it can be inspected, the agency may not bill the requester for that expenditure of staff time.

> ▶ **PRACTICE TIP:**
>
> The direct cost of duplication charged for a PRA request should be supported by a fee study adopted by a local agency resolution.

Although permitted to charge a fee for duplication costs, a local agency may choose to reduce or waive that fee.[151] For example, the agency might waive the fee in a particular case because the requester is indigent; or it might generally choose to waive fees below a certain dollar threshold because the administrative costs of collecting the fee would exceed the revenue to be collected.

144 Gov. Code, § 6252, subd. (e); *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1075; See Chapter 6 concerning duties and obligations with respect to electronic records.

145 *Community Youth Athletic Center v. National City* (2013) 220 Cal.App.4th 1385, 1447. See "Attorney Fees and Costs," p. 61.

146 *Haynie v Superior Court, supra*, 26 Cal.4th, at p. 1075.

147 Gov. Code, § 6253, subd. (b).

148 Gov. Code, § 6253, subd. (b); 85 Ops.Cal.Atty.Gen. 225 (2002); see, e.g., Gov. Code, § 81008.

149 Gov. Code, § 6253, subd. (b).

150 *North County Parents Organization v. Dept. of Education* (1994) 23 Cal.App.4th 144, 148.

151 Gov. Code, § 6253, subd. (e); *North County Parents Organization v. Dept. of Education, supra*, 23 Cal.App.4th at p. 148.

An agency may also set a customary copying fee for all requests that is lower than the amount of actual duplication costs.

> **▶ PRACTICE TIP:**
> If a local agency selectively waives or reduces the duplication fee, it should apply standards for waiver or reduction with consistency to avoid charges of favoritism or discrimination toward particular requesters.

Duplication costs of electronic records are limited to the direct cost of producing the electronic copy. However, requesters may be required to bear additional costs of producing a copy of an electronic record, such as programming and computer services costs, if the request requires the production of electronic records that are otherwise only produced at regularly scheduled intervals, or production of the record would require data compilation, extraction, or programming. Agencies are not required to reconstruct electronic copies of records no longer available to the agency in electronic format.

> **▶ PRACTICE TIP:**
> If there is a request for public records pursuant to Government Code section 6253.9 requiring "data compilation, extraction, or programming to produce the record" the local agency should ask the requester to pay the fees in advance, before the "data compilation, extraction, or programming" is actually done.

Waiver

Generally, whenever a local agency discloses an otherwise exempt public record to any member of the public, the disclosure constitutes a waiver of most of the exemptions contained in the PRA for all future requests for the same information. The waiver provision in Government Code section 6254.5 applies to an intentional disclosure of privileged documents, and a local agency's inadvertent release of attorney-client documents does not waive such privilege.[152] There are, however, a number of statutory exceptions to the waiver provisions, including, among others, disclosures made through discovery or other legal proceedings, and disclosures made to another governmental agency which agrees to treat the disclosed material as confidential.

152 *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1183; *Newark School District v. Superior Court* (2015) 245 Cal.App.4th 887, 897.

Chapter 4

Specific Document Types, Categories and Exemptions from Disclosure

Overview of Exemptions

This chapter discusses how to address requests for certain specific types and categories of commonly requested records and many of the most frequently raised exemptions from disclosure that may, or in some cases, must be asserted by local agencies.

Transparent and accessible government is the foundational objective of the PRA. This recently constitutionalized right of access to the writings of local agencies and officials was declared by the Legislature in 1968 to be a "fundamental and necessary right." While this right of access is not absolute, it must be construed broadly.[153] The PRA contains approximately 76 express exemptions, many of which are discussed below, including one for records that are otherwise exempt from disclosure by state or federal statutes,[154] and a balancing test, known as the "public interest" or "catchall" provision. This "catchall" provision allows local agencies to justify withholding any record by demonstrating that on the facts of a particular case the public interest in nondisclosure clearly outweighs the public interest in disclosure.[155]

When local agencies claim an exemption or prohibition to disclosure of all or a part of a record, they must identify the specific exemption to disclosure in the response.[156] Where a record contains some information that is subject to an exemption and other information that is not, the local agency may redact the information that is exempt (identifying the exemption), but must otherwise still produce the record. Unless a statutory exemption applies, the public is entitled to access or a copy.[157]

153 Cal. Const., art I, § 3(b)(2); *Humane Society of U.S. v. Superior Court* (2013) 214 Cal.App.4th 1233, 1254.

154 *State of California ex rel Division of Industrial Safety v. Superior Court* (1974) 43 Cal.App.3d 778, 785; *Fairley v. Superior Court* (1998) 66 Cal.App.4th 1414, 1422, fn. 5.

155 Gov. Code, § 6255; *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal.4th 59, 66–67; *see also* "Public Interest Exemption," p. 54.

156 Gov. Code, §6255, subd. (a); *Long Beach Police Officers Assn. v. City of Long Beach*, *supra*, 59 Cal.4th at p. 67.

157 *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 329.

> **▶ PRACTICE TIP:**
>
> When evaluating a record to determine whether it falls within an exemption in the PRA, do not overlook exemptions and even prohibitions to disclosure that are contained in other state and federal statutes, including, for example, evidentiary privileges, medical privacy laws, police officer personnel record privileges, official information, information technology or infrastructure security systems, etc. Many of these other statutory exemptions or prohibitions are also discussed below.

Types of Records and Specific Exemptions

Architectural and Official Building Plans

The PRA recognizes exemptions to the disclosure of a record "which is exempted or prohibited [from disclosure] pursuant to federal or state law …."[158] Under this rule, architectural and official building plans may be exempt from disclosure, because: (1) architectural plans submitted by third parties to local agencies may qualify for federal copyright protections;[159] (2) local agencies may claim a copyright in many of their own records; or (3) state laws address inspection and duplication of building plans by members of the public.

"Architectural work," defined under federal law as the "design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings,"[160] is considered an "original work of authorship," which has automatic federal copyright protection.[161] Architectural plans may be inspected, but cannot be copied without the permission of the owner.[162]

> **▶ PRACTICE TIP:**
>
> Some requesters will cite the "fair use of copyrighted materials" doctrine as giving them the right to copy architectural plans. The fair use rule is a defense to a copyright infringement action only and not a legal entitlement to obtain copyrighted materials.

The official copy of building plans maintained by a local agency's building department may be inspected, but cannot be copied without the local agency first requesting the written permission of the licensed or registered professional who signed the document and the original or current property owner.[163] A request made by the building department via registered or certified mail for written permission from the professional must give the professional at least 30 days to respond and be accompanied by a statutorily prescribed affidavit signed by the person requesting copies, attesting that the copy of the plans shall only be used for the maintenance, operation, and use of the building, that the drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record, and that a licensed architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent unauthorized changes to or uses of those plans.[164] After receiving this required information, the professional cannot withhold

158 Gov. Code, § 6254, subd. (k).

159 17 U.S.C. § 17.

160 17 U.S.C. §§ 101, 102(A)(8).

161 17 U.S.C. §§ 102(A)(8), 106.

162 17 U.S.C. § 107.

163 Health & Saf. Code, § 19851.

164 *Ibid.*

written permission to make copies of the plans.[165] These statutory requirements do not prohibit duplication of reduced copies of plans that have been distributed to local agency decision-making bodies as part of the agenda materials for a public meeting.[166]

The California Attorney General has determined that interim grading documents, including geology, compaction, and soils reports, are public records that are not exempt from disclosure.[167]

Attorney-Client Communications and Attorney Work Product

The PRA specifically exempts from disclosure "records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, the provisions of the Evidence Code relating to privilege."[168] The PRA's exemptions protect attorney-client privileged communications and attorney work product, as well as, more broadly, other work product prepared for use in pending litigation or claims.[169]

Attorney-Client Privilege

The attorney-client privilege protects from disclosure the entirety of confidential communications between attorney and client, as well as among the attorneys within a firm or in-house legal department representing such client, including factual and other information not in itself privileged outside of attorney-client communications.[170] The fundamental purpose of the attorney-client privilege is preservation of the confidential relationship between attorney and client. It is not necessary to demonstrate that prejudice would result from disclosure of attorney-client communications to prevent such disclosure.[171] When the party claiming the privilege shows the dominant purpose of the relationship between the parties to the communication was one of attorney and client, the communication is protected by the privilege.[172] Unlike the exemption for pending litigation, attorney-client privileged information is still protected from disclosure even after litigation is concluded.[173] But note, the attorney-client privilege will likely not protect communication between a public employee and his or her personal attorney if that communication occurs using a public entity's computer system and the public entity has a computer policy that indicates the computers are intended for the public entity's business and are subject to monitoring by the employer.[174]

The attorney plaintiff in a wrongful termination suit and the defendant insurer may reveal privileged third-party attorney-client communications to their own attorneys to the extent necessary for the litigation, but may not publicly disclose such communications.[175]

165 *Ibid.*

166 Gov. Code, § 54957.5.

167 89 Ops.Cal.Atty.Gen. 39 (2006).

168 Gov. Code, § 6254, subd. (k).

169 *Fairley v. Superior Court, supra*, 66 Cal.App.4th 1414, 1420–1422; see also "Official Information Privilege," p. 43.

170 *Costco Wholesale Corporation v. Superior Court* (2009) 47 Cal.4th 725, 733; *Fireman's Fund Insurance Company v. Superior Court* (2011) 196 Cal.App.4th 1263, 1272–1275; *Clark v. Superior Court* (2011) 196 Cal.App.4th 37, 49–54.

171 *Costco Wholesale Corporation v. Superior Court, supra*, 47 Cal.4th at p. 747.

172 *Clark v. Superior Court, supra*, 196 Cal.App.4th at p. 51.

173 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 371–373; see "Pending Litigation or Claims," p. 28.

174 *Holmes v. Petrovich Development Co. LLC* (2011) 191 Cal.App.4th 1047, 1071–1072.

175 *Chubb & Son v. Superior Court* (2014) 228 Cal.App.4th 1094, 1106–1109.

Attorney Work Product

Any writing that reflects an attorney's impressions, conclusions, opinions, legal research, or theories is not discoverable under any circumstances and is thus exempt from disclosure under to the PRA. There is also a qualified privilege against disclosure of materials (e.g., witness statements, other investigative materials) developed by an attorney in preparing a case for trial as thoroughly as possible with a degree of privacy necessary to uncover and investigate both favorable and unfavorable aspects of a case.[176]

Common Interest Doctrine

The common interest doctrine may also protect communications with third parties from disclosure where the communication is protected by the attorney-client privilege or attorney-work-product doctrine, and maintaining the confidentiality of the communication is necessary to accomplish the purpose for which legal advice was sought. The common interest doctrine is not an independent privilege; rather, it is a nonwaiver doctrine that may be used by plaintiffs or defendants alike.[177] For the common interest doctrine to attach, the parties to the shared communication must have a reasonable expectation that the information disclosed will remain confidential. Further, the parties must have a common interest in a matter of joint concern. In other words, they must have a common interest in securing legal advice related to the same matter and the communication must be made to advance their shared interest in securing legal advice on that common matter.[178]

Attorney Bills and Retainer Agreements

The courts have established a narrower rule governing disclosure of attorney bills. An attorney's billing entries remain exempt from disclosure under the attorney-client privilege or attorney-work-product doctrine only insofar as they describe an attorney's impressions, conclusions, opinions, legal research, or strategy. Neither the attorney-client privilege nor the attorney work product doctrine categorically shields everything in a billing invoice from disclosure, even if the bills concern pending litigation. The court will look at whether, in pending or active matters, the billing entries are so closely related to the attorney-client communications that they "implicate the heartland" of the privilege.[179] Only substantive attorney communications such as legal conclusions, research, or strategy are protected.[180]

Retainer agreements between a local agency and its attorneys may constitute confidential communications that fall within the attorney-client privilege.[181] A local agency's governing body may waive the privilege and elect to produce the agreements.[182]

> ▶ **PRACTICE TIP:**
>
> Some agencies simplify redaction of attorney bills and production of non-exempt bill information in response to requests by requiring that non-exempt portions of attorney bills, such as the name of the matter, the invoice amount, and date, be contained in separate documents from privileged bill text.

176 Code Civ. Proc., § 2018.030, subds. (a) & (b); Gov. Code, § 6254, subd. (k).

177 *OXY Resources LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889.

178 Compare *Citizens for Ceres v. Superior Court* (2012) 217 Cal.App.4th 889, 914–922 (common interest doctrine inapplicable to communications between developer and city prior to approval of application because, pre-project approval, parties lacked a common interest) with *California Oak Foundation v. County of Tehama* (2009) 174 Cal.App.4th 1217, 1222–1223 (sharing of privileged documents with project applicant prepared by county's outside law firm regarding CEQA compliance was within common interest doctrine).

179 *County of Los Angeles v. Superior* (2016) 2 Cal.5th 282, 288.

180 *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57; *Smith v. Laguna Sur Villas Community Assn.* (2000) 79 Cal.App.4th 639; *U.S. v. Amlani* (9th Cir. 1999) 169 F.3d 1189; *Clarke v. American Commerce Nat. Bank* (9th Cir. 1992) 974 F.2d 127.

181 Bus. & Prof. Code, § 6149 (a written fee contract shall be deemed to be a confidential communication within the meaning of section 6068(e) of the Business & Professions Code and section 952 of the Evidence Code); Evid. Code §952 ("Confidential communication between client and lawyer"); Evid. Code §954 (attorney-client privilege).

182 Evid. Code, § 912. See also Gov. Code, § 6254.5 and "Waiver," p. 26.

CEQA Proceedings

Increasingly, potential litigants have been submitting public records requests as a prelude to or during preparation of the administrative record for challenges to the adequacy of an agency's California Environmental Quality Act (CEQA) process or certification of CEQA documents. While there are no specific PRA provisions directly addressing CEQA proceedings, these requests can present multiple challenges as they may seek voluminous amounts of records, such as email communications between staff and consultants, or confidential and privileged documents.

> **▶ PRACTICE TIP:**
>
> A request to prepare an administrative record for a CEQA challenge does not excuse or justify ignoring or delaying responses to a CEQA-related PRA request. A failure to properly or fully respond to the PRA request can lead to claims of violations of the PRA and a demand for attorneys' fees being included in a CEQA lawsuit. Local agencies should, therefore, exercise the same due diligence when responding to CEQA-related PRA requests as they do with any other type of PRA request. As with any litigation or potential litigation, local agencies should also consider invoking internal litigation holds and evidence preservation practices early on in a contentious CEQA process.

Two particularly challenging issues that arise with CEQA-related PRA requests are whether and to what extent a subcontractor's files are public records subject to disclosure, and whether the deliberative process privilege or public interest exemption apply to the requested documents.

In determining whether a subcontractor's files are public records in the actual or constructive possession of the local agency, the court will look to the consultant's contract to determine the extent to which, if any, the local agency had control over the selection of subcontractors, and how they performed services required by the primary consultant.[183]

> **▶ PRACTICE TIP:**
>
> Examine your contracts with consultants and clearly articulate who owns their work product, and that of their subcontractors.

Requests for materials that implicate the deliberative process privilege or public interest exemption are commonly made in CEQA-related PRA requests. While it may seem obvious that local agency staff and their consultants desire and in fact need to engage in candid dialogue about a project and the approaches to be taken, when invoking the deliberative process privilege to protect such communications from disclosure the local agency must clearly articulate why the privilege applies by more than a simple statement that it helps the process.[184] Likewise, when invoking the public interest exemption to protect documents from disclosure, local agencies must do more than simply state the conclusion that the public's interest in nondisclosure is clearly outweighed by the public interest in disclosure.[185]

> **▶ PRACTICE TIP:**
>
> When evaluating whether the deliberative process privilege applies to documents covered by a PRA request during a pre-litigation CEQA process, keep in mind the close correlation between the drafts exemption, discussed below, and the deliberative process privilege.

183 *Consolidated Irrigation District v. Superior Court* (2012) 205 Cal.App.4th 697, 710–712.

184 *See* Deliberative Process Privilege p. 32.

185 *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 307. See also, "Public Interest Examption," p. 54.

Code Enforcement Records

Local agencies may pursue code enforcement through administrative or criminal proceedings, or a combination of both. Records of code enforcement cases for which criminal sanctions are sought may be subject to the same disclosure rules as police and other law enforcement records, including the rules for investigatory records and files, as long as there is a concrete and definite prospect of criminal enforcement.[186] Records of code enforcement cases being prosecuted administratively do not qualify as law enforcement records.[187] However, some administrative code enforcement information, such as names and contact information of complainants, may be exempt from disclosure under the official information privilege, the identity of informant privilege, or the public interest exemption.[188]

Deliberative Process Privilege

The deliberative process privilege is derived from the public interest exemption, which provides that a local agency may withhold a public record if it can demonstrate that "on the facts of a particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."[189] The deliberative process privilege was intended to address concerns that frank discussion of legal or policy matters might be inhibited if subject to public scrutiny, and to support the concept that access to a broad array of opinions and the freedom to seek all points of view, to exchange ideas, and to discuss policies in confidence are essential to effective governance in a representative democracy. Therefore, California courts invoke the privilege to protect communications to decisionmakers before a decision is made.[190]

In evaluating whether the deliberative process privilege applies, the court will still perform the balancing test prescribed by the public interest exemption.[191] In doing so, courts focus "less on the nature of the records sought and more on the effect of the records' release."[192] Therefore, the key question in every deliberative process privilege case is "whether the disclosure of materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions."[193] "Accordingly, the … courts have uniformly drawn a distinction between predecisional communications, which are privileged [citations]; and communications made after the decision and designed to explain it, which are not."[194] Protecting the predecisional deliberative process gives the decision-maker "the freedom 'to think out loud,' which enables him [or her] to test ideas and debate policy and personalities uninhibited by the danger that his [or her] tentative but rejected thoughts will become subjects of public discussion. Usually the information is sought with respect to past decisions; the need is even stronger if the demand comes while policy is still being developed."[195]

Courts acknowledge that even a purely factual document would be exempt from public scrutiny if it is "actually … related to the process by which policies are formulated" or "inextricably intertwined" with "policy-making processes."[196] For example, the

186 Gov. Code, § 6254, subd. (f); *State of California ex rel. Division of Industrial Safety v. Superior Court* (1974) 43 Cal.App.3d 778, 783–784; *Haynie v Superior Court* (2001) 26 C4th 1061, 1068–1069; see "Law Enforcement Records," p. 35.

187 *State of California ex rel. Division of Industrial Safety v Superior Court, supra*, 43 Cal.App.3d at pp. 783–784 . See, e.g., 6254, subd. (a); 5 U.S.C. 1325783788788; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.

188 *San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008; see "Official Information Privilege," p. 43, "Identity of Informant Privilege," p. 45, and "Public Interest Exemption," p. 54.

189 *Times Mirror Company v. Superior Court* (1991) 53 Cal.3d 1325, 1338.

190 *Ibid.;* 5 USC § 552(b)(5).

191 *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 172.

192 *Times Mirror Company v. Superior Court, supra*, 53 Cal.3d at pp. 1338, 1342.

193 *Times Mirror Company v. Superior Court, supra*, 53 Cal.3d at p. 1342, citing *Dudman Communications v. Dept. of Air Force* (D.C.Cir.1987) 815 F.2d 1565, 1568.

194 *NLRB v. Sears, Roebuck & Co.* (1975) 421 U.S. 132, 151–152.

195 *Times Mirror Company v. Superior Court, supra*, 53 Cal.3d at p.1341, citing Cox, Executive Privilege (1974) 122 U Pa L Rev 1383, 1410.

196 *Jordan v. United States Dept. of Justice* (D.C.Cir.1978) 591 F.2d 753, 774; *Ryan v. Department of Justice* (D.C.Cir.1980) 617 F.2d 781, 790; *Soucie v. David* (D.C.Cir.1971) 448 F.2d 1067, 1078.

California Supreme Court applied the deliberative process privilege in determining that the Governor's appointment calendars and schedules were exempt from disclosure under the PRA even though the information in the appointment calendars and schedules was based on fact.[197] The Court reasoned that such disclosure could inhibit private meetings and chill the flow of information to the executive office.[198]

Drafts

The PRA exempts from disclosure "[p]reliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure."[199] The "drafts" exemption provides a measure of privacy for writings concerning pending local agency action. The exemption was adapted from the FOIA, which exempts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."[200] The FOIA "memorandums" exemption is based on the policy of protecting the decision making processes of government agencies, and in particular the frank discussion of legal or policy matters that might be inhibited if subjected to public scrutiny.[201]

The "drafts" exemption in the PRA has essentially the same purpose as the "memorandums" exemption in the FOIA. The key question under the FOIA test is whether the disclosure of materials would expose a local agency's decision-making process in such a way as to discourage candid discussion within the local agency and thereby undermine the local agency's ability to perform its functions.[202] To qualify for the "drafts" exemption the record must be a preliminary draft, note, or memorandum; that is not retained by the local agency in the ordinary course of business; and the public interest in withholding the record must clearly outweigh the public interest in disclosure.[203]

The courts have observed that preliminary materials that are not customarily discarded or that have not in fact been discarded pursuant to policy or custom must be disclosed.[204] Records that are normally retained do not qualify for the exemption. This is in keeping with the purpose of the FOIA "memorandums" exemption of prohibiting the "secret law" that would result from confidential memos retained by local agencies to guide their decision-making.

▶ PRACTICE TIP:

By adopting written policies or developing consistent practices of discarding preliminary deliberative writings, local agencies may facilitate candid internal policy debate. Consider including in such policies when a document should be considered to be "discarded," which might prevent the need to search through bins of documents segregated and approved for destruction under the policies, yet awaiting appropriate shredding and disposal. Such policies and practices may exempt from disclosure even preliminary drafts that have not yet been discarded, so long as the drafts are not maintained by the local agency in the ordinary course of business, and the public interest in nondisclosure clearly outweighs the public interest in disclosure.

197 *Times Mirror Company v. Superior Court, supra*, 53 Cal.3d at p. 1338.

198 *Ibid.*

199 Gov. Code, § 6254, subd. (a).

200 Gov. Code, § 6254, subd. (a); 5 U.S.C. § 552, subd. (b)(5).

201 *Times Mirror Co. v. Superior Court, supra*, 53 Cal.3d 1325, 1339–1340.

202 *Id.* at p. 1342.

203 *Citizens for a Better Environment v. Department of Food and Agriculture* (1985) 171 Cal.App.3d 704, 711–712.

204 *Id.* at p. 714.

Elections

Voter Registration Information

Voter registration information, including the home street address, telephone number, email address, precinct number or other number specified by the Secretary of State for voter registration purposes is confidential and cannot be disclosed except as specified in section 2194 of the Elections Code.[205] Similarly, the signature of the voter shown on the voter registration card is confidential and may not be disclosed to any person, except as provided in the Elections Code.[206] Voter registration information may be provided to any candidate for federal, state, or local office; to any committee for or against an initiative or referendum measure for which legal publication is made; and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.[207]

A California Driver's License, California ID card, or other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002, is confidential and may not be disclosed to any person.[208]

When a person's vote is challenged, the voter's home address or signature may be released to the challenger, elections officials, and other persons as necessary to make, defend against, or adjudicate a challenge.[209]

A person may view the signature of a voter to determine whether the signature matches a signature on an affidavit of registration or a petition. The signature cannot be copied, reproduced, or photographed in any way.[210]

Information or data compiled by local agency officers or employees revealing the identity of persons who have requested bilingual ballots or ballot pamphlets is not a disclosable public record and may not be provided to any person other than those local agency officers or employees who are responsible for receiving and processing those requests.[211]

Initiative, Recall, and Referendum Petitions

Nomination documents and signatures filed in lieu of filing fee petitions may be inspected, but not copied or distributed.[212] Similarly, any petition to which a voter has affixed his or her signature for a statewide, county, city, or district initiative, referendum, recall, or matters submitted under the Elections Code, is not a disclosable public record and is not open to inspection except by the local agency officers or employees whose duty it is to receive, examine, or preserve the petitions.[213] This prohibition extends to all memoranda prepared by county and city elections officials in the examination of the petitions indicating which voters have signed particular petitions.[214]

If a petition is found to be insufficient, the proponents and their representatives may inspect the memoranda of insufficiency to determine which signatures were disqualified and the reasons for the disqualification.[215]

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205 Gov. Code, § 6254.4, subd. (a).

206 Gov. Code, § 6254.4.

207 Elec. Code, § 2194.

208 Elec. Code, § 2194.

209 Elec. Code, § 2194, subd. (c).

210 Elec. Code, § 2194, subd. (c)(2).

211 Gov. Code, § 6253.6.

212 Elec. Code, § 17100

213 Elec. Code, §§ 17200, 17400

214 Gov. Code, § 6253.5.

215 Gov. Code, § 6253.5.

Identity of Informants

A local agency also has a privilege to refuse to disclose and to prevent another from disclosing the identity of a person who has furnished information in confidence to a law enforcement officer or representative of a local agency charged with administration or enforcement of the law alleged to be violated.[216] This privilege applies where the information purports to disclose a violation of a federal, state, or another public entity's law, and where the public's interest in protecting an informant's identity outweighs the necessity for disclosure.[217] This privilege extends to disclosure of the contents of the informant's communication if the disclosure would tend to disclose the identity of the informant.[218]

Information Technology Systems Security Records

An information security record is exempt from disclosure if, on the facts of a particular case, disclosure would reveal vulnerabilities to attack, or would otherwise increase the potential for an attack on a local agency's information technology system.[219]

Disclosure of records stored within a local agency's information technology system that are not otherwise exempt under the law do not fall within this exemption.[220]

Law Enforcement Records

Overview

Law enforcement records are generally exempt from disclosure.[221] That is, the actual investigation files and records are themselves exempt from disclosure, but the PRA does require local agencies to disclose certain information derived from those files and records.[222] For example, the names of officers involved in a police shooting are subject to disclosure, unless disclosure would endanger an officer's safety (e.g., if there is a specific threat to an officer or an officer is working undercover).[223]

The type of information that must be disclosed differs depending upon whether it relates to, for example, calls to the police department for assistance, the identity of an arrestee, information relating to a traffic accident, or certain types of crimes, including car theft, burglary, or arson. The identities of victims of certain types of crimes, including minors and victims of sexual assault, are required to be withheld if requested by the victim or the victim's guardian, if the victim is a minor.[224] Those portions of any file that reflect the analysis and conclusions of the investigating officers may also be withheld.[225] Certain information that may be required to be released may be withheld where the disclosure would endanger a witness or interfere with the successful completion of the investigation. These exemptions extend indefinitely, even after the investigation is closed.[226]

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216 Evid. Code, § 1041

217 Evid. Code, § 1041; *People v. Navarro* (2006) 138 Cal.App.4th 146, 164.

218 *People v. Hobbs* (1994) 7 Cal.4th 948, 961–962.

219 Gov. Code, § 6254.19

220 Gov. Code, § 6254.19; see also Gov. Code, § 6254, subd. (aa).

221 Gov. Code, § 6254, subd. (f).

222 *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1068; 65 Ops.Cal.Atty.Gen. 563 (1982).

223 *Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59, 63–68.

224 Gov. Code, § 6254, subd. (f)(2).

225 *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169, 174.

226 *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048, 1052; *Williams v. Superior Court* (1993) 5 Cal.4th 337, 361–362; *Office of the Inspector General v. Superior Court* (2010) 189 Cal.App.4th 695 (Office of the Attorney General has discretion to determine which investigatory records are subject to disclosure in connection with its investigations, and investigatory records in that context may include some documents that were not prepared as part of, but became subsequently relevant to, the investigation).

Release practices vary by local agencies. Some local agencies provide a written summary of information being disclosed, some release only specific information upon request, while others release reports with certain matters redacted. Other local agencies release reports upon request with no redactions except as mandated by statute. Some local agencies also release 911 tapes and booking photos, although this is not required under the PRA.[227]

> **▶ PRACTICE TIP:**
>
> If it is your local agency's policy to release police reports upon request, it is helpful to establish an internal process to control the release of the identity of minors or victims of certain types of crimes, or to ensure that releasing the report would not endanger the safety of a person involved in an investigation or endanger the completion of the investigation.

Exempt Records

The PRA generally exempts most law enforcement records from disclosure, including, among others:

- Complaints to or investigations conducted by a local or state police agency;
- Records of intelligence information or security procedures of a local or state police agency;
- Any investigatory or security files compiled by any other local or state police agency;
- Customer lists provided to a local police agency by an alarm or security company; and
- Any investigatory or security files compiled by any state or local agency for correctional, law enforcement, or licensing purposes.[228]

> **▶ PRACTICE TIP:**
>
> Many departments that choose not to release entire reports develop a form that can be filled out with the requisite public information.

Information that Must be Disclosed

There are three general categories of information contained in law enforcement investigatory files that must be disclosed: information which must be disclosed to victims, their authorized representatives and insurance carriers, information relating to arrestees, and information relating to complaints or requests for assistance.

Disclosure to Victims, Authorized Representatives, Insurance Carriers

Except where disclosure would endanger the successful completion of an investigation or a related investigation, or endanger the safety of a witness, certain information relating to specific listed crimes must be disclosed upon request to:

- A victim;
- The victim's authorized representative;
- An insurance carrier against which a claim has been or might be made; or
- Any person suffering bodily injury, or property damage or loss.

The type of crimes listed in this subsection to which this requirement applies include arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime defined by statute.[229]

227 *Haynie v. Superior Court, supra*, 26 Cal.4th 1061 (911 tapes); 86 Ops.Cal.Atty.Gen. 132 (2003) (booking photos).

228 Gov. Code, § 6254, subd. (f); *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271, 1276 (coroner and autopsy reports).

229 Gov. Code, § 6254, subd. (f).

The type of information that must be disclosed under this section (except where it endangers safety of witnesses or the investigation itself) includes:

- Name and address of persons involved in or witnesses to incident (other than confidential informants);
- Description of property involved;
- Date, time, and location of incident;
- All diagrams;
- Statements of parties to incident; and
- Statements of all witnesses (other than confidential informants).[230]

Local agencies may not require a victim or a victim's authorized representative to show proof of the victim's legal presence in the United States to obtain the information required to be disclosed to victims.[231] However, if a local agency does require identification for a victim or authorized representative to obtain information disclosable to victims, the local agency must, at a minimum, accept a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship, or a current Matricula Consular card.[232]

The Vehicle Code addresses the release of traffic accident information. A law enforcement agency to whom an accident was reported is required to disclose the entire contents of a traffic accident report to persons who have a "proper interest" in the information, including, but not limited to, the driver(s) involved in the accident, or the authorized representative, guardian, or conservator of the driver(s) involved; the parent of a minor driver; any named injured person; the owners of vehicles or property damaged by the accident; persons who may incur liablity as a result of the accident; and any attorney who declares under penalty of perjury that he or she represents any of the persons described above.[233] The local enforcement agency may recover the actual cost of providing the information.

Information Regarding Arrestees

The PRA mandates that the following information be released pertaining to every individual arrested by the local law enforcement agency, except where releasing the information would endanger the safety of persons involved in an investigation or endanger the successful completion of the investigation or a related investigation:

- Full name and occupation of the arrestee;
- Physical description including date of birth, color of eyes and hair, sex, height and weight;
- Time, date, and location of arrest;
- Time and date of booking;
- Factual circumstances surrounding arrest;
- Amount of bail set;
- Time and manner of release or location where arrestee is being held; and
- All charges the arrestee is being held on, including outstanding warrants and parole or probation holds.[234]

As previously stated, a PRA request applies only to records existing at the time of the request.[235] It does not require a local

230 Gov. Code, § 6254, subd. (f); *Buckheit v. Dennis* (ND Cal. 2012) 2012 U.S. Dist. LEXIS 49062 (noting that Government Code section 6254, subd. (f) requires disclosure of certain information to a victim. Suspects are not entitled to that same information).

231 Gov. Code, § 6254.30.

232 Gov. Code, § 6254.30.

233 Veh. Code, § 20012.

234 Gov. Code, § 6254, subd. (f)(1).

235 Gov. Code, § 6254, subd. (c).

agency to produce records that may be created in the future. Further, a local agency is not required to provide requested information in a format that the local agency does not use.

> ▶ **PRACTICE TIP:**
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> Most police departments have some form of a daily desk or press log that contains all or most of this information.

Complaints or Requests for Assistance

The Penal Code provides that except as otherwise required by the criminal discovery provisions, no law enforcement officer or employee of a law enforcement agency may disclose to any arrested person, or to any person who may be a defendant in a criminal action, the address or telephone number of any person who is a victim of or witness to the alleged offense.[236]

Subject to the restrictions imposed by the Penal Code, the following information must be disclosed relative to complaints or requests for assistance received by the law enforcement agency:

- The time, substance, and location of all complaints or requests for assistance received by the agency, and the time and nature of the response thereto;
- To the extent the crime alleged or committed or any other incident is recorded, the time, date, and location of occurrence, and the time and date of the report;
- The factual circumstances surrounding crime/incident;
- A general description of injuries, property, or weapons involved; and
- The names and ages of victims, except the names of victims of certain listed crimes may be withheld upon request of victim or parent of minor victim. These listed crimes include various Penal Code sections which relate to topics such as sexual abuse, child abuse, hate crimes, and stalking.[237]

Requests for Journalistic or Scholarly Purposes

Where a request states, under penalty of perjury, that (1) it is made for a scholarly, journalistic, political, or governmental purpose, or for an investigative purpose by a licensed private investigator, and (2) it will not be used directly or indirectly, or furnished to another, to sell a product or service, the PRA requires the disclosure of the name and address of every individual arrested by the local agency and the current address of the victim of a crime, except for specified crimes.[238]

Coroner Photographs or Video

No copies, reproductions, or facsimiles of a photograph, negative, print, or video recording of a deceased person taken by or for the coroner (including by local law enforcement personnel) at the scene of death or in the course of a post mortem examination or autopsy may be disseminated except as provided by statute.[239]

236 Pen. Code, § 841.5, subd. (a).

237 Gov. Code, § 6254, subd. (f)(2).

238 Gov. Code, § 6254, subd. (f); Pen. Code, § 841.5; *Los Angeles Police Dept. v. United Reporting Pub. Corp.* (1999) 528 U.S. 32.

239 Code Civ. Proc., § 129.

Mental Health Detention Information

All information and records obtained in the course of providing services to a mentally disordered individual who is gravely disabled or a danger to others or him or herself, and who is detained and taken into custody by a peace officer, are confidential and may only be disclosed to enumerated recipients and for the purposes specified in state law.[240] Willful, knowing release of confidential mental health detention information can create liability for civil damages.[241]

> **▶ PRACTICE TIP:**
>
> All information obtained in the course of a mental health detention (often referred to as a "5150 detention") is confidential, including information in complaint or incident reports that would otherwise be subject to disclosure under the PRA.

Elder Abuse Records

Reports of suspected abuse or neglect of an elder or dependent adult, and information contained in such reports, are confidential and may only be disclosed as permitted by state law.[242] The prohibition against unauthorized disclosure applies regardless of whether a report of suspected elder abuse or neglect is from someone who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not for compensation (a mandated reporter), or from someone else.[243] Unauthorized disclosure of suspected elder abuse or neglect information is a misdemeanor.[244]

Juvenile Records

Records or information gathered by law enforcement agencies relating to the detention of, or taking of, a minor into custody or temporary custody are confidential and subject to release only in certain circumstances and by certain specified persons and entities.[245] Juvenile court case files are subject to inspection only by specific listed persons and are governed by both statute and state court rules.[246]

> **▶ PRACTICE TIP:**
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> Some local courts have their own rules regarding inspection and they may differ from county to county and may change from time to time. Care should be taken to periodically review the rules as the presiding judge of each juvenile court makes their own rules.

Different provisions apply to dissemination of information gathered by a law enforcement agency relating to the taking of a minor into custody where it is provided to another law enforcement agency, including a school district police or security department, or other agency or person who has a legitimate need for information for purposes of official disposition of a case.[247] In addition, a law enforcement agency must release the name of and descriptive information relating to any juvenile who has escaped from a secure detention facility.[248]

240 Welf. & Inst. Code, §§ 5150, 5328.

241 Welf. & Ins. Code, § 5330.

242 Welf. & Inst. Code, § 15633.

243 Welf. & Inst. Code, § 15633.

244 Welf. & Inst. Code, §15633.

245 Welf. & Inst. Code, §§ 827, 828; see Welf & Inst. Code, § 827.9 (applies to Los Angeles County only); see also *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767 (release of information regarding minor who has been temporarily detained and released without any further proceedings.)

246 Welf. & Inst. Code, § 827.

247 Welf & Inst. Code, § 828, subd. (a); Cal. Rules of Court, rule 5.552(g).

248 Welf & Inst. Code, § 828, subd. (b).

Child Abuse Reports

Reports of suspected child abuse or neglect, including reports from those who are "mandated reporters," such as teachers and public school employees and officials, physicians, children's organizations, and community care facilities, and child abuse and neglect investigative reports that result in a summary report being filed with the Department of Justice, are confidential and may only be disclosed to the persons and agencies listed in state law.[249] Unauthorized disclosure of confidential child abuse or neglect information is a misdemeanor.[250]

Library Patron Use Records

All patron use records of any library that is supported in whole or in part by public funds are confidential and may not be disclosed except to persons acting within the scope of their duties within library administration, upon written authorization from the person whose records are sought, or by court order.[251] The term "patron use records" includes written or electronic records that identify the patron, the patron's borrowing information, or use of library resources, including database search records and any other personally identifiable information requests or inquiries.[252] This exemption does not extend to statistical reports of patron use or records of fines collected by the library.[253]

Library Circulation Records

Library circulation records that are kept to identify the borrowers, and library and museum materials presented solely for reference or exhibition purposes, are exempt from disclosure.[254] Further, all registration and circulation records of any library that is (in whole or in part) supported by public funds are confidential.[255] The confidentiality of library circulation records does not extend to records of fines imposed on borrowers.[256]

Licensee Financial Information

When a local agency requires that applicants for licenses, certificates, or permits submit personal financial data, that information is exempt from disclosure.[257] One frequent example of this is the submittal of sales or income information under a business license tax requirement. However, this exemption does not apply to financial information filed by an existing licensee or franchisee to justify a rate increase, presumably because those affected by the increase have a right to know its basis.[258]

Medical Records

California's Constitution protects a person's right to privacy in his or her medical records.[259] Therefore, the PRA exempts from disclosure "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy."[260] In addition, the PRA exempts from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant

249 Pen. Code, §§ 11165.6, 11165.7, 11167.5, 11169.

250 Pen. Code, § 11167.5, subd. (a).

251 Gov. Code, § 6267.

252 Gov. Code, § 6267.

253 Gov. Code, § 6267.

254 Gov. Code, § 6254, subd. (j).

255 Gov. Code, § 6254, subd. (j).

256 Gov. Code, § 6254, subd. (j).

257 Gov. Code, § 6254, subd. (n).

258 *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 779–780.

259 Cal. Const., Art. I, § 1.

260 Gov. Code, § 6254, subd. (c).

to federal or state law,"[261] including, but not limited to, those described in the Confidentiality of Medical Information Act,[262] physician/patient privilege,[263] the Health Data and Advisory Council Consolidation Act,[264] and the Health Insurance Portability and Accountability Act. [265]

▶ PRACTICE TIP:

Both subdivision (c) and subdivision (k) of Government Code section 6254 probably apply to most records protected under the physician/patient privilege, the Confidentiality of Medical Information Act, the Health Data and Advisory Council Consolidation Act, and the Health Insurance Portability and Accountability Act. In addition, individually identifiable health information is probably also exempt from disclosure under the "public interest" exemption in Government Code section 6255.

Health Data and Advisory Council Consolidation Act

Any organization that operates, conducts, owns, or maintains a health facility, hospital, or freestanding ambulatory surgery clinic must file reports with the state that include detailed patient health and financial information.[266] Patient medical record numbers, and any other data elements of these reports that could be used to determine the identity of an individual patient are exempt from disclosure.[267]

Physician/Patient Privilege

Patients may refuse to disclose, and prevent others from disclosing, confidential communications between themselves and their physicians.[268] The privilege extends to confidential patient/physician communication that is disclosed to third parties where reasonably necessary to accomplish the purpose for which the physician was consulted.[269]

▶ PRACTICE TIP:

Patient medical information provided to local agency emergency medical personnel to assist in providing emergency medical care may be subject to the physician/patient privilege if providing the privileged information is reasonably necessary to accomplish the purpose for which the physician was, or will be, consulted, including emergency room physicians.

261 Gov. Code, § 6254, subd. (k).

262 Civ. Code, § 56 *et seq.*

263 Evid. Code, § 990 *et seq.*

264 Health & Saf. Code, § 128675 *et seq.*

265 42 U.S.C. § 1320d.

266 Health & Saf. Code, §§ 128735, 128736, 128737.

267 Health & Saf. Code, § 128745, subd. (c)(6).

268 Evid. Code, § 994.

269 Evid. Code, § 992.

Confidentiality of Medical Information Act

Subject to certain exceptions, health care providers, health care service plan providers and contractors are prohibited from disclosing a patient's individually identifiable medical information without first obtaining authorization.[270] Employers must establish appropriate procedures to ensure the confidentiality and appropriate use of individually identifiable medical information.[271] Local agencies that are not providers of health care, health care service plans, or contractors as defined in state law may possess individually identifiable medical information protected under state law that originated with providers of health care, health care service plans, or contractors.[272]

Health Insurance Portability and Accountability Act

Congress enacted the Health Insurance Portability and Accountability Act in 1996 to improve portability and continuity of health insurance coverage and to combat waste, fraud, and abuse in health insurance and health care delivery through the development of a health information system and establishment of standards and requirements for the electronic transmission of certain health information.[273] The U.S. Department of Health and Human Services Secretary has issued privacy regulations governing use and disclosure of individually identifiable health information.[274] Persons who knowingly and in violation of federal law use or cause to be used a unique health identifier, obtain individually identifiable health information relating to an individual, or disclose individually identifiable health information to another person are subject to substantial fines and imprisonment of not more than one year, or both, and to increased fines and imprisonment for violations under false pretenses or with the intent to use individually identifiable health information for commercial advantage, personal gain, or malicious harm.[275] Federal law also permits the Health and Human Services Secretary to impose civil penalties.[276]

Workers' Compensation Benefits

Records pertaining to the workers' compensation benefits for an individually identified employee are exempt from disclosure as "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy."[277] The PRA further prohibits the disclosure of records otherwise exempt or prohibited from disclosure pursuant to federal and state law.[278] State law prohibits a person or public or private entity who is not a party to a claim for workers' compensation benefits from obtaining individually identifiable information obtained or maintained by the Division of Workers' Compensation on that claim.[279]

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270 Civ. Code, §§ 56.10, subd. (a), 56.05, subd. (g). "Provider of health care" as defined means persons licensed under Business & Professions Code section 500 *et seq*, or Health & Safety Code section1797 and following, and clinics, health dispensaries, or health facilities licensed under Health and Safety Code section1200 *and following*. "Health care service plan" as defined means entities regulated under Health & Safety Code section 1340 and following. "Contractor" as defined means medical groups, independent practice associations, pharmaceutical benefits managers, and medical service organizations that are not providers of health care or health care service plans.

271 Civ. Code, § 56.20.

272 Civ. Code, § 56.05, subd. (g).

273 Health Insurance Portability and Accountability Act of 1996, Pub L No. 104-192, § 261 (Aug. 24, 1996) 110 Stat 1936; 42 U.S.C. 1320d.

274 42 U.S.C. § 1320d-1– d-3, Health and Human Services Summary of the Privacy Rule, May, 2003. The final privacy regulations were issued in December, 2000 and amended in August, 2002. The definitions of "health information" and "individually identifiable health information" in the privacy regulations are in 45 C.F.R. 160.103. The general rules governing use and disclosure of protected health information are in 45 C.F.R. 164.502.

275 42 U.S.C. § 1320d-6. Federal law defines "individually identifiable health information" as any information collected from an individual that is created or received by a health care provider, health plan, employer or health care clearing house, that relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and that identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

276 42 U.S.C. § 1320d-5.

277 Gov. Code, § 6254, subd. (c).

278 Gov. Code, § 6254, subd. (k).

279 Lab. Code, § 138.7, subd. (a). This state statute defines "individually identifiable information" to mean "any data concerning an injury or claim that is linked to a uniquely identifiable employee, employer, claims administrator, or any other person or entity."

Certain information may be subject to disclosure once an application for adjudication has been filed.[280] If the request relates to pre-employment screening, the administrative director must notify the person about whom the information is requested and include a warning about discrimination against persons who have filed claims for workers' compensation benefits. Further, a residential address cannot be disclosed, except to law enforcement agencies, the district attorney, other governmental agencies, or for journalistic purposes. Individually identifiable information is not subject to subpoena in a civil proceeding without notice and a hearing at which the court is required to balance the respective interests—privacy and public disclosure. Individually identifiable information may be used for certain types of statistical research by specifically listed persons and entities.[281]

Official Information Privilege

A local agency may refuse to disclose official information.[282] "Official information" is statutorily defined as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed to the public prior to the time the claim of privilege is made."[283] However, the courts have somewhat expanded on the statutory definition by determining that certain types of information, such as police investigative files and medical information, are "by [their] nature confidential and widely treated as such" and thus protected from disclosure by the privilege.[284] Therefore, "official information" includes information that is protected by a state or federal statutory privilege or information, the disclosure of which is against the public interest, because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.[285]

The local agency has the right to assert the official information privilege both to refuse to disclose and to prevent another from disclosing official information.[286] Where the disclosure is prohibited by state or federal statute, the privilege is absolute. In all other respects, it is conditional and requires a judge to weigh the necessity for preserving the confidentiality of information against the necessity for disclosure in the interest of justice. This is similar to the weighing process provided for in the PRA — allowing nondisclosure when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.[287] As part of the weighing process a court will look at the consequences to the public, including the effect of the disclosure on the integrity of public processes and procedures.[288] This is typically done through *in camera* judicial review.[289]

There are a number of cases interpreting this statute.[290] While many of the cases interpreting this privilege involve law enforcement records, other cases arise out of licensing and accreditation-type activities. The courts address these types of cases on an individualized basis and further legal research should be done within the context of particular facts.

▶ PRACTICE TIP:

Although there is no case law directly on point, this privilege, along with the informant privilege, may be asserted to protect the identities of code enforcement complainants and whistleblowers.

280 Lab. Code, §§ 5501.5, 138.7.

281 Lab Code, §138.7.

282 Evid. Code, § 1040.

283 Evid. Code, § 1040, subd. (a).

284 *Department of Motor Vehicles v. Superior Court* (2002) 100 Cal.App.4th 363, 373–374.

285 *White v. Superior Court* (2002) 102 Cal.App.4th.Supp. 1, 6.

286 Evid. Code, § 1040, subd. (b).

287 Gov. Code, § 6255.

288 *Shepherd v. Superior Court* (1976) 17 Cal.3d 107, 126.

289 The term "*in camera*" refers to a review of the document in the judge's chambers outside the presence of the requesting party.

290 *Department of Motor Vehicles v. Superior Court, supra*,100 Cal.App.4th 363; *California State University, Fresno Assn., Inc. v. Superior Court* (2001) 90 Cal. App.4th 810; *County of Orange v. Superior Court* (2000) 79 Cal.App.4th 759.

Pending Litigation or Claims

The PRA exempts from disclosure "(r)ecords pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to [the California Government Claims Act] until the pending litigation or claim has been finally adjudicated or otherwise settled."[291] Although the phrase "pertaining to" pending litigation or claims might seem broad, the courts nevertheless have construed the exemption narrowly, consistent with the underlying policy of the PRA to promote access to public records. Therefore, the claim itself is not exempt from disclosure — the exemption applies only to documents specifically prepared by, or at the direction of, the local agency for use in existing or anticipated litigation.[292]

It may sometimes be difficult to determine whether a particular record was prepared specifically for use in litigation or for other purposes related to the underlying incident. For example, an incident report may be prepared either in anticipation of defending a potential claim, or simply for risk management purposes. In order for the exemption to apply, the local agency would have to prove that the dominant purpose of the record was to be used in defense of litigation.[293] However, attorney payment and billing records related to ongoing litigation are not subject to the pending litigation exemption, because such records are not primarily prepared for use in litigation.[294]

It is important to remember that even members of the public that have filed a claim against or sued a local agency are entitled to use the PRA to obtain documents that may be relevant to the claim or litigation. The mere fact that the person might also be able to obtain the documents in discovery is not a ground for rejecting the request under the PRA.[295]

The pending litigation exemption does not prevent members of the public from obtaining records submitted to the local agency pertaining to existing or anticipated litigation, such as a claim for monetary damages filed prior to a lawsuit, because the records were not prepared by the local agency.[296] Moreover, while medical records are subject to a constitutional right of privacy, and generally exempt from production under the PRA and other statutes,[297] an individual may be deemed to have waived the right to confidentiality by submitting medical records to the public entity in order to obtain a settlement.[298]

Once the claim or litigation is no longer "pending," records previously shielded from disclosure by the exemption must be produced, unless covered by another exemption. For example, the public may obtain copies of depositions from closed cases,[299] and documents concerning the settlement of a claim that are not shielded from disclosure by other exemptions.[300] Exemptions that may be used to withhold documents from disclosure after the claim or litigation is no longer pending include the exemptions for law enforcement investigative reports, medical records, and attorney-client privileged records and attorney work product.[301] Particular records or information relevant to settlement of a closed claim or case may also be subject to nondisclosure under the public interest exemption to the extent the local agency can show that the public interest in nondisclosure clearly outweighs the public interest in disclosure.[302]

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291 Gov. Code, § 6254, subd. (b).

292 *Fairley v. Superior Court* (1998) 66 Cal.App.4th 1414, 1420–1421; *City of Hemet v. Superior Court* (1995) 37 Cal.App.4th 1411, 1420.

293 *Fairley v. Superior Court* (1998) 66 Cal.App.4th 1414, 1420; *City of Hemet v. Superior Court* (1995) 37 Cal.App.4th 1411, 1419.

294 *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57, 67. See also the Attorney-Client Privilege, p. 29.

295 *Wilder v. Superior Court* (1998) 66 Cal.App.4th 77.

296 *Poway Unified Sch Dist. v. Superior Court* (1998) 62 Cal.App.4th 1496, 1502–1505.

297 See Medical Privacy Laws, p. 40.

298 *Poway Unified Sch Dist. v. Superior Court* (1998) 62 Cal.App.4th 1496, 1505.

299 *City of Los Angeles v. Superior Court* (1996) 41 Cal.App.4th 1083, 1089.

300 *Register Div. of Freedom Newspapers, Inc. v. County of Orange* (1984) 158 Cal.App.3d 893, 901.

301 See, e.g., *D.I. Chadbourne, Inc. v. Superior Court* (1964) 60 Cal.2d 723; *City of Hemet v. Superior Court* (1995) 37 Cal.App.4th 1411.

302 Gov. Code, § 6255.

▶ PRACTICE TIP:

In responding to a request for documents concerning settlement of a particular matter, it is critical to pay close attention to potential application of other exemptions under the PRA. Additionally, if the settlement is approved by the legislative body during a closed session, release of the settlement documents are governed by the Brown Act. It is recommended that you seek the advice of your local agency counsel.

There is considerable overlap between the pending litigation exemption and both the attorney-client privilege[303] and attorney-work-product doctrine.[304] However, the exemption for pending litigation is not limited solely to documents that fall within either the attorney-client privilege or work product protection.[305] Moreover, while the exemption for pending litigation expires once the litigation is no longer pending, the attorney-client privilege and attorney-work-product doctrine continue indefinitely.[306]

Personal Contact Information

Court decisions have ruled that individuals have a substantial privacy interest in their personal contact information. However, a fact-specific analysis must be conducted to determine whether the public interest exemption protects this information from disclosure, i.e., whether the public interest in nondisclosure clearly outweighs the public interest in disclosure.[307] Application of this balancing test has yielded varying results, depending on the circumstances of the case.

For example, courts have allowed nondisclosure of the names, addresses, and telephone numbers of airport noise complainants.[308] In that instance, the anticipated chilling effect on future citizen complaints weighed heavily in the court's decision. On the other hand, the courts have ordered disclosure of information contained in applications for licenses to carry firearms, except for information that indicates when or where the applicant is vulnerable to attack or that concern the applicant's medical or psychological history or that of members of his or her family.[309] Courts have also ordered disclosure of the names and addresses of residential water customers who exceeded their water allocation under a rationing ordinance,[310] and the names of donors to a university affiliated foundation, even though those donors had requested anonymity.[311]

▶ PRACTICE TIP:

In situations where personal contact information clearly cannot be kept confidential, inform the affected members of the public that their personal contact information is subject to disclosure under the PRA.

303 Evid. Code, § 950 *et seq*; *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725.

304 Code Civ. Proc. § 2018.030.

305 *City of Los Angeles v. Superior Court, supra*, 41 Cal.App.4th 1083, 1087.

306 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 373 (attorney-client privilege); *Fellows v. Superior Court* (1980) 108 Cal.App.3d 55, 61–63 (work-product doctrine); *Costco Wholesale Corp. v. Superior Court*, *supra*, 47 Cal.4th 725. *But see Los Angeles County Board of Supervisors v. Superior Court* (2016) 2 Cal.5th 282 (holding that the attorney-client privilege protects the confidentiality of invoices for work in pending and active legal matters, but that the privilege may not encompass invoices for legal matters that concluded long ago).

307 Gov. Code, § 6255, subd. (a).

308 *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008.

309 Gov. Code, § 6254, subd. (u)(1).

310 *New York Times Co. v. Superior Court* (1990) 218 Cal.App.3d 1579.

311 *California State Univ., Fresno Ass'n, Inc., v. Superior Court* (2001) 90 Cal.App.4th 810.

Posting Personal Contact Information of Elected/Appointed Officials on the Internet

The PRA prohibits a state or local agency from posting on the Internet the home address or telephone number of any elected or appointed officials without first obtaining their written permission.[312] The prohibition against posting home addresses and telephone numbers of elected or appointed officials on the Internet does not apply to a comprehensive database of property-related information maintained by a state or local agency that may incidentally contain such information, where the officials are not identifiable as such from the data, and the database is only transmitted over a limited-access network, such as an intranet, extranet, or virtual private network, but not the Internet.[313]

The PRA also prohibits someone from knowingly posting on the Internet the home address or telephone number of any elected or appointed official, or the official's "residing spouse" or child, and either threatening or intending to cause imminent great bodily harm.[314] Similarly, the PRA prohibits soliciting, selling, or trading on the Internet the home address or telephone number of any elected or appointed official with the intent of causing imminent great bodily harm to the official or a person residing at the official's home address.[315]

In addition, the PRA prohibits a person, business, or association from publicly posting or displaying on the Internet the home address or telephone number of any elected or appointed official where the official has made a written demand to the person, business, or association to not to disclose his or her address or phone number.[316]

Personnel Records

The PRA exempts from disclosure "[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy."[317] In addition, the public interest exemption may protect certain personnel records from disclosure.[318] In determining whether to allow access to personnel files, the courts have determined that the tests under each exemption are essentially the same: the extent of the local agency employee's privacy interest in certain information and the harm from its unwarranted disclosure is weighed against the public interest in disclosure. The public interest in disclosure will be considered in the context of the extent to which the disclosure of the information will shed light on the local agency's performance of its duties.[319]

Decisions from the California Supreme Court have determined that local agency employees do not have a reasonable expectation of privacy in their name, salary information, and dates of employment. This interpretation also applies to police officers absent unique, individual circumstances.[320]

312 See Gov. Code, § 6254.21, subd. (f) (containing a non-exhaustive list of individuals who qualify as "elected or appointed official[s]").

313 91 Ops.Cal.Atty.Gen. 19 (2008).

314 Gov. Code, § 6254.21, subd. (b).

315 Gov. Code, § 6254.21, subd. (d).

316 Gov. Code, § 6254.21, subd. (c).

317 Gov. Code, § 6254, subd. (c).

318 Gov. Code, § 6255; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 755; see also, *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272.

319 *International Fed'n of Prof. & Tech. Eng'rs, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 335; *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 300; *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 231; *BRV, Inc. v. Superior Court, supra*,143 Cal. App.4th 742, 755; *American Fed'n of State, County & Mun. Employees (AFSCME), Local 1650 v. Regents of Univ. of Cal.* (1978) 80 Cal.App.3d 913 914–916.

320 *International Fed'n of Prof. & Tech. Eng'rs, Local 21, AFL-CIO v. Superior Court, supra*, 42 Cal.4th 319, 327; *Commission on Peace Officer Standards & Training v. Superior Court, supra*, 42 Cal.4th 278, 289–293.

In situations involving allegations of non-law enforcement local agency employee misconduct, courts have considered the following factors in determining whether disclosure of employment investigation reports or related records would constitute an unwarranted invasion of personal privacy:

- Are the allegations of misconduct against a high-ranking public official or a local agency employee in a position of public trust and responsibility (e.g., teachers, public safety employees, employees who work with children)?
- Are the allegations of misconduct of a substantial nature or trivial?
- Were findings of misconduct sustained or was discipline imposed?

Courts have upheld the public interest against disclosure of "trivial or groundless" charges.[321] In contrast, when "the charges are found true, or discipline is imposed," the public interest likely favors disclosure.[322] In addition, "where there is reasonable cause to believe the complaint to be well founded, the right of public access to related public records exists."[323] However, even if the local agency employee is exonerated of wrongdoing, disclosure may be warranted if the allegations of misconduct involve a high-ranking public official or local agency employee in a position of public trust and responsibility, given the public's interest in understanding why the employee was exonerated and how the local agency employer treated the accusations.[324]

With respect to personnel investigation reports, although the PRA's personnel exemption may not exempt such a report from disclosure, the attorney-client privilege or attorney-work-product doctrine may apply.[325] Further, discrete portions of the personnel report may still be exempt from disclosure and redacted, such as medical information contained in a report or the names of third party witnesses.[326]

The courts have permitted persons who believe their rights may be infringed by a local agency decision to disclose records to bring a "reverse PRA action" to seek an order preventing disclosure of the records.[327]

Peace Officer Personnel Records

Peace officer personnel records, including internal affairs investigation reports regarding alleged misconduct, are both confidential and privileged. They clearly fall within the category of records, "the disclosure of which is exempted or prohibited pursuant to federal or state law …."[328]

The discovery and disclosure of the personnel records of peace officers are governed exclusively by statutory provisions contained in the Evidence Code and Penal Code. Peace officer personnel records and records of citizen complaints "…or information obtained from these records…" are confidential and "shall not" be disclosed in any criminal or civil proceeding except by discovery pursuant to statutorily prescribed procedures.[329] The appropriate procedure for obtaining information in the

321 *AFSCME, Local 1650 v. Regents of Univ. of Cal.* (1978) 80 Cal.App.3d 913, 918.

322 *Ibid.*

323 *Ibid.*

324 *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 223–224; *Marken v. Santa Monica-Malibu Unified Sch. Dist.* (2012) 202 Cal.App.4th 1250, 1275–1276; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 759; *Bakersfield City Sch. Dist. v Superior Court* (2004) 118 Cal.App.4th 1041, 1045–1047; *AFSCME, Local 1650 v Regents of University of Cal.ifornia* (1978) 80 Cal.App.3d 913, 918.

325 See "Attorney-client Communications and Attorney Work Product," page 29; *City of Petaluma v. Superior Court* (2016) 248 Cal.App.4th 1023, 1035–1036. But see *BRV, Inc. v Superior Court, supra*, 143 Cal.App.4th 742, where on the facts of that case, an investigation report that arguably was privileged was ordered disclosed.

326 *BRV, Inc. v. Superior Court , supra*, 143 Cal.App.4th 742, 759 (permitting redaction of names, home addresses, phone numbers, and job titles "of all persons mentioned in the report other than [the subject of the report] or elected members" of the school board); *Marken v Santa Monica-Malibu Unified Sch. Dist., supra*, 202 Cal.App.4th 1250, 1276 (permitting redaction of the identity of the complainant and other witnesses, as well as other personal information in the investigation report).

327 *Marken v Santa Monica-Malibu Unified Sch. Dist., supra*, 202 Cal.App.4th 1250, 1264–1271. See also "Reverse PRA Litigation," p. 59.

328 Gov. Code, § 6254, subd. (k); Pen. Code, §§ 832.7– 832.8; *International Fed'n of Prof.& Tech.Eng'rs, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 341; *City of Hemet v. Superior Court* (1995) 37 Cal.App.4th 1411, 1431.

329 Pen. Code, § 832.7; Evid. Code, §§ 1043, 1046.

protected peace officer personnel files is to file a motion commonly known as a "*Pitchess*" motion, which by statute entails a two-part process involving first a determination by the court regarding good cause and materiality of the information sought and a subsequent confidential review by the court of the files, where warranted.[330]

Peace officer personnel files are not protected from disclosure, however, when the district attorney, attorney general, or grand jury are investigating the conduct of the officers, including when the district attorney conducts a *Brady* review of files for exculpatory evidence relevant to a criminal proceeding.[331] The other notable exception arises where an officer publishes factual information concerning a disciplinary action that is known by the officer to be false. If the information is published in the media, the employing agency may disclose factual information about the discipline to refute the employee's false statements.[332]

Peace officer "personnel records" include personal data, medical history, appraisals, and discipline; complaints and investigations relating to events perceived by the officer or relating to the manner in which his or her duties were performed; and any other information the disclosure of which would constitute an unwarranted invasion of privacy.[333] The names, salary information, and employment dates and departments of peace officers have been determined to be disclosable records absent unique circumstances.[334] Additionally, official service photographs of peace officers are subject to disclosure and are not exempt or privileged as personnel records unless disclosure would pose an unreasonable risk of harm to the peace officer.[335] The names of officers involved in a police shooting are subject to disclosure, unless disclosure would endanger an officer's safety (*e.g.*, if there is a specific threat to an officer or an officer is working undercover).[336] Video captured by a dashboard camera is not a personnel record protected from disclosure.[337]

While the Penal and Evidence Code privileges are not per se applicable in federal court, federal common law does recognize a qualified privilege for "official information" and considers government personnel files to be "official information."[338] Moreover, independent reports regarding officer-involved shootings are not exempt from disclosure, though portions of the report culled from personnel information or officers' statements made in the course of an internal affairs investigation of the shooting are protected and may be redacted from the report.[339] Such a qualified privilege in federal court results in a very similar weighing of the potential benefits of disclosure against potential disadvantages.[340]

330 See, e.g., *People v. Mooc* (2001) 26 Cal.4th 1216; *People v. Thompson* (2006) 141 Cal.App.4th 1312; *City of San Jose v. Superior Court* (1998) 67 Cal.App.4th 1135.

331 Pen. Code, § 832.7, subd. (a); *People v. Superior Court* (2015) 61 Cal.4th 696, .

332 Pen. Code, § 832.7, subd. (d).

333 Pen. Code, § 832.8.

334 *International Fed'n of Prof. & Tech. Eng'rs, Local 21, AFL-CIO v. Superior Court, supra*, 42 Cal.4th 319, 327; *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 289–293.

335 *Ibarra v. Superior Court* (2013) 217 Cal.App.4th 695, 700–705.

336 *Long Beach Police Officers Ass'n v. City of Long Beach* (2014) 59 Cal.4th 59, 75; 91 Ops.Cal.Atty.Gen. 11 (2008) (the names of peace officers involved in critical incidents, such as ones involving lethal force, are not categorically exempt from disclosure, however, the balancing test may be applied under the specific factual circumstances of each case to weigh the public interests at stake).

337 *City of Eureka v. Superior Court* (2016) 1 Cal.App.5th 755, 763–765. See also "Law Enforcement Records," p. 35.

338 *Sanchez v. City of Santa Ana* (9th Cir. 1990) 936 F.2d 1027, 1033–1034, cert denied (1991) 502 U.S. 957; *Miller v. Pancucci* (C.D.Cal. 1992) 141 F.R.D. 292, 299–300.

339 *Pasadena Peace Officers Ass'n v. Superior Court* (2015) 240 Cal.App.4th 268, 288–290. See also "Law Enforcement Records," p. 35.

340 Evid. Code, § 1043 *et seq.; Guerra v. Bd. of Trustees* (9th Cir. 1977) 567 F.2d 352; *Kerr v United States Dist. Court for Northern Dist.* (9th Cir. 1975) 511 F.2d 192, aff'd, (1976) 426 U.S. 394; *Garrett v. City and County of San Francisco* (9th Cir. 1987) 818 F.2d 1515.

Employment Contracts, Employee Salaries, & Pension Benefits

Every employment contract between a local agency and any public official or local agency employee is a public record which is not subject to either the personnel exemption or the public interest exemption.[341] Thus, for example, one court has held that two letters in a city firefighter's personnel file were part of his employment contract and could not be withheld under either the local agency employee's right to privacy in his personnel file or the public interest exemption.[342]

With or without an employment contract, the names and salaries (including performance bonuses and overtime) of local agency employees, including peace officers, are subject to disclosure under the PRA.[343] Public employees do not have a reasonable expectation that their salaries will remain a private matter. In addition, there is a strong public interest in knowing how the government spends its money. Therefore, absent unusual circumstances, the names and salaries of local agency employees are not subject to either the personnel exemption or the public interest exemption.[344]

In addition, the courts have held that local agencies are required to disclose the identities of pensioners and the amount of pension benefits received by such pensioners, reasoning that the public interest in disclosure of the names of pensioners and data concerning the amounts of their pension benefits outweighs any privacy interests the pensioners may have in such information.[345] On the other hand, the courts have found that personal information provided to a retirement system by a member or on a member's behalf, such as a member's personal email address, home address, telephone number, social security number, birthday, age at retirement, benefits election, and health reports concerning the member, to be exempt from disclosure under the PRA.[346] With regard to the California Public Employees' Retirement System (CalPERS), the identities of and amount of benefits received by CalPERS pensioners are subject to public disclosure.[347]

> **▶ PRACTICE TIP:**
>
> If a member of the public requests information regarding CalPERS from a local agency, make sure to check the terms of any agreement that may exist between the agency and CalPERS for confidentiality requirements.

Contractor Payroll Records

State law establishes requirements for maintaining and disclosing certified payroll records for workers employed on public works projects subject to payment of prevailing wages.[348] State law requires contractors to make certified copies of payroll records available to employees and their representatives, representatives of the awarding body, the Department of Industrial Relations, and the public.[349] Requests are to be made through the awarding agency or the Department of Industrial Relations, and the requesting party is required to reimburse the cost of preparation to the contractor, subcontractors, and the agency through

341 Gov. Code, § 6254.8; Gov. Code, § 53262, subd. (b).

342 *Braun v. City of Taft* (1984) 154 Cal.App.3d 332.

343 *International Fed'n of Prof. & Tech. Eng'rs, Local 21, AFL-CIO v. Superior Court, supra*, 42 Cal.4th 319, 327.

344 *Commission on Peace Officer Standards & Training v. Superior Court, supra*, 42 Cal.4th 278, 299, 303.

345 *Sacramento County Employees' Retirement System v. Superior Court* (2011) 195 Cal.App.4th 440, 472.

346 *Sonoma County Employees' Retirement Ass'n v. Superior Court* (2011) 198 Cal.App.4th 986, 1004.

347 Gov. Code, § 20230; See also *SDCERS v. Superior Court* (2011) 196 Cal.App.4th 1228, 1238–1239, citing with approval 25 Ops.Cal.Atty.Gen. 90 (1955), which exempts from disclosure employee election of benefits. For peace officer election of benefits see Pen. Code, §§ 832.7 - 832.8 and *International Fed'n of Prof.& Tech.Eng'rs, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 343.

348 Lab. Code, § 1776.

349 Lab. Code, § 1776, subd. (b).

which the request is made prior to being provided the records.[350] Contractors are required to file certified copies of the requested records with the requesting entity within ten days after receipt of a written request.[351]

However, state law also limits access to contractor payroll records. Employee names, addresses, and social security numbers must be redacted from certified payroll records provided to the public or any local agency by the awarding body or the Department of Industrial Relations.[352] Only the employee names and social security numbers are to be redacted from certified payroll records provided to joint labor-management committees established pursuant to the federal Labor Management Cooperation Act of 1978.[353] The name and address of the contractor or subcontractor may not be redacted.[354]

The Department of Industrial Relations Director has adopted regulations governing release of certified payroll records and applicable fees.[355] The regulations: (1) require that requests for certified payroll records be in writing and contain certain specified information regarding the awarding body, the contract, and the contractor; (2) require awarding agency acknowledgement of requests; (3) specify required contents of awarding agency requests to contractors for payroll records; and (4) set fees to be paid in advance by persons seeking payroll records.[356]

Test Questions and Other Examination Data

The PRA exempts from disclosure test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided in the portions of the Education Code that relate to standardized tests.[357] Thus, for example, a local agency is not required to disclose the test questions it uses for its employment examinations. State law provides that standardized test subjects may, within 90 days after the release of test results to the test subject, have limited access to test questions and answers upon request to the test sponsor.[358] This limited access may be either through an in-person examination or by release of certain information to the test subject.[359] The Education Code also requires that test sponsors prepare and submit certain reports regarding standardized tests and test results to the California Postsecondary Education Commission.[360] All such reports and information submitted to the Commission are public records subject to disclosure under the PRA.[361]

Public Contracting Documents

Contracts with local agencies are generally disclosable public records due to the public's right to determine whether public resources are being spent for the benefit of the community as a whole or the benefit of only a limited few.[362] When the bids or proposals leading up to the contract become disclosable depends largely upon the type of contract.

350 Lab. Code, § 1776, subd. (c).

351 Contractors and subcontractors that fail to do so may be subject to a penalty of $25 per worker for each calendar day until compliance is achieved. Lab. Code, §1776, subds. (d) & (g).

352 Lab. Code, § 1776, subd. (e); *Trustees of Southern Cal. IBEW-NECA Pension Plan v. Los Angeles Unified School District* (2010) 187 Cal.App.4th 621.

353 Lab. Code, § 1776, subd. (e).

354 Lab. Code, § 1776, subd. (e).

355 Lab. Code, § 1776, subd. (i); see Lab. Code, § 16400 *et seq*.

356 8 C.C.R. §§ 16400, 16402.

357 Gov. Code, § 6254, subd. (g).

358 Ed. Code, § 99157, subd. (a) *Brutsch v. City of Los Angeles* (1982) 3 Cal.App.4th 354.

359 Ed. Code, §§ 99157, subds. (a) & (b).

360 Ed. Code, §§ 99153, 99154.

361 Ed. Code, § 99162.

362 *Cal. State Univ., Fresno Ass'n., Inc. v. Superior Court* (2001) 90 Cal.App.4th 810, 833.

For example, local agency contracts for construction of public works and procurement of goods and non-professional services are typically awarded to the lowest responsive, responsible bidder through a competitive bidding process.[363] Bids for these contracts are usually submitted to local agencies under seal and then publicly opened at a designated time and place. These bids are public records and disclosable as soon as they are opened.

Other local agency contracts for acquisition of professional services or disposition of property are awarded to the successful proposer through a competitive proposal process. As part of this process, interested parties submit proposals that are evaluated by the local agency and are used to negotiate with the winning proposer. While the public has a strong interest in scrutinizing the process leading to the selection of the winning proposer, a local agency's interest in keeping these proposals confidential frequently outweighs the public's interest in disclosure until negotiations with the winning proposer are complete.[364] If a winning proposer has access to the specific details of other competing proposals, then the local agency is greatly impaired in its ability to secure the best possible deal on its constituents' behalf.

Some local agencies pre-qualify prospective bidders through a request for qualifications process. The pre-qualification packages submitted, including questionnaire answers and financial statements, are exempt from disclosure.[365] Nevertheless, documents containing the names of contractors applying for pre-qualification status are public records and must be disclosed.[366] In addition, the contents of pre-qualification packages may be disclosed to third parties during the verification process, in an investigation of substantial allegations or at an appeal hearing.

▶ PRACTICE TIP:

Local agencies should clearly advise bidders and proposers in their Requests for Bids and Requests for Proposals what bid and proposal documents will be disclosable public records and when they will be disclosable to the public.

Real Estate Appraisals and Engineering Evaluations

The PRA requires the disclosure of the contents of real estate appraisals, or engineering or feasibility estimates, and evaluations made for or by a local agency relative to the acquisition of property, or to prospective public supply and construction contracts, but only when all of the property has been acquired or when agreement on all terms of the contract have been obtained.[367] By its plain terms, this exemption only applies while the acquisition or prospective contract is pending. Once all the property is acquired or agreement on all terms of the contract have been obtained, the exemption will not apply. In addition, this exemption is not intended to supersede the law of eminent domain.[368] Thus, for example, this exemption would not apply to appraisals of owner-occupied residential property of four units or less, where disclosure of such appraisals is required by the Eminent Domain Law or related laws such as the California Relocation Assistance Act.[369]

▶ PRACTICE TIP:

If the exemption for real estate appraisals and engineering evaluations does not clearly apply, consider whether the facts of the situation justify withholding the record under Government Code section 6255.

363 Pub. Contract Code, § 22038.

364 Gov. Code, § 6255; *Michaelis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, 1077.

365 Pub. Contract Code, §§ 10165, 10506.6, 10763, 20101, 20111.5, 20209.7, 20209.26, 20651.5.

366 Pub. Contract Code, § 20101, subd. (a).

367 Gov. Code, § 6254, subd. (h).

368 Gov. Code, § 6245, subd. (h).

369 Gov. Code, § 7267.2, subd. (c).

Recipients of Public Services

Disclosure of information regarding food stamp recipients is prohibited.[370] Subject to certain exceptions, disclosure of confidential information pertaining to applicants for or recipients of public social services for any purpose unconnected with the administration of the welfare department also is prohibited.[371] This latter prohibition does not create a privilege.[372]

Leases and lists or rosters of tenants of the Housing Authority are confidential and shall not be open to inspection by the public, but shall be supplied to the respective governing body on request.[373] A Housing Authority has a duty to make available public documents and records of the Authority for inspection, except any applications for eligibility and occupancy which are submitted by prospective or current tenants of the Authority.[374]

The PRA exempts from disclosure records of the residence address of any person contained in the records of the Department of Housing and Community Development, if the person has requested confidentiality of that information in accordance with section 18081 of the Health and Safety Code.[375]

Taxpayer Information

Where information that is required from any taxpayer in connection with the collection of local taxes is received in confidence and where the disclosure of that information would result in unfair competitive disadvantage to the person supplying the information, the information is exempt from disclosure.[376] Sales and use tax records may be used only for administration of the tax laws. Unauthorized disclosure or use of confidential information contained in these records can give rise to criminal liability.[377]

> ▶ **PRACTICE TIP:**
>
> Make sure to check your local agency's codes and ordinances with respect to local taxes when determining what information submitted by the taxpayer is confidential.

Trade Secrets and Other Proprietary Information

As part of the award and administration of public contracts, businesses will often give local agencies information that the businesses would normally consider to be proprietary. There are three exemptions that businesses often use to attempt to protect this proprietary information — the official information privilege, the trade secret privilege, and the public interest exemption.[378]

370 Welf. & Inst. Code, § 18909.

371 Welf. & Inst. Code, § 10850.

372 *Jonon v. Superior Court* (1979) 93 Cal.App.3d 683, 690.

373 Health & Saf. Code, § 34283.

374 Health & Saf. Code, § 34332, subd. (c).

375 Gov. Code, § 6254.1.

376 Gov. Code, § 6254, subd. (i); see also Rev. & Tax. Code, § 7056.

377 Rev. & Tax. Code, §§ 7056, 7056.5

378 See, e.g.,*San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

However, California's strong public policy in favor of disclosure of public records precludes local agencies from protecting most business information. Both the official information privilege and the public interest exemption require that the public interest in nondisclosure outweigh the public interest in disclosure. While these provisions were designed to protect legitimate privacy interests, California courts have consistently held that when individuals or businesses voluntarily enter into the public sphere, they diminish their privacy interests.[379] Courts have further found that the public interest in disclosure overrides alleged privacy interests. For example, a court ordered a university to release the names of anonymous contributors who received license agreements for luxury suites at the school's sports arena. Another court ordered a local agency to release a waste disposal contractor's private financial statements used by the local agency to approve a rate increase.[380]

The trade secret privilege is for information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.[381]

However, even when records contain trade secrets, local agencies must determine whether disclosing the information is in the public interest. When businesses give local agencies proprietary information, courts will examine whether disclosure of that information serves the public interest.[382]

The PRA contains several exemptions that address specific types of information that are in the nature of trade secrets, including pesticide safety and efficacy information,[383] air pollution data,[384] and corporate siting information (financial records or proprietary information provided to government agencies in connection with retaining, locating, or expanding a facility within California).[385]

Other exemptions cover types of information that could include but are not limited to trade secrets — for example, certain information on plant production, utility systems development data, and market or crop reports.[386]

▶ PRACTICE TIP:

Issues concerning trade secrets and proprietary information tend to be complex and fact specific. Consider seeking the advice of your local agency counsel in determining whether records requested are exempt from disclosure.

379 *Cal. State Univ., Fresno Ass'n., Inc. v. Superior Court* (2001) 90 Cal.App.4th 810, 834; *Braun v. City of Taft* (1984) 154 Cal.App.3d 332, 347; *San Gabriel Tribune v. Superior Court, supra*, 143 Cal.App.3d 762, 781.

380 *Cal. State Univ., Fresno Ass'n., Inc. v. Superior Court, supra*, 90 Cal.App.4th 810; *San Gabriel Tribune v. Superior Court, supra*, 143 Cal.App.3d 762.

381 Civ. Code, § 3426.1, subd. (d). This trade secret definition is set forth in the Uniform Trade Secrets Act ("UTSA"). However, Civil Code section 3426.7, subd. (c) states that any determination as to whether disclosure of a record under the Act constitutes a misappropriation of a trade secret shall be made pursuant to the law in effect before the operative date of the UTSA. At that time, California used the Restatement definition of a trade secret, which was lengthy. See *Uribe v. Howie* (1971) 19 Cal.App.3d 194. Accordingly, it is not clear that the trade secret definition that applies generally under the UTSA is the trade secret definition that applies in the context of a public records request.

382 *Uribe v. Howie, supra*, 19 Cal.App.3d 194, 213.

383 Gov. Code, § 6254.2.

384 Gov. Code, § 6254.7.

385 Gov. Code, § 6254.15.

386 Gov. Code, § 6254, subd. (e).

Utility Customer Information

Personal information expressly protected from disclosure under the PRA includes names, credit histories, usage data, home addresses, and telephone numbers of local agencies' utility customers.[387] This exception is not absolute, and customers' names, utility usage data, and home addresses may be disclosable under certain scenarios. For example, disclosure is required when requested by a customer's agent or authorized family member,[388] or an officer or employee of another governmental agency when necessary for performance of official duties,[389] by court order or request of a law enforcement agency relative to an ongoing investigation,[390] when the local agency determines the customer used utility services in violation of utility policies,[391] or if the local agency determines the public interest in disclosure clearly outweighs the public interest in nondisclosure.[392]

Utility customers who are local agency elected or appointed officials with authority to determine their agency's utilities usage policies have lesser protection of their personal information because their names and usage data are disclosable upon request.[393]

Public Interest Exemption

The PRA establishes a "public interest" or "catchall" exemption that permits local agencies to withhold a record if the agency can demonstrate that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.[394] Weighing the public interest in nondisclosure and the public interest in disclosure under the public interest exemption is often described as a balancing test.[395] The PRA does not specifically identify the public interests that might be served by not making the record public under the public interest exemption, but the nature of those interests may be inferred from specific exemptions contained in the PRA. The scope of the public interest exemption is not limited to specific categories of information or established exemptions or privileges. Each request for records must be considered on the facts of the particular case in light of the competing public interests.[396]

The records and situations to which the public interest exemption may apply are open-ended and, when it applies, the public interest exemption alone is sufficient to justify nondisclosure of local agency records. The courts have relied exclusively on the public interest exemption to uphold nondisclosure of:

- Local agency records containing names, addresses, and phone numbers of airport noise complainants;
- Proposals to lease airport land prior to conclusion of lease negotiations;
- Information kept in a public defender's database about police officers; and
- Individual teacher test scores, identified by name, designed to measure each teacher's effect on student performance on standardized tests.[397]

The public interest exemption is versatile and flexible, in keeping with its purpose of addressing circumstances not foreseen by the Legislature. For example, in one case, the court held local agencies could properly consider the burden of segregating exempt

387 Gov. Code, § 6254.16.

388 Gov. Code, § 6554.16, subd. (a).

389 Gov. Code, § 6254.16, subd. (b).

390 Gov. Code, § 6254.16, subd. (c).

391 Gov. Code, § 6254.16, subd. (d).

392 Gov. Code, § 6254.16, subd. (f).

393 Gov. Code, § 6265.16, subd. (e).

394 Gov. Code, § 6255; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1337–1339.

395 *CBS Broadcasting, Inc. v. Superior Court* 91 Cal.App.4th 892, 908.

396 *Times Mirror Co. v. Superior Court, supra*, 53 Cal.3d 1325, 1338.

397 *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008; *Michaelis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065; *Coronado Police Officers Assn. v. Carroll* (2003) 106 Cal.App.4th 1001; *Los Angeles Unified School District v. Superior Court* (2014) 228 Cal.App.4th 222.

from nonexempt records when applying the balancing test under the public interest exemption.[398] In that case, the court held that the substantial burden of redacting exempt information from law enforcement intelligence records outweighed the marginal and speculative benefit of disclosing the remaining nonexempt information. In another case, the court applied the balancing test to the time of disclosure to hold that public disclosure of competing proposals for leasing city airport property could properly await conclusion of the negotiation process.[399]

The requirement that the public interest in nondisclosure must "clearly outweigh" the public interest in disclosure for records to qualify as exempt under the public interest exemption is important and emphasized by the courts. Justifying nondisclosure under the public interest exemption demands a clear overbalance on the side of confidentiality.[400] Close calls usually do not qualify for an exemption. There are a number of examples of cases where a clear overbalance was not present to support nondisclosure under the public interest exemption. The courts have held that the following are all subject to disclosure under the public interest exemption balancing test:

- The identities of individuals granted criminal conviction exemptions to work in licensed day care facilities and the facilities employing them;
- Records relating to unpaid state warrants;
- Court records of a settlement between the insurer for a school district and a minor sexual assault victim;
- Applications for concealed weapons permits;
- Letters appointing then rescinding an appointment to a local agency position;
- The identities and license agreements of purchasers of luxury suites in a university arena; and
- GIS base map information.[401]

The public interest exemption balancing test weighs only public interests — the public interest in disclosure and the public interest in nondisclosure. Agency interests or requester interests that are not also public interests are not considered.[402] For example, the courts have held that the public's interest in information regarding peace officers retained in a database by the public defender in the representation of its clients is slight, and the private interests of the requesters (the police officers listed in the database) were not to be considered in determining whether the database was exempt from disclosure.[403]

398 *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440.

399 *Michaelis, Montanari & Johnson v. Superior Court, supra*, 38 Cal.4th 1065.

400 *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645, 657.

401 *CBS Broadcasting Inc., v. Superior Court* (2001) 91 Cal.App.4th 892; *Connell v. Superior Court* (1997) 56 Cal.App.4th 601; *Copley Press, Inc., v. Superior Court* (1998) 63 Cal.App.4th 367; *CBS, Inc. v Block* (1986) 42 Cal.App.3d 646; *Braun v. City of Taft* (1984) 154 Cal.App.3d 332; *California State University, Fresno Assn. v. Superior Court* (2001) 90 Cal.App.4th 810; *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157; *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301.See also, the discussion of GIS information in Chapter 6 at page 51.

402 *Coronado Police Officers Assn. v. Carroll* (2003) 106 Cal.App.4th 1001, 1015–1016.

403 *Id.*

Chapter 5

Judicial Review and Remedies

Overview

The PRA establishes a special, expedited judicial process to resolve disputes over the public's right to inspect or receive copies of public records.[404] In contrast to other governmental transparency laws such as the Brown Act,[405] there are no criminal penalties for a local agency's failure to comply with the PRA. Rather, the PRA is enforced primarily through an expedited civil judicial process in which any person may ask a judge to enforce their right to inspect or to receive a copy of any public record or class of public records.[406] Whether the PRA provides the exclusive judicial remedy for resolving a claim that a local agency has unlawfully refused to disclose a particular record or class of records remains unresolved.[407] This chapter discusses the special rules that apply to lawsuits brought to enforce the PRA.

The Trial Court Process

Jurisdiction and Venue

Any person may file a civil action for injunctive or declaratory relief, or writ of mandate, to enforce their right to inspect or receive a copy of any public record or class of public records under the PRA.[408] While the PRA clearly provides specific relief when a local agency denies access or copies of public records, it does not preclude a taxpayer lawsuit seeking declaratory or injunctive relief to challenge the legality of a local agency's policies or practices for responding to public records requests generally.[409]

Conversely, a local agency may not commence an action for declaratory relief to determine its obligation to disclose records under the PRA.[410] The rationale for this rule is that allowing a local agency to seek declaratory relief to determine whether it must disclose records would require the person requesting documents to defend civil actions they did not commence and discourage

404 Gov. Code, §§ 6258, 6259.

405 Gov. Code, § 54950 *et seq.*

406 Gov. Code, § 6258.

407 *Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59, 66 fn.2.

408 Gov. Code, § 6258.

409 *County of Santa Clara v. Superior Court* (2009) 171 Cal.App.4th 119, 130.

410 *Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 426.

them from requesting records.[411] That would frustrate the purpose of furthering the fundamental right of every person in the state to have prompt access to information in the possession of local agencies. However, a local agency is a "person" under the PRA and may maintain an action to compel the disclosure of records from another public entity subject to the PRA.[412]

The action may be filed in any court of competent jurisdiction, which typically is the superior court in the county where the records or some part of them are maintained.[413]

Procedural Considerations

Timing

The PRA does not contain a specific time period in which the action or responsive pleadings must be filed. Therefore, any action must be filed in a manner consistent with traditional actions for injunctive or declaratory relief, or writ of mandate, and is subject to any limitations periods or equitable concepts, such as laches, applicable to those actions. In a typical action under the PRA, the parties will file written arguments with the court to explain why the records should be disclosed or can be withheld. The court will also hold a hearing to give the parties an opportunity to argue the case. The judge in each case will establish the deadlines for briefing the issues and for hearings with the object of securing a decision at the earliest possible time.[414]

Discovery

The PRA is considered a "special proceeding of a civil nature[,]" and as such, the Civil Discovery Act applies to actions brought under the PRA.[415] Any discovery sought must still, however, be relevant to the subject matter of the pending action and the trial court has the discretion to restrict discovery only where it would be likely to aid in the resolution of the particular issues presented in the proceeding.

A local agency that receives a request for records that would traditionally be sought through a formal discovery mechanism must handle the request in a manner consistent with the PRA rather than pursuant to discovery statutes.[416] A litigant using the PRA as an alternative to traditional discovery may not avoid California Environmental Quality Act's statutory duty to pay for preparation of the administrative record by cloaking its discovery actions under the PRA.[417]

Burden of Proof

In general, a plaintiff bears the burden of proving the plaintiff made a request for reasonably identifiable public records to a local agency and the agency improperly withheld or failed to conduct a reasonable search for the requested records.[418] A local agency may assert, as affirmative defenses, and bears the burden of proving that: (i) a request was unclear and the agency provided adequate assistance to the requestor to identify records but was still unable to identify any records; (ii) the withholding was justified under the PRA;[419] or (iii) the local agency undertook a reasonable search for records but was unable to locate the requested records.[420]

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411 *Id. at p. 423.*

412 *Los Angeles Unified School Dist. v. Superior Court* (2007) 151 Cal.App.4th 759, 779.

413 Gov. Code, § 6259, subd. (a).

414 Gov. Code, § 6258.

415 *City of Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272.

416 *Bertoli v. City of Sebastopol* (2015) 233 Cal. App. 4th 353, 370-371.

417 *St. Vincent's v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1019, fn.9.

418 *Fredericks v. Superior Court* (2015) 233 Cal. App. 4th 209, 227 ["[A] person who seeks public records must present a reasonably focused and specific request, so that the public agency will have an opportunity to promptly identify and locate such records and to determine whether any exemption to disclosure applies"]; *American Civil Liberties Union of N. Cal. v. Superior Court* (2011) 202 Cal. App. 4th 55, 85 ['Government agencies are, of course, entitled to a presumption that they have reasonably and in good faith complied with the obligation to disclose responsive information."]

419 See, *e.g., Los Angeles Unified School Dist. v. Superior Court, supra,* 151 Cal.App.4th at p. 767.

420 *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1420.

In Camera Review

The judge must decide the case based on a review of the record or records (if such review is permitted by the rules of evidence),[421] the papers filed by the parties, any oral argument, and additional evidence as the court may allow.[422] If permitted, the judge may examine the record or records at issue *in camera,* that is, in the judge's chambers and out of the presence and hearing of others, to help decide the case.[423] However, a judge cannot compel *in camera* disclosure of records claimed to be protected from disclosure by the attorney-client privilege for the purpose of determining whether the privilege applies.[424]

Decision and Order

If the court determines, based upon a verified petition, that certain public records are being improperly withheld, the court will order the officer or person withholding the records to disclose the public record or show cause why he or she should not do so.[425] If the court determines the local agency representative was justified in refusing to disclose the record, the court shall return the item to the local agency representative without disclosing its content with an order denying the motion and supporting the decision refusing disclosure.[426] The court may also order some of the records to be disclosed while upholding the decision to withhold other records. In addition, the court may order portions of the records be redacted and compel the disclosure of the remaining portions of the records.

Reverse PRA Litigation

While there is no specific statutory authority for such an action, a person who believes their rights would be infringed by a local agency decision to disclose documents may bring a "reverse PRA action" to seek an order enjoining disclosure.[427] The court has allowed a records requester to join in a reverse PRA action as a real party or an intervener.[428]

> ▶ **PRACTICE TIP:**
>
> A local agency that receives a request for records that are or could be statutorily exempt from disclosure (under the PRA or otherwise) might consider notifying affected parties prior to disclosing the records. For example, "affected parties" would be individuals or organizations for whom disclosure could constitute an unwarranted intrusion of privacy if the requested documents contain potentially confidential information, such as trade secrets or confidential information of employees, contractors, or other third-party stakeholders. The notification prior to disclosing the records would allow the third parties to file a reverse PRA action to enjoin the local agency from disclosing the records.

421 Evid. Code, § 915.

422 Gov. Code, § 6259, subd. (a).

423 Gov. Code, § 6259, subd. (a).

424 *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 737.

425 Gov. Code, § 6259, subd. (a).

426 Gov. Code, § 6259, subd. (b).

427 *Marken v. Santa Monica-Malibu Unified School Dist.* (2012) 202 Cal.App.4th 1250, 1264, 1267.

428 *Id.* at p. 1269.

Appellate Review

Petition for Review

The PRA establishes an expedited judicial review process. A trial court's order is not considered to be a final judgment subject to the traditional and often lengthy appeal process. In place of a traditional appeal, such orders are subject to immediate review through the filing of a petition to the appellate court for the issuance of an extraordinary writ.[429]

Because the trial court's decision is not a final judgment for which there is an absolute right of appeal, the appellate court may decline to review the case without a hearing or without issuance of a detailed written opinion.[430] However, the intent of substituting writ review for the traditional appeal process is to provide for expedited appellate review, not an abbreviated review. Therefore, an appellate court may not deny an apparently meritorious writ petition that has been timely presented and is procedurally sufficient merely because the petition presents no important issue of law or because it considers the case less worthy of its attention.[431] This manner of providing for appellate review through an extraordinary writ procedure rather than a traditional appeal has been held to be constitutional.[432]

Timing

A party seeking review of a trial court's order must file a petition for review with the appellate court within 20 days after being served with a written notice of entry of the order, or within such further time, not exceeding an additional 20 days, as the trial court may for good cause allow.[433] If the written notice of entry of the order is served by mail, the period within which to file the petition is increased by five days.[434]

Once a court of appeal accepts a petition for review the appellate process proceeds in much the same fashion as a traditional appeal. Unless the parties stipulate otherwise, the appellate court will establish a briefing schedule and may set the matter for oral arguments once briefing is complete.

Requesting a Stay

If a party wishes to prevent the disclosure of records pending appellate review of the trial court's decision, then that party must seek a stay of the trial court's order or judgment.[435] In cases when the trial court's order requires disclosure of records prior to the time when a petition for review must be filed, the party seeking a stay may apply to the trial court for a stay of the order or judgment. Where there is sufficient time for a party to file a petition for review prior to the date for disclosure, that party may seek a stay from the appellate court. The trial and appellate courts may only grant a stay when the party seeking the stay demonstrates that: (1) the party will sustain irreparable damage because of the disclosure; and (2) it is probable the party will succeed on the merits of the case on appeal.[436]

Scope and Standard of Review

On appeal, the appellate court will conduct an independent review of the trial court's ruling, upholding the factual findings made by the trial court if they are based on substantial evidence.[437]

The decision of the appellate court, whether to deny review or on the merits of the case, is subject to discretionary review by the California Supreme Court through a petition for review.

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429 Gov. Code, § 6259, subd. (c); but see *Mincal Consumer Law Group v. Carlsbad Police Department* (2013) 214 Cal.App.4th 259, 265 (under limited circumstances, an appellate court may exercise its discretion to treat an appeal from a non-appealable order as a petition for writ relief).

430 Gov. Code, § 6259, subd. (c).

431 *Powers v. City of Richmond* (1995) 10 Cal.4th 85, 113–114.

432 *Id.* at p. 115.

433 Gov. Code, § 6259, subd. (c).

434 Gov. Code, § 6259, subd. (c).

435 Gov. Code, § 6259, subd. (c).

436 Gov. Code, § 6259, subd. (c).

437 *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1336.

Appeal of Other Decisions under the PRA

While the trial court's decision regarding disclosure of records is not subject to the traditional appeal process, other decisions of the trial court related to a lawsuit under the PRA are subject to appeal. Thus, a trial court's decision to grant or deny a motion for attorneys' fees and costs under the PRA is subject to appeal and is not subject to the extraordinary writ process.[438] Similarly, an award of sanctions in a public records case is subject to appeal rather than a petition for an extraordinary writ.[439]

Attorneys' Fees and Costs

Attorneys' fees may be awarded to a prevailing party in an action under the PRA. If the plaintiff prevails in the litigation, the judge must award court costs and reasonable attorneys' fees to the plaintiff.[440] A member of the public may be entitled to an award of attorneys' fees and costs even when he or she is not denominated as the "plaintiff" in a lawsuit under the PRA, if the party is the functional equivalent of a plaintiff.[441] Records requesters that participate in a reverse-PRA lawsuit are not entitled to an award of attorneys' fees for successfully opposing such litigation.[442] Successful local agency defendants may obtain an award of attorneys' fees and court costs against an unsuccessful plaintiff only when the court finds the plaintiff's case was clearly frivolous.[443] Unless a plaintiff's case is "utterly devoid of merit or taken for improper motive," a court is unlikely to find a plaintiff's case frivolous and award attorneys' fees to an agency.[444] Only one reported case has upheld an award of attorneys' fees to a local agency based on a frivolous request.[445]

Eligibility to Recover Attorneys' Fees

In determining whether a plaintiff has prevailed, courts have applied several variations of analysis similar to that used under the private attorney general laws, *i.e.*, whether the party has succeeded on any issue in the litigation and achieved some of the public benefits sought in the lawsuit. Some courts, however, have determined a plaintiff may still be a prevailing party entitled to attorneys' fees under the PRA even without a favorable ruling or other court action.[446]

Generally, if a local agency makes a timely effort to respond to a vague document request, then a plaintiff will not be awarded attorneys' fees as the prevailing party even in litigation resulting in issuance of a writ.[447] However, where the court determines a local agency was not sufficiently diligent in locating all requested records and issues declaratory relief, stating there has in fact been a violation of the PRA, even if the records sought no longer exist and cannot be produced, the court may still award attorneys' fees on the basis of the statutory polices underlying the PRA.[448]

The trial court has significant discretion when determining the appropriate amount of attorneys' fees to award.[449] Local agencies must pay any award of costs and fees, and not the individual local agency employees or officials who decide not to disclose requested records.[450]

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438 *Los Angeles Times v. Alameda Corridor Transportation Authority* (2001) 88 Cal.App.4th 1381, 1388.

439 *Butt v. City of Richmond* (1996) 44 Cal.App.4th 925, 929.

440 Gov. Code, § 6259, subd. (d); *Garcia v. Governing Board of Bellflower Unified School District* (2013) 220 Cal.App.4th 1058, 1065; *Los Angeles Times v. Alameda Corridor Transportation Authority, supra,* 88 Cal.App.4th at p. 1385.

441 *Fontana Police Dep't. v. Villegas-Banuelos* (1999) 74 Cal.App.4th 1249, 1253.

442 *Marken v. Santa Monica-Malibu Unified School Dist.* (2012) 202 Cal.App.4th 1250, 1268.

443 Gov. Code, §6259, subd. (d).

444 *Crews v. Willows Unified School Dist. et al.* (2013) 217 Cal.App.4th 1368.

445 *Butt v. City of Richmond, supra,* 44 Cal.App.4th at p. 932.

446 *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 482–483; Belth v. Garamendi (1991) 232 Cal.App.3d 896, 901-902.

447 *Motorola Commc'n & Elecs., Inc. v. Dep't of Gen. Servs.* (1997) 55 Cal. App. 4th 1340, 1350–51.

448 *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1446.

449 *Bernardi v. County of Monterey* (2008) 167 Cal.App.4th 1379, 1394.

450 Gov. Code, § 6259, subd. (d).

Chapter 6

Records Management

In addition to the PRA, other California laws support and complement California's commitment to open government and the right of access to public records. These laws include, among others, open meeting laws under the Ralph M. Brown Act, records retention requirements, and California and federal laws prohibiting the spoliation of public records that might be relevant in litigation involving the local agency. Proper records management policies and practices facilitate efficient and effective compliance with these laws.

Public Meeting Records

Under the Brown Act,[451] any person may request a copy of a local agency meeting agenda and agenda packet by mail.[452] If requested, the agenda materials must be made available in appropriate alternative formats to persons with disabilities.[453] If a local agency receives a written request to send agenda materials by mail, the materials must be mailed when the agenda is either posted or distributed to a majority of the agency's legislative body, whichever occurs first.[454] Requests for mailed copies of agenda materials are valid for the calendar year in which they are filed, but must be renewed after January 1 of each subsequent year.[455] Local agency legislative bodies may establish a fee for mailing agenda materials.[456] The fee may not exceed the cost of providing the service.[457] Failure of a requester to receive agenda materials is not a basis for invalidating actions taken at the meeting for which agenda materials were not received.[458]

Writings that are distributed to all or a majority of all members of a legislative body in connection with a matter subject to discussion or consideration at a public meeting of the local agency are public records subject to disclosure, unless specifically

451 Gov. Code, § 54950.5.

452 Gov. Code, § 54954.1. See *Open and Public V: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2016 (Contact the League of California Cities, 1400 K Street, Sacramento, CA 95814; phone (916) 658–8200; website http://www.cacities.org/Resources/Open-Government).

453 Gov. Code, § 54954.1.

454 *Ibid.*

455 *Ibid.*

456 *Ibid.*

457 *Ibid.*

458 *Ibid.*

exempted by the PRA, and must be made available upon request without delay.[459] When non-exempt writings are distributed during a public meeting, in addition to making them available for public inspection at the meeting (if prepared by the local agency or a member of its legislative body) or after the meeting (if prepared by another person), they must be made available in appropriate alternative formats upon request by a person with a disability.[460] The local agency may charge a fee for a copy of the records; however, no surcharge may be imposed on persons with disabilities.[461] When records relating to agenda items are distributed to a majority of all members of a legislative body less than 72 hours prior to the meeting, the records must be made available for public inspection in a designated location at the same time they are distributed.[462] The address of the designated location shall be listed in the meeting agenda.[463] The local agency may also post the information on its website in a place and manner which makes it clear the records relate to an agenda item for an upcoming meeting.[464]

Maintaining Electronic Records

"Public records," as defined by the PRA, includes "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics."[465] The PRA does not require a local agency to keep records in an electronic format. But, if a local agency has an existing, non-exempt public record in an electronic format, the PRA does require the agency make those records available in any electronic format in which it holds the records when requested.[466] The PRA also requires the local agency to provide a copy of such records in any alternative electronic format requested, if the alternative format is one the agency uses for itself or for provision to other agencies.[467] The PRA does not require a local agency to release a public record in the electronic form in which it is held if the release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.[468] Likewise, the PRA does not permit public access to records held electronically, if access is otherwise restricted by statute.[469]

> ▶ **PRACTICE TIP:**
>
> Local agencies should consider adopting electronic records policies governing such issues as: what electronic records (e.g., emails, texts, and social media) and what attributes of the electronically stored information and communications are considered "retained in the ordinary course of business" for purposes of the PRA; whether personal electronic devices (such as computers, tablets, cell phones) and personal email accounts may be used to store or send electronic communications concerning the local agency, or whether the agency's devices must be used; and privacy expectations. Local agencies should consult with information technology officials to understand what information is being stored electronically and the technological limits of their systems for the retention and production of electronic records.

459 Gov. Code, § 54957.5, subd. (a).

460 Gov. Code, § 54957.5, subd. (c).

461 Gov. Code, § 54957.5, subd. (d). *See* Chapter 3.

462 Gov. Code, § 54957.5, subds. (b)(1), (b)(2).

463 Gov. Code, § 54957.5, subd. (b)(2).

464 Govt C §54957.5, subd. (b)(2).

465 Gov. Code, § 6252, subd. (e).

466 Gov. Code, § 6253.9, subd. (a)(1).

467 Gov. Code, § 6253.9, subd. (a)(2).

468 Gov. Code, § 6253.9, subd. (f).

469 Gov. Code, § 6253.9, subd. (g).

Duplication costs of electronic records are limited to the direct cost of producing the electronic copy.[470] However, requesters may be required to bear additional costs of producing a copy of an electronic record, such as programming and computer services costs, if the request requires the production of electronic records that are otherwise only produced at regularly scheduled intervals, or production of the record would require data compilation, extraction or programming.[471] Agencies are not required to reconstruct electronic copies of records no longer available to the agency in electronic format.[472]

Metadata

Electronic records may include "metadata," or data about data contained in a record that is not visible in the text. For example, metadata may describe how, when or by whom particular data was collected, and contain information about document authors, other documents, or commentary or notes. Although no provision of the PRA expressly addresses metadata, and there are no reported court opinions in California considering whether or to what extent metadata is subject to disclosure, other jurisdictions have held that metadata is a public record subject to disclosure, unless an exemption applies.[473] There are no reported California court opinions providing guidance on whether agencies have a duty to disclose metadata when an electronic record contains exempt information that cannot be reasonably segregated without compromising the record's integrity.

Computer Software

The PRA permits government agencies to develop and commercialize computer software and to benefit from copyright protections for agency-developed software. Computer software developed by state or local agencies, including computer mapping systems, computer programs, and computer graphics systems, is not a public record subject to disclosure.[474] As a result, public agencies are not required to provide copies of agency-developed software pursuant to the PRA. The PRA authorizes state and local agencies to sell, lease, or license agency-developed software for commercial or noncommercial use.[475] The exception for agency-developed software does not affect the exempt status of records merely because it is stored electronically.[476]

Computer Mapping (GIS) Systems

While computer mapping systems developed by local agencies are not public records subject to disclosure, such systems generally include geographic information system (GIS) data. Many local agencies use GIS programs and databases for a broad range of purposes, including the creation and editing of maps depicting property and facilities of importance to the local agency and the public. As with metadata, the PRA does not expressly address GIS information disclosure. However, the California Supreme Court has held, that while GIS software is exempt under the PRA, the data in a GIS file format is a public record, and data in a GIS database must be produced.[477]

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470 Gov. Code, § 6253.9, subd. (a)(2).

471 Gov. Code. § 6253.9, subd. (b)

472 Gov. Code, § 6253.9, subd. (c).

473 *Lake v. City of Phoenix,* (Ariz. 2009) 218 P.3d 1004, 1008; *O'Neill v. City of Shoreline* (Wash. 2010) 240 P.3d 1149, 1152–1154; *Irwin v. Onondaga County* (N.Y. 2010) 895 N.Y.S.2d 262, 265.

474 Gov. Code, § 6254.9, subds. (a), (b).

475 Gov. Code, § 6254.9, subd. (a).

476 Gov. Code, § 6254.9, subd. (d).

477 *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 170; see also *County of Santa Clara v Superior Court,* (2009) 170 Cal.App.4th 1301, 1323–1336.

Public Contracting Records

State and local agencies subject to the Public Contract Code that receive bids for construction of a public work or improvement, must, upon request from a contractor plan room service, provide an electronic copy of a project's contract documents at no charge to the contractor plan room.[478] The Public Contract Code does not define the term "contractor plan room," but the term commonly refers to a clearinghouse that contractors can use to identify potential bidding opportunities and obtain bid documents. The term may also refer to an on-line resource for a contractor to share plans and information with subcontractors.

Electronic Discovery

The importance of maintaining a written document retention policy is evident by revisions to the Federal Rules of Civil Procedure, and California's Civil Discovery Act and procedures, relative to electronic discovery.[479] Those provisions and discovery procedures require parties in litigation to address the production and preservation of electronic records. Those rule changes may require a local agency to alter its routine management or storage of electronic information, and illustrate the importance of having and following formal document retention policies.

Once a local agency knows or receives notice that information is relevant to litigation (e.g., a litigation hold notice or a document preservation notice), it has a duty to preserve that information for discovery. In some cases, the local agency may have to suspend the routine operation of its information systems (through a litigation hold) to preserve information relevant to the litigation and avoid the potential imposition of sanctions.

Record Retention and Destruction Laws

The PRA is not a records retention statute. The PRA does not prescribe what type of information a public agency may gather or keep, or provide a method for correcting records.[480] Its sole function is to provide access to public records.[481] Other provisions of state law govern retention of public records.

Local agencies generally must retain public records for a minimum of two years.[482] However, some records may be destroyed sooner. For example, duplicate records that are less than two years old may be destroyed if no longer required.[483] Similarly, the retention period for "recordings of telephone and radio communications" is 100 days[484] and "routine video monitoring" need only be retained for one year, and may be destroyed or erased after 90 days if another record, such as written minutes, is kept of the recorded event. "Routine video monitoring" is defined as "video recording by a video or electronic imaging system designed to record the regular and ongoing operations of a [local agency] …, including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems."[485] The Attorney General has opined that recordings by security cameras on public buses and other transit vehicles constitute "routine video monitoring."[486] Whether additional recording technology used for law and parking enforcement such as body cameras and Vehicle License Plate Recognition ("VLPR") systems also constitute routine video monitoring is an open question and may depend upon its use. While the technology is very similar to in-car video systems, recordings targeting specific activity may not be "routine." The retention statutes do not provide a specific retention period for e-mails, texts, or forms of social media.

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478 Pub. Contract Code, §§ 10111.2, 20103.7.

479 Fed. Rules Civ. Proc., rule 26, 28 U.S.C.; Cal. Rules of Court, rule 3.724(8); Code Civ. Proc. §§ 2016.020, 2031.020–2031.320.

480 *Los Angeles Police Dept. v. Superior Court* (1977) 65 Cal.App.3d 661, 668.

481 *Ibid.*

482 Gov. Code, § 34090, subd. (d).

483 Gov. Code, § 34090.7.

484 Gov. Code, § 34090.6.

485 Gov. Code, §§ 34090.6, 34090.7.

486 85 Ops.Cal.Atty.Gen. 256, 258 (2002).

By contrast, state law does not permit destruction of records affecting title to or liens on real property, court records, records required to be kept by statute, and the minutes, ordinances, or resolutions of the legislative body or city board or commission.[487] In addition, employers are required to maintain personnel records for at least three years after an employee's termination, subject to certain exceptions, including peace officer personnel records, pre-employment records, and where an applicable collective bargaining agreement provides otherwise.[488]

To ensure compliance with these laws, most local agencies adopt records retention schedules as a key element of a records management system.

Records Covered by the Records Retention Laws

There is no definition of "public records" or "records" in the records retention provisions governing local agencies.[489] The Attorney General has opined that the definition of "public records" for purposes of the records retention statutes is "a thing which constitutes an objective lasting indication of a writing, event or other information, which is in the custody of a public officer and is kept either (1) because a law requires it to be kept; or (2) because it is necessary or convenient to the discharge of the public officer's duties and was made or retained for the purpose of preserving its informational content for future reference."[490] Under that definition, local agency officials retain some discretion concerning what agency records must be kept pursuant to state records retention laws. Similarly, the PRA allows for local agency discretion concerning what preliminary drafts, notes, or interagency or intra-agency memoranda are retained in the ordinary course of business.[491]

▶ PRACTICE TIP:

Though there is no definition of "records" for purposes of the retention requirements applicable to local agencies, the retention requirements and the disclosure requirements of the PRA should complement each other. Local agencies should exercise caution in deviating too far from the definition of "public records" in the PRA in interpreting what records should be retained under the records retention statutes.

487 Gov. Code, § 34090, subds. (a), (b), (c) & (e).

488 Lab. Code, § 1198.5, subd. (c)(1).

489 64 Ops.Cal.Atty.Gen. 317, 323 (1981).

490 *Id.* at p. 324 .

491 Gov. Code, § 6254, subd. (a). See "Drafts," p. 33.

Frequently Requested Information and Records

This table is intended as a general guide on the applicable law and is not intended to provide legal advice. The facts and circumstances of each request should be carefully considered in light of the applicable law. A local agency's legal counsel should always be consulted when legal issues arise.

INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
AGENDA MATERIALS DISTRIBUTED TO A LEGISLATIVE BODY RELATING TO AN OPEN SESSION ITEM	Yes	Gov. Code, § 54957.5. For additional information, see p. 63 of *"The People's Business: A Guide to the California Public Records Act," "the Guide."*
AUDIT CONTRACTS	Yes	Gov. Code, § 6253.31.
AUDITOR RECORDS	Yes, with certain exceptions	Gov. Code, § 36525(b).
AUTOMATED TRAFFIC ENFORCEMENT SYSTEM (RED LIGHT CAMERA) RECORDS	No	Veh. Code, § 21455.5(f)(1).
AUTOPSY REPORTS	No	Gov. Code, § 6254(f); *Dixon v. Superior Court* (2009) 170 Cal. App.4th 1271.
CALENDARS OF ELECTED OFFICIALS	Perhaps not, but note that there is no published appellate court decision on this issue post- Prop. 59.[1]	See *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d. 1325 and *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469 for a discussion of the deliberative process privilege. For additional information, see p. 32 of the Guide.
CLAIMS FOR DAMAGES	Yes	*Poway Unified School District v. Superior Court* (1998) 62 Cal.App.4th 1496.
CORONER PHOTOS OR VIDEOS	No	Civ. Proc. Code, § 129.
DOG LICENSE INFORMATION	Unclear	See conflict between Health & Safety Code, § 121690(h) which states that license information is confidential, and Food and Agr. Code, § 30803(b) stating license tag applications shall remain open for public inspection.
ELECTION PETITIONS (INITIATIVE, REFERENDUM AND RECALL PETITIONS)	No, except to proponents if petition found to be insufficient	Gov. Code, § 6253.5; Elec. Code, §§ 17200, 17400, and 18650; Evid. Code, § 1050. For additional information, see p. 34 of the Guide.
EMAILS AND TEXT MESSAGES OF LOCAL AGENCY STAFF AND/OR OFFICIALS	Yes	Emails and text messages relating to local agency business on local agency and/or personal accounts and devices are public records. Gov. Code § 6252(e); *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608. For additional information, see p. 12 of the Guide.
EMPLOYMENT AGREEMENTS/CONTRACTS	Yes	Gov. Code, §§ 6254.8 and 53262(b). For additional information, see p. 49 of the Guide.
EXPENSE REIMBURSEMENT REPORT FORMS	Yes	Gov. Code, § 53232.3(e).
FORM 700 (STATEMENT OF ECONOMIC INTERESTS) AND CAMPAIGN STATEMENTS	Yes[2]	Gov. Code, § 81008.

INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
GEOGRAPHIC INFORMATION SYSTEM (GIS) MAPPING SOFTWARE AND DATA	No as to proprietary software. Yes as to GIS base map information.	Gov. Code, § 6254.9; 88 Ops.Cal.Atty.Gen. 153 (2005); *see Sierra Club v. Superior Court* (2013) 57 Cal.4th 157 for data as a public record; see also *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301 for GIS basemap as public record; *Sierra Club v. Superior Court* (2011) 195 Cal.App.4th 1537; for additional information, see p. 14 of the Guide.
GRADING DOCUMENTS INCLUDING GEOLOGY REPORTS, COMPACTION REPORTS, AND SOILS REPORTS SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A BUILDING PERMIT	Yes	89 Ops.Cal.Atty.Gen. 39 (2006); but see Gov. Code, § 6254(e). For additional information, see p. 29 of the Guide.
JUVENILE COURT RECORDS	No	*T.N.G. v. Superior Court* (1971) 4 Cal.3d. 767; Welf. & Inst. Code, §§ 827 and 828. For additional information, see p. 39 of the Guide.
LEGAL BILLING STATEMENTS	Generally, yes, as to amount billed and/or after litigation has ended. No, if pending or active litigation and the billing entries are closely related to the attorney-client communication. For example, substantive billing detail which reflects an attorney's impressions, conclusions, opinions or legal research or strategy.	Gov. Code, § 6254(k); Evid. Code, § 950, et seq.; *County of Los Angeles Board of Supervisors v. Superior Court* (2016) 2 Cal.5th 282; *Smith v. Laguna Sun Villas Community Assoc*. (2000) 79 Cal.App.4th 639; *United States v. Amlani,* 169 F.3d 1189 (9th Cir. 1999}. But see Gov. Code, § 6254(b) as to the disclosure of billing amounts reflecting legal strategy in pending litigation. *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57 (Pending litigation exemption does not protect legal bills reflecting the hours worked, the identity of the person performing the work, and the amount charged from disclosure; only work product or privileged descriptions of work may be redacted). For additional information, see p. 30 of the Guide.
LIBRARY PATRON USE RECORDS	No	Gov. Code, §§ 6254(j) and 6267. For additional information, see p. 40 of the Guide.
MEDICAL RECORDS	No	Gov. Code, § 6254(c). For additional information, see p. 40 of the Guide.
MENTAL HEALTH DETENTIONS (5150 REPORTS)	No	Welf. & Inst. Code, § 5328. For additional information, see p. 39 of the Guide.
MINUTES OF CLOSED SESSIONS	No	Gov. Code, § 54957.2(a). For additional information, see p. 43 of *Open and Public V: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2016 (Contact the League of California Cities, 1400 K Street, Sacramento, CA 95814; phone (916) 658–8200; website http://www.cacities.org/Resources/Open-Government).
NOTICES/ORDERS TO PROPERTY OWNER RE: HOUSING/BUILDING CODE VIOLATIONS	Yes	Gov. Code, § 6254.7(c). For additional information, see p. 1 of the Guide.

INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
OFFICIAL BUILDING PLANS (ARCHITECTURAL DRAWINGS AND PLANS)	Inspection only. Copies provided under certain circumstances.	Health & Saf. Code, § 19851; see also 17 U.S.C. §§ 101 and 102. For additional information, see p. 28 of the Guide.
PERSONAL FINANCIAL RECORDS	No	Gov. Code, §§ 7470, 7471, 7473; see also Gov. Code, § 6254(n). For additional information, see p. 40 of the Guide.
PERSONNEL		For additional information, see p. 46 of the Guide.
• **Employee inspection of own personnel file**	Yes, with exceptions	For additional information, see pp. 29-31 of the Guide. Lab. Code, § 1198.5. This section applies to charter cities. See Gov. Code, § 31011. For peace officers, see Gov. Code, § 3306.5. For firefighters, see Gov. Code, § 3256.5.
• **Investigatory reports**	It depends	*City of Petaluma v. Superior Court* (2016) 248 Cal.App.4th 1023; *Marken v. Santa Monica-Malibu Unified Sch. Dist.* (2012) 202 Cal.App.4th 1250; *Sanchez v. County of San Bernardino* (2009) 176 Cal.App.4th 516; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742.
• **Name and pension amounts of public agency retirees**	Yes. However, personal or individual records, including medical information, remain exempt from disclosure.	*Sacramento County Employees Retirement System v. Superior Court* (2011) 195 Cal.App.4th 440; *San Diego County Employees Retirement Association v. Superior Court* (2011) 196 Cal.App.4th 1228; *Sonoma County Employees Retirement Assn. v. Superior Court* (2011) 198 Cal.App.4th 196.
• **Names and salaries (including performance bonuses and overtime) of public employees, including peace officers**	Yes, absent unique, individual circumstances. However, other personal information such as social security numbers, home telephone numbers and home addresses are generally exempt from disclosure per Gov. Code, § 6254(c).	*International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, et al. v. Superior Court* (2007) 42 Cal.4th 319; *Commission on Peace Officers Standards and Training v. Superior Court* (2007) 42 Cal.4th 278.
• **Officer's personnel file, including internal affairs investigation reports**	No	This information can only be disclosed through a *Pitchess* motion. Pen. Code, §§ 832.7 and 832.8; Evid. Code, §§ 1043-1045; *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319; *People v. Superior Court* (2014) 228 Cal.App.4th 1046; *City of Hemet v. Superior Court* (1995) 37 Cal.App.4th 1411.
• **Test Questions, scoring keys, and other examination data.**	No	Gov. Code, § 6254(g).
POLICE/LAW ENFORCEMENT		For additional information, see p. 35 of the Guide.
• **Arrest Information**	Yes	Gov. Code, § 6254(f)(1); *County of Los Angeles v. Superior Court (Kusar)* (1993) 18 Cal.App.4th 588.
• **Charging documents and court filings of the DA**	Yes	*Weaver v. Superior Court* (2014) 224 Cal.App.4th 746.
• **Child abuse reports**	No	Pen. Code, §11167.5.

INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
POLICE/LAW ENFORCEMENT, Continued		
• **Citizen complaint policy**	Yes	Pen. Code, § 832.5(a)(1).
• **Citizen complaints**	No	Pen. Code, § 832.7.
• **Citizen complaints – annual summary report to the Attorney General**	Yes	Pen. Code, § 832.5.
• **Citizen complainant information – names addresses and telephone numbers**	No	*City of San Jose v. San Jose Mercury News* (1999) 74 Cal. App.4th 1008. For additional information see p.38 of the Guide.
• **Concealed weapon permits and applications**	Yes, except for home/ business address and medical/ psychological history	Gov. Code, § 6254(u)(1); *CBS, Inc. v. Block* (1986) 42 Cal.3d 646.
• **Contact information – names, addresses and phone numbers of crime victims or witnesses**	No	Gov. Code § 6254(f)(2). For additional information, see p. 38 of the Guide.
• **Criminal history**	No	Pen. Code, § 13300 et seq.; Pen. Code, § 11105 et seq.
• **Criminal investigative reports including booking photos, audio recordings, dispatch tapes, 911 tapes and in-car video**	No	Gov. Code, § 6254(f); *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.
• **Crime reports**	Yes	Gov. Code, §§ 6254(f), 6255.
• **Crime reports, including witness statements**	Yes, but only to crime victims and their representatives	Gov. Code, §§ 6254(f), 13951.
• **Elder abuse reports**	No	Welf. and Inst. Code, §15633
• **Gang intelligence information**	No	Gov. Code, § 6254(f); 79 Ops.Cal.Atty Gen. 206 (1996).
• **In custody death reports to AG**	Yes	Gov. Code, § 12525
• **Juvenile court records**	No	*T.N.G. v. Superior Court* (1971) 4 Cal.3d 767; Welf. & Inst. Code, §§ 827 and 828. For additional information, see p. 39 of the Guide.
• **List of concealed weapon permit holders**	Yes	Gov. Code, § 6254(u)(1); *CBS, Inc. v. Block* (1986) 42 Cal.3d 646.
• **Mental health detention(5150) reports**	No	Welf. & Inst. Code, § 5328. For additional information, see p. 39 of the Guide.
• **Names of officers involved in critical incidents**	Yes, absent unique, individual circumstances	*Pasadena Peace Officers Ass'n v Superior Court* (2015) 240 Cal.App.4th 268*; Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59; *Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4th 278; *New York Times v. Superior Court* (1997) 52 Cal.App.4th 97; 91 Ops. Cal.Atty.Gen. 11 (2008).

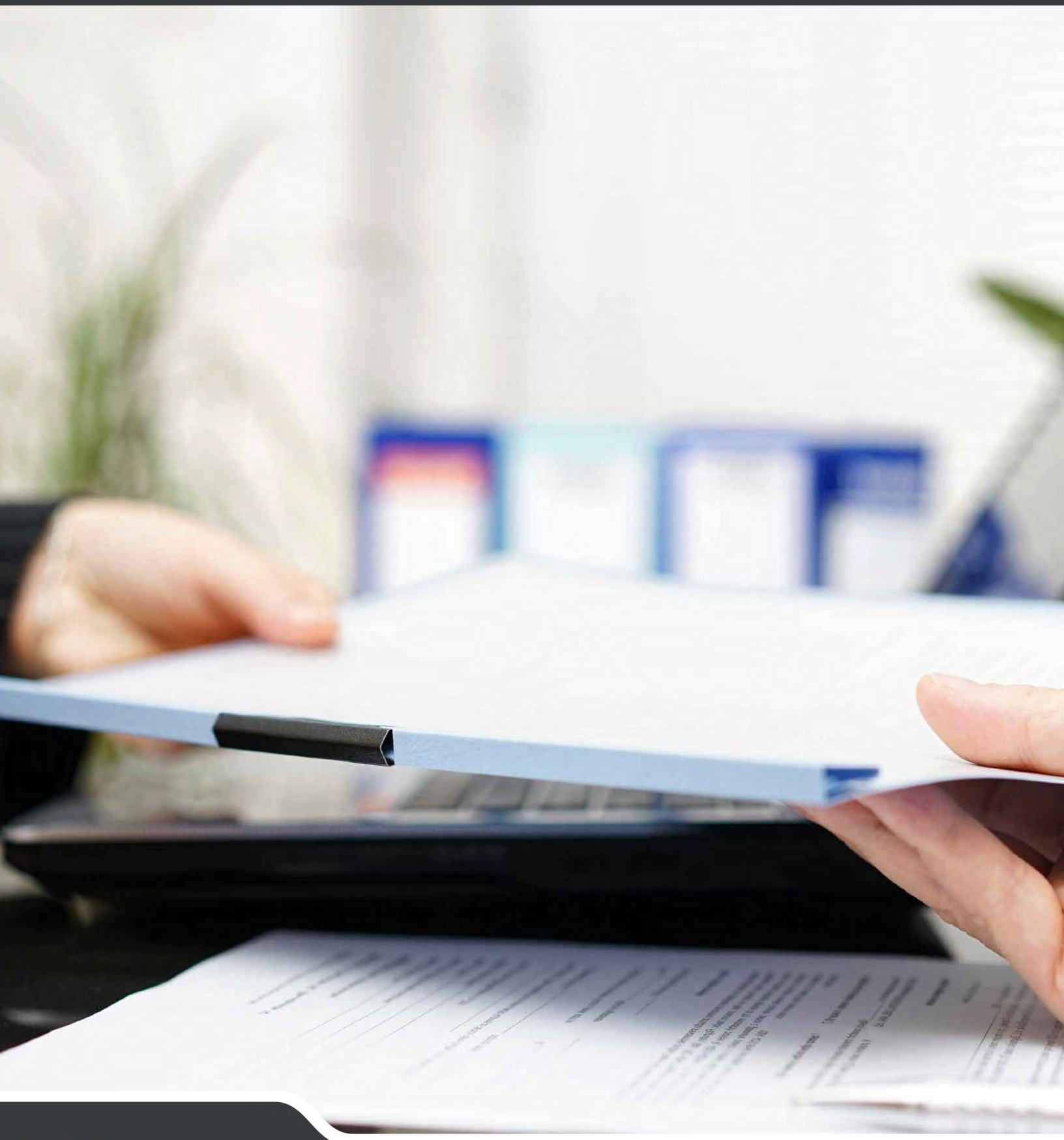
INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
POLICE/LAW ENFORCEMENT, Continued		
• **Official service photographs of peace officers**	Yes, unless disclosure would pose an unreasonable risk of harm to the officer	*Ibarra v. Superior Court* (2013) 217 Cal.App.4th 695.
• **Peace officer's name, employing agency and employment dates**	Yes, absent unique, individual circumstances	*Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4th 278.
• **Traffic accident reports**	Yes, in their entirety, but only to certain parties	Veh. Code, §§ 16005, 20012 [only disclose to those needing the information, such as insurance companies, and the individuals involved].
PUBLIC CONTRACTS		
• **Bid Proposals, RFP proposals**	Yes, except competitive proposals may be withheld until negotiations are complete to avoid prejudicing the public	Michaelis v. Superior Court (2006) 38 Cal. 4th 1065; but see Gov. Code, § 6255 and Evid. Code, § 1060. For additional information, see p. 50 of the Guide.
• **Certified payroll records**	Yes, but records must be redacted to protect employee names, addresses, and social security number from disclosure	Labor Code, § 1776.
• **Financial information submitted for bids**	Yes, except some corporate financial information may be protected	Gov. Code, §§ 6254(a),(h), and (k), 6254.15; and 6255; *Schnabel v. Superior Court of Orange County* (1993) 5 Cal. App.4th 704, 718. For additional information, see p. 51 of the Guide.
• **Trade secrets**	No	Evid. Code, § 1060; Civ. Code, § 3426, et seq. For additional information, see p. 52 of the Guide.
PURCHASE PRICE OF REAL PROPERTY	Yes, after the agency acquires the property	Gov. Code, § 7275.
REAL ESTATE		For additional information, see p. 51 of the Guide.
• **Property information (such as selling assessed value, square footage, number of rooms)**	Yes	88 Ops.Cal.Atty.Gen. 153 (2005).
• **Appraisals and offers to purchase**	Yes, but only after conclusion of the property acquisition	Gov. Code, § 6254(h). Note that Gov. Code, § 7267.2 requires release of more information to the property owner while the acquisition is pending.
REPORT OF ARREST NOT RESULTING IN CONVICTION	No, except as to peace officers or peace officer applicants	Lab. Code, § 432.7.
SETTLEMENT AGREEMENTS	Yes	*Register Division of Freedom Newspapers v. County of Orange* (1984) 158 Cal.App.3d 893. For additional information, see p. 44 of the Guide.
SOCIAL SECURITY NUMBERS	No	Gov. Code § 6254.29.

INFORMATION/RECORDS REQUESTED	MUST THE INFORMATION/ RECORD GENERALLY BE DISCLOSED?	APPLICABLE AUTHORITY
SPEAKER CARDS	Yes	Gov. Code, § 6255.
TAX RETURN INFORMATION	No	Gov. Code, § 6254(k); Internal Revenue Code, § 6103.
TAXPAYER INFORMATION RECEIVED IN CONNECTION WITH COLLECTION OF LOCAL TAXES	No	Gov. Code, § 6254(i). For additional information, see p. 52 of the Guide.
TEACHER TEST SCORES, IDENTIFIED BY NAME, SHOWING TEACHERS' EFFECT ON STUDENTS' STANDARDIZED TEST PERFORMANCE	No	Gov. Code, § 6255; *Los Angeles Unified School Dist. v. Superior Court* (2014) 228 Cal.App.4th 222.
TELEPHONE RECORDS OF ELECTED OFFICIALS	Yes, as to expense totals. No, as to phone numbers called.	See *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469.
UTILITY USAGE DATA	No, with certain exceptions.	Gov. Code, § 6254.16. For additional information, see p. 54 of the Guide.
VOTER INFORMATION	No	Gov. Code, § 6254.4. For additional information, see p. 34 of the Guide.

1 *The analysis with respect to elected officials may not necessarily apply to executive officers such as City Managers or Chief Administrative Officers, and there is no case law directly addressing this issue.*

2 *It should be noted that these statements must be made available for inspection and copying not later than the second business day following the day on which the request was received.*

Revised April 2017



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Growth Management Committee
HANDBOOK

March 2022

City of Carlsbad

COMMITTEE PURPOSE

Mission statement

The mission of the Growth Management Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

Growth Management Committee member responsibilities

The committee will be responsible for reviewing work products and providing feedback to staff and consultants. The committee is expected to focus on input, review, and "buy-in'' to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan. Expectations include:

- Become familiar with the issues that affect future growth and quality of life in Carlsbad
- Attend periodic meetings over approximately one year
- Listen to and respect diversity in perspectives, facts and opinions
- Provide constructive feedback to city staff and consultants on process and draft work products
- In decision-making, balance individual and group stakeholder goals with the larger public interest and legal requirements
- Work collaboratively with other committee members in reaching decisions and making recommendations to the City Council
- Encourage community participation at committee meetings
- Review all materials provided before meetings

COMMITTEE COMPOSITION

Committee membership

The committee is comprised of a total of 19 primary members and 19 alternate members. A committee directory provides a brief biography and photo of each member. There are two members (one primary and one alternate) from each of the following city boards and commissions:

- Arts Commission
- Beach Preservation Commission
- Historic Preservation Commission
- Housing Commission
- Library Board of Trustees
- Parks & Recreation Commission
- Planning Commission
- Senior Commission
- Traffic & Mobility Commission

There are also four residents representing each of the following (two primary and two alternates):

- Council District 1
- Council District 2
- Council District 3
- Council District 4
- The city at large

Members	Alternates
Jeff Segall, At Large	Ron Withall, At Large
Scott White, At Large	Patrick Goyarts, At Large
Eric Larson, District 1	Jan Neff-Sinclair, District 1
Stephen “Hap” L’Heureux, District 1	Casey Carstairs, District 1
Mike Howes, District 2	Don Christiansen, District 2
Mary Ryan, District 2	Terence Green, District 2
Frank Caraglio, District 3	Thierry Ibri, District 3
Frances Schnall, District 3	Matthew Reese, District 3
Harry Peacock, District 4	Erin Nell, District 4
Annika Jimenez, District 4	Angela O’Hara, District 4
Gita Nassiri, Arts Commission	Nora Jimenez George, Arts Commission
Fred Briggs, Beach Preservation Commission	Lisa Stark, Beach Preservation Commission
Chad Majer, Historic Preservation Commission	Vacant
John Nguyen-Cleary, Housing Commission	Allen Manzano, Housing Commission
William Sheffler, Library Board of Trustees	Art Larson, Library Board of Trustees
Amy Allemann, Parks & Recreation Commission	Marissa Steketee, Parks & Recreation Commission
Joe Stine, Planning Commission	Kevin Sabellico, Planning Commission
Patricia Mehan, Senior Commission	Nelson Ross, Senior Commission
Steve Linke, Traffic & Mobility Commission	William Fowler, Traffic & Mobility Commission

If a primary committee member resigns his or her appointment before the committee's work has concluded, he or she shall notify the Mayor and the City Council in writing, with copies sent to the City Clerk, City Manager and the Community Development Director. The resigning committee member’s designated alternate shall automatically become a primary committee member for the remaining duration of the committee process. If the alternate member chooses not to fill the vacancy, at their next scheduled meeting, the committee will consider whether to recommend the Mayor and the City Council fill the vacated position.

COMMITTEE MEETINGS

Facilitated meetings

A trained facilitator will manage the committee meetings to encourage a collaborative process, ensure the mission is achieved, and committee-developed ground rules are enforced. The facilitator will work hand-in-hand with the committee chair and city staff.

Discussion process

During committee meetings, committee members agree to abide by the following discussion process:

- The committee will establish ground rules about how members should conduct themselves during meetings.
- The preferred decision-making process is collaborative problem-solving, and the group will operate with the goal of reaching consensus-based decisions.
- Consensus of the committee will take precedence over individual preferences. The deliberation process will be transparent and collaborative, aiming to reach a satisfactory decision for all members.
- In cases of non-consensus, the chair may call for majority vote of the committee; however, alternative perspectives will be documented

The meeting facilitator and members of staff will be present at all meetings to assist the chair and committee as needed.

Participation and attendance

Full participation of all committee members is essential to the effectiveness of the committee, and members are expected to attend all committee meetings. During meeting discussions and dialogue, primary committee members will have the first opportunity to comment and ask questions. Following that exchange, alternates will then be invited to also provide comments and ask questions as time allows for the agenda item.

If a primary committee member is unable to attend a meeting, they shall notify city staff as soon as possible, and the designated alternate may participate as a primary member during that meeting. The alternate is encouraged to actively participate in the meeting as a primary member provided they are adequately briefed on the status of prior discussions and decisions.

Meeting ground rules

To be added after first meeting – committee to develop together.

Role of chair and vice chair

Together with the facilitator, the chair will ensure that committee meetings are conducted fairly and efficiently, that proper order and mutual respect among all participants is maintained, there is full participation during meetings, all relevant matters are discussed, all committee members have an opportunity to participate in committee discussions, and necessary decisions are made. To the extent reasonable, the chair will work with the facilitator to seek consensus of the committee in decision-making. In instances where consensus cannot be reached, the chair may call for majority vote of the committee following procedures set forth in Carlsbad Municipal Code Chapter 1.20. However, the chair will ensure that minority viewpoints are heard and documented.

- The chair will open and close each meeting.
- The chair will ensure that the principles of participation and agreed-upon "ground rules" are adhered to.
- The chair is responsible for ensuring that members of the public desiring to address the committee have the opportunity to do so at the appropriate time.
- The role of the vice chair is to serve as the chair in their absence.
- Chair (or vice chair) may be asked to meet with facilitator and city team prior to committee meetings to discuss agenda, logistics and roles.

Meeting quorum

For meeting purposes, a quorum of the committee is met with ten primary members in attendance.

Open meeting requirements

All committee meetings and committee members are subject to the open meeting requirements of the Ralph M. Brown Act (Brown Act). The Brown Act imposes public notice and access requirements on committee meetings, and places certain limitations on when and how committee members may communicate with one another. New committee members will be given a briefing by the City Attorney's office about the basic requirements of the Brown Act.

Members of the public have a right to attend committee meetings and will have an opportunity to address the committee on any issue under its purview. At the end of each committee meeting, members of the public in attendance will be invited to comment on items both on and off the agenda. Comments will generally be limited to three minutes.

Meeting agendas

Meeting agendas will be prepared by city staff in consultation with the chair or a majority of the committee, following the procedures of the Brown Act. At the conclusion of each meeting, the chair and facilitator will summarize the results and identify items that may need further research or be carried over to the next meeting, preview new business for the upcoming meeting and invite committee members to suggest new items for future meetings.

Agendas, meeting summaries and presentation materials will be published on the city’s website.

COMMUNICATIONS

Information sharing

In order to ensure all committee members have the same information available to them, all documents will be distributed through city staff or the committee facilitator. If a member has information they would like to share with other committee members, the information should be given to staff for distribution to the entire committee. Maintaining this flow of information will facilitate a respectful, collaborative process, and help avoid unintended violations of open meeting laws.

External communications

The overriding consideration in all communications is to honor and sustain the constructive, collaborative process of the committee. Committee members are encouraged to communicate with their constituencies to keep them informed of the committee's mission and meeting agendas, and to encourage direct participation.

Press/Media contacts

It is important committee members are clear on their supporting role as an advisory group. All press releases or official statements should be prepared by the staff liaisons and sent out via the Communication & Engagement Department. Advisory group members should inform the Communication & Engagement Director when press inquiries are received. As a general rule when making statements to the press, members should indicate that committee actions are “recommendations” to the City Council. Comments to the press should be factual and the message clear.

Acknowledgment of understanding of the Growth Management Committee handbook

I hereby acknowledge I have read and understand the Growth Management Committee handbook.

Signature: _____

Name: _____

Date: _____

EXHIBIT 1

RESOLUTION NO. 2021-223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING THE CHARTER FOR THE GROWTH MANAGEMENT PLAN UPDATE ADVISORY COMMITTEE

WHEREAS, on May 4, 2021, the City Council of the City of Carlsbad, California adopted Resolution No. 2021-100 directing staff to initiate the process to form a citizens committee to identify the key elements of a new plan to manage growth and maintain excellent quality of life in Carlsbad while complying with state housing laws; and to return to the City Council with recommendations on the committee formation process, potential representation, roles and responsibilities, mission statement and principles of participation; and

WHEREAS, Attachment A, attached hereto, is the Growth Management Plan Update Advisory Committee Charter, which identifies the committee's mission, principles of participation, representation, roles, meeting process, and work product.

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

1. The above recitations are true and correct.
2. The Growth Management Plan Update Advisory Committee Charter, Attachment A attached hereto, is approved.
3. The City Clerk is authorized to initiate solicitation of committee applications from residents of each City Council district.
4. Staff is directed to coordinate with the city commissions/boards identified in Attachment A, attached hereto, to obtain a nomination for one member of each commission/board to participate on the Growth Management Plan Update Advisory Committee.
5. Staff is directed to return to the City Council with a list of candidates for appointment to the Growth Management Plan Update Advisory Committee.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 28th day of September 2021, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta, Norby.

NAYS: None.

ABSENT: None.

Matt Hall

MATT HALL, Mayor

for

FAVIOLA MEDINA, City Clerk Services Manager

(SEAL)

CITY OF CARLSBAD CALIFORNIA

City of Carlsbad
Growth Management Plan Update Advisory Committee Charter
Mission Statement and Principles of Participation
September 28, 2021

Mission Statement

The mission of the Growth Management Plan Update Advisory Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

Principles of Participation

Role of Growth Management Plan Update Advisory Committee Members

To achieve the mission of the Growth Management Plan Update Advisory Committee, the City Council is asking members to:

- Become familiar with the issues that affect future growth and quality of life in Carlsbad
- Attend periodic meetings over a period of time (approximately 1 year)
- Listen to and respect diversity in perspectives, facts and opinions
- Provide constructive feedback to city staff and consultants on process and draft work products
- In decision-making, balance individual and group stakeholder goals with the larger public interest and legal requirements
- Work collaboratively with other committee members in reaching decisions and making recommendations to the City Council
- Encourage community participation at committee meetings

Representation

The committee will be comprised of a total of 19 primary members and 19 alternate members as follows:

- Two members (one primary and one alternate) from each of the following city boards and commissions:

  - Arts Commission
  - Beach Preservation Commission
  - Historic Preservation Commission
  - Housing Commission
  - Library Board
  - Parks and Recreation Commission
  - Planning Commission
  - Senior Commission
  - Traffic and Mobility Commission
- Four residents (two primary and two alternate) from each City Council district:
  - District 1
  - District 2
  - District 3
  - District 4
- Four at-large residents (two primary and two alternates)

Each respective commission/board will nominate two commissioners/members (one primary and one alternate) to serve as members of the committee. Once each commission/board nominates each member, staff will report to the City Council the nominations with a brief biography. Then, over a period of 30 days; the Mayor will consider and confirm the recommended nominations and will recommend four at-large residents (two primary and two alternates), and each council member will recommend four residents (two primary and two alternate) from the council member's district to serve on the committee. The full City Council will make the final decision on all commission/board and district representative recommendations. From the appointed primary committee members, the Mayor will designate a Chair and Vice-chair.

Discussion Process

During committee meetings, committee members agree to abide by the following discussion process:

- The committee will establish ground rules about how members should conduct themselves during meetings
- The preferred decision-making process is collaborative problem-solving
- Consensus of the committee will take precedence over individual preferences
- In cases of non-consensus, the Chair may call for majority vote of the committee; however, alternative perspectives will be documented

- City staff will be present at all meetings to assist the Chair and committee as-needed

Role of Chair and Vice-chair

The Chair will ensure that committee meetings are conducted fairly and efficiently, that proper order and mutual respect among all participants is maintained, that there is full participation during meetings, that all relevant matters are discussed, that all committee members have an opportunity to participate in committee discussions, and that necessary decisions are made. To the extent reasonable, the Chair will seek consensus of the committee in decision-making. In instances where consensus cannot be reached, the Chair may call for majority vote of the committee following procedures set forth in Carlsbad Municipal Code Chapter 1.20. However, the Chair will ensure that minority viewpoints are heard and documented.

The Chair will ensure that these Principles of Participation and agreed-upon "ground rules" are adhered to.

The Chair is responsible for ensuring that members of the public desiring to address the committee have the opportunity to do so at the appropriate time.

The Chair may speak to members of the media on behalf of the committee, and represent the committee at public workshops, hearings and other public events as appropriate.

The role of the Vice-chair is to serve as the Chair in his or her absence.

Meeting Schedule

The committee will meet approximately once a month (about 10-12 times).

Meeting Attendance

Full participation of committee members is essential to the effectiveness of the committee, and members are expected to attend all committee meetings. If a committee member is unable to attend a meeting, he or she shall notify city staff as soon as possible, and the designated alternate may attend in his or her place. The alternate is encouraged to actively participate in the meeting provided that he or she is adequately briefed as to the status of prior discussions and decisions.

If a committee member resigns his or her appointment before the committee's work has concluded, he or she shall notify the Mayor and City Council in writing, with copies sent to the City Clerk, City Manager and the Community Development Director. The resigning committee members designated alternate shall automatically become a regular committee member for the remaining duration of the committee. If the alternate member chooses not to fill the

vacancy, at their next scheduled meeting, the committee will consider whether to recommend that the Mayor and City Council fill the vacated position.

Meeting Quorum

For meeting purposes, a quorum of the committee is met with eight members in attendance.

Open Meeting Requirements

All committee meetings and committee members are subject to the open meeting requirements of the Ralph M. Brown Act (Brown Act). The Brown Act imposes public notice and access requirements on committee meetings, and places certain limitations on when and how committee members may communicate with one another. New committee members will be given a briefing by the City Attorney's office about the basic requirements of the Brown Act.

Meeting Agendas

Meeting agendas will be prepared by city staff in consultation with the Chairperson or a majority of the committee, following the procedures of the Brown Act. At the conclusion of each meeting, the Chair and city staff will summarize the results and identify items that may need further research or be carried over to the next meeting, preview new business for the upcoming meeting, and invite committee members to suggest new items for future meetings. Agendas for future meetings will be established by consensus of the committee with concurrence of the Chair and city staff.

Members of the public have a right to attend committee meetings and will have an opportunity to address the committee on any issue under its purview. Agendas will include time for public comment.

External Communications

The overriding consideration in all communications is to honor and sustain the constructive, collaborative process of the committee. Committee members are encouraged to communicate with their constituencies in order to keep them informed of the committee's mission and meeting agendas, and to encourage direct participation. Should committee members speak to the media, members are encouraged to provide accurate, factual information, but are asked to refrain from engaging in speculation, advocating a position on a specific issue, speaking on behalf of the committee (except for the Chair or unless authorized by the committee to do so), or otherwise making public statements that would tend to hamper constructive committee discussions. Committee members are asked to notify city staff of any media contact related to the committee and its work. City staff will be available to assist in any communications to the media, if desired.

Information Sharing

In order to ensure all committee members have the same information available to them, all documents will be distributed through city staff. If a member has information he or she would like to share with other committee members, the information should be given to staff for distribution to the entire committee. Maintaining this flow of information will facilitate a respectful, collaborative process, and help avoid unintended violations of open meeting laws (e.g., serial meetings).

Work Products

The committee will be responsible for reviewing work product and providing feedback to staff and consultants. The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date: March 30, 2022
To: Growth Management Citizens Committee

Staff Contact: Don Neu, City Planner
Don.Neu@carlsbadca.gov

Sarah Lemons, Communication & Engagement
Sarah.Lemons@carlsbadca.gov

Subject Committee Business

Recommended Action

Receive presentations from city staff and consultants on the following topics:

- **Committee Ground Rules Development.** Presentation will include a more detailed look at the proposed committee update process and tentative meeting topics. Committee members will then work together to establish ground rules for how they wish group members to conduct themselves during meetings.
- **Growth Management Background.** City Planning to provide a brief presentation on existing Carlsbad growth management plan, pertinent state law.
- **Committee name.** Members will participate in a facilitated discussion about the committee's name and how it could be changed to better reflect the breadth of issues the committee will be addressing.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 24 hours before the scheduled meeting date.

Exhibits

1. Committee process overview
2. Meeting schedule

Growth Management Citizens Committee

Steps in the process

The committee will meet over the next year to determine key elements that should be addressed in a new plan to manage growth in a way that maintains an excellent quality of life and ensures compliance with state law.

- Orientation
  Background and history
  Exploration of quality of life values
- Identify quality of life standards to be part of new framework
- Information and discussion of standards one by one, how they could be measured
- Develop recommendations for quality of life standards
- Review and discuss draft recommendations report
- Finalize and approve recommendations report for City Council consideration

Growth Management Citizens Committee | Meeting Schedule

	DATE/TIME	POTENTIAL TOPICS	LOCATION *
	March 30, 2022 5 p.m.	**Orientation** First meeting. Development committee ground rules. Overview of growth management and focus of committee.	Faraday Center
	April 28, 2022 5 p.m.	**History of growth management, committee name** History of growth management and performance standards. Explore future quality of life priorities. Approve new name for committee.	Faraday Center
	May 26, 2022 5 p.m.	**City budget and financing, city administration facilities performance standards** Overview of city budget and financing paying to maintain facilities that contribute to quality of life.	Faraday Center
	June 23, 2022 5 p.m. July 28, 2022 5 p.m. Aug. 25, 2022 5 p.m.	**Libraries, parks and open space** **Traffic and mobility circulation, emergency response** **Wastewater treatment, drainage, sewer and water distribution, schools**	Faraday Center
	Sept. 22, 2022 5 p.m.	**Develop recommendations** Provide recommendations on key elements and performance standards to include in new plan.	Faraday Center
	Oct. 12, 2022 5 p.m.	**Develop recommendations** Provide recommendations on key elements and performance standards to include in new plan.	Faraday Center
	Dec. 7, 2023 5 p.m.	**Review report with draft recommendations** Review report summarizing committee recommendations.	Faraday Center
	Jan. 26, 2023 5 p.m.	**Finalize recommendations** Finalize report summarizing committee recommendations.	Faraday Center
	Feb. 23, 2023 5 p.m.	**Finalize recommendations** Approve report summarizing committee recommendations.	Faraday Center
	March 2023	**City Council presentation** Committee recommendations presented to the City Council for consideration.	Council Chamber

*Meeting topics and schedule are subject to change. Please check carlsbadca.gov for more information.
Last updated March 24, 2022.

Growth Management Citizens Committee Meeting

March 30, 2022

City of Carlsbad

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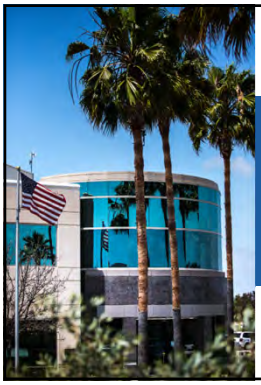

Welcome

City of Carlsbad

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COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

City of Carlsbad

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TODAY'S AGENDA

- Brown Act & California Public Records Act presentation
- Public comment
- Member introduction exercise
- Discussion items
- Committee member requests for future agenda items
- Next steps

City of Carlsbad

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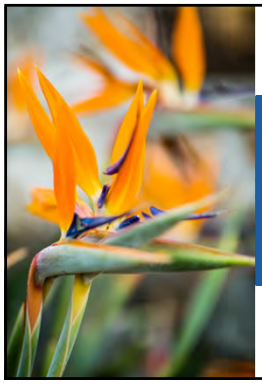

Discussion Item:

Item 1 – Brown Act Presentation

City of Carlsbad

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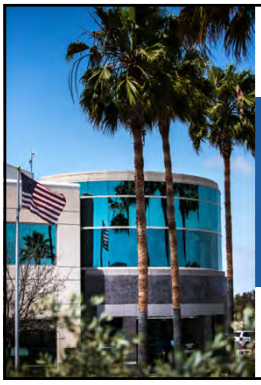

Member Introductions Exercise

City of Carlsbad

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MEMBER INTRODUCTION EXERCISE

INSTRUCTIONS

- Everyone receives one half of quote. Roam around the room to find the other half of your quote.
- Once you find it, review the quote together – how do you think it relates to the process we are starting?
- Once everyone finds their other half, each pair will read their quote alone and share how they think it relates AND will briefly introduce themselves:
  - NAME
  - ROLE ON COMMITTEE
  - SHORT INTRO

City of Carlsbad

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PUBLIC COMMENT

Members of the public are invited to comment on items both on and not on the agenda. Please fill out a speaker card. Comments are limited to three minutes. Please treat others with courtesy, civility and respect.

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COMMITTEE HANDBOOK

- Committee Purpose
  - Mission Statement and Member Responsibilities
- Committee Composition
- Committee Meetings
  - Facilitated Meetings
  - Discussion Process
  - Participation and Attendance
  - Meeting Ground Rules
  - Chair and Vice Chair
  - Open Meeting Requirements and Agendas
- Communications
  - Information Sharing
  - External Communications
  - Press/Media Contacts

City of Carlsbad

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STEPS IN THE COMMITTEE PROCESS

City of Carlsbad

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MEETING TOPICS & SCHEDULE

City of Carlsbad

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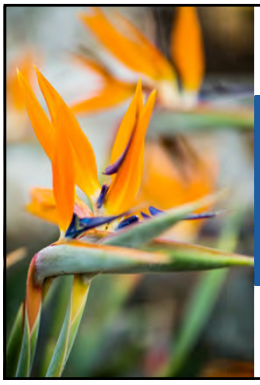

Discussion Item:

Item 2 – Committee Business

City of Carlsbad

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GROUND RULES DEVELOPMENT

13

DON NEU, CARLSBAD CITY PLANNER

GROWTH MANAGEMENT OVERVIEW

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SUMMARY

- Overview of Growth Management Program
- Next meeting – more details

15

BACKGROUND

- Mid-1980s - period of rapid growth
- Concerns about adequate public facilities
- Citizens committee appointed
- Committee recommendations led to Growth Management Program

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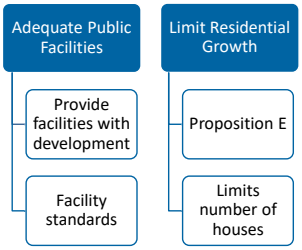
OBJECTIVES OF PROGRAM



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COMPONENTS OF PROGRAM

- Growth Management ordinance
- Proposition E
- Citywide Facilities and Improvements Plan
- Local Facility Management Plans
- General Plan – not part of GMP

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GROWTH MANAGEMENT OVERVIEW

11 PUBLIC FACILITIES

City administrative Bldgs
Circulation
Open space
Libraries
Parks
Fire response
Drainage
Sewer collection
Schools
Emergency water storage
Wastewater treatment

City of Carlsbad

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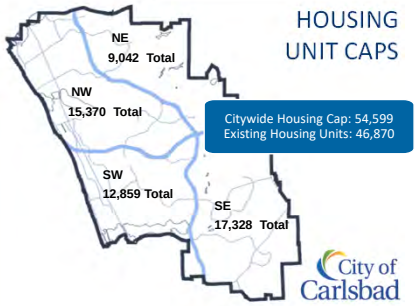
GROWTH MANAGEMENT OVERVIEW

HOUSING UNIT CAPS



Citywide Housing Cap: 54,599
Existing Housing Units: 46,870

City of Carlsbad

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GROWTH MANAGEMENT OVERVIEW

STATE HOUSING LAW CONFLICT

- Housing caps conflict with housing laws
- Senate Bill 330 (2019) – housing emergency
- City Council found housing caps unenforceable and preempted by state law

City of Carlsbad

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GROWTH MANAGEMENT OVERVIEW

A NEW ERA

- Housing laws
- Transitioning to infill development
- Time for a new plan to protect quality of life

City of Carlsbad

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Communicating About Your Work

Kristina Ray
Communication & Engagement Director

March 30, 2022

City of Carlsbad

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envision CARLSBAD

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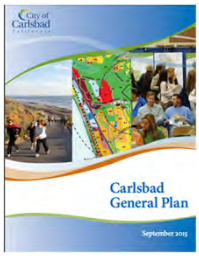

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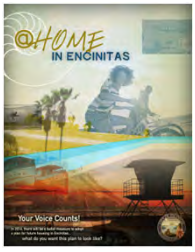

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WHAT WE'VE HEARD

- Love Carlsbad the way it is
- Strong community pride
- Appreciate quality
- Lack understanding of laws, constraints, trade offs
- Suspicious of developers and government

City of Carlsbad

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WHAT IS THIS EFFORT ABOUT?

- Managing growth
- Maintaining/enhancing quality of life
- Safeguarding financial health
- Collaboration
- Being the best
- Something else?

City of Carlsbad

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FOOD FOR THOUGHT

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NAMES

Envision Carlsbad's Future

Our Home Our Future

Carlsbad 2050

Sustainable Carlsbad

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ACRONYMS

CIVIC Carlsbad
Collaboration Investment Vitality Innovation Community

Carlsbad LIFE plan
Livability, Infrastructure, Facilities and Environment
Leading to an Inspiring Future for Everyone

Carlsbad FIRST
Focus on infrastructure, Resources and Sustainably for Tomorrow
Future Investments to Realize a Sustainable Tomorrow

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ACRONYMS

SMART Plan
Sustainably Managing All Resources Together

Carlsbad's BEST Future
Building Everyone's Sustainable Tomorrow

Carlsbad FIRST
Focus on Infrastructure, Resources and
Sustainability for Tomorrow

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DISCUSSION & NEXT STEPS

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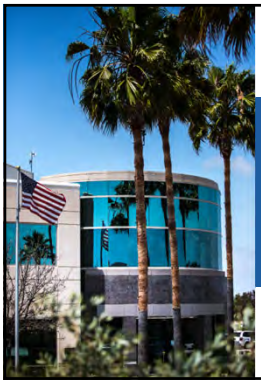

Requests for future agenda items

City of Carlsbad

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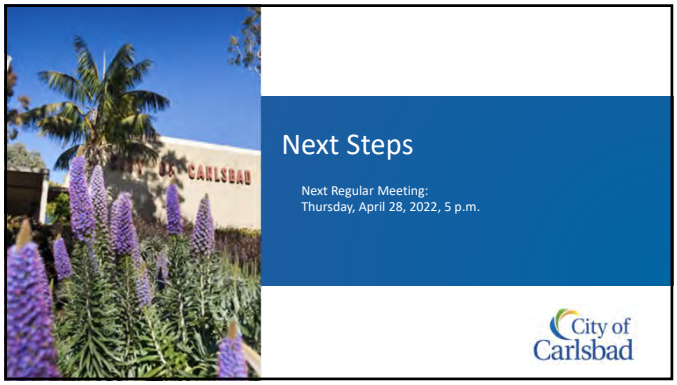
CARLSBAD
Next Steps
Next Regular Meeting:
Thursday, April 28, 2022, 5 p.m.
City of
Carlsbad

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GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

April 28, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to the Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the March 30, 2022 meeting. As part of the minutes, the Committee will review and approve the draft meeting ground rules they developed.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the Committee. Review agenda and meeting format. Allow for any introductions for those not present at first meeting – staff and committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Carlsbad's Growth Management Plan Public Facilities Performance Standards.** Receive a presentation from city staff on the public facilities standards that are required by the current Growth Management Plan.
   - **Growth Management in Other Cities.** Receive a presentation from city consultants on how other cities address growth management.
   - **Committee Role.** Review of committee's role and the objective and overall process to update the Growth Management Plan.
   - **Community Engagement.** Receive a presentation from city staff on how the community will be engaged through the citizens committee to create a new approach to manage growth in a way that maintains an excellent quality of life.
   - **Committee Dialogue.** Members will participate in a facilitated discussion centered around the question - in terms of public facilities and services, what topics do you feel are most important to address in the future, and what should change about the current Growth Management Plan?
   - **Committee Name.** Members will participate in a facilitated discussion about the committee's name and how it could be changed to better reflect the breadth of issues the committee will be addressing.

   (Staff Contacts: Eric Lardy, Principal Planner and Sarah Lemons, Communication & Engagement)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite Committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, May 26, 2022, 5 p.m.

GROWTH MANAGEMENT CITIZENS COMMITTEE
Minutes

April 28, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Chad Majer, John Nguyen-Cleary, Joseph Stine, Steve Linke, Nelson Ross
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Terence Green, Thierry Ibri, Matthew Reese, Angela O'Hara, Nora Jimenez George, Lisa Stark, Allen Manzano, Art Larson, Kevin Sabellico, William Fowler

Absent:
Primary – William Sheffler, Amy Allemann
Alternate – Patricia Mehan, Erin Nell, Marissa Steketee

APPROVAL OF MINUTES:

Motion by Jeff Segall, seconded by Stephen "Hap" L'Heureux, to approve the March 30, 2022 minutes.

PUBLIC COMMENTS:

One public comment was received.

1. **CITY HALL LOCATION –**
   Mr. Robert Wilkinson requested the new City Hall be located in the Village, as that area is considered by many to be the town's center. He noted that this location clearly expresses the community's identity, pride and spirit.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson, who reviewed the purpose and charge for the committee, along with the agenda and meeting format. The following committee members and staff introduced themselves, as they were not present at the March 30, 2022 meeting where introductions took place:

Committee Members: John Nguyen-Cleary, Chad Majer, Harry Peacock, and alternate member Patrick Goyarts

Staff: Eric Lardy, Rick Barrett, and Nancy Bragado

DISCUSSION ITEMS:

COMMITTEE BUSINESS

- **Carlsbad's Growth Management Plan Public Facilities Performance Standards.** Principal Planner Eric Lardy provided a presentation on the public facilities standards that are a part of the current Growth Management Plan. Questions of members of the committee during and after the presentation focused on the finance department's role in updating the city's growth data, the timeline and scope for the committee's recommendation to the city, reiteration of the need for the current GMP committee.
- **Growth Management in Other Cities.** Nancy Bragado, owner of Bragado Planning, provided a presentation illustrating how other cities have been addressing growth management. Nancy's presentation included a growth management overview, financing measures, selected case studies, and takeaways for the Carlsbad GMP. Nancy also highlighted the differences between infill and traditional large-scale development as they relate to growth management.
- **Committee Role.** Principal Planner Eric Lardy explained what to expect through future meetings, the overall process to update the GMP, and what is expected to happen after the committee makes recommendations to the city.
- **Community Engagement.** Senior Program Manager Sarah Lemons provided a short presentation on how the community will be engaged through the citizens committee to create a new approach to manage growth in a way that maintains an excellent quality of life.

  Several committee members noted public input after the draft recommendations stage of the GMP update process (November-January), would be helpful before going to City Council.

- **Committee Dialogue.** Facilitator Susan Harden led a discussion centered around the following questions: In terms of public facilities and services, what topics do you feel are most important to address in the future, and what should change about the current GMP? Ideas and thoughts captured during the discussion include the following:

  <u>Topics to address in the future</u>
  - How will we reconcile all the areas (topics) that don't blend? What steps should be taken first?
  - Circulation/traffic
  - Walkability and interconnectivity
  - Carlsbad is an aging community – what are those impacts
  - Parks standards are too simplistic
  - Physical and behavioral health
  - Fire – response time/services
  - Law enforcement/ safety
  - Homelessness issues and impacts
  - Economic/demographic distributions
  - Arts and culture

  <u>What should change</u>
  - What are the tourism impacts?
  - What are commercial/employee impacts?
  - Water and power – desal, energy, renewable energy
  - Sea level rise and managed retreat
  - City hall
  - Funding of public facilities – sewer and water during buildout
  - Leveraging technology
  - How to make this work long term
  - Address exemptions

- How to anticipate what other changes the state will require
- Law enforcement issues
- Alternatives to development fees?
- How to predict/manage school growth? Work with districts?
- More information on lessons learned in past committees
- More local case study examples
- Where can we grow when population increases?

- **Committee Name.** Facilitator Susan Harden shared and briefly discussed the various ideas provided by the committee and staff for how the committee name could be changed to better reflect the breadth of issues the committee will be addressing. Common terms submitted for discussion included Future, Tomorrow, Carlsbad, and Quality of Life. Members were then given three dots stickers and asked to place on the names they preferred (amongst the names written on flip charts). Upon a count of the dot ranking exercise and group discussion, the name decided upon for the committee is "Carlsbad Tomorrow – Growth Management Citizens Committee".

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

None

ADDITIONAL PUBLIC COMMENT:

None

ADJOURNMENT:

Next meeting time: Thursday, May 26, 2022 5 p.m.
Chair Larson adjourned the duly noticed meeting at 7:19 p.m.

_____
Bailey Warren - Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date: April 28, 2022
To: Growth Management Citizens Committee

Staff Contact: Eric Lardy, Principal Planner
Eric.Lardy@carlsbadca.gov

Sarah Lemons, Communication & Engagement
Sarah.Lemons@carlsbadca.gov

Subject Committee Business

Recommended Action

Receive presentations from city staff and consultants on the following topics:

- **Carlsbad's Growth Management Plan Public Facilities Performance Standards.** Presentation will provide an overview of the public facilities standards that are required by the current Growth Management Plan. (Exhibit 1, Attachment B)
- **Growth Management in Other Cities.** City consultants will provide examples of how other cities address growth management. (Exhibit 1, Attachment C)
- **Committee Role.** Review of committee's role and objective and the overall process to update the Growth Management Plan. (Exhibit 2)
- **Community Engagement.** Receive a presentation from city staff on how the community will be engaged through the citizens committee to create a new approach to manage growth in a way that maintains an excellent quality of life.
- **Committee Dialogue.** Members will participate in a facilitated discussion centered around the question - in terms of public facilities and services, what topics do you feel are most important to address in the future, and what should change about the current Growth Management Plan?
- **Committee Name.** Members will participate in a facilitated discussion about the committee's name and how it could be changed to better reflect the breadth of issues the committee will be addressing. (Exhibit 3)

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Growth Management Overview
    A. Chronology of Development of the Growth Management Plan
    B. Summary of Public Facility Standards
    C. Growth Management Case Studies
2. Growth Management Plan Update Advisory Committee Charter
3. Committee Name Suggestions

GROWTH MANAGEMENT CITIZENS COMMITTEE STAFF REPORT
APRIL 28, 2022

Exhibit 1 - Growth Management and Quality of Life

Overview of Growth Management in Carlsbad

Carefully managing growth and development has been critical to maintaining Carlsbad's quality of life. In 1986, when the city was experiencing rapid growth, the City of Carlsbad Growth Management Plan was established, which put conditions on how growth could occur, including the requirement that new development must plan for, construct, and pay for the public infrastructure and facilities necessary to serve new development. That November, city voters passed Proposition E, which affirmed the principles of the Growth Management Plan and established caps on the number of housing units that could be built in Carlsbad. Implementation of the plan is through multiple documents adopted by the city and voters, a chronology of the program and when the associated documents were adopted is provided as **Attachment A.**

The ideology behind the Growth Management Plan is to ensure that new development does not outpace the performance standards established for public facilities such as roads, parks, and emergency services. New development must be measured against the plan's standards and show compliance with the requirements before being approved. To ensure that established performance standards could be achieved, the Growth Management Plan required development of facility financing and management plans describing how/when the public facilities would be developed. A summary of the performance standards and compliance status for the eleven types of public facilities addressed by the plan is provided in **Attachment B**.

The Growth Management Plan has been successful in managing growth for over 25 years and has guided the city from a population of approximately 52,000 in 1986 to over 112,000 today. The plan has been effective in providing a high quality of life in Carlsbad by ensuring there are adequate public facilities as new development occurred on vacant land. However, the city is now approaching build-out per the adopted General Plan, is experiencing a slower growth rate than in previous years and will rely largely on infill and redevelopment to meet future needs. In addition, new housing laws affect the city's ability to limit housing development and enforce the plan's residential growth caps. As such, the city is entering a new phase in its development and requires an updated approach to facilities planning and maintaining quality of life.

Other city policies and regulations, which are not part of the Growth Management Plan, also help guide development and maintain quality of life, such as the Carlsbad General Plan, updated in September 2015, and the Carlsbad Municipal Code. The General Plan provides a comprehensive strategy for guiding growth and maintaining quality of life; its elements (or chapters) cover: the Community Vision; Land Use and Community Design; Mobility; Open Space, Conservation and Recreation; Noise; Public Safety; Arts, History, Culture, and Education; Economy, Business Diversity and Tourism, Sustainability, and Housing. The Carlsbad Municipal Code provides the city's development standards and regulations, including the Zoning Ordinance (which includes a chapter for the Growth Management Ordinance), Grading and Drainage Ordinance, and the Building Codes and Regulations. Future changes to the Growth Management Plan may require amendments to the General Plan, Municipal Code and other documents to ensure consistency with the new plan to manage growth and quality of life in Carlsbad.

Growth Management in General

The American Planning Association defines *growth management* as the "use by a community of a wide range of techniques in combination to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas," and *concurrency* as the "installation and operation of facilities and services needed to meet the demands of new development simultaneous with the development."[1]" John D. Landis (2021), author of a comprehensive review of growth management in America, states that the main idea behind growth management is to control a jurisdiction's rate of growth and mitigate growth's fiscal and environmental impacts.[2]

Critics of growth management raise concerns that growth management measures including concurrency requirements, caps and standards may:

- Pass costs on to future residents in the form of higher home prices.
- Limit housing supply relative to market demand, which leads to higher home sale and rental prices.
- Result in a reduction of lower cost housing and overall community affordability.

Growth management programs are often a part of a broader vision and set of goals such as limiting sprawl, focusing growth in transit served-areas and reducing vehicle miles traveled, providing affordable housing, addressing equity and environmental justice, preserving open space and agricultural lands, and fostering economic development and sustainable regional development patterns. Many jurisdictions do not use the term "growth management," but all California cities and counties plan for growth through their general plans. Common general plan implementation measures include zoning and subdivision regulations, and capital improvement plans. Carlsbad's growth management plan focuses on public facilities financing and includes concurrency requirements. Other issues related to growth, including protection of open space, economic development, sustainability, and neighborhood revitalization are addressed in the General Plan. Planning for growth at a regional level occurs in coordination with the San Diego Association of Governments.

Attachment C provides a summary of growth management case studies from California as well as well-known examples from throughout the United States. Some growth management plans are focused on preserving open space and seek to direct growth to transit-served areas. These types of plans may make use of tools such as urban growth boundaries, development incentives, and transfer of development rights. Other jurisdictions emphasize the importance of adequate public facilities and may institute requirements to help ensure the timely provision of facilities and services. Because Carlsbad's Growth Management Plan focuses on facilities planning, the case studies summarized in **Attachment C** largely focus on approaches to public facilities concurrency.

Public Facilities Financing Methods

The information below provides examples of how a city funds construction of public facilities. More information on public facility financing will be discussed during the committee's May 26, 2022 meeting.

[1] Davidson, Michael and Fay Dolnick. A Planners Dictionary, PAS Report 521-522, American Planning Association.
[2] Landis, John D. 2021. "Fifty Years of Local Growth Management in America." Progress in Planning. Accessed at: www.elsevier.com/locate/progress.

Development Impact Fees

Development impact fees are an important funding source for Carlsbad and other California jurisdictions, as cities and counties have relatively few revenue sources largely due to: state limits on the use of taxes; Proposition 13 (1978) limits on property taxes and special taxes; and Proposition 218 (1996) requirements that a majority or supermajority voter approval is needed to impose, extend, or increase any state or local taxes.[3] In addition, federal support to local communities has decreased for decades, and the dissolution of California's redevelopment agencies in 2012 removed another source of revenue for urban infrastructure[4].

Development impact fees are imposed on new development projects as a one-time fee, typically at building permit issuance, to mitigate the impact of the development on public facilities. Impact fees are enabled through the Mitigation Fee Act (1987). This act (codified in California Government Code §66000 – 66025) established requirements on local agencies for the imposition and administration of development impact fees including conducting a nexus study to quantify the impact of new development on infrastructure and determine a fee to cover its costs. Jurisdiction's must: identify the fee's purpose and use, determine a reasonable relationship between the fee's use and the type of the project required to pay the fee, determine a reasonable relationship between the need for the public facility and the type of project required to pay the
fee, and demonstrate a reasonable relationship between the amount of the fee and the costs of the facilities needed to cover developmental impacts (per Gov. Code §66001(a) and (b)). New development cannot be required to pay for existing deficiencies. A new state law (AB 602, 2021) requires agencies to follow specific standards and practices for the preparation of the impact fee nexus studies that are used to establish or update fees and addresses the calculation of residential project fees.

Guthrie and Bise (2015) in a Planners Advisory Service (PAS) Memo[5] describe development impact fees as a point "along a growth-management continuum" with concurrency evaluations based on specific development proposals at one end, and "impact-fee studies that focus on growth-related system improvements needed to accommodate multiple development proposals within an entire service area" at the other end. The authors describe "old-school" vs "next-generation" transportation impact fees:

- Traditional, or "old-school," transportation impact fees were designed with a suburban worldview and focused on increasing capacity for vehicle travel. These fees tended to be uniform across the entire jurisdiction, driven by generic formulas, and related to 20-year master plans or build-out estimates.
- "Next-generation" transportation impact fees can function like a land-use regulation to help shape development patterns. Planning and policy objectives drive next-generation transportation impact fees, which vary geographically to reflect cost differences, and support multimodal systems.

Carlsbad is currently considering development of a Vehicle Miles Traveled (VMT) transportation impact fee. This would be considered a "next-generation" fee and will be discussed with the circulation facility performance standard on the committee's July 28, 2022, agenda.

[3] Raetz, Hayley, David Garcia, and Nathaniel Decker et. al., "Residential Impact Fees in California" The Terner Center for Housing Innovation at UC Berkeley, August 5, 2019.
[4] Raetz, et.al.
[5] Guthrie, Dwayne Pierce and Bise, L. Carson. Planners Advisory Service (PAS) Memo (ISSN 2169-1908), American Planning Association, January/February 2015.

Project and Broad-Based Financing Tools

In addition to impact fees, jurisdictions may seek infrastructure improvements and fees from developers through measures including development agreements, facilities benefit assessments, subdivision improvements and in-lieu fees, California Environmental Quality Act (CEQA) in-lieu mitigation fees, utility connection fees, and school district fees.

The cost of facilities can be spread to a broader area or passed on to individual property owners through special districts (such as Mello-Roos Community Facilities Districts), user fees, or tax measures. Funding for infrastructure can also be supported through the issuance of bonds, and the formation of Enhanced Infrastructure Financing Districts (EIFDs), which use tax increment financing (to capture the growth in tax increment from new development) to raise funds. However, implementing new taxes and broad-based financing sources is difficult to form with multiple residents/property owners and under strict California laws specific to each type of program. A more comprehensive review of public facilities financing mechanisms will be topics discussed at committee's meeting on May 26, 2022.

Key Takeaways

- The city's Growth Management Plan focuses on facilities financing and ensuring adequate facilities are provided concurrent with development. Other city policies and regulations, which are not part of the Growth Management Plan, like the General Plan and Zoning Ordinance, address other aspects of development and growth, such as the number of allowed residential units (density), and where they are allowed.
- Development impact fees are an important funding source for California jurisdictions but may add to the price of housing. Additionally, impact fees cannot make up deficits in program funding from existing residents. Broad based financing sources, such as taxes and bonds, can help reduce reliance on impact fees and avoid creating constraints to housing development, but are challenging to put in place.
- Regular monitoring of growth and public facilities, with associated plan amendments, fee updates, and capital improvement plan investments, can contribute to achieving concurrency goals.
- A toolbox approach to growth management could provide flexibility through a menu of implementation measures tailored to specific needs or general plan goals.

Research conducted did not reveal explicit alternatives to a housing growth cap and strict concurrency requirements to control the timing of growth. However, the underlying goal behind growth caps, which is to preserve quality of life and provide adequate public facilities, can be achieved in part through a combination of measures focused on implementing the city's General Plan. These measures could include a continuation or refinement of actions Carlsbad already uses such as: zoning, development regulations and incentives, capital improvement programs, public facilities plans, and impact fees. Continued regional coordination and strategic investments in infrastructure can also influence the timing of development and incentivize where it is located. These topics will continue to be explored in future meetings.

GROWTH MANAGEMENT CITIZENS COMMITTEE STAFF REPORT
APRIL 28, 2022

Exhibit 1, Attachment A
Chronology of Development of the Growth Management Plan

Growth Management History

The origins of growth management in Carlsbad go back to the mid-1970s. At that time the city's General Plan contained a Public Facilities Element that generally called for maintaining adequate public facilities as the city grew. However, it contained no standards or implementing mechanisms.

In 1979, the City Council adopted Policy Statement No. 17 regarding requirements necessary to satisfy the Public Facilities Element of the General Plan. The policy stated that public facilities were adequate to serve existing development but not any new development unless new revenue could be generated to finance the needed facilities. This finding served in part as the basis for adopting the public facilities fee.

In 1982, the concept took a step forward with the adoption of City Council Policy Statement No. 32, which established a Public Facilities Management System (PFMS). The purpose of the PFMS was to monitor the adequacy of public facilities and provide informational reports to the City Council. This information was useful to the city in making decisions on development, but it stopped short of making adequate facilities a precondition to development.

In April 1984, as concern regarding growth intensified, the City Council amended Policy Statement No. 17 to strengthen its requirements. That action was followed by City Council appointment of a Citizens Committee for the Review of the Land Use Element of the Carlsbad General Plan. The citizens committee delivered its report in July 1985. The report contained numerous recommendations relating to density, open space, park facilities, the beach area, and other issues. Among its recommendations were two that called for "managing growth to ensure timely provision of adequate public services" and expansion of the PFMS "to ensure that all public improvements, facilities and services are in place in all portions of the city when they are needed."

These recommendations from the citizens committee struck a responsive chord with the City Council, and rapid changes ensued. Within a month following the citizens committee's report, the City Council adopted Emergency Ordinance No. 9766, which required all new projects to comply with the recommendations of the citizens committee. In December 1985, the City Council approved a General Plan Amendment that reduced all residential density ranges as recommended by the citizens committee. In January 1986, the City Council approved staff's work program for preparing the new Growth Management Plan. Also, in January 1986, the City Council adopted Ordinance No. 9791, which placed a 6-month moratorium on the acceptance of new development applications and placed a hold on those previously approved.

For the next 6 months, staff worked on drafting the Growth Management Ordinance. In June 1986, Ordinance No. 9810 was approved as an emergency measure. In July 1986, Ordinance No. 9808 was approved to permanently enact the Growth Management Plan. In September 1986, the City Council

approved the Citywide Facilities and Improvements Plan, which established the facility performance standards and provided other details regarding implementation of the ordinance.

On Nov. 4, 1986, the voters of Carlsbad approved Proposition E, thus locking in the key provisions of Growth Management. Ordinance No. 9829 was subsequently adopted in April 1987 to specifically add the provisions of Proposition E to the Growth Management Ordinance.

Summary of Growth Management Milestones

Date	Document	Description
June 1986	Ordinance No. 9810	Urgency ordinance to establish growth management controls
July 1986	Ordinance No. 9808	Added Chapter 21.90 to the Zoning Ordinance, establishing the growth management ordinance
July 1986	Resolution No. 8657	Established the boundaries for 25 local facilities management zones
September 1986	Citywide Facilities and Improvements Plan	City Council approved the CFIP to establish facility performance standards
November 1986	Proposition E	Approved by voters; established residential dwelling caps and growth management control point densities
1987 – 2013	Local Facilities Management Plans	LFMPs prepared and approved for the 25 LFMP zones
February 1990	Council Policy Statement No. 43	Established the "excess dwelling unit bank" policy regarding the number and criteria for allocation of Proposition E "excess" dwelling units.
August/ September 1994	General Plan Update staff report and resolution	1994 comprehensive update to the General Plan, ensuring consistency with the growth management plan (note: the 2015 General Plan update also ensures consistency with the Growth Management Plan).
September 2017	Senate Bill (SB) 166	Requires the city to ensure that its Housing Element is capable of accommodating the remaining Regional Housing Needs Allocation (RHNA) "at all times"
October 2019	Housing Crisis Act of 2019 (SB 330)	Senate Bill 330 declares a statewide housing emergency until 2025 and, among other things, suspends the cities ability to limit number of housing units that can be approved or constructed. - April 17, 2020 – Letter from HCD to the city stating that certain provisions under the GMP are impermissible under SB 330 - Feb. 22, 2022 – Letter from HCD to the city on Draft HE stating that, "Based on communications, HCD understands the City continues to require an allocation under the Growth Management Program. Any limits on the number of land use approvals or permits involving housing development projects, including housing caps, moratorium and requiring unit allocations, must be void pursuant to Government Code section 66300, subdivision (b)(1)(D), As a result, this activity must immediately be suspended"
April 6, 2021	Resolution No. 2021-074	City Council found that Government Code Sections 65583(a)(3) and 65863(a) (SB 166 [2017]) and Government Code Section 66300(b)(1)(D) (SB 330 [2019]) preempt the city from implementing residential growth management plan caps, residential quadrant limits, and residential control points.

GROWTH MANAGEMENT CITIZENS COMMITTEE STAFF REPORT
APRIL 28, 2022

Exhibit 1, Attachment B
Summary of Public Facility Standards

Growth Management Plan Overview

The City's Growth Management Plan established conditions on how growth could occur, including the requirement that new development must plan for, construct and pay for the public infrastructure and facilities necessary to serve the new development. The plan was designed to ensure that new development and growth does not outpace the performance standards established for public facilities. New development must be measured against the Growth Management Plan's public facility standards and show that they comply with the requirements before being approved.

There are 11 public facilities performance standards identified in the Citywide Facilities and Improvements Plan (a component of the Growth Management Plan), which cover the following city public facilities: city administration facilities, libraries, wastewater treatment facilities, parks, drainage, circulation, fire, open space, sewer collection and water distribution systems. To ensure that established performance standards could be achieved, the Growth Management Plan required the development of financing and management plans describing how/when the public facilities will be developed.

Performance Standards

The Growth Management Plan includes broad guidelines for determining adequacy of public facilities. These guidelines are further defined in the Citywide Facilities and Improvements Plan by means of specific performance standards for each of the 11 public facilities summarized in Table 1 below.

Table 1 - Public Facility Performance Standards

Public Facility	Performance Standard
City Administrative Facilities	1,500 sq. ft. per 1,000 population[1] must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units (homes), beginning at the time the need is first identified.
Library	800 sq. ft. (of library space) per 1,000 population[1] must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.
Wastewater Treatment	Sewer plant capacity is adequate for at least a five-year period.
Parks	3.0 acres of Community Park or Special Use Area per 1,000 population[1] within the Park District [city quadrant] must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to August 22, 2017.

Public Facility	Performance Standard
Drainage	Drainage facilities must be provided as required by the city concurrent with development.
Circulation	Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all modes that are subject to this multi-modal level of service (MMLOS) standard, as identified in Table 3-1 of the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.
Fire	No more than 1,500 dwelling units outside of a five-minute response time.
Open Space	Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ)[2] exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.
Schools	School capacity to meet projected enrollment within the Local Facility Management Zone (LFMZ)[2] as determined by the appropriate school district must be provided prior to projected occupancy.
Sewer Collection System	Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.
Water Distribution System	Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.

[1] See “Population” section below.
[2] See “Facility and Improvement Plans” section below.

Population

The performance standards for city administrative facilities, library facilities, and parks are based on population. The demand for these facilities is based on each new dwelling unit (home) built and the estimated number of new residents it adds to the city, which is determined using the average number of persons per dwelling unit. Utilizing data from the 2010 Federal Census (total population divided by total number of dwelling units), the average for Carlsbad is 2.358 persons per dwelling unit.

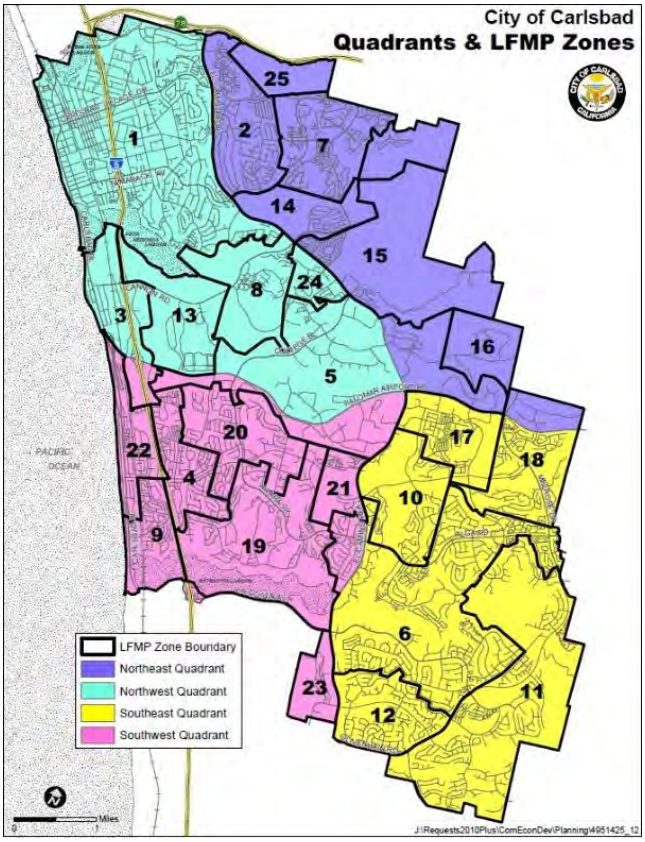
As of June 30, 2020, the city’s population was estimated to be 112,683, which is calculated by multiplying 2.358 persons per dwelling unit by the number of dwelling units, accessory dwelling units, and commercial living units (e.g., professional care facilities); in total there are 47,742 dwellings and commercial living units, as shown in Table 2 below. The population estimates in Table 2 are for Growth Management Plan facility planning purposes only and may vary from population estimates for Carlsbad conducted by other agencies, which may utilize a different method to estimate population.

Table 2 – FY 2020-2021 Population Estimate

Quadrant	Dwelling units[1]	Accessory dwelling units[2]	Commercial living units[3]	Total units	Population
NW	12,488	226	226	12,940	30,513
NE	7,264	46	-	7,310	17,237
SW	10,179	29	685	10,893	25,711
SE	16,426	173	-	16,599	39,222
Total	46,357	474	911	47,742	112,683

Facility and Improvement Plans

To develop a road map for how the public facility standards could be met, a Citywide Facilities and Improvements Plan was created that detailed how compliance with the Growth Management Plan standards will be achieved, how the necessary public facilities will be provided, and what financing mechanisms will be used for the facilities. Because planned development and growth varied throughout the city and at different levels, Carlsbad was divided into twenty-five local facilities management zones, which is reflected in the figure on the right. Each zone was required to have an adopted local facilities management plan (LFMP) prior to any development in the zone. Each local facilities management plan must describe how the zone will be developed, how the required public facilities will be provided, and how those facilities will be paid for.



[1] Dwelling units represent the dwellings that are counted for purposes of the city's growth management dwelling unit limits per Proposition E (excludes accessory dwelling units and commercial living units); the number of dwelling units shown in this table are updated to June 30, 2020.
[2] Accessory dwelling units are accessory to single family dwellings and are separate dwelling units with living space, kitchen, and bathroom facilities. Pursuant to state law, accessory dwelling units cannot be counted as dwellings for purposes of the city's growth management dwelling limits. However, the units are counted here to ensure all city population is considered for the performance standards for administrative facilities, libraries, and parks.
[3] Commercial living units, as shown in this table, are professional care facility living units that were counted as dwelling units in the 2010 Federal Census. Pursuant to city ordinance (CMC Section 21.04.093), commercial living units are not counted as dwellings for purposes of the city's growth management dwelling limits. However, the units are counted here to ensure all city population is considered for the performance standards for administrative facilities, libraries, and parks.

Failure To Meet a Performance Standard

The Growth Management Plan requires development activity to stop if a performance standard is not being met. Some performance standards apply to the city, and others apply to more specific areas, as described below:

- Administrative facilities, library, and wastewater treatment capacity are facilities that serve the entire city. Their adequacy in meeting the performance standard is analyzed by considering the cumulative impact of citywide development. The failure of any one of these facilities to meet the adopted performance standard would affect the city as a whole. In that event, all development in the city would be halted until the deficiency is corrected.
- Parks are analyzed on a quadrant basis. This means that if the standard is not being met in the quadrant, development is halted for all local facility management zones in the quadrant.
- Fire facilities are analyzed based on fire station districts which can comprise multiple local facilities management zones, and if the standard is not met for a district, then development would be halted in that district.
- The remaining facilities (drainage, circulation, open space, schools, sewer collection system, and water distribution system) are analyzed on a local facilities management zone basis. If one of these facilities falls below the performance standard in a zone, development in that zone would stop and other zones would not be affected if they are continuing to meet all performance standards.

Impacts of State Law

According to the Growth Management Plan, development activity cannot proceed if the public facility performance standards are not met, or the residential growth caps are exceeded. However, updates to state law and the city's Housing Element have modified these components of the Growth Management Plan.

In 2017 the California Legislature passed Senate Bill (SB) 166, known as the No Net Loss Law, which requires local jurisdictions to ensure that their housing element inventories can accommodate, at all times throughout the planning period, their remaining unmet share of the regional housing need. The California Department of Housing and Community Development has taken the following positions with respect to Carlsbad:

- That failure to meet the Growth Management Plan's public facility performance standards cannot be used as a basis for implementing a development moratorium that precludes meeting Carlsbad's share of the regional housing need, and
- That the Growth Management Plan's residential growth caps cannot prevent the city from achieving consistency with the Housing Element inventory and SB 166.

In 2019, the legislature passed SB 330, the Housing Crisis Act of 2019, which prohibits local jurisdictions from imposing moratoriums on housing development and using residential housing caps or other limits to regulate the number of housing units built within a jurisdiction. In regard to how this law applies to Carlsbad's Growth Management Plan, the state's Department of Housing and Community Development has taken the following position with respect to Carlsbad:

- That a housing moratorium adopted due to non-compliance with a Growth Management Plan public facility performance standard would not be allowed under SB 330, and
- That the city cannot use the residential growth cap limits specified in the Growth Management Plan to limit or prohibit residential development.

The City Council adopted Resolution No. 2020-208 on October 20, 2020, finding that the Growth Management Plan's moratorium requirements are unenforceable due to state law. On April 6, 2021, the City adopted Resolution No. 2021-074 finding the city's residential housing caps contained in the General Plan, Growth Management Plan, Council Policy Statement 43, and the city's municipal zoning code are preempted by state law and unenforceable. While the city can no longer stop development, it can still implement the public facility performance standards by requiring development to provide public facilities consistent with the standards.

Growth Management Plan Compliance Status

The city met the Growth Management Plan's public facility performance standards for the 11 public facilities and city residential growth caps for the FY2019-2020 reporting period, as summarized in Table 3 below.

Table 3 – Public Facility Standards Compliance Status

Public Facility	FY 2019-20 Adequacy Status (Meets performance standard?)	Buildout Adequacy Status (Meets performance standard?)
City Administrative Facilities	Yes	Yes
Library	Yes	Additional facilities to be provided
Wastewater Treatment Capacity	Yes	Yes
Parks	Yes	Additional facilities to be provided
Drainage	Yes	Additional facilities to be provided
Circulation	Yes	Additional facilities to be provided
Fire	Yes	Yes
Open Space	Yes	Additional facilities to be provided
Schools	Yes	Yes
Sewer Collection System	Yes	Additional facilities to be provided
Water Distribution System	Yes	Additional facilities to be provided

GROWTH MANAGEMENT CITIZENS COMMITTEE STAFF REPORT
APRIL 28, 2022

Exhibit 1, Attachment C
Growth Management Case Studies

Jurisdiction	Growth Management Case Studies
California Examples	
Marin County	The Marin Countywide Plan has a goal for Adequate Public Facilities and Services to "provide basic public facilities to accommodate the level of development planned by cities and towns and the County." It includes policies and implementing programs that require new development to pay for the infrastructure it requires and the public services it receives; and to plan public facilities in cooperation with service providers. The measures are to be implemented in a manner that considers the environment, economy, and equity.
City of Novato	The City of Novato, within Marin County, has a 20-year urban growth boundary that was reauthorized for 25 years in 2017, with the provision that the City can expand the boundary to provide housing for low-income households. An objective of the city's general plan is to maintain the city's high level of services and infrastructure. This is to be accomplished in part through periodic review and amendments to the General Plan's growth assumptions; analysis of project impacts on infrastructure capacity as a part of the environmental review process; and requirements that new development to pay its fair share. For more information see: https://www.novato.org/government/community-development/general-plan-update?locale=en
City of San Diego	The City of San Diego's 1990 Guidelines for Future Development (incorporated into the 1979 General Plan) focused on planning for and paying for facilities to serve the rapid growth of new communities on vacant land. Facilities Benefit Assessments were established for new growth communities. The 2008 City of Villages General Plan shifted the focus to planning for infill and redevelopment, and investments in the built environment. Development impact fees are charged to support infill development, with the fee determined by the type, size and location of the development. Development Impact Fee Plans (DIF Plans) are documents which identify a program of public facilities consistent with the General Plan and respective community plans. DIF Plans contain descriptions of planned facilities and serve as a vehicle to assess fees that provide funding for the City Capital Improvement Program. In association with adoption of a new Parks Master Plan in August 2021, San Diego replaced existing community-focused park development impact fees with a Citywide Park Development Fee to support a more equitable park system. For more information see: https://www.sandiego.gov/planning/programs/facilities-planning.

Jurisdiction	Growth Management Case Studies
City of San Luis Obispo	The city's Residential Growth Management Regulations state that "the City's housing supply shall grow no faster than one percent per year." These regulations require each specific plan area to adopt a phasing schedule for residential growth that meet specified thresholds. Deed-restricted affordable units are exempt from the Growth Management Ordinance along with residential units built in Downtown and Accessory Dwelling Units (ADUs). Because San Luis Obispo is within a predominantly agricultural county, its housing unit cap was adopted prior to 2005, and affordable units are not restricted by its growth management program, it was able to maintain the program and receive certification of its Housing Element in 2021.
Out of State Examples	
Metro-Portland, Oregon	Under Oregon law, each of the state's cities and metropolitan areas has created an urban growth boundary around its perimeter – a land use planning line to control urban expansion onto farm and forest lands. Metro is the transportation agency for a three-county area including Portland, and responsible for managing the Portland metropolitan area's urban growth boundary. Land inside the urban growth boundary supports urban services such as roads, water and sewer systems, parks, schools and fire and police protection. The boundary is one of the tools to protect farms and forests from urban sprawl and promote the efficient use of land, public facilities and services inside the boundary. Every six years, the Metro Council must review and report on the land supply in the Urban Growth Report. Metro prepares a forecast of population and employment growth for the region for the next 20 years and, if necessary, adjusts the boundary to meet the needs of growth forecast for that 20-year period. For more information see: https://www.oregonmetro.gov/urban-growth-boundary.
Boulder, Colorado	The Boulder Valley Comprehensive Plan is used by the City of Boulder and Boulder County to guide long-range planning, the review of development proposals and other activities that shape the built and natural environments in the Boulder Valley. The aim of the first plan approved in 1977 was to concentrate urban development in the city and preserve the rural character of lands outside the city service area. The plan also informs decisions about how services such as police, fire, water utilities and others are provided. Lands are divided into Area I, II, III and the Planning Reserve. Area I is the area within the City of Boulder. This land has adequate urban facilities and services and is expected to continue to accommodate urban development**.**
Fort Collins, Colorado	The Fort Collins City Plan utilizes a Growth Management Area to manage growth outside of city limits and directs new growth to targeted infill and redevelopment areas. The city's growth management approach includes requiring the provision of adequate public facilities before development occurs and continuing the policy of new growth paying its fair share for new services and infrastructure. The City Plan calls for development of and annual updates for a multiyear capital improvement plan, use of a variety of different sources to fund capital projects with an emphasis on

Jurisdiction	Growth Management Case Studies
	the "pay-as-you-go" philosophy, and identification of funding for operating and maintenance costs for approved capital projects at the time projects are approved. Affordable housing programs include maintaining and expanding dedicated sources of funding and providing incentives such as assistance to offset the costs of the City's impact fees and development requirements.
State of Washington/ **King County**	The State of Washington Growth Management Act (GMA) is a series of state statutes, first adopted in 1990, that requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. It is primarily codified under Chapter 36.70A RCW. It set up requirements for: urban growth area boundaries, regional planning, environmental planning, capital facilities planning, performance indicators, support for infill, and other topics. Each Washington city and county must periodically review and, if needed, revise its comprehensive plan and development regulations every eight years to ensure that they comply with the GMA. King County has been successful in carrying out the GMA, reporting that since 1994, an increasing share of new growth has been focused within the designated Urban Growth Area. Currently, more than 97% of new residential construction is occurring within Urban Growth Areas, and a large share of the most recent housing and job growth is taking place in designated Urban Centers. King County is also known for its Transfer of Development Rights (TDR) agreement with the City of Seattle, which has helped to preserve open space, increase urban development intensity, fund infrastructure, and meet reduce greenhouse gas emissions.
Montgomery County, Maryland	In 1973, Maryland's Montgomery County became the nation's first county to adopt an adequate public facilities ordinance (APFO), tying the granting of development permits to available infrastructure capacity. In 1997, the state of Maryland enacted the Smart Growth Areas Act, creating the Priority Funding Areas program which provided growth-related infrastructure spending to designated infill areas (Landis, 2021). (Of note: SANDAG's smart growth opportunity areas are considered a type of Priority Funding Area program.[1])
Florida Growth Management Act	Landis (2021) reported that concurrency was the centerpiece of Florida's 1985 Growth Management Act. Concurrency required that major state and local infrastructure projects, primarily roads and storm water facilities, be provided concurrently with the granting of local permit approvals. Funding to achieve concurrency was to come from new or increased state tax programs but was not adequately realized. In response, local governments raised impact fees which was not well received by the development community. Florida's Growth Management Act was effectively repealed in 2011.

[1] Reid Ewing, Torrey Lyons, Fariba Siddiq, Sadegh Sabouri, Fatemeh Kiani , Shima Hamidi, Dong-ah Choi, and Hassan Ameli. Growth Management Effectiveness: A Literature Review. Journal of Planning Literature 1-19, 2022.

City of Carlsbad

Growth Management Plan Update Advisory Committee Charter

Mission Statement and Principles of Participation

September 28, 2021

Mission Statement

The mission of the Growth Management Plan Update Advisory Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

Principles of Participation

Role of Growth Management Plan Update Advisory Committee Members

To achieve the mission of the Growth Management Plan Update Advisory Committee, the City Council is asking members to:

- Become familiar with the issues that affect future growth and quality of life in Carlsbad
- Attend periodic meetings over a period of time (approximately 1 year)
- Listen to and respect diversity in perspectives, facts and opinions
- Provide constructive feedback to city staff and consultants on process and draft work products
- In decision-making, balance individual and group stakeholder goals with the larger public interest and legal requirements
- Work collaboratively with other committee members in reaching decisions and making recommendations to the City Council
- Encourage community participation at committee meetings

Representation

The committee will be comprised of a total of 19 primary members and 19 alternate members as follows:

- Two members (one primary and one alternate) from each of the following city boards and commissions:

  - Arts Commission
  - Beach Preservation Commission
  - Historic Preservation Commission
  - Housing Commission
  - Library Board
  - Parks and Recreation Commission
  - Planning Commission
  - Senior Commission
  - Traffic and Mobility Commission
- Four residents (two primary and two alternate) from each City Council district:
  - District 1
  - District 2
  - District 3
  - District 4
- Four at-large residents (two primary and two alternates)

Each respective commission/board will nominate two commissioners/members (one primary and one alternate) to serve as members of the committee. Once each commission/board nominates each member, staff will report to the City Council the nominations with a brief biography. Then, over a period of 30 days; the Mayor will consider and confirm the recommended nominations and will recommend four at-large residents (two primary and two alternates), and each council member will recommend four residents (two primary and two alternate) from the council member's district to serve on the committee. The full City Council will make the final decision on all commission/board and district representative recommendations. From the appointed primary committee members, the Mayor will designate a Chair and Vice-chair.

Discussion Process

During committee meetings, committee members agree to abide by the following discussion process:

- The committee will establish ground rules about how members should conduct themselves during meetings
- The preferred decision-making process is collaborative problem-solving
- Consensus of the committee will take precedence over individual preferences
- In cases of non-consensus, the Chair may call for majority vote of the committee; however, alternative perspectives will be documented

- City staff will be present at all meetings to assist the Chair and committee as-needed

Role of Chair and Vice-Chair

The Chair will ensure that committee meetings are conducted fairly and efficiently, that proper order and mutual respect among all participants is maintained, that there is full participation during meetings, that all relevant matters are discussed, that all committee members have an opportunity to participate in committee discussions, and that necessary decisions are made. To the extent reasonable, the Chair will seek consensus of the committee in decision-making. In instances where consensus cannot be reached, the Chair may call for majority vote of the committee following procedures set forth in Carlsbad Municipal Code Chapter 1.20. However, the Chair will ensure that minority viewpoints are heard and documented.

The Chair will ensure that these Principles of Participation and agreed-upon "ground rules" are adhered to.

The Chair is responsible for ensuring that members of the public desiring to address thecommittee have the opportunity to do so at the appropriate time.

The Chair may speak to members of the media on behalf of the committee, and represent the committee at public workshops, hearings and other public events as appropriate.

The role of the Vice-chair is to *serve* as the Chair in his or her absence.

Meeting Schedule

The committee will meet approximately once a month (about 10-12 times).

Meeting Attendance

Full participation of committee members is essential to the effectiveness of the committee, and members are expected to attend all committee meetings. If a committee member is unable to attend a meeting, he or she shall notify city staff as soon as possible, and the designated alternate may attend in his or her place. The alternate is encouraged to actively participate in the meeting provided that he or she is adequately briefed as to the status of prior discussions and decisions.

If a committee member resigns his or her appointment before the committee's work has concluded, he or she shall notify the Mayor and City Council in writing, with copies sent to theCity Clerk, City Manager and the Community Development Director. The resigning committee members designated alternate shall automatically become a regular committee member for the remaining duration of the committee. If the alternate member chooses not

to fill the vacancy, at their next scheduled meeting, the committee will consider whether to recommendthat the Mayor and City Council fill thevacated position.

Meeting Quorum

For meeting purposes, a quorum of the committee is met with eight members in attendance.

Open Meeting Requirements

All committee meetings and committee members are subject to the open meeting requirements of the Ralph M. Brown Act (Brown Act). The Brown Act imposes public notice andaccess requirements on committee meetings, and places certain limitations on when and how committee members may communicate with one another. New committee members will be given a briefing by the City Attorney's office about the basic requirements of the Brown Act.

Meeting Agendas

Meeting agendas will be prepared by city staff in consult at ion with the Chairperson or a majority of the committee, following the procedures of the Brown Act. At the conclusion of each meeting, the Chair and city staff will summarize the results and identify items that may need further research or be carried over to the next meeting, preview new business for the upcoming meeting 1 and invite committee members to suggest new items for future meetings. Agendas for future meetings will be established by consensus of the committee with concurrence of the Chair and city staff.

Members of the public have a right to attend committee meetings and will have an opportunityto address the committee on any issue under its purview. Agendas will include time for public comment.

External Communications

The overriding consideration in all communications is to honor and sustain the constructive, collaborative process of the committee. Committee members are encouraged to communicate with their constituencies in order to keep them informed of the committee's mission and meeting agendas, and to encourage direct participation. Should committee members speak to the media, members are encouraged to provide accurate, factual information, but are asked to refrain fr.om engaging in speculation, advocating a position 011 a specific issue, speaking on behalf of the committee (except for the Chair or unless authorized by the committee to do so), or otherwise making public statements that would tend to hamper constructive committee discussions. Committee members are asked to notify city staff of any media contact related to the committee and its work. City staff will be available to assist in any communications to the media, if desired.

Information Sharing

In order to ensure all committee members have the same info rm at ion available to them, all documents will be distributed through city staff. If a member has information, he or she would like to share with other committee members, the information should be given to staff for distribution to the entire committee. Maintaining this flow of information will facilitate a respectful, collaborative process, and help avoid unintended violations of open meeting laws (e.g., serial meetings).

Work Products

The committee will be responsible for reviewing work product and providing feedback to staff and consultants. The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee' s work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

GROWTH MANAGEMENT CITIZENS COMMITTEE STAFF REPORT
APRIL 28, 2022

Exhibit 3 – Committee Name Suggestions

The following suggestions were submitted via email by members of the city's Growth Management Citizens Committee for consideration during a facilitated discussion at the April 28 meeting about the committee's name and how it could be changed to better reflect the breadth of issues the committee will be addressing.

As for a new name, I thought of one at the meeting and was talking to Tina Ray about it afterwards. I came up with:

Our Carlsbad 2.0

Our to show that we want to be as inclusive as possible about ideas and solutions. The ***2.0*** refers to version 2.0 and that the city has reached the 2xxx years growing pretty well with version 1.0. Look backward as we go forward.

Since the City is now close to build out, I think that the name we select for the Committee should not contain the word "Growth" as that may imply to some people that we are recommending more growth, rather than effectively managing the growth that we have and that which will normally occur, or which may be impose on the City by the State. Thus, I think our focus in this Committee is "how do we take our recently updated General Plan and the Envision Carlsbad goals and implement them in the future, while creating a mechanism to pay for them?" I therefore think that the name needs to be aspirational and not be full of cutesy acronyms, and I would offer **"Ensuring Carlsbad's Future,**" or "**Creating Carlsbad's Tomorrow**."

I would like the following recommendation(s) to be considered for the committee name:

- **Future Quality of Life Committee**
- **Long Term Quality of Life Committee**
- **2050 Quality of Life Committee**

Committee Name:

Committed to Carlsbad - our future is now
Our Future is Now
Growth Think Tank
Forward Growth Success

At our initial meeting of the Growth Management Plan Update Advisory Committee, we were presented the concept of developing a committee name that is easier to say and remember, and that represents, in a few words, what our charge is. Tina Ray, Carlsbad's Communications and Engagement Director, presented some concepts at the meeting and then asked committee members to explore these and other ideas.

As a way of opening discussion on this, I put my thoughts to pen….or in this case computer. In developing this proposal, I first listed the words and concepts that I believe represent the purposes of the Committee and the plan we will recommend to the City Council. This ultimately leads to the proposal I am putting on the table for discussion. These are some words and concepts, but I know there are others as well.

Key Concepts/Words

- Carlsbad
- Vision
- Future
- 2050
- Plan
- Direction
- Roadmap
- Pathway
- Sustaining
- Preserving
- Quality of Life

Taking these words and concepts, I started putting them together as a title and tagline.

Possible Concepts

- Future Vision
- Visioning Carlsbad
- Visioning Carlsbad 2050
- Future *Forward* Carlsbad
- *Forward* Carlsbad
- *Future* Carlsbad
- Carlsbad 2050 – A Plan for the Future
- Carlsbad 2050 – Planning for the Future
- Carlsbad 2050 – Quality of Life *Sustained or* Carlsbad 2050*: QLS*

- Road Map to the Future
- Pathway to the Future
- Sustaining Quality of Life
- Preserving Quality of Life
- Carlsbad 2050 – *FuturePlan*

After this, I arrived at a word and concept that is easy to say and remember, and one that represents….in a few words….what the plan does.

Recommended Name
The Growth Management Plan Update Advisory Committee could be renamed Carlsbad *FuturePlan* Citizens Committee. The Committee will recommend the Carlsbad *FuturePlan* to the community and the City Council.

For marketing purposes, a tagline could be added: *Preserving Our Quality of Life*

The plan could be called: **Carlsbad *FuturePlan***
Preserving Our Quality of Life

Rational for this proposal:

- **Carlsbad** needs to be included in title. It could also be **Carlsbad's**
- A date, such as 2050, is not included so it's always current. It is a living document.
- This is *our* plan for our future.
- The name does not use the word "growth", a term which implies growth, and as such is considered a negative to many.
- Full title of the committee could be **Carlsbad *FuturePlan* Citizens Committee**. The plan is called **Carlsbad *FuturePlan*.** As a parallel, the Envision Carlsbad Citizens Committee was a mouthful so the name was shortened to EC3, which didn't mean anything to anyone. The plan the committee recommended became Envision Carlsbad.
- The word "Preserving" is intentional. Whatever is created, we all want it to preserve our quality of life.
- The word "Our" represents the citizens of Carlsbad. Us. It is an organically created plan that includes multiple ways of seeking and receiving community input.
- The tagline incorporates a term used by many to describe what Carlsbad provides us all: A *quality of life* unsurpassed by many other communities.
- *FuturePlan* is one word. It's Carlsbad's word. It's a stylized word. It's italicized showing forward movement. If approved, I recommend that Tina Ray's Communications and Engagement Department develop this into a wordmark or logo, fitting the City's color and design elements.
- The City needs to check if it is copyrighted/trademarked. If it is, we could as an "ed" at the end to create *FuturePlanned.*

A grammarian needs to advise on whether "citizens" should have an apostrophe at the end of "citizens". Citzens'. It can go either way….plural or plural and possessive.

Growth Management Citizens Committee Meeting 2

April 28, 2022

City of Carlsbad

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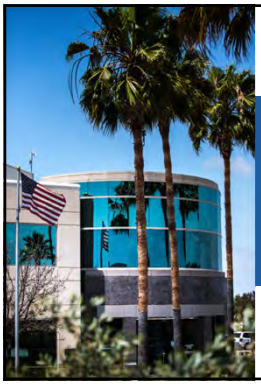
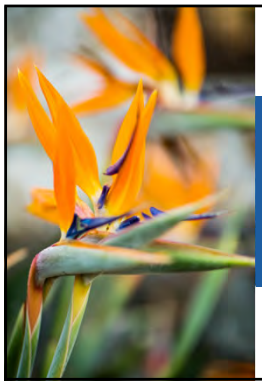


Call to Order & Roll Call

City of Carlsbad

2



Approval of Minutes & Ground Rules

City of Carlsbad

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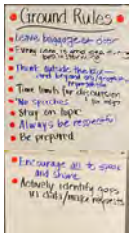
DRAFT GROUND RULES

- Encourage diversity of ideas; every idea is a good idea during brainstorming
- Avoid applying personal biases based on geography, organizational affiliation, etc. – think about the city as a whole
- Establish and follow general time limits for discussions items
- Keep comments brief and do not dominate the conversation
- Always be respectful
- Be prepared by reading materials and thinking about topics ahead of meetings
- Encourage all to speak - both primary and alternate members
- Actively search for ways to identify gaps in data and make requests based on those gaps



City of Carlsbad

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Public Comment

City of Carlsbad

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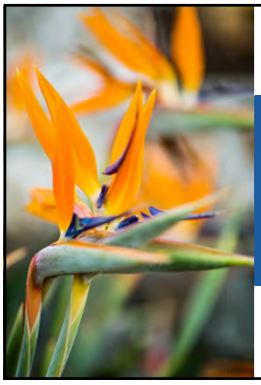

Welcome & Introductions

City of Carlsbad

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COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

City of Carlsbad

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TODAY'S AGENDA

- Discussion Items
  - Committee Business
    - Growth Management Public Facilities Performance Standards
    - Growth Management in Other Cities
    - Committee Role
    - Community Engagement
    - Committee Dialogue
    - Committee Name
- Committee Member Requests for Agenda Items
- Public Comment (continued if needed)
- Adjourn

City of Carlsbad

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1. Committee Business

City of Carlsbad

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Growth Management & Performance Standards Presentation

City of Carlsbad

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PUBLIC FACILITIES STANDARDS

BACKGROUND

- Mid-1980s - period of rapid growth
- Concerns about adequate public facilities

Census	Pop.	%
1960	9,253	—
1970	14,944	61.5%
1980	35,490	137.5%
1990	63,126	77.9%
2000	78,247	24.0%
2010	105,328	34.6%
2020	114,746	8.9%

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GROWTH MANAGEMENT OVERVIEW

GROWTH MANAGEMENT CHRONOLOGY

Summary of Growth Management Milestones

Date	Document	Description
June 1986	Ordinance No. 9810	Urgency ordinance to establish growth management controls
July 1986	Ordinance No. 9808	Added Chapter 21.90 to the Zoning Ordinance, establishing the growth management ordinance
July 1986	Resolution No. 8657	Established the boundaries for 25 local facilities management zones
September 1986	Citywide Facilities and Improvements Plan	City Council approved the CFIP to establish facility performance standards
November 1986	Proposition E	Approved by voters; established residential dwelling caps and growth management control point densities
1987 – 2013	Local Facilities Management Plans	LFMPs prepared and approved for the 25 LFMP zones
February 1990	Council Policy Statement No. 43	Established the "excess dwelling unit bank" policy regarding the number and criteria for allocation of Proposition E "excess" dwelling units.

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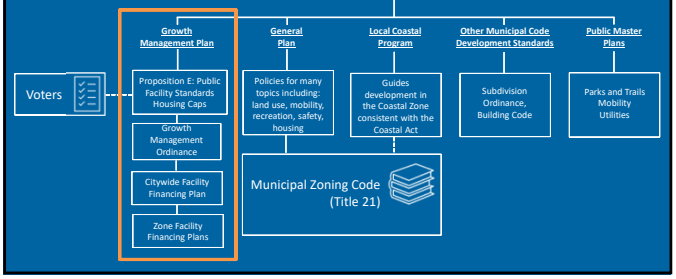
KEY CITY DOCUMENTS: GROWTH

Examples of Key City Documents that Guide and Manage Growth (Adopted by City Council)



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PUBLIC FACILITIES STANDARDS

CITYWIDE FACILITIES AND IMPROVEMENTS PLAN

- Sets standards for 11 public facilities

City admin. buildings	Drainage
Circulation	Sewer collection
Open space	Schools
Libraries	Emergency water storage
Parks	Wastewater treatment
Fire response	

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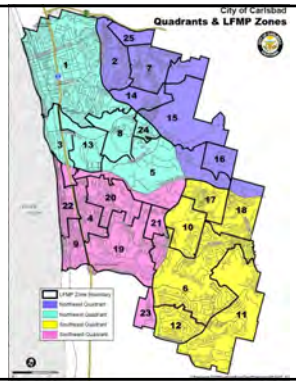

PUBLIC FACILITIES STANDARDS

LOCAL FACILITIES MANAGEMENT ZONES

- 25 local facility zones
- Local Facility Management Plans required

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PUBLIC FACILITIES STANDARDS

POPULATION

- Population factor
- Demand for facilities
- Persons per dwelling = 2.358
- Current population = approx. 112,683

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PUBLIC FACILITIES STANDARDS

LIBRARIES CITY ADMIN. BUILDINGS

- Based on population

Per 1,000 population:
800 sq. ft. (of library space) and
1,500 sq. ft. (of city admin. bldgs.)

Must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

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PUBLIC FACILITIES STANDARDS

PARKS

- Based on population

Per 1,000 population within a park district (quadrant):
3 acres of community park or special use area

Must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to Aug. 22, 2017.

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PUBLIC FACILITIES STANDARDS

OPEN SPACE

- Based on Local Facility Management Zone

15% of the total land area in the local facility management zone (excluding environmentally constrained non-developable land):

Set aside for permanent open space concurrent with development

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PUBLIC FACILITIES STANDARDS

SCHOOLS

- Based on Local Facility Management Zone

School capacity to meet projected enrollment within the local facility management zone as determined by the appropriate school district.

Must be provided prior to project occupancy.

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PUBLIC FACILITIES STANDARDS

FIRE RESPONSE

- No more than 1,500 homes outside a five-minute response time

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PUBLIC FACILITIES STANDARDS

CIRCULATION

- Livable streets network for all users – vehicles, pedestrians, bicycles, transit
- Level of Service D for all modes
- Multi-modal level of service standard

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PUBLIC FACILITIES STANDARDS

WASTEWATER TREATMENT AND SEWER COLLECTION

- Wastewater treatment – adequate for at least five years
- Sewer collection system – trunk-line capacity to meet demand and provided concurrent with development

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PUBLIC FACILITIES STANDARDS

DRAINAGE AND WATER DISTRIBUTION

- Drainage – facilities provided concurrent with development
- Water distribution system – line capacity to meet demand and provided concurrent with development (average 10-day storage)

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PUBLIC FACILITIES STANDARDS

FAILURE TO MEET A STANDARD

- Development stops if standards not met
- State law – facility standards can't stop development of housing

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PUBLIC FACILITIES STANDARDS

MORE INFORMATION TO COME…

- Future committee meetings
- Closer look at public facility standards and challenges

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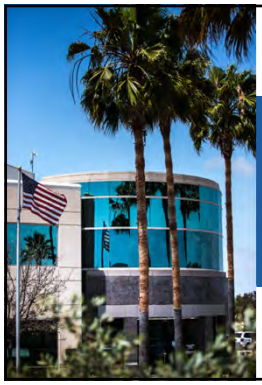

Growth Management in Other Cities

City of Carlsbad

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GROWTH MANAGEMENT IN OTHER CITIES

TODAY'S PRESENTATION

- Growth Management Overview
- Financing Measures
- Selected Case Studies
- Carlsbad Takeaways

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GROWTH MANAGEMENT IN OTHER CITIES

CARLSBAD FRAMEWORK

- The Growth Management Plan focuses on adequate public facilities and limiting residential growth
- Other city programs guide and regulate growth, including the General Plan and Zoning Ordinance

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GROWTH MANAGEMENT IN OTHER CITIES

WHAT IS GROWTH MANAGEMENT?

- Use of techniques to determine the amount, type, and rate of development, and to channel that growth into designated areas.
- Carlsbad's program focuses on concurrency, or providing needed facilities for new development at the time they are needed.

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GROWTH MANAGEMENT IN OTHER CITIES

GROWTH MANAGEMENT APPROACHES

- Focused view: control the rate of growth and mitigate fiscal and environmental impacts
- Broader view: address broader goals through transit-oriented development, smart growth, triple bottom line (environment, economy and equity), community health, or sustainable development planning approaches
- Facilities financing is an important component of both approaches

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GROWTH MANAGEMENT IN OTHER CITIES

IMPLEMENTATION TOOLS

- Zoning and other land use regulations
- Subdivision regulations
- Special districts
- Incentives
- Monitoring

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GROWTH MANAGEMENT IN OTHER CITIES

FINANCING MEASURES

- Impact fees
- Subdivision dedications/exactions
- Development agreements
- Facilities districts and user fees
- Bonds and broad-based taxes

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GROWTH MANAGEMENT IN OTHER CITIES

FOCUS ON IMPACT FEES

- Important source of funding due to state and voter limitations on other funding sources
- Mitigation Fee Act establishes requirements
- New development can only pay for impacts of new growth
- Fees methodology can be based on standards or master plans

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GROWTH MANAGEMENT IN OTHER CITIES

CASE STUDIES OVERVIEW

- Case studies were reviewed to learn from other jurisdictions' growth management programs
- Some cities and regions focus on open space preservation, transit-focused development, and regional coordination
- Other jurisdictions, like Carlsbad, focus on facilities financing and timing of development
- Since Carlsbad has an up-to-date general plan that addresses broader planning issues, the case studies focus on public facilities

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California Case Studies

City of Novato	City of San Diego	San Luis Obispo
• Requires adequate facilities • Analysis and monitoring • Environmental review process • Fair share payments	• Changed focus from new growth to infill and redevelopment • Transition from facilities benefit assessments to impact fees • New parks fee reflects systems approach	• Limits housing supply to one percent per year • Requires phasing schedules • Exempts affordable, downtown and ADU housing • Housing cap permitted due to agricultural county

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Other Case Studies

Metro-Portland, OR	Boulder, CO	Fort Collins, CO
• State law requires urban growth boundary to control urban expansion • Regional transportation agency (Metro) administers • Protects farms and forests, promotes efficient use of land and public facilities	• Concentrate urban development in the city and preserve rural character outside • Defines development areas based on adequate urban facilities • Informs provision of service decisions	• Uses Growth Management Area to manage growth outside city limits and direct new growth inward • Requires adequate public facilities before development • Calls for annual updates to multiyear CIP, a variety of funding sources and affordable housing assistance

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Other Case Studies, continued

State of Washington	Montgomery County, MD	State of Florida
• State law requires cities and counties to develop comprehensive plans • Includes urban growth boundaries, regional planning, CIPs, indicators and support for urban infill • Requires plan updates every 8 years • King County success story Includes a TDR plan with Seattle	• Ties granting of development permits to infrastructure capacity • Smart Growth Act created Priority Funding Areas to provide infrastructure funding for designated infill lands	• Concurrency was central part of 1985 Growth Management Act • State and local infrastructure to be provided concurrent with local permit approvals • Funding to come from state tax programs and impact fees • Funding was not adequate and Act essentially repealed in 2011

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GROWTH MANAGEMENT IN OTHER CITIES

KEY TAKEAWAYS

- Carlsbad Growth Management Plan focuses on facilities standards and financing
- Impact fees are an important funding source that can be designed to meet multiple goals
- Regular monitoring, and alignment with city and regional investments can contribute to concurrency goals
- Toolbox approach may be used to provide a flexible menu of quality of life implementation measures

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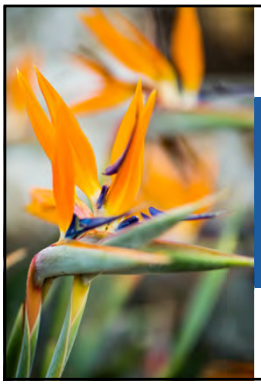

Committee Role

City of Carlsbad

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Committee Process

MAR – APRIL 2022	MAY – AUGUST 2022	SEPT – OCT 2022	NOV 2022 – JAN 2023	FEB 2023
Orientation, background & history	Information & dialogue on a variety of topics/standards: • municipal finance • land use planning • city facilities • parks, libraries & schools • emergency response • circulation • water, drainage & sewer	Discussion and recommendation development for future quality-of-life standards	Review and discuss draft recommendations (options) to be included in new quality-of-life standards	Discuss & finalize report to be presented to City Council

Committee meetings are open to the public and livestreamed.

Draft recommendations available for public review

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STEPS IN THE PROCESS
Growth Management Program Update

- Citizens Committee develops recommended framework and standards
- City Council gives direction on next steps.
- Start updating documents
- Revise Growth Management Ordinance
- Create new Citywide Facility Financing Plan
- City Council gives feedback on changes
- Update documents
- City Council final approval*
- Update Zone Facility Financing Plans as needed

Mar 2022 – Mar 2023 | April 2023 | + 1 to 3 years

Public engagement

* Ballot Initiative may or may not be included

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Community Engagement

City of Carlsbad

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COMMUNITY ENGAGEMENT

COMMUNICATION STRATEGY

- Engage community members through citizens committee meetings.
- Clearly communicate the purpose, need and scope of the project so community members understand why creating a new approach to managing growth is important and how they can engage in the process.

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COMMUNITY ENGAGEMENT

COMMUNICATION TOOLS

- Social media
- Traditional media
- Nextdoor
- City website
- Targeted emails
- City cable channel
- Citizens committee meetings

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ENVISION CARLSBAD

- Citizens committee
- Dedicated newsletter
- Website
- Citywide scientific survey
- Individual, small group interviews
- 4 community workshops
- $200,000 over 18 months

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WHAT WE'VE HEARD

- Love Carlsbad the way it is
- Strong community pride
- Appreciate quality
- Lack understanding of laws, constraints, trade offs
- Suspicious of developers and government

City of Carlsbad

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INPUT OPPORTUNITIES

- Sustainability initiatives
- Traffic and mobility improvements
- Building design standards
- Parks & Recreation Master Plan Update

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HOW YOU CAN HELP

- Share information
- Encourage community participation
- Seek input from through your circles
- Help ensure accurate information sharing

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Committee Dialogue

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COMMITTEE DIALOGUE

What topics do you feel are most important to address in the future?

What should change about the current Growth Management Plan?

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DISCUSSION & NEXT STEPS

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Committee Name

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COMMON TERMS SUBMITTED

- Future
- Tomorrow
- Carlsbad
- Quality of Life

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OTHER THEMES

- Reflect future focus/ looking toward the future
- Desire to preserve quality of life
- Avoid using word "growth" - negative connotation for many
- Refrain from using dates so that plan viewed as living document

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FUTURE/GROWTH

Our Future is Now

Forward Growth Success

Growth Think Tank

Ensuring Carlsbad's Future

Envision Carlsbad's Future

57

CARLSBAD IN NAME

Carlsbad Tomorrow

Creating Carlsbad's Tomorrow

Committed to Carlsbad – Our Future is Now

Sustainable Carlsbad

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QUALITY OF LIFE

Future Quality of Life

The Palladium: Protecting Carlsbad's Quality of Life

Long Term Quality of Life Committee

Carlsbad FuturePlan – Preserving Our Quality of Life

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DATE/METRIC

Carlsbad 2050

Our Carlsbad 2.0

2050 Quality of Life Committee

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ACRONYMS

CIVIC Carlsbad
Collaboration Investment Vitality Innovation Community

Carlsbad LIFE plan
Livability, Infrastructure, Facilities and Environment
Leading to an Inspiring Future for Everyone

Carlsbad FIRST
Focus on infrastructure, Resources and Sustainably for Tomorrow
Future Investments to Realize a Sustainable Tomorrow

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ACRONYMS

SMART Plan
Sustainably Managing All Resources Together

Carlsbad's BEST Future
Building Everyone's Sustainable Tomorrow

Carlsbad FIRST
Focus on Infrastructure, Resources and
Sustainability for Tomorrow

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Future/Growth

- Our Future is Now
- Forward Growth Success
- Growth Think Tank
- Ensuring Carlsbad's Future
- Envision Carlsbad's Future

Carlsbad in Name

- Carlsbad Tomorrow
- Creating Carlsbad's Tomorrow
- Committed to Carlsbad – Our Future is Now
- Sustainable Carlsbad

Quality of Life

- Future Quality of Life
- The Palladium: Protecting Carlsbad's Quality of Life
- Long Term Quality of Life Committee
- Carlsbad FuturePlan - Preserving Our Quality of Life

Date/Metric

- Carlsbad 2050
- Our Carlsbad 2.0
- 2050 Quality of Life Committee

Acronyms

- Carlsbad's BEST Future
  -Building Everyone's Sustainable Tomorrow
- SMART Plan
  -Sustainably Managing All Resources Together
- Carlsbad FIRST
  -Focus on Infrastructure, Resources and Sustainability for Tomorrow
- CIVIC Carlsbad
  -Collaboration Investment Vitality Innovation Community
- Carlsbad LIFE Plan
  -Livability, Infrastructure, Facilities and Environment

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OTHER IDEAS OR THOUGHTS?

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DOT EXERCISE!

To narrow down the ideas for discussion, each person has three dots. Place one dot on each of your preferred names.

City of Carlsbad

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DISCUSSION & DELIBERATION

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Committee Member
Requests for Future
Agenda Items
City of
Carlsbad

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Public Comment
City of
Carlsbad

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Adjournment
Next Meeting:
May 26, 2022, 5 p.m.
City of
Carlsbad

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Date: April 26, 2022

To: Growth Management Citizens Committee (and members of the public)

From: Steve Linke, Traffic & Mobility Commission Vice-Chair and Growth Management Citizens Committee primary member

Subject: April 28, 2022 Growth Management Citizens Committee Meeting written comments

Given time limitations of large committee meetings like ours, this communication is intended to provide some recommendations and questions/suggested future topics. Following those, I provide some background, history, and concerns that put them into context. I will detail additional concerns and consequences in communications for future meetings.

Recommendations and questions/suggested future topics

Recommendation: Our committee should ensure that validated measurement methods and Growth Management Plan (GMP) performance standards that reflect reality are locked down for all public facilities—not methods that can be continually tweaked to artificially achieve success.

Recommendation: Exemption of any public facilities from a GMP performance standard should require a proportional alternative mitigation plan with identified funding and a timeline—not simple abandonment.

Recommendation: If we move away from the "performance standard" system, any new system should be overtly mandatory and not include soft language that implies voluntary compliance.

Recommendation: Impact fees/programs (e.g., traffic impact), housing fees, and other developer costs, like review and permitting fees, have been allowed to sit without meaningful updates for extended periods of time. These should be considered globally with the GMP and updated regularly to reflect current needs and costs.

Question or suggested future topic: The new state laws that prevent residential development moratoria have a sunset clause, and they do not seemingly prevent commercial development moratoria. They also continue to allow various impact fees. How can these be used to maximize GMP requirements?

Question or suggested future topic: Please explain the protocol staff uses to determine a "nexus" between a development project and its obligation to fund a public facility improvement, as well as the method used to calculate its "proportional funding."

Question or suggested future topic: Given the fact that the vast majority of remaining development in Carlsbad will be "in-fill" (rather than "vacant land"), and the fact that in-fill projects are largely being exempted from having to conduct GMP and CEQA studies—combined with the alleged difficulty in making a funding "nexus"—what are the prospects of the funding of the various public facilities by future development, and how can GMP requirements be maximized?

Background

One of the eleven public facilities included in the GMP is **circulation** (also known as traffic, transportation, streets, or mobility), which currently includes vehicle, pedestrian, bicycle, and transit modes of travel. I have been studying this topic for over a decade, and I have spent the last three years on the Traffic & Mobility Commission intent on reforming the transportation review process in Carlsbad. I also have reviewed the GMP and CEQA transportation portions of all development applications and City projects over the past three years. My comments here are focused on transportation, but the concepts may apply more generally to other facilities, as well.

The **performance measure** for circulation is called **level of service** (LOS). Generally, LOS is reported for each street segment (facility) on a scale of "A" through "F"—calculated from the volume of vehicles relative to the capacity of the street, or the average length of time it takes vehicles to traverse an intersection or street corridor—the worse the congestion, the lower the grade. An LOS grade of "D" during peak hours is required to achieve the minimum GMP **performance standard**.

The way the GMP is supposed to work for circulation is that, when a development project is proposed, a **transportation impact study** predicts the **direct** impacts the project will have on the LOS of nearby street/mobility facilities. The approval of the project is then supposed to be **conditioned** upon funding any improvements necessary to maintain the minimum LOS standard, such as street widening, intersection improvements, etc.

In addition, the City is required by the GMP to conduct its own **annual** LOS assessments (the **Traffic Monitoring Program**) to prospectively identify emerging problems that arise due to the **cumulative, indirect** impacts of developments on the overall citywide mobility network. These results are supposed to be used to add additional mobility projects and the associated costs to the City's Traffic Impact Fee (TIF) Program, which is intertwined with the GMP. A separate **traffic impact fee** is then charged to all developers based on the type of development (residential vs. commercial) and the number of vehicle trips they generate, in order to fund the TIF Program projects to help maintain the minimum GMP standard citywide.

Further, if annual monitoring reveals a facility that is already **deficient** (fails to meet the minimum GMP standard of LOS "D"), then there is supposed to be a **moratorium** on all development in the corresponding zone until a mobility project that will address the deficiency is identified and has an approved plan, funding, and timeline.

Troubled history of Carlsbad's vehicle LOS performance standard

Back in 1988, when the GMP was first being implemented, a group of transportation experts developed guidelines for Carlsbad to calculate vehicle LOS. The guidelines were derived from the Highway Capacity Manual (HCM), the gold standard reference for transportation engineers based on decades of research and validation, with additional tuning to Carlsbad's suburban streets. In 1989, Carlsbad's "Citizens Committee to Study Growth," an early predecessor to our committee, reviewed and recommended those guidelines.

Unfortunately, staff ignored the recommendation of the citizens committee and never used the validated vehicle LOS guidelines. Instead, they created their own custom methods that included exaggerated capacities for all of Carlsbad's streets and intersections, and which vastly under-estimated congestion.[1]

Consultants included a disclaimer in their first several annual traffic monitoring reports from 1989 into the early 1990s, pointing out the severe limitations of the methods. In 1993-94 and 2000, traffic consultants suggested reducing the exaggerated capacities or using an HCM-based method to get more accurate results. In 2011, I also presented extensive data at public meetings demonstrating the inaccuracy of the methods. In spite of all of this, staff continued to use their inaccurate methods through 2018 when presenting traffic data to the traffic commission and council.

The 2015 General Plan Update (GPU) required a switch to valid vehicle LOS methods based on the HCM, and multiple traffic consultants have now re-confirmed that Carlsbad's old vehicle LOS methods had not reflected reality by under-estimating congestion. After avoiding required vehicle LOS monitoring for a few years, a valid HCM-based method was finally established in 2018 and phased in slowly over the next few years.

Not surprisingly, we went from all street facilities meeting the minimum GMP performance standard (LOS "A" through "D") with the old Carlsbad methods to having 30+ street facilities identified as GMP-deficient (LOS "E" or "F") with the valid method—a reality that drivers see every day during peak hours. These deficiencies actually started accumulating back around 2008 and really started accelerating around 2012.

Funding for street projects and/or alternative strategies to address these emerging deficiencies could have been secured by adding them to the TIF Program. However, the inaccurate LOS methods masked the deficiencies, and there was a failure to regularly update the TIF project list—despite a requirement in the Municipal Code, and despite previous warnings by council that it would unduly burden future taxpayers with the impacts of developments. I will address this topic more in the future.

The staff report for Thursday's meeting claims that the circulation system is meeting the GMP performance standard (page 5), but that is extremely misleading. The only way it is being met is because the City Council has "**exempted**" those 30+ street facilities from having to meet the performance standard as each deficiency is reported to them. The adoption of the exemption process effectively means that **there is no longer any GMP vehicle LOS performance standard**.

Troubled history of the pedestrian, bicycle, and transit LOS standards

The 2015 GPU also introduced a new system to measure LOS for pedestrian, bicycle, and transit travel on streets newly prioritized for those modes—called multimodal level of service (MMLOS). Vehicle LOS tends to degrade over time as growth occurs and vehicle volumes increase, allowing anticipation of the

[1] For those curious and adventurous enough to delve deep into the weeds on this topic, see my 7/9/2019 letter to the City Council at tinyurl.com/yckpt9k9.

need for developers and/or the City to fund improvement projects to increase street/turn lane capacity over time. In contrast, MMLOS is determined from a point system based on **amenities** or **quality** (e.g., sidewalk width, buffers for bike lanes, bus stop benches, safety lighting, etc.)—regardless of whether there are any changes in the numbers of users.

The unintended consequence of this approach is that all pedestrian, bicycle, and transit facility GMP deficiencies across the city will suddenly pop into existence immediately upon the first annual monitoring. And, as the staff report states: "…development cannot be required to pay for existing deficiencies." Therefore, the city itself would be on the hook to fund all projects to achieve the minimum GMP standards all at once.

I pointed out this fatal flaw in the approach in conversations and letters with staff during the public review period leading up to the 2015 GPU, but I was assured it would work. It did not. It has been over six years since adoption of the GPU that added a requirement for MMLOS monitoring, but no such monitoring has been included in any GMP annual reports. The City even claimed recently that it was never their intent to maintain LOS "D" as part of monitoring, even though that intent seems very clear in the GPU and its public review.

Although there has been no annual city monitoring, preliminary MMLOS point systems have been applied to development applications for the last few years. However, similar to the old vehicle LOS methods, they are largely designed not to fail, and they have been modified multiple times without public review. One example is that the transit LOS point system was modified to award the minimum 60 points necessary to achieve LOS "D" simply based on the City's adoption of a Transportation Demand Management (TDM) ordinance, even though that ordinance does little to nothing to improve transit conditions. It is simply a workaround to get a passing grade to meet the minimum GMP performance standard.

The outcome of all this is that few pedestrian and transit upgrades have been funded by developers, except a few limited sidewalk gap closures and bus stop benches, and no bicycle upgrades have been funded. Staff also has added that a "nexus" cannot be established for the developments to fund such projects in most cases, but there has been no explanation on how staff makes their nexus determinations or how "proportional funding" is determined.

The Traffic & Mobility Commission has been working with staff on the MMLOS system for the last couple of years, and it might be addressed again at our commission meeting next week, but the outcome is uncertain.

Imagine Carlsbad

CARLSBAD'S NEW CITY HALL / CIVIC CENTER Jan 1 2021

Geo-Centric or Historic Heart

Ask pretty much anyone, they will say ***Carlsbad is a very nice place***. People from other areas usually say "you are fortunate if Carlsbad is where you call home. To continue that status the City Council now has a major question needing to be answered. ***That question is where to place our new and final City Hall and how to also make it a Civic Center***. Not an easy decision so we ask that the following input be considered. We all know the City has been defined on paper as having four different zip code quadrants separated by our two largest roadways. It is now defined by four voting districts mostly cutting east to west. ***We also know that the major residential areas are positioned north and south generally separated by the airport and its influence on adjacent land uses***. We know that the vast majority of Carlsbad was laid out and built under the land planning model of "***suburban-ization"*** This doctrine came about in the early 1950s. It's where all different land uses are separated in their own areas. This separation was meant to reduce the possible conflicts between different uses which had been somewhat common up to that time. This separation requires one additional element that would make it possible for this new form of town planning. It requires a full network of roadways for the automobile to tie all areas together into a workable land use fabric. However, one area of Carlsbad is different as it was laid out and built under a different land planning program now referred to as ***"Traditional Town Planning"***. That area was the city's starting point , a start that took place much earlier. Its planning program built a relatively small multi-use core area on a tight grid of Main Street type thoroughfares. This gives that area, the Village-Barrio, ***a different and unique character in all of Carlsbad.***

Now the question of where to put our City Hall. An opportunity to create a new Flagship facility with civic amenities that will be embraced as a proud symbol representing our community. It should be a model of City government ***efficiency and professionalism. A symbolic element that reinforces its general location as a "point of focus" for the community, a Town Center.***

MID CITY - Two sites that are *geo-centric* to be more equal distant from both south and north areas of town.
NORTH WEST CORNER - The two sites that will support of the City's *Historic Heart Neighborhood* (the Village / South Village - our Historic Barrio).

OUR CRITERIA FOR EVALUATING THESE POTENTIAL SITES

- ★ City Hall as a highly productive and stimulating work place environment
- ★ Accessability for Employees, Business Guest & the Community
- ★ Presences/Imagery - A Flagship facility with high visibility that represents our community Pride
- ★ Civic Amenities for the community
- ★ ***Its relationships with its surrounding area Synergy & Symbiotic (2+2=5)***

Back to Carlsbad being a great place to live. Taking this as a given can we now pause and reflect on all that we have, all that we done but also do some ***objective evaluation of what we may have missed, what we may be lacking?*** This review should influence the evaluation of where our ultimate City Hall should be placed. What ingredient might be needed to strengthen our community, to its sense of place, its sense of identity and pride. The element that should have come out of that objective evaluation as missing is a Town Center. As far as we know a ***Town Center*** has never been put on any map, never been part of any plan in all of our town planning. ***We submit that a recognizable Town Center is very important to a city the size of Carlsbad adding to our community's sense of place, identity and pride***.

All along our town planning journey we have had the "Historic Heart", the starting point of town but we really never saw the need to fully wrap our arms around it. To elevate it as our point of focus for the full community as a recognized Town Center. "It is up there in the far corner", "shouldn't a town center be in the center of town?" It's our starting point and hence it was logically located on the coast line, on the regional highway, on the rail line. Yes today it is the NW corner of our town just one of the city's four corners. The flip side of this can be expressed in one word, ***"Car-nitas"***. This term, we have heard, is used by some who live in south Carlsbad but have a Encinitas state of mind. Why do these people relate more to Encinitas, certainly it has nothing to do with their City Hall.

However, this should be seen as a tear in our community's fabric of cohesiveness and belonging. Some believe the fix is to place our "seat of power" the City Hall in the center of town so it is seen as equal in its reach and representation. "That makes sense on paper", as they say, if centered it is equal right?. However the next question is, does that get us where we should want to be, is it really just that simple, we think not. ***Rarely is a City Hall on its own a Town Center***, an important part yes but as a stand alone facility it is hard pressed to pull that kind of weight. Make it a Civic Center by adding civic amenities, like a learning center/Library with auditorium or exhibit hall, already done ***at "the Dove" along with another civic staple a Federal Post Office***, or may be give it a larger performing arts venue. An objective evaluation will show that it will be very difficult if not impossible to create a true Town Center at the mid City sites. As we know, we already own land in the Center of town. Rather than place ***a stand alone City Hall at Farmers***, as an island in the employment center sea. May be we make that site a different feature for the community, a larger performing arts venue, say an amphitheater. May be not, as we did have one of these proposed in our town some time back. But due to the cold shoulder reaction it received here that proposal moved on to Poway. It then lost out in a head to head competition with a proposal for a theater in Chula Vista. How many of us in Carlsbad want to travel to Chula Vista or even S.D. State to go to a performance in an amphitheater? But nice if we had that venue close in.

If we can agree that our community will benefit significantly by having a strong Town Center, a point of focus for all of us. If we can agree to have a Town Center as a new and major goal (a Council Goal) and also agree that the City Hall should be placed at our Town Center. We should take into consideration how the four candidate sites for City Hall measure up to a set of criteria for this role as a flagship facility, as an important part of the community's Town Center. As has been expressed, if a mid city locations have little chance to become a strong and meaningful Town Center then where? The Village also does not currently carry that weight. However, unlike mid town it does have that potential, it's just not there yet. So the real question here is what must we do to make it so. ***To make the Village a true Town Center that has that weight, that gravity to draw all of us to it, even those "Car-nitas". But that is a topic for another session, another paper. A session to tackle that question, and to ask if we have that kind of vision, that kind of resolve to strengthen Carlsbad as a community made whole with a compelling Town Center ?***

WHAT MAKES FOR A SUCCESSFUL TOWN CENTER Jan1 2021

A Center with many activities and services creating a significant draw that becomes a local attraction, a destination for the entire community.

A Center that provides a special setting assisted by its character and ambiance enhancing the community's sense of place, identity and pride.

A Center that is easy to locate, offers easy access and has adequate fundamentals for all its uses and planned events.

A Center that can host a full range of special events throughout the year.

A Center where there are strong public/private partnerships and many active community groups.

A Center strengthened by the inclusion of the town's Seat of Power (City Hall) placed at a location of prominence and status. A flagship facility that also offers as many features for community use as its layout can accommodate.

A Center with a high level of authenticity and/or heritage, it is optimal if the location has an innate quality to it. Something special took place there, something special was built there, something was started at this location that has meaning to the community. This should enhance its prominence and status adding depth in the community's sense of time, sense of longevity.

A Center with ample public land, although the center can include a mix of both public and private properties, it must be rich in our public domain. Allowing easy public movement unencumbered by private rights. A location where there are also ample areas for the public to gather. Where one gathering location is widely held to be the venue for public expression. Where the community comes together to hold a hand over heart, where they push both hands high into the air with movement and rhythm, where, after sunset, they hold lights tight in hand as an expression of a collective spirit.

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

May 26, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the April 28, 2022 meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the Committee. Review agenda and meeting format. Allow for any introductions for those not present at previous meetings – staff and committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **City of Carlsbad Budget.** Receive a presentation from city staff on the city budget and financing. (Staff contact: Zach Korach, Finance Director)
   - **Financing & Growth Management.** Receive a presentation from city consultants on the economic rationale for how jurisdictions approach growth management, basis for public facility demand forecasts, and approaches to allocating fiscal costs of public facilities. (Consultant: Nancy Bragado, Bragado Planning)
   - **City Administration Facilities Performance Standard.** Receive a presentation from city staff on current City Administration Facilities Performance Standards (background, current status, funding source, and other considerations). Group discussion on the standards: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Staff contact: Eric Lardy, Principal Planner)
   - **Additional Growth Management Topics**. Receive an update on what topics will be addressed by city staff at future committee meetings and additional resources provided on others.

   (Staff Contact: Eric Lardy, Principal Planner)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite Committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, June 23, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

May 26, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Eric Larson, Mike Howes, Mary Ryan, Frank Caraglio, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Chad Majer, Amy Allemann, Steve Linke, Nelson Ross
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Thierry Ibri, Angela O'Hara, Lisa Stark, Allen Manzano, Art Larson, Kevin Sabellico, William Fowler

Absent:
Primary – Scott White, Stephen "Hap" L'Heureux, Frances Schnall, John Nguyen-Cleary, William Sheffler, Joseph Stine
Alternate – Terence Green, Matthew Reese, Nora Jimenez George, Jamie Latiano Jacobs, Patricia Mehan, Marissa Steketee

APPROVAL OF MINUTES:

Minor modifications were made to the minutes. Minutes were approved by a motion by Jeff Segall, seconded by and Steve Linke, to approve the April 28, 2022 minutes as amended.

PUBLIC COMMENTS:

Three public comments were received.

1. **Civic Center Location and Growth Management Plan Decisions –**
   Mr. Gary Nessim stated he came to promote a future Civic Center remain at its current location (1200 Carlsbad Village Drive). He also requested that the reasons behind Growth Management Citizens Committee decisions be laid out in the plan.
2. **Local Solar Projects –**
   Dr. Phil Watts requested that the committee identify public and private lands for local solar projects through public and private partnerships as it would provide the city with large financial benefits.
3. **Growth Management Performance Standards Review –**
   Ms. Diane Nygaard requested that the growth management performance standards be reviewed, as many have not yet been met or are outdated, particularly with standards pertaining to traffic, parks and open space.

WELCOME AND INTRODUCTION:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson, who also asked that questions be held until after each presentation is completed.

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS

- **City of Carlsbad Budget.** Finance Director Zach Korach provided a presentation on the city budget and financing. Committee members asked follow up questions to clarify items from the presentation and request additional information.
- **Financing & Growth Management.** Nancy Bragado, owner of Bragado Planning, provided a presentation regarding how jurisdictions approach growth management, the basis for public facility demand forecasts and approaches to allocating fiscal costs of public facilities. Committee members asked questions to clarify the information presented and request additional details.
- **City Administration Facilities Performance Standard.** Principal Planner Eric Lardy provided a presentation on current City Administration Facilities Performance Standard. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way?

  The following key thoughts and considerations regarding the City Administration Facilities Performance Standard were captured:
  - Calculating the need by square footage seems antiquated
  - Consider inquiring with employees on their needs
  - Should standard combine individual office and common work area facilities – or divide amount of common work facilities to account for individual or home offices?
  - What is the future of the workforce? Department by department personnel projections?
  - Calculating standard by square footage should be reconsidered
  - Look into how our administration square foot per person amount compares to other cities
  - Consider an alternative to city population for the metric
  - Consider employee satisfaction in current facilities
  - Consider upgrade to and condition of current facilities
  - Continue to monitor standard goals or note when complete
  - Look into city Civic Center versus admin facility – did it fulfill the "why"?
  - Consider using the number of employees as a metric
  - Look into other business practices, not just cities
  - Consider whether business practices are being consolidated and any related effects
  - If uses are consolidated, will new property become available?
  - Could administrative and community facilities be combined?
  - Standard should focus on efficiency - does it do that?
  - How does this standard work with infill?
  - Find a better measure for this standard other than square footage such as efficiency, satisfaction, etc.
  - What are the impacts if the state will no longer allow developer impact fees?
  - Consider dropping this standard
- **Additional Growth Management Topics.** Susan Harden, Facilitator, shared the schedule for the next few meetings to highlight the standards and topics that are planned to be discussed. She noted also that the committee had brainstormed several topics they might wish to explore as performance standards or consider how they may contribute to existing standards. Regarding these topics, Ms. Harden provided a brief presentation to share what work has been or is being done on behalf of the city to address the topics. She noted that links to these resources (plans,

studies, reports) will be provided to the committee so that they may further think about the topics. The committee will discuss and prioritize whether and/or how to address these topics as part of the growth management plan at a future meeting.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

Future agenda item requests requested for consideration by the committee include the following:

- Nexus creation
- Prop H restriction
- Prioritization of additional standard topics

Committee suggestions identified for future possible discussion or consideration:

- Adding all 11 performance standards an ongoing meeting reference
- Prepare some sort of pert chart of the committee process with feedback loops
- Consider use of subcommittees
- Consider how many topics are reasonable to be discussed during the process

PUBLIC COMMENT:

None

ADJOURNMENT:

Chair Larson adjourned the duly noticed meeting at 7:20 p.m.

Bailey Warren - Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	May 26, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, Principal Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations from city staff and consultants and discuss the following topics:

- **City of Carlsbad Budget.** Receive a presentation from city staff on the city budget and financing. (Staff contact: Zach Korach, Finance Director).
- **Financing and Growth Management.** Receive a presentation from city consultants on the economic rationale for how jurisdictions approach growth management, basis for public facility demand forecasts, and approaches to allocating fiscal costs of public facilities. (Consultant: Nancy Bragado, Bragado Planning) (Exhibit 1)
- **City Administrative Facilities Performance Standard.** Receive a presentation from city staff on current City Administration Facilities Performance Standards (background, current status, funding source, and other considerations). Group discussion on the standards: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Staff contact: Eric Lardy, Principal Planner) (Exhibit 2)
- **Additional Growth Management Topics.** Receive an update on what topics will be addressed by city staff at future committee meetings and additional resources provided on others.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Growth Management: Economic & Fiscal Considerations
2. City Administrative Facilities Performance Standard

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT
May 26, 2022
Prepared by CITECON

Exhibit 1 – Growth Management: Economics & Fiscal Considerations

Economic Rationale for Growth Management

Many cities and counties with land use authority and responsibility for providing public facilities and services to its citizens manage their growth to maintain a desired quality-of-life as expressed in their comprehensive plans and policies.

Types of growth management plans can vary significantly, but the economic rationale is to achieve a higher level of total public value or utility by managing and mitigating impacts (what economists may call "externalities") and their costs that decision-makers – people, developers, investors, public agencies, etc. – may not account for on their own unless they must address these costs through fees, taxes, and regulations.

For example, a large land developer will acquire property, obtain entitlements and financing, design and engineer the site plan, provide infrastructure connections, prepare the land, construct, market the development, and sell units to end builders and occupants, while providing sufficient returns to pay debt and equity investors given the project's risk. These costs are incurred by the people who benefit directly from the development and are expected. Yet, the occupants of the development generate additional indirect costs, such as off-site impacts to transportation networks, use of public facilities, public safety, parks and open space, stormwater management, utility systems and water resources, air and other environmental quality, etc., and the services to operate and maintain these systems. These costs are shared with other developments and members of the broader public, including existing and future residents, workers, and visitors.

If these costs are not estimated and assigned, development and their occupants may not factor them into their decision-making. If they don't, public benefits and quality-of-life values may be diminished. If they do through growth management, not only are public facilities and benefits funded, but developers and occupants will have an incentive to seek efficiencies, mitigate impacts and costs through design, plan for co-benefits that reduce impacts and costs per unit, provide amenities that reduce their impacts and fees, seek creative lower-cost substitutes and generally be more sustainable. Therefore, the economic purpose of growth management is not just the provision of public facilities that mitigate impacts and enhance public value, but to internalize public costs so that economic decision-makers, i.e., developers and investors, recognize these costs and have an incentive to be more socially efficient in their planning, engineering, design, and construction.

A challenge in structuring an effective growth management program is how to measure and allocate public demand, benefits, and costs. There is no one standard model, but most systems rely on three principles:

- Transparent metrics for measuring quality-of-life objectives
- A rational and reasonable nexus to allocate costs and responsibilities to those who benefit
- A fair share allocation benefits and costs that does not disproportionately burden certain populations or locations, and recognizes intentional subsidies put in place to achieve other public policies and objectives

The City of Carlsbad's Growth Management Plan has historically used these three principles to provide for facilities costs and manage growth since it was established. But due to changing state laws and types of growth the city will expect, it is time to re-evaluate the program, including the economics.

Basis for Public Facility Demand Forecasts

One factor that generates demand for public facilities is the population of a community. In the Carlsbad's Growth Management Plan, the standards for three public facilities (administrative facilities, libraries and parks) are based on population demand. For example, the administrative facilities standard is 1,500 square feet per 1,000 population. Planning (siting, designing, financing) public facilities is done far in advance of constructing the facility; therefore, it is helpful if the method to estimate future population demand is consistent from year to year with limited variables. For Growth Management facility planning purposes, the city's method to estimate population demand is based on population data from the U.S. Census – total population (114,746 per 2020 Census) divided by total residential units (47,734 per 2020 Census), which results in an average persons per dwelling (2.404). Every ten years, as the Census is conducted, the city updates the population and persons per dwelling estimates for the next 10-year period, usually occurring when results are available a couple years after the census is collected. The city recently updated its population estimates in the FY 2020-2021 Growth Management Plan Status Report to reflect the 2020 Census; the report updates the persons per dwelling to 2.404 (previously 2.358, per the 20210 Census). When the 2.404 persons per dwelling is applied to the total current dwellings in Carlsbad (46,694 per the FY 2020-2021 report), the current population estimate is 116,025, including accessory dwellings and professional care facilities (note: the population information provided to the committee in April 2021 is from the FY 2019-2020 calculation, which is based on the 2010 Census).

The city's method to estimate population for public facility planning is transparent and easy to administer consistently from year to year. Other methods of estimating population utilize a household size rather than persons per total residential units. A household is defined as the number of "occupied" residential units, not total residential units. Total residential units exceed households by a vacancy factor. For long range planning purposes, the Carlsbad General Plan utilizes this household and vacancy factor method to estimate what the total population will be when all residential land uses planned by the General Plan are built (buildout). Using the General Plan method, Carlsbad's buildout population is estimated to be 133,249, which includes changes in planned residential land uses since the 2015 General Plan was adopted. This will be higher when the city completes the Housing Element Rezone program to add approximately 2,700 units to the general plan.[1]

[1] https://www.carlsbadca.gov/departments/community-development/planning/housing-plan-update

Methods to estimate population vary among various sources. For example, the San Diego Association of Governments (SANDAG) used a different method than the city when they conducted the most recent Regional Transportation Plan.

Trends in population are also factored into future estimates. Based on the latest estimates for California cities, it is not clear what the current trends will be for household population in coastal cities. Some projections show reduced household populations in single-family homes in later years of demographic projections. This committee will have additional information on demographics at a later meeting, and the city will invite SANDAG demographers to a future meeting to share best available information on current and future demographic trends.

In terms of vacancy rates, a healthy residential market, for example, would have a vacancy rate of say 5% by convention, allowing enough vacant inventory to provide housing options for people looking for homes, either for the first time in Carlsbad or to relocate from their current home (rental or for-sale). According to CoStar, the 2022 Q2 vacancy rate for multi-family housing in San Diego county is 2.6%; Carlsbad's is 1.4%. Rate.com reports a 1.3% vacancy rate for ownership housing. These low vacancy rates indicate a tight market and higher residential costs as demand exceeds available supply.

The Influence of Household Size

Average household size is the average number of people per household (occupied residential unit, excluding group, institutional housing). There are several factors that influence household sizes, including the number of families with children, age distribution of the population and head of households, culture (some cultures value accommodating extended families and multiple generations out of choice than others), income distribution, divorce rates, residential product types available, market supply shortages that induce co-habitation and sometimes overcrowding, and other factors. No surprise that this combination of variables changes over time.

While it would be challenging to consistently model changes in demand variables over time, the U.S. Census does report average household size for multi-family (generally smaller than average), single-family housing (generally larger than average), and the population living in group quarters, such as Institutional (including correctional facilities, nursing homes, or mental hospitals), and Non-Institutional (including education dormitories, military barracks, group homes, missions, or shelters). The detailed Census estimates average household size by selected characteristics.

Demand forecasts for some public facilities are tied more to households and some to population. For example, car ownership and travel demand may relate more to households than population. Demand for parks and libraries may relate more to population.

While development impact fees under growth management are assessed on total new residential units, vacant and occupied, actual demand is generated by occupied units or households. However, housing occupancy fluctuates and, therefore, to ensure adequate public facilities for the population of all residential units (existing and future), the city plans for facilities based on a population estimate that utilizes an average persons per dwelling for all dwellings, as described above.

Other Influences on Demand for Public Facilities

Other factors that influence demand for housing and therefore public facilities and services include demographics, income distribution, seasonal vs. full-time housing inventory, location within the city, and demand generated by visitors and people working in Carlsbad who are not residents.

The number of jobs within a jurisdiction is an important generator of housing demand, and therefore demand for public facilities and services. Carlsbad has become an important and growing employment center in the region, particularly in North County. Historically, Carlsbad has not developed fully the number of residential units to potentially accommodate its job inventory, partly relying on other cities to provide some of its workers' housing needs, but Carlsbad's ratio of homes to workers has improved significantly over the past two decades. According to CITECON, based on the U.S. Census and Bureau of Labor Statistics data as reported by YCharts, Carlsbad's estimated ratio of occupied homes per job within Carlsbad in the year 2000 was 0.68, well below the countywide average of 0.95. By the year 2022, it is estimated that Carlsbad's ratio has improved to 0.82, almost as high as the countywide average of 0.85. Regionally, the ratio of homes to workers has fallen. While this may reflect an increase in workers per household, this may also indicate a growing percentage of workers living outside the region in southern Riverside County, southern Orange County, and Tijuana, to commute to their jobs in San Diego County. As work habits enabled by communication technology evolves to a hybrid model for some sectors where more people divide their workweek between working from home and at work, the percentage of workers choosing to live outside the region for more affordable housing may continue to grow. Still, for growth management in the future, including beyond the current Regional Housing Needs Assessment allocation and Housing Element cycle, job growth in the city will be an increasingly important variable for housing demand allocations, especially as State and Regional climate policies encourage more housing opportunities closer to work centers to reduce average vehicle-miles-travelled and associated greenhouse gas emissions.

Allocating Fiscal Costs

Growth management plans, including Carlsbad's, tend to manage growth in two ways – total development at "build-out" and over time. Both are tied to an estimated capacity given General Plan policies, public facilities, and performance metrics. The notion of "buildout" implies that once the city achieves that amount – or carrying capacity - and facilities are funded and provided, no more growth is to occur. Development over time is tied to a policy of "concurrency" which means that adequate public facilities must be provided per the growth management plan and a development phasing plan within a given period before or after the granting of permits to ensure that the facilities are in place in time.

Development is capped in this fashion regardless of market demand. As explained in the April memorandum, State law now prohibits residential caps at buildout and over time due to the declared housing crisis. The Carlsbad City Council has amended its Growth Management Plan to comply. As a practical matter, housing demand will likely continue to grow as the region's and Carlsbad's economies grow, and more jobs are generated. While there are plenty of examples of cities that have lost jobs and population – such as St. Louis, Detroit, and Gary for example – or cities in growth regions that naturally grow slowly because of limited job growth within them – North San Diego County and Carlsbad are expected to continue to grow over the next several decades according to the San Diego Association of Governments (SANDAG) forecasts.

There are two basic approaches for allocating costs – average and marginal.

Average Cost Approach

Carlsbad's current Growth Management Plan cost allocation is generally an "average cost" approach, common for growth management cities that are primarily developing greenfield land (such as master plan developments) for the first time. Public facilities are planned, costs are estimated, then costs are allocated to units over time, accounting for inflation, charged primarily through impact fees and, for some facilities, special tax districts such as Mello-Roos Community Facilities Districts. Developers may receive a credit against their fees if they finance and build the required facility directly at the required standard. Developers may choose to do this if they are able to provide a facility more efficiently. Since all development built the first time on a piece of land benefits from the planned facilities, an average cost approach is common.

Marginal Cost Approach

Another method is a "marginal cost" approach. This is more common in older growth management cities that are experiencing growth primarily through redevelopment and targeted infill development of properties that had already been developed. Redeveloped properties are often changing uses, say from an obsolete commercial or light industrial use to a residential mixed-use, are intensifying use of an existing building, say the adaptive reuse of a building originally built for another purpose, or are intensifying the use, say by utilizing surface parking to build higher density housing with structured parking.

In these situations, the amount of development in a community relative to the existing supply is often small, say less than 1 percent, in any given year. Demand for public facilities at the margin may be lower or higher depending on the context and the prior average cost approach may not be accurate. For these, an evaluation of marginal costs may be a more appropriate method.

Even if costs are accurately calibrated, the revenues accumulated from infill and redevelopment in some communities may not be sufficient except over a long period of time or if a major redevelopment project is undertaken in a low-density area. The City of San Diego has this issue with park fees collected at a community level in its older community plan areas. In this case, cities sometimes choose to expand the geographic area in which fees collected may be spent.

A Combined Tier Approach?

A city such as Carlsbad that is still building its last phases of its first generation of development, to be followed by additional development after the original buildout number is reached, may consider a combined two-tiered method for allocating costs. A first tier in accordance with the original Growth Management Plan's average cost allocation approach, and a second tier in accordance with a new marginal cost approach for growth occurring after the original buildout number is reached, one that plans for greater cost efficiencies for marginal growth.

Importance of Standards

Costs are estimated for the public facilities planned. The public facilities planned are tied to performance standards. Therefore, standards have a direct influence on costs. There is no one set of standards used by all jurisdictions; each determine their standards based on their contexts and priorities. Most standards are tied to a jurisdiction's comprehensive or general plan, technical requirements for facility performance and engineering, compliance with local, state, and federal regulations, and other policies and strategies, such as climate action plans, economic development strategies, and health and safety objectives. The city's existing 11 performance standards relate back to things the city directly controls and measures in its general plan, but also includes things (such as schools) that the city doesn't directly control and have other fee programs (such as school fees) and funding allocation (through portions of property taxes).

Influences on these standards and costs include, but are not limited to, the following:

- Geography served – facilities that serve a larger geography may incur higher costs due to size, but may have more sources of funding that reduces cost per payer
- Development patterns – more compact development tends to reduce costs per unit, such as for lane-miles of roads or water consumption, and enable more active mobility such as walking and biking that increases costs for bike and pedestrian facilities but reduces costs for roads
- Plan & design efficiencies – designs that maintain solar access to reduce heating requirements, or shading to reduce air-conditioning requirements may enable greater use of passive energy sources and reduce energy demand per household or capita
- Location efficiencies – more development near transit corridors connected to job centers or housing within employment centers may reduce vehicle trips and road demand
- Co-benefits – designing linear open space corridors and parks to serve stormwater management, habitat provision, and trails that connect to the broader circulation system may address multiple public facility needs with the same right-of-way, or combining libraries and recreation centers may have building and land cost efficiencies
- Equity – fair distribution of public facilities, such as parks, libraries, bike lanes and sidewalks may reduce trips and enhance access to healthier living patterns, potentially reducing public health costs in the long-run

As the city evaluates its future growth management, an opportunity exists to revisit standards that create greater efficiencies and benefits.

Sources of Fiscal Funding

Growth generates fiscal impacts for 1) Capital improvements, and 2) Ongoing operations & maintenance of those improvements and public services. In addition to providing funding through conventional means (such as indirect increases in property and sales tax) growth directly can provide services through:

Impact Fees

The primary source of funding growth management capital improvements in California are impact fees, enabled through the Mitigation Fee Act (1987), assigned to internalize and mitigate the costs of off-site impacts and proportional demands for public facilities. The assessment of impact fees requires a nexus

analysis, (per Gov. Code §66001(a) and (b)), the methodology of which is proscribed in California under AB602 (2021). The nexus is the relationship between what the payer pays and their share of benefit that is "roughly proportional" based on the Supreme Court ruling in Nollan vs. California Coastal Commission and Dolan vs. City of Tigard. Consequently, costs cannot be apportioned based on ability to pay or property valuation and cannot charge new growth to fund deficits to serve existing population/units.

Mello-Roos Community Facilities Districts

Another source often used are Mello-Roos Community Facility Districts (CFDs), special tax districts that can apply to both capital costs and specified operations & maintenance expenses, enabled by the Mello-Roos Community Facilities Act of 1982. While CFDs may be formed by voters in existing communities, they are more commonly used for infrastructure to support greenfield developments, or a few targeted sites, given that it is easier to conduct formation when there are fewer than 12 property owners. In this case, the vote is by acreage; therefore, the owners of larger properties within the district can ensure adoption. CFDs may also be dis-contiguous parcels and formed with other jurisdictions with a Joint-Powers Agreement.

Carlsbad uses both Impact Fees and CFDs. CFD 1 funds civic facilities, street system improvements, and interstate interchanges that benefit a large portion, but not all, of the city. CFD 3 Improvement Areas 1 & 2 fund drainage, landscaping, sewer, street, street lighting, utility, and water improvements for a smaller area.

Assessment Districts

Assessment districts are formed to fund specific public improvements and require a more direct link between the benefit and assessment paid than some other mechanisms. Carlsbad utilizes Lighting and Landscape Districts and Benefit Assessment Districts to fund certain public improvements and their maintenance. These fund streetscape, medians, sidewalks, street lighting and landscaping to enhance the city's urban design and safety. Combined, the two districts cover most of the city. Carlsbad also formed Benefit Area No. 1 – Buena Vista Channel Maintenance District to manage drainage into the Buena Vista Lagoon.

Other Mechanisms

While jurisdictions in other states often fund community infrastructure with property tax assessments, Proposition 13's limitation on annual increases in property tax assessments discourage use of property taxes for these purposes. Cities in California generally use their property tax revenue to fund city general fund operations.

Other funding mechanisms for public facilities are used in California, such as general obligation bonds, other special tax districts, tax increment, business improvement districts, benefit assessments, special purpose taxes, state and federal grants and subventions (such as gas tax dollars), negotiated or formula-based value capture techniques, tax sharing agreements, joint power authorities, public-private-partnership (P3) financing, revenue bonds and certificates-of-participation, and other sources. Most of the tax-based mechanisms require voter approval, a super majority if proposed by the government for a specific purpose or facility, simple majority if proposed by citizens referendum. Enhanced Infrastructure Financing tax increment districts (EIFDs) is a form of tax increment used in a few places, such as the City of San Diego's border area and West Sacramento's river corridor, but, unlike previous California Redevelopment, requires other taxing jurisdictions to agree to participate rather than collect tax

increment by formula. Tools such as negotiated development agreements, value capture mechanisms such as incentive zoning, and P3 financing are contractual arrangements entered into voluntarily and generally can be established by City Council action after a public hearing process.

While most of these mechanisms fund capital improvements, some have the flexibility or specific purpose to fund operations & maintenance. Typically, a city's general fund revenues from property taxes, sales taxes, transient-occupancy taxes, state grants, and user fees cover most general fund costs of government services, operations & maintenance.

Which mechanisms to consider that would augment the city's Growth Management program going forward will be discussed in more detail at future committee meetings that focus on developing strategy recommendations.

Influence on Land Values

In allocating costs to establish impact fees, special taxes, or other mechanisms, an important consideration is how the fees may affect housing and land values. One opinion is that higher impact fees increase the cost of housing as costs are passed on to the homebuyer or renter. Another opinion is that developers already price homes as high as the market will bear, and that rather than increase prices further to cover higher fees, developers re-calculate the residual land value associated with higher fees and reduce the amount they are willing to pay the original owner of the property they would like to develop. Consequently, land values adjust.

Timing is a consideration. Developers who have already purchased their land do not have the option to pay less unless it's a term in their purchase or option agreement. Developers who have not yet purchased a property can adjust what they are willing to pay, but if it drops below what the property owner is willing to accept, the property owner may choose not to sell, reducing the inventory of land to increase housing supply. For these reasons, some jurisdictions phase in increases in impact fees, say over a two to three-year period, so as not to penalize developers that have already purchased their property to redevelop.

Countering these potential downward pressures on property values, or market acceptance of higher home and rental prices, is the value of benefits derived from the public facility improvements made.

Conclusion

There are many ways to establish funding programs and establish structures for development to provide capital and ongoing resources. They need to be specifically adapted for each organization's context since their economic tax base, future development, employment, and political will all vary. These are considerations and topics that can be discussed in more detail during conversations about the existing 11 Performance Standards, and future standards that may be recommended to the City Council.

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT–Exhibit 2
May 26, 2022

City Administrative Facilities

1,500 sq. ft. per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

BACKGROUND

The origin of the city administrative facilities standard, and other facility standards, dates back to the early 1980s. A precursor to the Growth Management Plan was City Council Policy No. 32 Public Facilities Management System (adopted in 1982), which established the initial facility standards for various facilities, including administrative facilities. Per the policy, a minimum of 115,000 square feet was needed to serve a target population of 100,000 (1,150 sq. ft. per 1,000 population). That standard was established by estimating the number of city employees needed to serve a target population size and then estimating the amount of administrative facility space needed for the employees. When the Growth Management Plan and Citywide Facilities and Improvements Plan were adopted in 1986, the administrative facilities standard was updated to what it is today.

FACILITY PERFORMANCE ANALYSIS

Based on the most recent population estimate (June 30, 2021) of 116,025, the current demand for administrative facilities is 174,038 square feet. To date, city administrative facilities exceed the performance standard. The existing inventory of city and Carlsbad Municipal Water District buildings (leased and owned) occupied for administrative services are included in Table 7:

Facility	Address	Square Feet
City Hall Complex	1200 Carlsbad Village Drive	16,000
Faraday Administration Building	1635 Faraday Ave.	68,000
Fleet Service Center	2480 Impala Drive	10,540
Water District (Maintenance & Operations)	5950 El Camino Real	18,212
Parks Yard (Maintenance & Operations)	1166 Carlsbad Village Drive	4,012
Public Works Operations	405 Oak Ave.	9,950
Safety Center (Police and Fire administration)	2560 Orion Way	55,027
First Responder Safety Training Center	5750 Orion Way	15,090
Senior Center (Parks & Recreation administration)	799 Pine Ave.	5,770
Harding Community Center (Parks & Recreation administration)	3096 Harding St.	1,335
Total		**203,936**

Buildout Facility Adequacy Analysis

Based on the current General Plan residential land use designations, the projected buildout population is 133,249, the demand for city administrative facilities will be 199,874 square feet. The existing 203,936 square feet of administrative facilities exceeds the growth management performance standard at buildout and there are current projects that will impact and provide additional space once completed.

- #### New Orion Center Project

  A development proposal is underway for the Orion Center project, which will centralize the city's maintenance and operations functions into a single location on Orion Way. The goal for the facility is to accommodate the existing and future needs for the following departments: Public Works (Utilities/CMWD, General Services and Construction Management & Inspection) and Parks & Recreation (Parks Maintenance). The proposed project will free up three existing city facilities for redevelopment: 5950 El Camino Real, 405 Oak Street, and 1166 Carlsbad Village Drive. The new buildings will provide 85,320 square feet of administrative space, which will be a net increase of 53,146 square feet over the three existing sites which will no longer be needed.

- #### New City Hall Project

  The City of Carlsbad currently operates out of more than a dozen locations, some of which are approaching the end of their useful life. Having most city staff in one location will make doing city business more efficient for workers and the community. That's why the city is planning a new consolidated city hall where the main administrative functions of the city could operate out of one location that also provides better meeting spaces including a larger City Council chamber and shared indoor and/or outdoor community spaces.

  The new city hall project is in the process of identifying spatial requirements for city staff to determine the size of the new city hall, and site criteria to determine which of four potential locations is best suited for the new city hall and civic center. The initial project has three phases, including the 1) Space Needs Analysis Report, 2) Site Criteria Evaluation, and 3) Best Professional Recommendation. The City Council approved Phases 1 and 2 on September 17, 2019, with the third phase anticipated to be presented to City Council by the end of June 2022.

OTHER STANDARDS AND JURIDICTION REVIEWS

This is a performance standard that is unique to the City of Carlsbad. While there are many regulations that describe how to construct a building and requirements when one is chosen (such as requirements for LEED construction). Additionally, it is not clear what the changes in the workforce will be that continue to occur coming out of the pandemic environment. Many cities have goals to reduce footprints and have alternative schedules for the positive impacts to reduce greenhouse gas emissions. Technology changes have also occurred in recent years, shifting more services online. The future for the demands for this metric is unclear.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 3
May 26, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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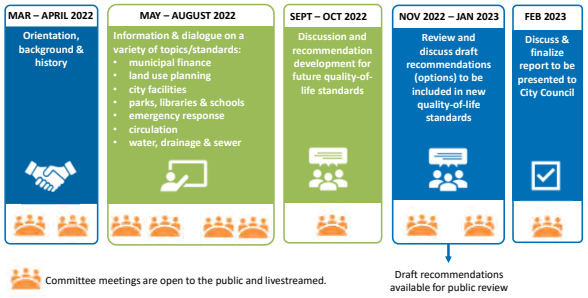
COMMITTEE PROCESS



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AGENDA

- Discussion items
  - Committee business
    - City of Carlsbad budget
    - Financing & Growth Management
    - City Administration Facilities Performance Standards
    - Additional growth management topics
- Committee member requests for agenda items
- Public comment (continued if needed)
- Adjourn

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1. Committee Business

Carlsbad TOMORROW

9

City of Carlsbad Finance Overview

Carlsbad TOMORROW

10

TODAY'S PRESENTATION

- Overview
- Fund Structure
- Funding Sources
- Budget Process
- Forecast
- Policy

City of Carlsbad

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OPERATIONAL OVERVIEW

- $350 million-plus organization
- Diverse lines of business
- Public facing services
- Internal organizational services

City of Carlsbad

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FINANCE OVERVIEW

Major lines of business:

- General Accounting and Reporting
- Purchasing
- Payroll
- Debt Management
- Long-Range Financial Planning and Budget Management

Annual Budget of approximately $5.5 million

Employees: 26 full-time & 3 part-time

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TREASURY

- Elected City Treasurer
- Pooled investment portfolio
- Reported to City Council monthly
- Governed by Investment Policy compliant with CA Gov't Code § 53601
- Safety, Liquidity, Return
- ~$800 million portfolio

City of Carlsbad

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TREASURY

	Investment cost		Market value			Average yield	
Class	Current month	Prior month	Current month	Prior month	YTD income	Current month	Prior month
FA	$ 325,144,134	$ 322,296,400	$ 310,303,863	$ 313,863,405	$ 2,196,546	0.97%	0.97%
SN	28,654,402	28,654,402	27,438,941	27,901,389	410,438	1.53	1.53
TR	79,812,212	78,719,575	77,336,888	77,415,396	694,775	0.95	0.96
CN	207,992,429	211,258,976	200,573,064	206,974,552	3,567,168	1.80	1.80
CD	21,333,323	20,098,323	20,626,019	19,764,314	204,624	1.46	1.43
MBS (agency)	22,598,798	22,922,765	21,146,443	21,967,135	284,832	1.63	1.62
MBS (non-agency)	-	-	-	-	-	0.00	0.00
Muni	53,331,642	48,137,481	50,154,181	46,342,570	363,003	0.98	0.85
Bank account	6,038,310	10,703,438	6,038,310	10,703,438	-	1.00	0.01
IRT	2,901,644	3,485,268	2,901,644	3,485,268	280	1.00	0.01
CAMP	1,006,740	1,006,693	1,006,740	1,006,693	343	0.50	0.05
LAIF	80,467,941	80,467,941	80,467,941	80,467,941	243,762	0.42	0.20
Total	$829,281,576	$827,771,262	$797,994,035	$809,892,101	$7,965,771	1.16%	1.13%

FA - Federal agency notes
SN - Supranational
TR - US Treasury
CN - Corporate notes
CD - Certificate of deposit
MBS - Passthrough/mortgage backed securities

Muni - Municipal Bonds
Bank account - General cash account
Sweep - Overnight cash account
IRT - Investment cash account
CAMP - California Asset Management Program
LAIF - Local Area Investment Fund

City of Carlsbad

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FUND STRUCTURE

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds

City of Carlsbad

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FUNDING SOURCES – GENERAL FUND

$81.5M
Property Tax

$49.1M
Sales Tax

$28.8M
Transient Occupancy Tax (Hotel Tax)

$7M
Franchise Fees

$6.2M
Business License Tax

$23.3M
Other Revenues

$2.9M
Development-related

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FUNDING SOURCES – SPECIAL REVENUE FUNDS

$11.4M
Rental Assistance

$0.5M
Affordable Housing

$0.5M
Donations and Grants

$0.5M
CDBG

$4M
Maintenance Districts

$1M
All Others

City of Carlsbad

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FUNDING SOURCES CAPITAL PROJECTS FUNDS

Inter-governmental

General Fund

Enterprise Funds

District Taxes

Developer Fees

City of Carlsbad

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FUNDING SOURCES – ENTERPRISE FUNDS

$19.3M
Wastewater Operations

$9.6M
Golf Course Operations

$47M
Water Operations

$5M
Solid Waste Mgmt

$8.7M
Recycled Water

City of Carlsbad

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FUNDING SOURCES – INTERNAL SERVICE FUNDS

$3.4M
Risk Management

$3.4M
Vehicle Maintenance

$4.7M
Workers' Compensation

$4.3M
Vehicle Replacement

$14.8M
Information Technology

City of Carlsbad

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BUDGET PROCESS

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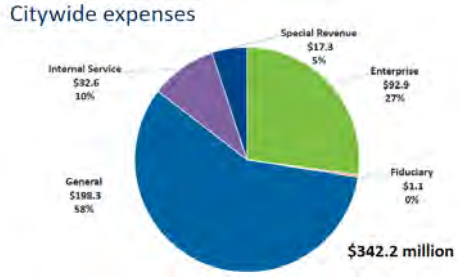
Citywide expenses



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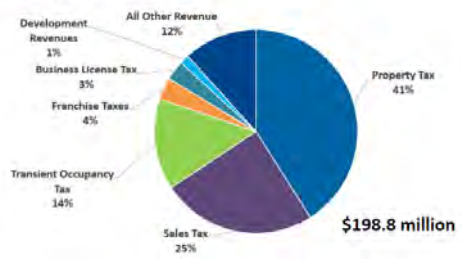
General Fund revenues



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GENERAL FUND FORECAST

- A forecast is not a budget or a plan
- Driven by assumptions at a point in time
- Tool to understand where organization may be headed
- Assumptions change constantly and continual updating is necessary

City of Carlsbad

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General Fund 5-year forecast

City of Carlsbad

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POLICY

- City Council Policy Statement No. 74 – General Fund Reserve
- City Council Policy Statement No. 86 – Pension Funding
- City Council Policy Statement No. 87 – General Fund Surplus
- City Council Policy Statement No. 91 – Long Term General Fund Capital Funding Policy

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Financing & Growth Management

Carlsbad TOMORROW

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Questions

Carlsbad TOMORROW

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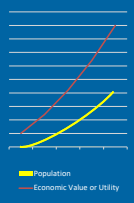
ECONOMIC RATIONALE FOR GROWTH MANAGEMENT



- Obtain greater aggregate quality-of-life value by managing impact costs (externalities) and investing in public improvements
- By internalizing public costs, decision-makers plan and design greater efficiencies to mitigate impacts
- Assign funding responsibilities to those who benefit from the public facilities and services provided
- Generate timely fiscal revenue to fund public improvements

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PRINCIPLES

- **Transparent metrics** for measuring quality-of-life objectives
- A rational **nexus**
- **Fair share** allocation of costs, benefits and responsibilities

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BASIS FOR GM POPULATION DEMAND FORECASTS

- Total Population/Total Residential Units*
- Current factor used = 2.404 persons per unit, based on 2020 Census

* Residential units = residential units + accessory dwelling units + commercial living units like professional care facilities

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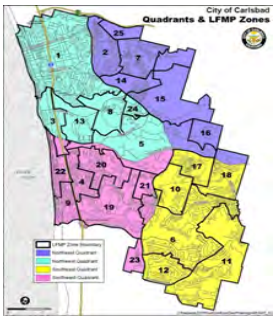
Economics & Fiscal Considerations

Applied:

- Citywide
- By quadrant
- By Facility Management Zone

to number of residential units planned



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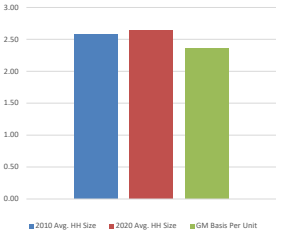
Units is different than households

Household = occupied unit

Avg. HH size = household population/occupied units

GM population per unit is not the same as average household size

Difference is the vacancy rate



Source: U.S. Census; American Community Survey

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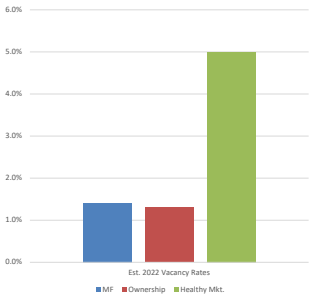
Vacancy rates are currently low

GM population forecasts slightly lower (almost 2%):

GM = 116,025 in FY21-22

Census = 114,746 in 2020



Source: CoStar; Rate.com; CITECON

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INFLUENCES ON HOUSEHOLD SIZE CHANGE OVERTIME – CHANGING DEMAND FOR PUBLIC FACILITIES & SERVICES

- % of families with children
- Age distribution
- Culture
- Income distribution
- Divorce rates
- Residential product types available
- Other factors

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Economics & Fiscal Considerations

OTHER INFLUENCES ON PUBLIC FACILITY DEMAND

- % seasonal housing
- Visitors
- Location within city
- Development patterns & densities
- Employment growth

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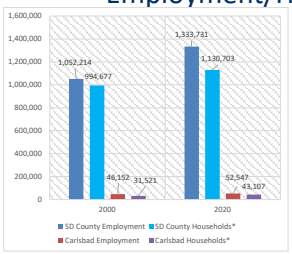
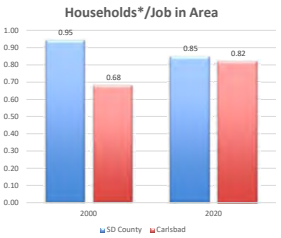
Employment/Households Relationship



* Average from 2016-2020 for 2020 data point

Source: Bureau of Labor Statistics, U.S. Census Bureau; CITECON



* Average from 2016-2020 for 2020 data point

Source: Bureau of Labor Statistics, U.S. Census Bureau; CITECON

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ALLOCATING FISCAL COSTS

1. At build-out – growth caps
2. Phasing overtime – concurrency requirements

State Laws now prohibit caps –

How should Carlsbad address growth after GM build-out numbers are reached?

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	Average Cost Approach*	Marginal Cost Approach*
Units	2,000	400
Facilities	1st generation	2nd generation increment
Costs / Marginal Costs	$100,000,000	$10,000,000
Fee/Unit	$50,000	$25,000

* Hypothetical

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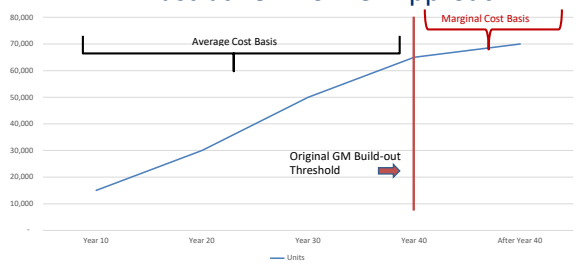
Illustrative Two-Tier Approach



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General Plan technical requirements compliance policies & strategies

STANDARDS DRIVE COSTS

- Geography served
- Development patterns
- Plan & design efficiencies
- Location efficiencies
- Co-benefits
- Equity
- Priorities

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SOURCES OF FUNDING
Capital Operations & Maintenance

- Impact fees
- Mello-Roos Community Facilities Districts
- Benefit Assessment Districts
- Subdivision exactions & dedications

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SOURCES OF FUNDING
Capital Operations & Maintenance

Other Potential Mechanisms

- GO bonds
- Special purpose tax districts
- Tax increment
- Grants and subventions
- Negotiated and value capture techniques
- Tax sharing agreements & JPAs
- P3 financing
- General funds
- Others
- Visitors
- Location within city
- Development patterns & densities
- Employment growth

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Questions

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City Administration Facilities Performance Standard

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CITY ADMINISTRATIVE FACILITIES PERFORMANCE STANDARD

1,500 square feet per 1,000 population (citywide)

When need is first identified, facilities must be scheduled for construction:

- Within a five-year period; or
- Prior to construction of 6,250 dwelling units

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BACKGROUND

- Origin – Council Policy 32 (1982)
  - Established first public facility standards
  - Admin. Facilities – 1,150 sq. ft. per 1,000 population
  - Square feet needed for employees to serve target population
- Updated when Growth Management Plan adopted in 1986

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CITY ADMINISTRATIVE FACILITIES

ADMINISTRATIVE FACILITIES CURRENT STATUS

- Current population (June 2021) = 116,025
- Current demand = 174,038 sq. ft.
- Supply exceeds demand (203,936 sq. ft.)

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CURRENT ADMINISTRATIVE FACILITIES

Facility	Square Feet
City Hall	16,000
Faraday Building	68,000
Fleet Service Center	10,540
Water District (maintenance & operations)	18,212
Parks Yard (maintenance & operations)	4,012
Public Works Operations	9,950
Safety Center (Police & Fire)	55,027
First Responder Safety Training Center	15,090
Senior Center	5,770
Harding Community Center	1,335
Total	**203,936**

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CITY ADMINISTRATIVE FACILITIES

ADMINISTRATIVE FACILITIES BUILDOUT ANALYSIS

- Buildout population estimate = 133,249
- Buildout demand = 199,874 sq. ft.
- Supply exceeds demand (203,936 sq. ft.)
- Future projects planned
  - Orion Center
  - New City Hall

City of Carlsbad

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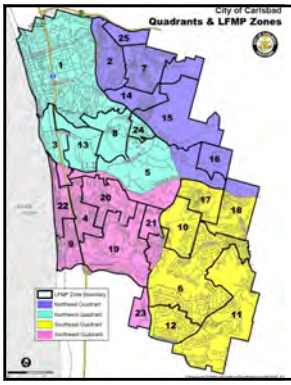

CITY ADMINISTRATIVE FACILITIES

CFD #1 FACILITIES FUNDING

- New facilities funded by CFD1 (tax)
- Vacant land and new development pay taxes
- CFD 1 tax not applicable in Zones 1 – 4 and 6
- CFD1 tax goal - $195 million
- $81 million spent to date on public facilities
- Estimate $114 million to be spent in future

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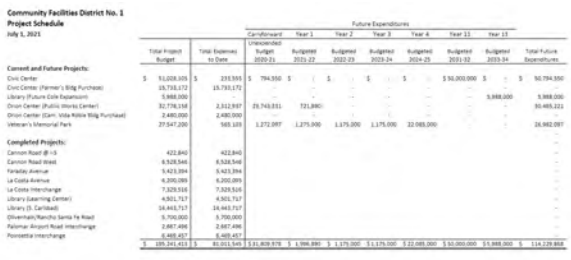
CITY ADMINISTRATIVE FACILITIES

CURRENT AND FUTURE PROJECTS



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CITY ADMINISTRATIVE FACILITIES

OTHER STANDARDS

- Administrative facility standard unique to Carlsbad
- Future workforce changes may affect facility space
- Some cities plan to reduce building footprint
  - Alternative employee schedules
  - Technology changes – more online services
  - Environmental benefit – reduce greenhouse gas emissions
- Future demand for administrative space is unclear

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Additional Growth Management Topics

Carlsbad TOMORROW

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ADDITIONAL TOPICS

MEETING TOPICS & SCHEDULE

	DATE/TIME	POTENTIAL TOPICS
	June 23, 2022 5 p.m.	Wastewater treatment, drainage, sewer and water distribution, schools
	July 28, 2022 5 p.m.	Libraries, parks and open space
	Aug. 25, 2022 5 p.m.	Traffic and mobility circulation, emergency response

City of Carlsbad

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ADDITIONAL TOPICS

WHAT WE'LL COVER

- Funding of sewer and water facilities during buildout
- Water and desalination
- How school growth is monitored and managed
- Parks standards
- Law enforcement/public safety issues
- Fire response times/services
- Circulation/traffic

City of Carlsbad

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ADDITIONAL TOPICS

WHAT'S ADDRESSED BY OTHER CITY EFFORTS

- **Aging community**
  - ✓ Age Friendly Action Plan
- **Power and renewable energy**
  - ✓ Clean Energy Alliance
  - ✓ Climate Action Plan
- **New City Hall and Civic Center**
  - ✓ Site, scoping and planning analysis
  - ✓ Public input summary report
  - ✓ Presentation to City Council in summer 2022

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ADDITIONAL TOPICS

WHAT'S ADDRESSED BY OTHER CITY EFFORTS

- **Sea level rise**
  - ✓ Sea Level Rise Vulnerability Assessment
  - ✓ Draft Local Coastal Program Land Use Plan
- **Arts and culture**
  - ✓ Arts & Culture Master Plan
- **Homeless issues and impacts**
  - ✓ Homeless Response Plan

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ADDITIONAL TOPICS

WHAT'S ADDRESSED BY OTHER CITY EFFORTS

- **Walkability and connectivity**
  - ✓ Sustainable Mobility Plan
- **Leveraging technology**
  - ✓ Strategic Digital Investment Plan
  - ✓ Connected Carlsbad Roadmap
- **Where we can grow as population increases**
  - ✓ Housing Element

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RESOURCES

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Committee Member Requests for Future Agenda Items

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Public Comment

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Adjournment

Next Meeting: June 23, 2022

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Eric Lardy

From: Don Christiansen
Sent: Wednesday, June 1, 2022 12:37 PM
To: Growth Management Committee
Subject: Citizen feedback for Carlsbad Tomorrow Committee

Fellow Carlsbad Tomorrow Committee Members,

The Carlsbad citizens I've talked with about ***Carlsbad Tomorrow Growth Management*** are much more interested in the ***future reliability of water and power***, the Carlsbad Airport, location of the new City Hall/Civic Center, the old Farmers building, ***AND especially*** the future land use of the old power plant site than (for instance) the appropriate ratio of City office space per 1,000 population.

This article was in today's San Diego Union-Tribune:
http://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=9761d45a-61d0-4f02-a4de-4ac92f6d661f

Under all is the land.

All the best,

Don Christiansen

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

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

June 23, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the May 26, 2022 meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the Committee. Review agenda and meeting format. Allow for any introductions for those not present at previous meetings – staff and committee. Update on City Council Action to amend the Committee Charter.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Schools Performance Standard.** Receive a presentation from city staff on the existing standard and how it is implemented in the context of school districts, growth and the land use planning framework. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Eric Lardy, Principal Planner)
   - **Drainage Performance Standard.** Receive a presentation from city staff on the existing standard and relationship to the city's Drainage Master Plan. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Hossein Ajideh, Public Works)
   - **Wastewater Treatment Performance Standard.** Receive a presentation from city staff on the existing standard and relationship to approved plans. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Dave Padilla, Carlsbad Municipal Water District)
   - **Sewer Collection & Water Distribution Performance Standards.** Receive a presentation from city staff on existing standards in the context of infrastructure. Group discussion on the standards: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Dave Padilla, Carlsbad Municipal Water District)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite Committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, July 28, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

June 23, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Mike Howes, Mary Ryan, Harry Peacock, Annika Jimenez, Fred Briggs, Steve Linke, Stephen "Hap" L'Heureux, John Nguyen-Cleary, William Sheffler, Joseph Stine
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Thierry Ibri, Angela O'Hara, Lisa Stark, Allen Manzano, Art Larson, William Fowler, Marissa Steketee, Nora Jimenez George, Patricia Mehan, Jamie Latiano Jacobs, Erin Nell

Absent:
Primary – Eric Larson, Scott White, Frank Caraglio, Frances Schnall, Chad Majer, Gita Nassiri, Amy Allemann, Nelson Ross
Alternate – Terence Green, Matthew Reese, Kevin Sabellico

APPROVAL OF MINUTES:

Minor modifications were made to the May 26, 2022 meeting minutes. The amended minutes were approved on a motion by Jeff Segall and seconded by Harry Peacock.

PUBLIC COMMENTS:

Four public comments were received.

1. **Carlsbad growth –**
   Mercedes Martin encouraged the city to install solar panels to cover energy use and incentivize others in the city to do the same. They also encouraged the city to take a strong stance with no tax on installation and use of photovoltaic panels.
2. **SDG&E maintenance yard –**
   Janet Yaz requested the SDG&E maintenance yard be considered as an opportunity to expand open space within the City of Carlsbad. This could enhance the city's reputation as a city that prioritizes open space.
3. **Vacant land use –**
   Lance Schulty requested vacant land be considered for use as additional park space. They also requested the city re-evaluate unlimited growth in a limited amount of space and sea level rise impacts to open space.

4. Maerkle Reservoir solar power –

Dr. Phil Watts requested the city consider running water facilities in the city on renewable energy such as solar power. They requested the city consider using solar power on vacant plots of land throughout the city which could potentially generate more revenue than additional housing.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Vice Chair Mike Howes. New Alternate Committee Member Jamie Jacobs introduced herself, followed by introductions by city staff including Michelle Hardy (Planning Department), Dave Padilla (Carlsbad Municipal Water District), and Scott Lyle (Public Works). Principal Planner Eric Lardy then reviewed the committee's purpose, process, highlighted the 11 existing performance standards, and shared a committee charter amendment dated June 14, 2022. Facilitator Susan Harden briefly reviewed meeting ground rules.

DISCUSSION ITEMS:

COMMITTEE BUSINESS

- **Schools Performance Standard**. Principal Planner Eric Lardy provided a presentation on the existing schools performance standard and how it is implemented in the context of school districts, growth and the land use planning framework. school planning, funding and the school performance standard in Carlsbad. Committee members asked questions about how population and demographics are forecasted, school safety and maximum capacity levels at schools. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way?

  The following key thoughts and considerations regarding the City Schools Performance Standard were captured:
  - We need a greater understanding of the city demographics and demographic projections; recognize that projections are not always accurate.
  - Need to have a better understanding of headcounts and what demographics they represent. What demographic projection data do schools use?
  - Should school safety be included?
  - Is this standard useful without city control?
  - School sets its own standards – are there other options to explore? Define the term "capacity" and "temporary" as it relates to schools (for instance, is a trailer acceptable to meet capacity? How long is temporary?)
    - Need better understanding of what "relo" (trailer) requirements are for schools.
  - Is there a student generation factor that could be developed for each project (used to do this in the past at Planning Commission)? Perhaps an infill version of this factor?
  - Will serve/will not serve letters – this process may be an area to fine-tune as part of the growth management standard (how the city responds).
  - Will all day kindergarten impact school standards?
  - What role can the city play in the quality of education?
  - How do private schools impact capacity and school planning?
  - Should we have a census tract by tract understanding of the population?
  - Population projections will never be an exact science.

- Neighborhoods transition and change over the decades – does this need to be accounted for?
- Our growth standard recommendations should be actionable.

- **Drainage Performance Standard.** Public Works Senior Engineer Scott Lyle provided a presentation on the current drainage performance standard and sources of funding in Carlsbad. Committee members asked questions regarding beach erosion, water quality and infill impacts to drainage. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way?

  The following key thoughts, questions and considerations regarding the City Drainage Performance Standard were captured:
  - What about water quality considerations? Consider integrating this into a standard.
    - Percentage of graywater captured + other environmental conservation measures
  - Consider a feasibility study and quantifying the percent of graywater captured for reuse.
  - How are water quality measures currently funded? Is there an impact fee (this is managed by the city's Environmental Management Department)?
  - Consider updating the impact fee timeline more frequently, potentially every five to 10 years rather than 15.
  - Consider control of stormwater important for nearby beaches; how to retrofit existing facilities to accommodate stormwater flow?
  - Impact of climate change? Discussion that existing drainage standards do account for 100-year flood events and sea level rise based on FEMA numbers.
  - What about differences with infill? Discussion that different drainage standards are not necessary for infill.

- **Wastewater Treatment Performance Standard.** Dave Padilla, Carlsbad Municipal Water District Utilities Engineering Manager, provided a presentation on the current wastewater treatment performance standard and sources of funding in the City of Carlsbad. Committee members asked questions regarding water storage and availability. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way?

  The following discussion and key considerations regarding the City Wastewater Treatment Performance Standard were captured:
  - Are these performance standards the same as the Leucadia District and other water districts? How does that process work?
  - Consider effects of housing growth on sewage – what happens when we are at capacity?
  - How does growth outside of Carlsbad affect plant capacity?
  - Is there a connection to recycled water facilities and the water performance standards? Do we need to consider a new recycled water performance standard or other conservation activities? Make standard more than just capacity.
  - Is there potential for the city to sell extra capacity with facilities to nearby cities?
  - Is there a potable reuse opportunity - turning tertiary treated recycled water into potable drinking water? Discussed expense of this option.

- **Sewer Collection Performance Standard.** Dave Padilla, Carlsbad Municipal Water District Utilities Engineering Manager, provided a presentation on the current sewer collection performance standard and sources of funding in the City of Carlsbad. Committee members asked questions

regarding infrastructure limits and the implication of accessory dwelling units. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way? The following key thoughts and considerations regarding the City Sewer Collection Performance Standard were captured:

- Consider how the influx in ADU units impacts pipes, the water treatment plant and water usage; need to be sure these units are captured
- Consider adding ADUs into future land use master plans and overall city projections.
- Consider effective ways to estimate how much capacity we need and the type of infrastructure future facilities will need; how to best estimate peak capacity in future?
- Are there any legal ramifications if the city cannot keep up sewer performance with housing demands imposed by the state? Are we still legally required to grow?
- Will climate change be a threat to any city assets or infrastructure? Discussion around climate change being bigger threat to water supply.
- Re-evaluate the fee structure for infill and sewer connections.

- **Water Distribution Performance Standard.** Dave Padilla, Carlsbad Municipal Water District Utilities Engineering Manager, provided a presentation on the current water distribution performance standards and sources of funding in the City of Carlsbad. Committee members asked questions regarding infrastructure limits, water storage and water sources. Group discussion followed, which centered around the following two questions: Is this standard important to quality of life in Carlsbad? Should the standard be re-evaluated in any way?

  The following key thoughts and considerations regarding the City Water Distribution Performance Standard were captured:

  - Consider the cost of storing water versus treating additional water; discussion around size of reservoir; not large enough for recycled water activity?
  - Consider what the maximum water consumption the city would be able to accommodate.
  - Does the performance standard assume water will always be available?
  - What is the city's water sourcing criteria? Discussion that Carlsbad is importer of water.
  - Consider a standard that maximizes use of recycled water, graywater, etc. the city can use while still conserving water.
  - Consider cost impacts of conservation-related standards.
  - This standard seeks to understand purveyance of water, not the availability of water.
  - Provide standards and/or impacts of the other two water districts that serve Carlsbad.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

Future agenda items requested for consideration by the committee included the following:

- Clarify for the next performance standard open space performance standard if we are discussing "usable open space" or "protected open space."
- Consider adding additional meetings to ensure all existing and potential future performance standards are adequately discussed.

Committee suggestions identified for future possible discussion or consideration:

- Request for a short summary regarding the other two water districts in Carlsbad
- Provide a hard copy of the Carlsbad Community Vision for committee members
- Consider how we can ensure all topics are discussed before the deadline
- Committee agreement on what number to assume for population growth projections

PUBLIC COMMENT:

None

ADJOURNMENT:

Vice Chair Mike Howes adjourned the duly noticed meeting at 8:20 p.m.

Justine Garner - Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	June 23, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, Principal Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations from city staff and consultants and discuss the following topics:

- **Schools Performance Standard.** Receive a presentation from city staff on the existing standard and how it is implemented in the context of school districts, growth and the land use planning framework. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Eric Lardy, Principal Planner) (Exhibit 1)
- **Drainage Performance Standard.** Receive a presentation from city staff on the existing standard and relationship to the city's Drainage Master Plan. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Hossein Ajideh, Public Works) (Exhibit 2)
- **Wastewater Treatment Performance Standard.** Receive a presentation from city staff on the existing standard and relationship to approved plans. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Dave Padilla, Carlsbad Municipal Water District) (Exhibit 3)
- **Sewer Collection & Water Distribution Performance Standards.** Receive a presentation from city staff on the existing standards in the context of infrastructure.... Group discussion on the standards: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Dave Padilla, Carlsbad Municipal Water District) (Exhibits 4 & 5)

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Schools Performance Standard
2. Drainage Performance Standard
3. Wastewater Treatment Performance Standard
4. Sewer Collection Performance Standard
5. Waster Distribution Performance Standard

SCHOOLS

School capacity to meet projected enrollment within the Local Facility Management Zone (LFMZ) as determined by the appropriate school district must be provided prior to projected occupancy.

BACKGROUND

The performance standard for schools was established in 1986 as part of the Citywide Improvements and Facilities Plan. When development is proposed, the applicable school district must confirm that they can meet projected enrollment numbers.

Other than verifying that there is school capacity to serve the projected enrollment, the city has limited control over construction of school facilities. There are four school districts serving Carlsbad, as described below, and each school district controls the production of public school facilities in their district, including the size, number, and location of these facilities. See the "other standards and considerations" section below for more information about the authority of local governments and school districts related to siting and development of school facilities.

FACILITY PERFORMANCE ANALYSIS

Currently, school capacity complies with the growth management school performance standard, as determined by the school districts (see below). The city is served by four school districts:

1. Carlsbad Unified School District (CUSD)

According to both the district's Long Range Facility Master Plan (approved Jan. 17, 2018) and CUSD staff, the district can accommodate both the current enrollment levels and expected future growth. The master plan indicates that the district has plans for accommodating projected student enrollment levels through the next 15-20 years, which includes proposals for renovating and replacing a variety of school facilities.

2. San Marcos Unified School District (SMUSD)

SMUSD staff indicated that the schools serving Carlsbad are currently at maximum capacity, but that will-serve letters are still being issued by SMUSD for proposed developments in the part of Carlsbad that is served by SMUSD schools, and that the schools serving Carlsbad could accommodate the expected future growth within this area.

3. Encinitas Union Elementary School District

According to student enrollment and school capacity information provided by the school district, sufficient student capacity exists for the 2020-21 school year for schools serving Carlsbad.

4. San Dieguito Union High School District

According to student enrollment and school capacity information provided by the school district, sufficient student capacity exists for the 2020-21 school year for schools serving Carlsbad.

Buildout Facility Adequacy Analysis

Based on the 2015 General Plan Environmental Impact Report (EIR), for all school districts at all grade levels, capacity is expected to be sufficient for the buildout student population with no need for additional schools.

Projected demand for school facilities is based on two principal factors–the increase in housing units resulting from buildout of the General Plan and ongoing demographic changes that impact the average number of students in each household. The General Plan EIR utilized San Diego Association of Governments (SANDAG) population projections and determined that, while the population of Carlsbad and housing units are projected to grow, the student population is projected to decline during buildout of the General Plan (population aged 5 to 9 years old is likely to decline by 0.2 percent; population aged 15 to 17 is likely to decline up to 14.5 percent; and population aged 10 to 14 is s projected to remain relatively stable, with an increase of 0.5 percent).

Based on the housing units planned by the General Plan and declining student population, school capacity is expected to be sufficient for the buildout student population with no need for additional schools. If the city amends the General Plan to plan for more housing units (e.g., per the Housing Element), the impact of the increased household/student population on school capacity will be evaluated.

HOW SCHOOLS ARE FUNDED

California public schools receive funding from local, state, and federal sources. State funding in the form of Proposition 98 is generally the largest funding source. Proposition 98 was passed in 1988 and guarantees a minimum level of funding for K-adult education and community colleges. In addition to Proposition 98, Carlsbad voters in 2006, passed Proposition P which was a General Obligation Bond Measure for $198 million to be used for renovations, modernization, and new construction for the Carlsbad Unified School District. The State matched $47 million in funding. In 2010 the San Marcos Unified School District passed Proposition K which was a General Obligation Bond Measure for $287 million for renovations, modernization, and new construction of school facilities.

OTHER STANDARDS AND CONSIDERATIONS

As mentioned above, the city has limited control over the construction of school facilities. Local governments and school districts have separate but related statutory requirements and authority.

School districts are required to comply with city/county zoning ordinances if the city/county has an adopted general plan and the ordinances make provisions for the location of public schools, as Carlsbad's General Plan and Zoning Ordinance do. Nevertheless, a school district governing board that has complied with the state's notification requirements may, by a two-thirds vote, "render a city or county zoning ordinance inapplicable to a proposed use of property by the school district" for classroom facilities (Gov. Code § 53094) pursuant to Attorney General Opinion No. 99-401, "even though such use would not be in conformity with the general plan" (82 Ops.Cal.Atty.Gen. 135). However, school districts must comply with city and county ordinances regulating improvements in drainage, roads, and on-site grading plans (Gov. Code § 53097). See https://opr.ca.gov/docs/OPR_C4_final.pdf, page 55 for more information.

In addition, the city's Zoning Ordinance (Chapter 21.55) states that when establishing an interim method of providing classroom facilities in response to overcrowding, the city may require the dedication of land, the payment of fees or both as a condition of the approval of a residential development.

When a development project is proposed, to ensure compliance with the city's "School" facility standard, the project is evaluated to ensure school capacity will remain sufficient to serve the project and the applicable Local Facility Management Zone. The California Environmental Quality Act (CEQA) is one tool used to evaluate a project's impact on school facilities. CEQA requires evaluation of a project's impacts on public services, including schools, to determine if the project would impact service ratios or standards for school facilities that would result in an environmental impact (e.g., the need to construct a new school to increase school capacity could impact the environment).

DRAINAGE FACILITIES

Drainage facilities must be provided as required by the city concurrent with development.

BACKGROUND

The standard for drainage distinguishes it from the other public facility standards because, by its very nature, drainage facility needs are more accurately assessed as specific development plans for individual projects are finalized. Therefore, the drainage performance standard was written to allow the city to require construction of appropriate drainage facilities as development plans are finalized and approved.

The original City of Carlsbad Drainage Master Plan, or DMP, was adopted in 1980 with the goal of assessing the performance of existing storm drain infrastructure, identifying anticipated drainage infrastructure needs and developing a funding mechanism to ensure construction of these planned facilities. The DMP is updated from time to time to reflect changes in city growth, construction costs, general plan, drainage standards and environmental regulations. The current DMP was approved by the City Council in 2008 with Resolution No. 2008-230.

The master planned drainage facilities are identified in the city's 2008 Drainage Master Plan, which assesses the performance of existing drainage facilities and identifies anticipated improvements. The update identified 34 drainage projects across the four drainage basins within the city: Buena Vista Creek, Agua Hedionda Creek, Encinas Creek and San Marcos Creek. At the present, the city is updating the 2008 Drainage Master Plan. The DMP update is expected to be adopted by the City Council in late 2022.

The construction of smaller development/project related drainage facilities are addressed during the review of individual project proposals. Maintenance, restoration, repair and replacement projects are identified on an ongoing basis and are incorporated into the city's Capital Improvement Program, or CIP, as a part of the Citywide Storm Drain Condition Assessment Program, the Citywide Storm Drain Rehabilitation and Repair Program, the Citywide Drainage Improvement Program, or as individual/stand-alone projects.

FACILITY PERFORMANCE ANALYSIS

All areas of the city currently meet the growth management drainage performance standard.

Planning-level analyses performed as part of the 2008 Drainage Master Plan show that the Agua Hedionda and Calavera Creek channels located east of El Camino Real within the residential community of Rancho Carlsbad do not convey the 100-year flood event within their channel banks. As a result, waters from a 100-year flood event have the potential to encroach into the community. Development projects located within Local Facility Management Plan Zones 5, 7, 14, 15, 16, 18 and 24 that drain to Agua Hedionda Creek or Calavera Creek must comply with the following conditions to maintain compliance with the drainage performance standard:

1. Payment of the Planned Local Drainage Area (PLDA) fee; and

2. Install onsite drainage improvements to ensure that direct drainage impacts resulting from the proposed development do not exacerbate the potential for downstream flooding of existing development.

BUILDOUT FACILITY ADEQUACY ANALYSIS

The 2008 Drainage Master Plan proposes the construction of new facilities to reduce the flooding risk from potential storm events. Construction of the proposed drainage facilities will provide the backbone system to maintain the drainage performance standard through buildout of the city.

HOW THE CITY FUNDS DRAINAGE FACILITIES

The PLDA fee program was established to finance the construction of the drainage facilities identified in the 2008 Drainage Master Plan. These funds are independently financed through impact fees to create a restricted cash reserve for the sole use of implementing DMP projects within each respective basin.

The PLDA fees are used to fund projects either through the city's CIP or to reimburse private developers that construct master planned facilities. The current update to the Drainage Master Plan will address funding availability for the construction of future drainage facilities. The estimated costs for these facilities and the allocation of PLDA funds are included in the city's annual Capital Improvement Program.

The DMP update effort will modify the PLDA fee schedule based on current economic conditions in conjunction with addition of new projects and deletion of unnecessary or obsolete projects.

Rehabilitation or replacement of existing drainage facilities are funded by Infrastructure Replacement Funds. These funds are used to design and construct drainage facilities within the Storm Drain Condition Assessment Program and the Citywide Storm Drain Rehabilitation and Repair Program.

OTHER STANDARDS AND CONSIDERATIONS

Staff also use the San Diego County Hydrology Manual and the San Diego County Hydraulic Design Manual to address drainage issues not covered within the City of Carlsbad's Engineering Design Standards. In addition, staff references the FEMA Flood Insurance Study and Flood Insurance Rate Maps when planning and designing projects within major waterways traversing through the city limits.

WASTEWATER TREATMENT

Sewer plant capacity is adequate for at least a five-year period.

BACKGROUND

The origin of the wastewater treatment performance standard is the adoption of the city's Growth Management Program in 1986, as part of the Citywide Facilities and Improvements Plan. Implementation of the wastewater treatment standard has occurred during the preparation of Local Facilities Management Plans for each of the 25 Local Facilities Management Zones, and adequacy analyses during individual development project consideration. The city's 1987 Master Plan of Sewerage was revised for consistency with the zone boundaries and buildout projections based on General Plan criteria for land use, development density and population projections to evaluate conformance with the water treatment performance standard. More recently, this approach is implemented in the city's 2019 Sewer Master Plan Update and the Encina Wastewater Authority 2040 Master Plan, based on revised sewer flow generation factors derived from flow monitoring data throughout the Carlsbad sewer service area.

FACILITY PERFORMANCE ANALYSIS

The Encina Water Pollution Control Facility (EWPCF) currently provides capacity in excess of the performance standard. Carlsbad's FY 2020-21 annual daily average dry weather sewer flow was 6.31 million gallons per day (MGD) representing 62% of the city's 10.26 MGD capacity rights. The city's annual daily average sewage flow to the EWPCF for the previous five years is shown in Table 1 below:

TABLE 1: Annual Daily Average Sewage Flow

Fiscal Year	Annual daily average flow
FY 2016-17	6.32 MGD
FY 2017-18	6.18 MGD
FY 2018-19	6.03 MGD
FY 2019-20	6.31 MGD
FY 2020-21	6.31 MGD

Buildout Facility Adequacy Analysis

The Encina Water Pollution Control Facility Phase V Expansion provides adequate sewer treatment capacity to ensure compliance with the growth management wastewater performance standard through buildout of the Carlsbad sewer service area (EWA, 2040 Master Plan).

The City of Carlsbad 2019 Sewer Master Plan Update contains an analysis of annual average sewer flow through buildout (2040) based on the Carlsbad General Plan land use projections. The analysis indicates that the city's projected ultimate buildout flow is approximately 8.31 MGD, or 81% of the city's purchased capacity rights of 10.26 MGD in the EWPCF. This ensures adequate wastewater treatment capacity is available to accommodate an unanticipated increase in future sewer flows.

HOW THE CITY FUNDS WASTEWATER TREATMENT FACILITIES

The city's wastewater enterprise fund has the following primary sources of revenue and their uses:

- Sewer connection fees (aka capacity fees) are charged to new users which connect to the sewer collection system based on the quantity of sewer discharge (i.e., equivalent dwelling units, EDUs). These fees are used to pay for the capital cost of wastewater treatment facilities based on usage.
- Sewer service rates distribute the costs of operation, maintenance and capital improvement of wastewater treatment facilities equitably among all users. Replacement or rehabilitation of wastewater treatment facilities is funded through capital reinvestment, or depreciation funding from rate revenue.

OTHER STANDARDS AND CONSIDERATIONS

The evaluation of conformance with the performance standard requires sewer master plan updates be conducted on an interval that is commensurate with development activity. As part of the updates, sewer flow monitoring is necessary to evaluate whether the sewer flow generation factors used to estimate sewer flows and system capacity adequately reflect actual conditions. Further, changes in land use or zoning resulting in higher development density can potentially impact sewer system capacity. The city's goal is to conduct sewer master plan updates on a 5-year interval to evaluate citywide sewer flow rates and assess capacity requirements at the EWPCF. In addition, sewer rate studies are planned at three- to five-year intervals to provide a basis for wastewater rates and funding for required treatment system improvements.

SEWER COLLECTION

Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.

BACKGROUND

The origin of the sewer collection performance standard is the adoption of the city's Growth Management Program in 1986, as part of the Citywide Facilities and Improvement Plan. Implementation of the sewer collection standard has occurred during the preparation of Local Facilities Management Plans for each of the 25 Local Facilities Management Zones, and adequacy analyses during individual development project consideration. The city's 1987 Master Plan of Sewerage was revised for consistency with the zone boundaries and buildout projections based on General Plan criteria for land use, development density and population projections to evaluate conformance with the performance standard. Most recently, this approach is implemented in the 2019 Sewer Master Plan Update, coupled with revised sewer flow generation factors derived from flow monitoring data throughout the Carlsbad sewer service area.

FACILITY PERFORMANCE ANALYSIS

Sewer facility improvements are provided on a project-by-project basis concurrent with development. Currently, the City of Carlsbad's sewer service area pipelines comply with the growth management performance standard. The sewer agencies that provide sewer collection systems within the city include: City of Carlsbad, Leucadia Wastewater District and Vallecitos Water District. Each agency indicates that they currently have adequate conveyance capacity in place to meet Carlsbad's sewer collection demands.

The City of Carlsbad is served by the following six major sewer interceptor systems, as shown in Table 1.

TABLE 1: MAJOR SEWER INTERCEPTOR SYSTEMS

Interceptor System	Sewer Districts Served	Carlsbad Capacity Rights[1]
Vista/Carlsbad Interceptor	City of Carlsbad & City of Vista	Ranges from: 1.0 MGD up to 41.8 MGD (3.3% to 50%)
Buena Interceptor[2]	City of Carlsbad & Buena Sanitation District	Ranges from: 1.2 MGD up to 3.6 MGD (18% to 35%)
Vallecitos Interceptor	City of Carlsbad, Buena Sanitation District & Vallecitos Water District	5 MGD

[1] Million gallons per day (MGD)

[2] Buena Sanitation District and the City of Carlsbad are negotiating the transfer of this facility to the City of Carlsbad upon City of Vista's completion of their Buena Outfall Force Main, Phase III project.

Interceptor System	Sewer Districts Served	Carlsbad Capacity Rights[3]
Occidental Sewer[4]	City of Carlsbad, City of Encinitas & Leucadia Wastewater District	8.5 MGD (40%)
North Agua Hedionda Interceptor	City of Carlsbad	6 MGD (100%)
South Agua Hedionda Interceptor	City of Carlsbad	4.7 MGD (100%)

For both the Vista/Carlsbad Interceptor and the Buena Interceptor, Carlsbad's capacity rights increase in the downstream direction as they flow to the Encina Water Pollution Control Facility. Capacity rights increase from 3.3% to 50% for the Vista/Carlsbad Interceptor and from 18% to 35% in the Buena Interceptor.

Buildout Facility Adequacy Analysis

The City of Carlsbad 2019 Sewer Master Plan Update evaluated the sewer infrastructure needs of the Carlsbad sewer service area and identified facilities required to accommodate future sewer flows at buildout, which are projected to occur by year 2040. The master plan identified the Vista/Carlsbad Interceptor and Buena Interceptor as requiring improvements to accommodate build-out demand (see below). Sewer trunk main adequacy is estimated by comparing wastewater flow projections to the capacity of the sewer system using a computer model. Annual sewer flow measurements are used to assess actual flows and to evaluate capacity in the sewers.

Collection system improvements to meet buildout conditions are identified at three locations: Faraday Avenue, Poinsettia Avenue and Kelly Drive. These projects are programmed in the city's Capital Improvement Program.

The adequacy of major sewer facilities for buildout conditions is summarized as follows:

***Vista/Carlsbad Interceptor*:** The city's 2019 Sewer Master Plan update indicates that portions of the jointly owned V/C Interceptor do not satisfy buildout system flows. Hydraulic model results indicate that Reach VC-3 is insufficient to convey City of Vista flows through buildout. Reach VC-3 consists of 36-inch diameter pipe and is scheduled for upsizing to 42 inches as a future CIP project to meet buildout flows.

Buena Interceptor: The Buena Interceptor is currently shared by Vista and Carlsbad and, although the city of Carlsbad's wastewater flows are not projected to exceed its capacity rights, the combined flows of Buena Sanitation District and City of Carlsbad during peak wet weather periods exceed the design capacity criterion. As a result, Buena Sanitation District has constructed a parallel force main sewer which will allow flow from Buena Sanitation District to be diverted to the force main sewer. Construction was completed in 2021, however Buena Sanitation District has not yet regularly diverted flow to this sewer. When they do, the City of Carlsbad will be the only agency with flows remaining in the existing Buena Interceptor and peak wet weather flow at buildout conditions would reach 7.3 MGD or approximately 69 percent of pipe capacity.

[3] Million gallons per day (MGD)
[4] The downstream sections (NB8 and NB9) of the North Batiquitos Sewer, often referred to as Ponto Sewer and originally termed the Occidental Sewer

HOW THE CITY FUNDS SEWER FACILITIES

The city's wastewater enterprise fund has the following primary sources of revenue and their uses:

- Sewer connection fees (aka capacity fees) are charged to new users which connect to the sewer collection system based on the quantity of sewer discharge (i.e., equivalent dwelling units, EDUs). These fees are used to pay for the approximate capital cost of the portion of the system used.
- Sewer service rates distribute the costs of operation, maintenance and capital improvement of the City's collection system, and wastewater treatment equitably among all users. Sewer system replacement or rehabilitation is funded through capital reinvestment, or depreciation funding from rate revenue.
- Sewer benefit area fees are used to fund the construction, or reimbursement for construction, of sewer conveyance systems serving more than one developer within a given sewer benefit area. Developers are required to construct the sewer collection system within their respective projects.

OTHER STANDARDS AND CONSIDERATIONS

The evaluation of conformance with the performance standard requires sewer master plan updates be conducted on an interval that is commensurate with development activity. As part of the updates, sewer flow monitoring is necessary to evaluate whether the sewer flow generation factors used to estimate sewer flows and system capacity adequately reflect actual conditions or require revision. Further, changes in land use or zoning resulting in higher development density can potentially impact sewer system capacity. The city's goal is to conduct sewer master plan updates on a 5-year interval to evaluate trunk line capacity, and to require sewer studies during discretionary project review for sewer system sizing.

WATER DISTRIBUTION FACILITIES

Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.

BACKGROUND

Water supply and distribution planning has been the focus of the Carlsbad Municipal Water District since its creation in 1954. However, the origin of the two-fold water distribution performance standard is the adoption of the city's Growth Management Program in 1986, as part of the Citywide Facilities and Improvements Plan. Implementation of the water distribution standard has occurred during the preparation of Local Facilities Management Plans for each of the 25 Local Facilities Management Zones, and adequacy analyses during individual development project consideration. On a broader perspective, and because of its reliance on imported water, the 10-day average storage capacity was developed to ensure adequate water supplies during periods of annual inspections, maintenance and project construction by the San Diego County Water Authority as part of its Aqueduct Protection Program established in 1992. The performance standard is essential to development project reviews and capital improvement program activities as outlined in CMWD's 2019 Water Master Plan Update.

FACILITY PERFORMANCE ANALYSIS

Carlsbad's water distribution is provided by three agencies including the Carlsbad Municipal Water District (CMWD), which is a subsidiary district of the City of Carlsbad, serving 32.32 square miles (82.7 percent of the city), Olivenhain Municipal Water District (OMWD) serving 5.28 square miles (13.5 percent of the city), and Vallecitos Water District (VWD) serving 1.48 square miles (3.8 percent of the city). These districts have adequate capacity to meet the growth management performance standard.

Water distribution demand requirements are estimated using a computer model to simulate the following water distribution scenarios: 1) average day demand; 2) maximum day demand plus a fire event; 3) peak hour demand. This computer model was calibrated using actual flow measurements collected in the field to verify it sufficiently represents the actual water system.

Existing (2014 baseline year) and buildout (2040) daily demands and storage requirements for CMWD from the CMWD 2019 Potable Water Master Plan are shown in Table 1.

TABLE 1: Existing and Buildout Daily Water Distribution and Storage Demand

Water Demand	**Flow Rate [1]**
Existing Maximum Day Demand	24.1 MGD
Buildout Maximum Day Demand	29.6 MGD
Water Storage	**Volume[2]**
Existing Storage Requirement	35.4 MG
Existing Storage Capacity	47.5 MG (excluding Maerkle Reservoir storage)

Based on the water model analysis prepared for the CMWD 2019 Potable Water Master Plan, future pipelines and water system facilities were identified to ensure water system improvements are constructed to accommodate future customers. Within the CMWD service area the average daily potable water demand for the previous five years is shown in Table 2:

TABLE 2: Average Daily Potable Water Demand

Fiscal Year	**MGD**
2016-17	12.1
2017-18	13.4
2018-19	12.4[3]
2019-20	11.9
2020-21	12.8

Water conservation by CMWD customers has resulted in an overall reduction in per capita consumption. Factors leading to this reduction include: (1) expansion of CMWD's recycled water system beginning in 2008, (2) a campaign initiated in 2009 to reduce customer consumption by the wholesale water agencies, (3) implementation of a new tiered water rate structure to encourage water conservation, and (4) voluntary and mandatory conservation measures in 2015 in response to drought conditions.

The 10-day storage requirement is a city growth management performance standard and a planning criterion to accommodate pipeline maintenance recommended by the San Diego County Water Authority. To meet the requirement, CMWD needs 131 MG of storage capacity based on the average water demand identified in the 2019 Potable Water Master Plan and 187 MG for buildout conditions. CMWD has a total storage capacity of 242.5 MG which consists of 195 MG of storage capacity at Maerkle Reservoir and 47.5 MG of storage capacity in various storage tanks throughout the water distribution system.

CMWD also has interagency agreements with OMWD, VWD and Oceanside to obtain additional supply to meet the 10-day storage capacity, if needed. In 2004, the OMWD completed construction of a water treatment facility at the San Diego County Water Authority Emergency Storage Reservoir, which provides the storage necessary to meet the 10-day storage criterion for OMWD. VWD's average day demand is

[1] Million gallons per day (MGD)
[2] Million gallons (MG)
[3] Corrected demand for 2018-19 based on potable water sales data.

13.3 MGD with an existing storage capacity of 120.5 MG. Through interagency sharing arrangements, VWD can obtain additional water supplies to meet a 10-day restriction on imported water supply.

Buildout Facility Adequacy Analysis

As proposed land development projects are reviewed by the city, the water master plans from CMWD, OMWD, and VWD are consulted to check pipeline sizes and facility capacities and verify adequacy to support the water demands of the project and city. To comply with water master plan requirements, land development projects may be required to construct a master plan water project concurrent with construction of the development project.

The CMWD 2019 Potable Water Master Plan identifies facilities necessary to meet water demands for buildout within its service area. These consist of new pipelines and pipeline rehabilitation projects that are programmed into the city's Capital Improvement Program. The 2019 Potable Water Master Plan identified that no additional storage is required to meet the future storage requirements, due in part to conservation measures and expansion of CMWD's recycled water system.

HOW THE CITY FUNDS WATER DISTRIBUTION FACILITIES

The city's water enterprise fund has the following primary sources of revenue and their uses:

- Water connection fees are charged to new users which connect to the water distribution system based on estimated consumption and water meter size. These fees are used to pay for the capital cost of water distribution facilities.
- Water service rates pay for the costs of operation, maintenance and capital improvement of the water distribution system. Replacement or rehabilitation of water distribution facilities is funded through capital reinvestment, or depreciation funding from rate revenue.

Funds for the construction of future water distribution facilities are included in the Capital Improvement Program which is funded by water service rates.

OTHER STANDARDS AND CONSIDERATIONS

The evaluation of conformance with the performance standard requires water master plan updates be conducted on an interval that is commensurate with development activity. As part of the updates, water hydraulic modeling is necessary to evaluate whether the planning criteria used to estimate water demands and system capacity adequately reflect actual conditions. Further, changes in land use or zoning resulting in higher development density can potentially impact water demands and system capacity. The city's goal is to conduct water master plan updates on a 5-year interval to evaluate citywide water capacity requirements. In addition, water rate studies are planned at three- to five-year intervals to provide a basis for water rates and funding for required system improvements.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 4
June 23, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

GROUND RULES

- ✓ Encourage diversity of ideas; every idea is a good idea during brainstorming.
- ✓ Avoid applying personal biases based on geography, organizational affiliation, etc. – think about the city as a whole.
- ✓ Establish and follow general time limits for discussion items.
- ✓ Always be respectful.
- ✓ Be prepared by reading materials and thinking about topics ahead of meetings.
- ✓ Encourage all to speak – both primary and alternate members.
- ✓ Actively search for ways to identify gaps in data and make requests based on those gaps.

6

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Open Space
- Circulation
- Fire Response
- Schools
- Drainage
- Sewer Collection
- Water Distribution
- Wastewater Treatment

8

MEETING TOPICS & SCHEDULE

DATE/TIME	POTENTIAL TOPICS
June 23, 2022 5 p.m.	Wastewater treatment, drainage, sewer and water distribution, schools
July 28, 2022 5 p.m.	Traffic and mobility circulation, emergency response, SANDAG demographics/growth projections
Aug. 25, 2022 5 p.m.	Libraries, parks and open space

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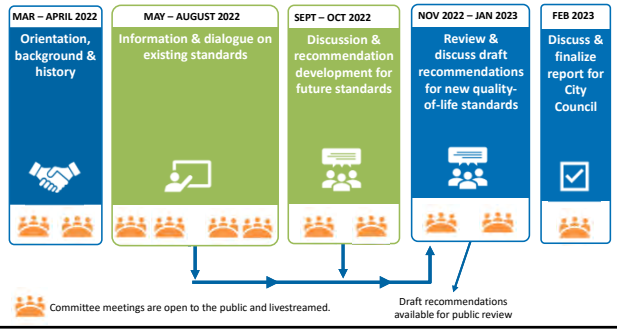
COMMITTEE PROCESS



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CHARTER AMENDMENT (JUNE 14, 2022)

If a committee member that was appointed to represent one of the Boards and Commissions has a term that concludes prior to the committee completing its work, the member is allowed to remain on the committee until the work concludes but must report back to the represented board or commission at the represented board or commission's request. If a committee member resigns his or her appointment before the committee's work has concluded, he or she shall notify the Mayor and City Council in writing, with copies sent to the City Clerk, City Manager and the Community Development Director. The resigning committee members designated alternate shall automatically become a regular committee member for the remaining duration of the committee. If the alternate member chooses not to fill the vacancy, at their next scheduled meeting, the committee will consider whether to recommend that the Mayor and City Council fill the vacated position.

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TODAY'S AGENDA

- Discussion Items
  - Committee Business
    - Schools Performance Standard
    - Wastewater Treatment Performance Standard
    - Drainage Performance Standard
    - Sewer and Water Distribution Performance Standard
- Committee Member Requests for Agenda Items
- Public Comment (continued if needed)
- Adjourn

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1. Committee Business

13

Schools Performance Standard

14

SCHOOLS PERFORMANCE STANDARD

School capacity to meet projected enrollment within the Local Facility Management Zone as determined by the appropriate school district must be provided prior to projected occupancy.

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BACKGROUND

- Established with original Citywide Facilities and Improvements Plan
- 4 school districts in Carlsbad
- School districts control production of schools
- City has limited control
- City verifies capacity when development is proposed

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SCHOOL STANDARD – STATUS

- Carlsbad Unified School District
  - Sufficient capacity for current enrollment and expected future growth
- San Marcos Unified School District
  - Currently at maximum capacity
  - Issuing will-serve letters for development in Carlsbad
  - Schools serving Carlsbad can accommodate expected future growth

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SCHOOL STANDARD – STATUS

- Encinitas Union Elementary School District
  - Sufficient capacity for current enrollment and expected future growth
- San Dieguito Union High School District
  - Sufficient capacity for current enrollment and expected future growth

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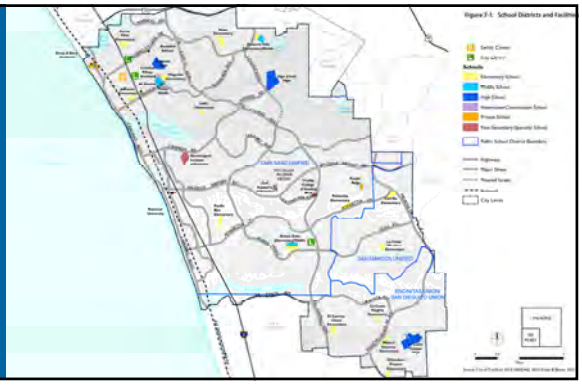

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SCHOOLS

SCHOOL STANDARD BUILDOUT ANALYSIS

- Capacity sufficient for future population (based on buildout of General Plan)
- Future demand based on two main factors:
  - Increase in housing from planned land uses
  - Average number of students in a household
- Average household student population expected to decline

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SCHOOLS

SCHOOL STANDARD BUILDOUT ANALYSIS

- Sufficient school capacity for buildout of General Plan, based on:
  - Currently planned housing units
  - Declining student population per household
- School capacity evaluated when more housing units are considered (e.g., Housing Element)

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SCHOOLS

SCHOOL FUNDING

- Local, State and Federal funding sources
- State Proposition 98 (largest funding source)
- Carlsbad Proposition P (2006)
  - $198 million bond measure + $47 million from State
  - Renovations, modernization, new construction (CUSD)
- SMUSD Proposition K (2010)
  - $287 million bond measure
  - Renovations, modernization, new construction

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SCHOOLS

OTHER CONSIDERATIONS

- Limited local control
- School districts comply with local zoning
- School districts can vote to deem local zoning inapplicable
- Schools must comply with local rules for drainage, roads and grading

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SCHOOLS

OTHER CONSIDERATIONS

- City can require dedication of land and/or fees when approving development
- Development impacts on school capacity evaluated per Growth Management and California Environmental Quality Act

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Drainage Facilities Performance Standard

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DRAINAGE FACILITIES PERFORMANCE STANDARD

Drainage facilities must be provided as required by the city concurrent with development.

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Background

- Original 1980 Drainage Master Plan goals:
  - **Assess performance** of existing drainage facilities
  - Identify **drainage infrastructure** needs
  - Develop funding mechanism for planned facilities
- Current plan (2008) is being updated
- Maintenance, repair and replacement projects incorporated into city's Capital Improvement Projects program

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DRAINAGE BASINS

- Four drainage basins
  - Buena Vista Creek
  - Agua Hedionda
  - Encinas Creek
  - San Marcos Creek
- All areas currently meet drainage performance standards

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DRAINAGE BASINS VS. COUNCIL DISTRICTS

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Drainage Facilities Adequacy

- Existing drainage facilities adequate to serve **current needs**
- 2008 Drainage Master Plan proposes construction of new facilities to **reduce flooding risk**
- New facilities provide backbone drainage system through city buildout

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DRAINAGE FACILITIES FUNDING

- **Planned Local Drainage Area (PLDA) fee program**
  - Four PLDAs
  - Collect fees from new development/ redevelopment
  - Funds projects in city's CIP
  - Reimburse developers who construct planned facilities
- **Infrastructure Replacement Funds**
  - Funds used to rehabilitate or replace existing drainage facilities

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CAPITAL IMPROVEMENT PROGRAM DRAINAGE PROJECTS

Drainage Master Plan Update	Magnolia Ave Drainage Improvements
Tamarack/El Camino Real Channel Restoration	Merwin Drive Storm Drain Improvements
Surface Drainage Improvements	Park Drive Drainage Improvements
Storm Drain Condition Assessment Program	Kelly Drive Channel Repair
Storm Drain System Repair Program	Romeria St Drainage Channel Improvements

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IMPROVEMENT PROJECTS

Kelly Drive Channel Repair

Tamarack/El Camino Real Channel Restoration

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FLOOD CONTROL AND DRAINAGE FACILITIES MAINTENANCE

Buena Vista Creek Channel Maintenance	Agua Hedionda Creek Vegetation Maintenance
Buena Vista Creek Assessment District	Calavera Dam Mitigation and Maintenance
Trash Capture Amendment Compliance Program	

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Buena Vista Creek Channel Maintenance

Agua Hedionda Creek Vegetation Maintenance

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Wastewater Treatment Performance Standard

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WASTEWATER TREATMENT

WASTEWATER TREATMENT STANDARD

Sewer plant capacity is adequate for at least a five-year period.

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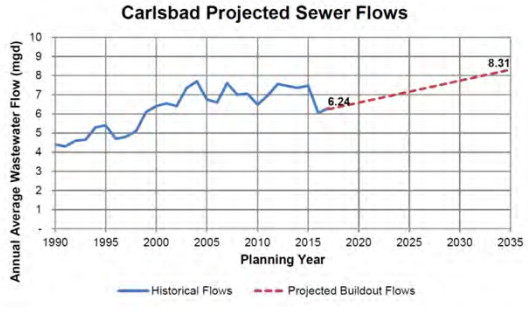
WASTEWATER TREATMENT

WASTEWATER TREATMENT STANDARD

- 2021 average sewer flow = 6.3 million gallons/day
- Carlsbad capacity rights at Encina Water Pollution Control Facility = 10.26 mgd
- EWPCF total capacity = 40.5 mgd

40

WASTEWATER TREATMENT



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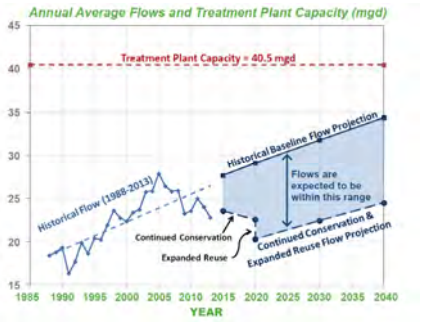
Encina Water Pollution Control Facility

WASTEWATER TREATMENT



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WASTEWATER TREATMENT

WASTEWATER TREATMENT FUNDING

- Sewer rates:
  - Pay for operation, maintenance and capital improvement of wastewater treatment system
  - Will fund replacement or rehabilitation through capital reinvestment (depreciation funding from rate revenue)
- Sewer Connection Fees:
  - Charged to new users that connect to the sewer collection system
  - Based on the quantity of sewer discharge (equivalent dwelling units)
  - Pays for the capital cost of the portion of the system used

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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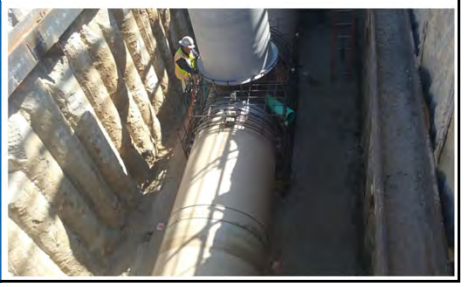
Sewer Collection Performance Standard



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SEWER COLLECTION

SEWER COLLECTION STANDARD

Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.

- 2021 average sewer flow = 6.3 million gallons/day
- Projected sewer flow = 8.3 mgd (2040)

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SEWER COLLECTION

SEWER COLLECTION SYSTEM

- 265 miles of gravity sewer
- 13 lift stations
- 4 miles of force main
- 6 interceptors

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SEWER COLLECTION

SEWER PLANNING & DESIGN CRITERIA

- Sewer Generation Rate:
  - Residential (single or multi-family)
  - Commercial, industrial, institutional
- Design Parameters:
  - Gravity or force main system
  - Pipe size and % full
  - Velocity (min./max.)
  - Pipe type (roughness)

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SEWER COLLECTION FUNDING

- Sewer connection fees:
  - Charged to new users that connect to the sewer collection system
  - Based on the quantity of sewer discharge (equivalent dwelling units)
  - Pay for the capital cost of the portion of the system used
- Sewer rates:
  - Pay for operation, maintenance and capital improvement of wastewater treatment system
  - Will fund replacement or rehabilitation through capital reinvestment (depreciation funding from rate revenue)

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Water Distribution Performance Standard

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WATER DISTRIBUTION FACILITIES STANDARD

- Line capacity to meet demand (as determined by the water district) must be provided concurrent with development.
- A minimum of 10-day average storage capacity must be provided prior to any development.

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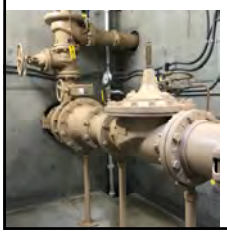
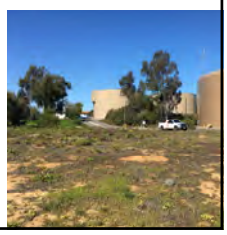
WATER DISTRIBUTION FACILITIES

- 72 pressure regulating stations
- 3 pump stations
- 450 miles of water mains
- 1 water storage reservoir
- 12 water storage tanks
- 12 interagency connections





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WATER DISTRICTS SERVING CARLSBAD

Carlsbad Municipal Water District

Vallecitos Water District

Olivenhain Municipal Water District

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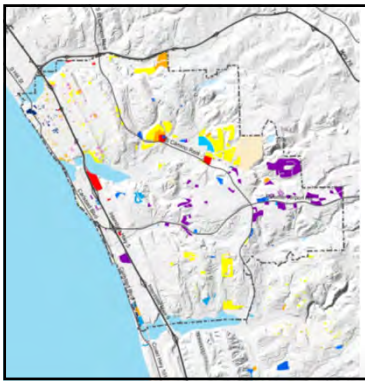

AREAS WITH INCREASED POPULATION

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SEWER COLLECTION

WATER PLANNING & DESIGN CRITERIA

- Customer Type/Water Demand:
  - Residential (single or multi-family)
  - Non-residential (commercial, industrial, institutional, irrigation)
- Design Parameters:
  - Flow demand (average, maximum day, peak hour, fire)
  - Pressure (static, maximum day, peak hour, fire)
- Velocity
- Head loss

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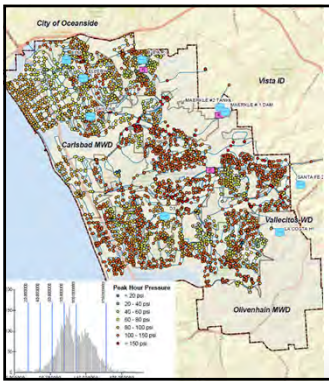

WATER SYSTEM HYDRAULIC MODELING

- Maximum flow velocity
- Minimum water pressure
  - Maximum day demand
  - Max. day demand + fire flow

Carlsbad TOMORROW

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WATER DISTRIBUTION FUNDING

- Water connection fees:
  - Charged to new users that connect to the water distribution system
  - Based on estimated consumption and water meter size
  - Pay for the capital cost of water distribution facilities
- Water rates:
  - Pay for the costs of operation, maintenance and capital improvement of the water distribution system
  - Will fund replacement or rehabilitation through capital reinvestment (depreciation funding from rate revenue)

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Committee Member Requests for Future Agenda Items

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Public Comment

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Adjournment

Next Meeting: July 28, 2022

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CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE

GROWTH MANAGEMENT PROGRAM PERFORMANCE STANDARDS & FUNDING SOURCES

Public Facility	Performance Standard	Funding Source(s)
City Administrative Facilities	1,500 sq. ft. per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.	CFD #1, Public Facility Impact Fees, General Fund
Schools	School capacity to meet projected enrollment within the Local Facility Management Zone (LFMZ) as determined by the appropriate school district must be provided prior to projected occupancy.	State Prop. 98 (main source) Local bond measures Federal sources
Drainage	Drainage facilities must be provided as required by the city concurrent with development.	Drainage Area Impact Fees, Gas Taxes and General Fund
Wastewater Treatment	Sewer plant capacity is adequate for at least a five-year period.	Developer Fees, Developer Contributions and User Fees
Sewer Collection System	Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.	Developer Fees, Developer Contributions and User Fees
Water Distribution System	Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.	Developer Fees, Developer Contributions and User Fees
Circulation	Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all modes that are subject to this multi-modal level of service (MMLOS) standard, as identified in Table 3-1 of the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.	CFD #1, Bridge & Thoroughfare Districts, Assessment Districts, Developer Contributions, Gas Taxes, Traffic Impact Fees, County Transportation Taxes, Federal and State Grants, Public Facility Impact Fees, and General Fund
Library	800 sq. ft. (of library space) per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.	CFD #1, Public Facility Impact Fees and General Fund
Fire	No more than 1,500 dwelling units outside of a five-minute response time.	Public Facility Impact Fees and General Fund
Open Space	Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.	Developer Contributions and General Fund
Parks	3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to August 22, 2017.	CFD #1, Public Facility Impact Fees, Park Development Impact Fees, Developer Contributions and General Fund

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

July 28, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the June 23, 2022 meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the committee. Review agenda and meeting format. Allow for any introductions for those not present at previous meetings – staff and committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Fire Performance Standard.** Receive a presentation from city staff on the existing standard for Fire services. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Michael Calderwood, City of Carlsbad Fire Chief)
2. PRESENTATION – Receive a presentation on population statistics and trends in the region. (Marcia Smith, San Diego Association of Governments)
3. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Committee "Housekeeping Items".** Chair to address recent public comment items, Brown Act reminder, potential use of subcommittees, additional topic prioritization, and overall project schedule.
   - **Mobility & Circulation Performance Standard.** Receive a presentation from city staff and consultants on the existing standard for mobility and circulation. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Nathan Schmidt, City of Carlsbad Transportation & Mobility Manager, and Stephen Cook, Intersecting Metrics)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite Committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, Aug. 25, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

July 28, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Steve Linke, Stephen "Hap" L'Heureux, John Nguyen-Cleary, William Sheffler, Joseph Stine, Nelson Ross
Alternate – Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Terence Green, Matthew Reese, Erin Nell, Angela O'Hara, Lisa Stark, Allen Manzano, Art Larson, William Fowler, Nora Jimenez George, Patricia Mehan

Absent:
Primary – Chad Majer, Amy Allemann
Alternate – Ron Withall, Patric Goyarts, Thierry Ibri, Jamie Latiano Jacobs, Marissa Steketee, Kevin Sabellico

APPROVAL OF MINUTES:

Motion by Jeff Segal and seconded by Fred Briggs, to approve the June 23, 2022 minutes.

PUBLIC COMMENTS:

2 public comments were received. One additional comment was received later in the meeting and is summarized in the Committee Business section of the minutes.

1. **City of Carlsbad traffic –**
   Lance Schulte encouraged the city to look at missing links within the Land Use element within the General Plan for the Growth Management update. Mr. Schulte mentioned that missing links include little consideration for traffic within the Land Use plan and currently a poor distribution of parks with walkable access within the city. Mr. Schulte further noted the need to rebalance commercial and residential land use in the General Plan.
2. **Electric Opportunities –**
   Jay Klopfenstein introduced new electrical opportunity ideas to the committee such as electric busses with a bi-directional electric system that can provide power to other systems in case of emergency. He also encouraged the committee to look into the 8 new microgrids within San Diego County that could connect the City of Carlsbad to power in case of emergency.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson. Principal Planner Eric Lardy then reviewed the committee's purpose, process, and highlighted the 11 existing performance standards.

DISCUSSION ITEMS:

COMMITTEE BUSINESS

- **Fire Performance Standard**. City of Carlsbad Fire Chief, Michael Calderwood provided a presentation on the existing standard for Fire services, including recommended alternatives to the current standard. Committee members asked questions regarding automatic aid, metrics, and ensuring direct and adequate resources to the city fire department. Group discussion followed, which centered around the following two questions: Is this standard important to the quality of life in the City of Carlsbad? Should the standard be re-evaluated in any way?

  A number of clarifying questions were asked of Chief Calderwood in regard to fire response and resources. The following key thoughts, questions and considerations specific to the City Fire Performance Standard were captured:
  - Fire department regularly tracks other metrics and measures to evaluate their performance. Metrics are analyzed monthly, reported out quarterly, and published annually. The city's newest fire station, Fire Station 7, is a result of these analyses.
  - The current performance standard states that the Growth Management Plan is there to aid the fire department, but currently there is no correlation between the current standard and any aid provided to the department.
  - The current standard also does not consider high call volumes or call saturation like the recommended standard in presentation would.
  - Unclear if there is a development impact fee charged for fire?
  - 5-minute drive time versus 5-minute response time
  - Aging community is an issue within the city. Are retirement homes considered when counting the number of dwelling units?
  - Overcrowded and unaccounted for retirement homes or senior citizen housing facilities could slow response times in other areas surrounding those facilities. Consider the possibility of charging specific impact fees for those facilities.
  - Should there be a fire performance standard as part of the growth management plan? Or should Fire Department manage their performance with other metrics?
  - Not aware of any city that has a performance standard like Carlsbad. Industry standards for cities similar to size of Carlsbad shared during the presentation
  - Committee must ensure that we mitigate impacts to existing residents, which is a critical part of answering this question.

PRESENTATION

- San Diego Association of Governments, Marcia Smith, provided a presentation on population statistics and trends in the region and specific to the City of Carlsbad. Committee members asked questions regarding the regional spread of job growth, immigration impacts, influence of remote work, and residential growth prediction sources. Based upon Committee questions, SANDAG will follow up with additional detail on the following: standard deviations for job, housing, and population predictions and job predictions by industry or sector.

COMMITTEE BUSINESS

- **Housekeeping Items.** Committee Chair, Eric Larson addressed recent public comment items, Brown Act reminders, the potential use of subcommittees, additional topic prioritization, and the overall project schedule. The chair noted that the committee should prioritize and decide which public comments and new topic items fall under committee responsibilities and which do not. He further mentioned that at this time, subcommittees are not logistically feasible though this can be further discussed later if necessary. The chair then discussed that the project schedule will probably require additional meetings while deciding recommendations for the updated growth management plan, noting that an additional meeting may occur in October or November 2022.
- **Public Comment.** Member of the public, Diane Nygaard, briefly discussed the City of Carlsbad's greenhouse gas (GHG) emissions related to transportation. Ms. Nygaard noted that close to 40% of the regions GHG emissions come from transportation. She further discussed that there is currently no direct standard for multimodal or transit vehicles and that the inclusion of this type of standard would allow for safe, convenient, and affordable choices for multimodal access, aiding in many quality of life measures.
- **Mobility and Circulation Performance Standard.** City of Carlsbad Transportation & Mobility Manager, Nathan Schmidt, Stephen Cook from Intersecting Metrics, and Tom Frank, City of Carlsbad Transportation Director provided a presentation to the Committee on mobility and circulation in the city. The presentation was broken up into three sections, including: explanation of the current mobility and circulation performance standard, how transportation analysis has changed, and future growth projections for trips in the City of Carlsbad.

  Discussion and questions on the item were limited due to time. Discussion surrounding the performance standard will be continued into the next meeting. The following key thoughts, questions and considerations regarding the Mobility and Circulation Performance Standard were captured:
  - Why hasn't Multimodal Level of Service (MMLOS) been implemented yet for the city?
    - Noted that MMLOS was adopted with the General Plan update and is being developed internally. There is currently no industry standard for this analysis so is taking time to develop amongst other priorities requested by City Council.
  - Monitoring of Vehicle Miles Traveled (VMT) is only required through CEQA, a state requirement. Many projects are exempt from CEQA so the city is still missing a local level standard to account for projects without VMT monitoring.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- Committee members requested better representation for presenters at meetings, such as having name plates for each presenter at the front of the room and/or names in the slides.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:35 p.m.

Bailey Warren - Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	July 28, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentation from city staff and discuss the following topic:

- **Fire Performance Standard.** Receive a presentation from city staff on the existing standard for Fire services. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Michael Calderwood, City of Carlsbad Fire Chief) (Exhibit 1)

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Fire Performance Standard
    A. Fire Service Area Map
    B. May 19, 2020 City Council Staff Report on Fire Department Standards of Coverage, Potential Deployment Improvements (incorporated by reference and available here: https://records.carlsbadca.gov/WebLink/DocView.aspx?id=4869855&dbid=0&repo=CityofCarlsbad&cr=1)

FIRE FACILITIES

No more than 1,500 dwelling units outside of a five-minute response time.

BACKGROUND

The intent of the growth management standard, as applied to fire facilities, is to establish the distribution of station locations, based upon response distances. At the time the Growth Management Plan was developed, scientific fire behavior information and recognized best practices supported the position that a response time of five minutes would result in effective fire incident intervention. The Growth Management Plan provides no other trigger mechanism for the installation of additional fire stations, it states that up to 1,500 dwelling units could exist outside the five-minute reach of the closest fire station for an indeterminate length of time without violating the growth management standard. The five-minute response distance measure was selected exclusively as a means of geographically positioning fire stations throughout the city. Therefore, the standard is applied as a means of measuring compliance with locating fire facilities in accordance with the Growth Management Plan, not the performance of the Fire Department in meeting service responsibilities.

FACILITY PERFORMANCE ANALYSIS

The city's fire facilities comply with the Growth Management performance standard. There are no more than 1,500 dwelling units outside of a five-minute response distance from any of the city's six fire stations.

Buildout Facility Adequacy Analysis

Based on the current residential land uses planned by the General Plan, at buildout, the threshold of no more than 1,500 units outside of a five-minute response distance will not be exceeded for any of the fire stations.

Fire Station Number	Total number of dwelling units outside of five minutes
1,3 & 4 (aggregated)	1,227
2	902
5	392
6	1,185

The following criteria was used to determine the number of existing and future dwellings outside a five-minute response:

- Existing fire station locations (see Exhibit 1A for a map of fire station service areas)
- Anticipated future development
- 2.5-mile road distance from each fire station (five-minute response time equates to road driving distance of 2.5 miles)
- All planned, major roadway arterials
- The number of dwelling units projected at buildout that will be located outside of the 2.5-mile road (five-minute) distance from each fire station.

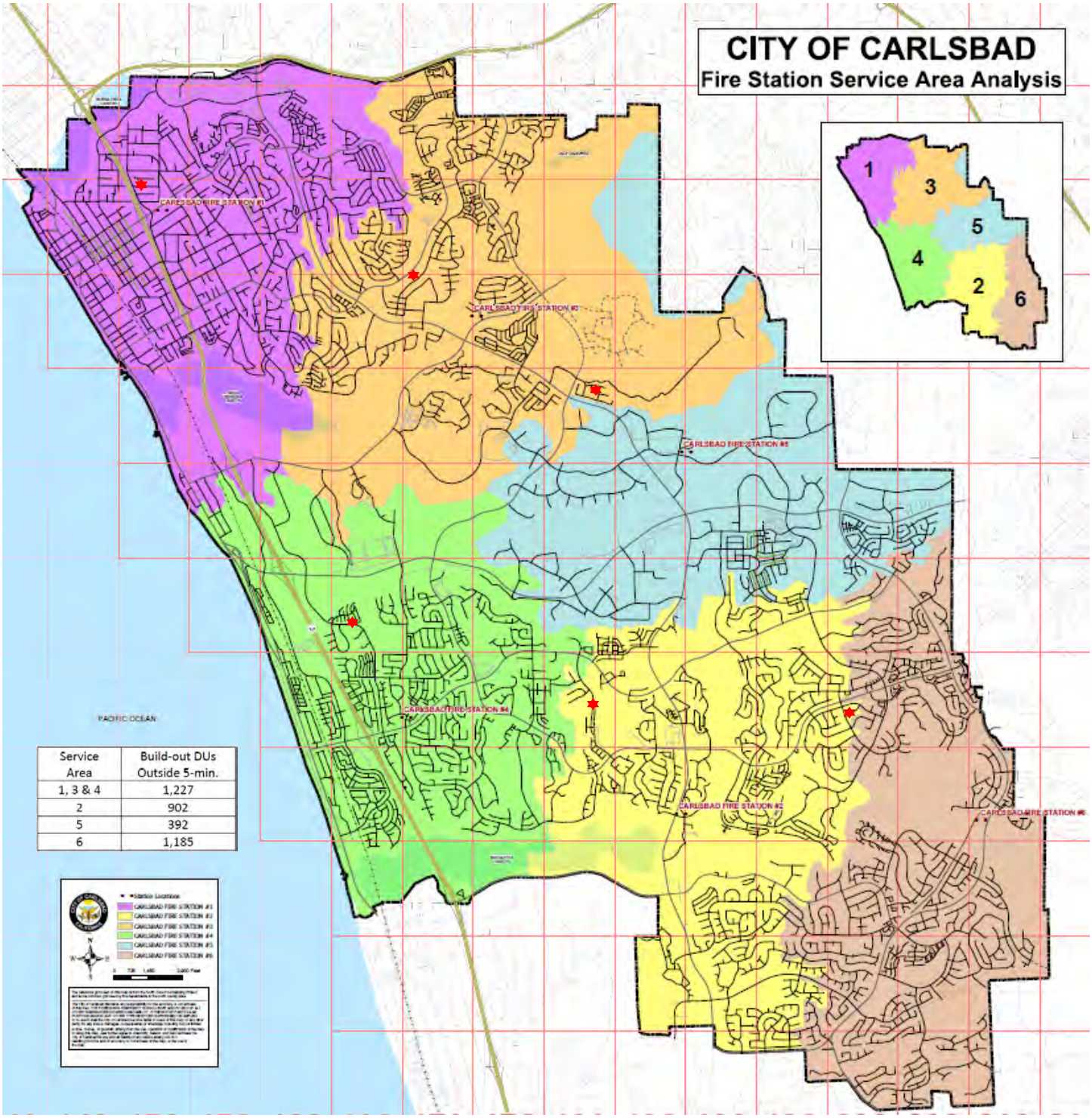
HOW THE CITY FUNDS FIRE FACILITIES

Fire stations are funded by public facility impact fees and the general fund, as such, they require a public vote for expenditures over $1 million.

OTHER STANDARDS AND CONSIDERATIONS

The current geographical based standard for fire services does not consider the population density of the geographic area or the actual volume of emergency calls and resource commitment times. As an alternative to the current geographically focused approach, the city could adopt complete performance measures to aid in deployment planning and to monitor department capabilities. This alternate approach would provide for and allow measures designed to monitor the fire department's ability to deliver outcomes that will save patients' lives when possible, keep small fires small and prevent serious fires from becoming more serious.

In May 2020, the Fire Department presented a report to the City Council on Fire Department standards of coverage and potential deployment improvements. Standards of Cover is a document that details a systems-based approach to fire department deployment that uses local risks and demographics to determine the level of protection that best fits a department's needs. It is intended to identify current services and appropriate services levels while providing a uniform and ongoing foundation for fire and ambulance service planning.



Service Area	Build-out DUs Outside 5-min.
1, 3 & 4	1,227
2	902
5	392
6	1,185

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	July 28, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov
Subject	Committee Business

Recommended Action
Receive a presentation on population statistics and trends in the region. (Marcia Smith, San Diego Association of Governments)

Fiscal Analysis
This action has no fiscal impact.

Environmental Evaluation
In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

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Subject	Committee Business

Recommended Action

Receive presentation from city staff and discuss the following topic:

- **Committee "Housekeeping Items".** Chair to address recent public comment items, potential use of subcommittees, additional topic prioritization, and overall project schedule.
- **Mobility & Circulation Performance Standard.** Receive a presentation from city staff and consultants on the existing standard for mobility and circulation. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Nathan Schmidt, City of Carlsbad Transportation & Mobility Manager, and Stephen Cook, Intersecting Metrics) (Exhibit 1)

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

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Exhibits

1. Circulation Performance Standard

Circulation

Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles, and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

CURRENT GROWTH MANAGEMENT PLAN

The main goals of the city's Growth Management Plan (GMP) are to Provide a framework in which new growth should occur and to ensure that new development pays its own way. The GMP was originally established in 1986 and had subsequent updates as part of the 1994 and 2015 General Plan Update process. The 2015 General Plan update[1] established a livable streets approach to mobility, which emphasized a multi-modal approach to transportation and planned to implement a Complete Streets network throughout the city, which will help to accommodate all modes of travel (auto, transit, bicycle, and pedestrian). The circulation standard (outlined above) was established in 2015 to be consistent with the General Plan livable streets approach.

Livable Streets

The city's approach to provide livable streets recognizes that optimum service levels cannot be provided for all travel modes on all streets within the city. This is due to competing interests that arise when different travel modes mix. For example, pedestrian friendly streets typically have slow vehicle travel speeds, short-distance pedestrian crossings, and include some type of buffer between the vehicle travel way and the pedestrian walkway. However, automobile friendly streets typically have wide travel lanes, multiple turn lanes (increasing the pedestrian crossing distance), and high automobile speeds. Therefore, the General Plan Mobility Element utilizes a livable streets approach to provide a balanced mobility system that identifies, based on the location and type of street (street typology), the travel modes for which service levels should be enhanced and maintained per the multi-modal level of service (MMLOS) standard specified in the city's Citywide Facilities and Improvements Plan (part of GMP).

Transportation System Management & Transportation Demand Management Programs

The 2015 General Plan update identified a series of roadways within the city that would need to be widened beyond six-lanes, which is generally the maximum width of a surface level roadway, to maintain a LOS D or better. Since the further widening of these roadways is not feasible, policies were included within the General Plan to develop techniques to better manage the transportation system as a whole, including the development of citywide transportation system management strategies (TSM) and transportation demand management (TDM) strategies.

[1] https://www.carlsbadca.gov/home/showpublisheddocument/3422/637434861095100000

TSM strategies look to implement technology to improve traffic signal coordination, which increases roadway efficiency and capacity. The same signal coordination technology can also be used to improve transit service speed and reliability. Finally, TSM strategies include the enhancement of signal detection for vehicles, buses, bikes, and pedestrians. This results in increased safety and access for all modes of travel, as it reduces and better manages the conflict points between modes. As part of the TSM program, the city allows developments to purchase updated signal controllers as mitigation along roadways that cannot feasibly be widened due to right-of-way or other constraints.

The city developed a TDM Handbook[2] in August 2019 which sets new TDM requirements for new development. The TDM Handbook outlines several measures that can be implemented to reduce the demand of vehicular traffic associated with a project. These measures include bicycle infrastructure, carpool/vanpool programs, incentive programs, alternative work schedules, providing on-site amenities, and encouraging the use of transit. New non-residential developments that generate 110 daily employee trips or more are now required to develop and submit a TDM plan with the city. Residential projects which are determined to add trips to GMP exempt roadway segments are also required to implement TDM. These developments are also required to submit annual monitoring reports to the city to review the plan's effectiveness.

HOW ROADWAY IMPROVEMENTS ARE FUNDED

The city's transportation network is funded through the following primary sources:

- *Grant Funding* – The city applies for local, state, and federal grants to assist with the funding of a variety of transportation infrastructure projects. Most grant funding sources focus on safety and sustainability, thus grant funding is primarily only available for multi-modal infrastructure such as bike and pedestrian facilities.
- *Required Developer Improvements* – Land development projects are required to conduct a Local Mobility Analysis study to determine if the project will cause or worsen sub-standard operations (LOS E or F) on a roadway, based on the city's MMLOS standards. A Local Mobility Analysis evaluates the effects of new developments on the local transportation network and is required for development projects that generate more than 11 peak hour trips or 110 daily trips. If a project is found to cause or worsen sub-standard operations, it is generally required to implement the infrastructure needed to restore operations to pre-development conditions. Development projects are also generally required to improve the roadway along its frontage to its ultimate condition, as prescribed within the General Plan.

[2] https://www.carlsbadca.gov/home/showpublisheddocument/310/637425981338370000

- *Fee Programs* – The city's Transportation Impact Fee (TIF) Program and SANDAG's Regional Transportation Improvement Program (RTCIP) impose fees on new developments to pay their fair-share to build out the city's transportation network.
- *Tax Funding (Sales Tax and Gas Tax)* – Transnet[3] is a half-cent sales tax that was voted into place in 1987 by San Diego County voters to help fund regional transportation infrastructure. The State of California has a 50.5 cent per gallon gas tax which helps to fund regional transportation infrastructure as well as helps to fund the maintenance of local roadways. The City of Carlsbad receives local allocations of both programs to assist with transportation infrastructure and roadway maintenance.

HOW TRANSPORTATION ANALYSIS HAS CHANGED

Discretionary actions, including development projects and transportation projects, are required to be evaluated under the California Environmental Quality Act (CEQA). Historically, the evaluation of transportation impacts has been based on automobile delay and a "Level of Service" or LOS standard to measure that delay. In 2018, the CEQA was updated consistent with Senate Bill (SB) 743 (2013), which changed the way transportation impacts are evaluated under the CEQA, as follows:

- Vehicle miles traveled (VMT). As of July 1, 2020, automobile delay and LOS are no longer used as the performance measure to determine the transportation impacts of land development projects under CEQA. Instead, VMT is now required to be one of the metrics used to determine transportation related impacts. The stated intent of SB 743 was to bring CEQA transportation analyses into closer alignment with other statewide policies regarding greenhouse gases, complete streets, and smart growth. Using VMT as a performance measure instead of LOS is intended to discourage suburban sprawl, reduce greenhouse gas emissions, and encourage the development of smart growth, complete streets and multimodal transportation networks. The requirements under SB-743 were codified under Section 15064.3 of the CEQA guidelines as part of the December 2018 code update.

  In response to SB-743 and the 2018 CEQA update, the City of Carlsbad developed new VMT Analysis Guidelines in September 2020[4]. These guidelines set new VMT based significance standards in place to analyze and identify transportation related impacts within the city. The City of Carlsbad based their transportation impact significance standards on the guidance provided by the State of California in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*[5]*, December 2018*. The city's significance thresholds for land development projects are summarized below:

[3] https://www.keepsandiegomoving.com/transnet-about.aspx
[4] https://www.carlsbadca.gov/home/showpublisheddocument/312/637425981341500000
[5] https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

- *Residential Projects:* A significant transportation impact occurs if the project VMT per capita exceeds a level 15% below the city average VMT per capita.
- *Office Projects:* A significant transportation impact occurs if the project VMT per employee exceeds a level 15% below the regional average VMT per employee.
- *Regional Retail Projects:* A significant transportation impact occurs if the project results in a net increase in VMT.
- *Industrial Projects:* A significant transportation impact occurs if the project VMT per employee exceeds the average regional VMT per employee.

City average VMT per capita and regional average VMT per employee values are determined using the SANDAG regional travel demand model[6]. Each project is able to use this process to determine if additional analysis is needed or "screened out" meaning that a project is determined to not have a significant impact and no additional analysis is required. Projects that need to conduct additional analysis have several models and methods that they can use to evaluate impacts to VMT.

- Significance thresholds for transportation infrastructure projects. Transportation infrastructure projects that reduce or have no impact on VMT, such as pedestrian and bicycle facilities, are presumed to reduce VMT and therefore presumed to have a no impact or a less than significant impact. Transportation projects that induce VMT may have an impact and need to be evaluated.

[6] https://sandag.maps.arcgis.com/apps/webappviewer/index.html?id=bb8f938b625c40cea14c825835519a2b

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 5
July 28, 2022

City of Carlsbad

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Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

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COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

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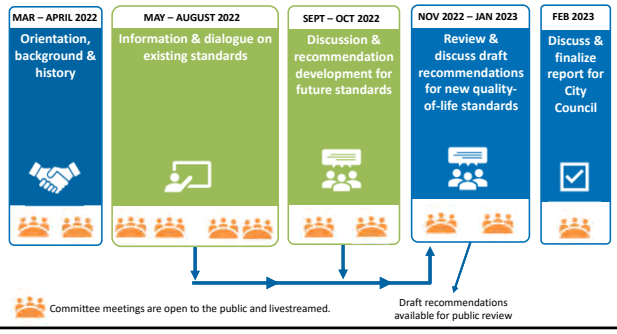
COMMITTEE PROCESS



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TODAY'S AGENDA

Discussion Items

- Committee business
  - Fire performance standard
- SANDAG Presentation – Population statistics and trends
- Committee business
  - "Committee housekeeping"
  - Circulation performance standard
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

City of Carlsbad

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1. Committee Business

Carlsbad TOMORROW

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Fire Performance Standard

Carlsbad TOMORROW

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FIRE PERFORMANCE STANDARD

No more than 1,500 dwelling units outside of a five-minute response time.

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INTENT OF FIRE STANDARD

- Distribute fire stations based on response distance
- Consistent with best practices when standard established in 1986
- Allows up to 1,500 homes outside 5-minute reach

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FIRE STANDARD COMPLIANCE

- No more than 1,500 homes outside 5-minute response – today and planned buildout

Fire Station #	Homes outside 5 minutes at buildout
1, 3 & 4	1,227
2	902
5	392
6	1,185

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CONCERNS WITH CURRENT STANDARD

- Sole focus is on geographic location of stations
- Does not measure performance
- Does not factor in call volume or call saturation

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OPTIONS AND CONSIDERATIONS

- Should Fire be included in Growth Management Plan?
- Adopt complete performance measures to aid deployment planning and to monitor performance
- Measures of time should be designed to:
  - Deliver outcomes that save patients when possible
  - Keep small serious fires from becoming more serious

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MEDICAL EMERGENCIES & SMALL FIRES

Treat pre-hospital **medical emergencies** and control **small fires**:

- First-due unit should arrive within 7.5 minutes. 90% of the time from receipt of 9-1-1 call at fire dispatch
  - 90-second dispatch time
  - 2-minute company turnout time
  - 4-minute travel time

*Medical emergencies will be determined by the national dispatch criteria for determinant dispatching and will consist of "Echo" level calls.

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MULTIPLE-UNIT EFFECTIVE RESPONSE FORCE

Multiple-Unit Effective Response Force should arrive within 11.5 minutes. 90% of the time from the receipt of the 9-1-1 call at fire dispatch to:

- Confine **building fires** near the room of origin
- Keep **vegetation fires** under five acres in size
- Extricate **trapped victims** within 30 minutes
- Treat **multiple medical patients** at a single incident

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HAZARDOUS MATERIALS RESPONSE

The fundamental mission of the Department's **Haz-Mat** response is to isolate the hazard, deny entry into the hazard zone, and notify appropriate officials/resources to minimize impacts on the community.

- First-due unit should arrive within 7.5 minutes. 90% of the time from the receipt of the 9-1-1 call at fire dispatch.
- Provide initial hazard evaluation and/or mitigation actions
- Determination can be made whether to request additional resources from the regional hazardous materials team

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TECHNICAL RESCUE RESPONSE

Respond to **technical rescue** emergencies as efficiently and effectively as possible with enough trained personnel to facilitate a successful rescue

- First-due total response time of 7.5 minutes. 90% of the time from the receipt of the 9-1-1 call at fire dispatch to:
  - Evaluate the situation and/or initiate rescue actions.
  - Assemble additional resources as needed within a total response time of 11.5 minutes. 90% of the time from the receipt of the 9-1-1 call at fire dispatch
  - Safely complete rescue/extrication and provide medical transport

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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2. Presentation: Population Stats and Trends

Carlsbad TOMORROW

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SANDAG

Regional Economic Update

City of Carlsbad

Presented by
Marcia Smith, Associate Economic Research Analyst
July 28, 2022

23

San Diego Region

Continued growth

Population	Jobs	Housing
Annual growth rate is less than 0.5% for the region of 3.4 million. Peak of 3.6 million forecasted for 2055.	Slowing growth of a diversified and balanced economy.	More than 10,000 homes were built in 2021 – a 15-year high but still well short of demand.

Source: California Department of Finance, Real Estate Research Council of Southern California

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How Does Carlsbad Compare?

Population

- **115,585** persons (2022)[1]
  3.5% of regional population
- **0.2%** annual growth rate 2016-2050[2]
- **120,313** forecasted for 2050[2]

Jobs

- **81,507** jobs (2020)[2]
  4.7% of regional jobs
- **1.1%** annual growth rate 2016-2050[2]
- **103,979** forecasted for 2050[2]

Housing

- **47,734** units (2020)[3]
  3.9% of regional housing
- **0.4%** annual growth rate 2016-2050[2]
- **52,494** forecasted for 2050[2]

Source: [1]California Department of Finance; [2]2010 Census, SANDAG 2020 Demographic and Socioeconomic Estimates, SANDAG Series 14 Regional Growth Forecast; [3]2020 Census

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Population

SANDAG

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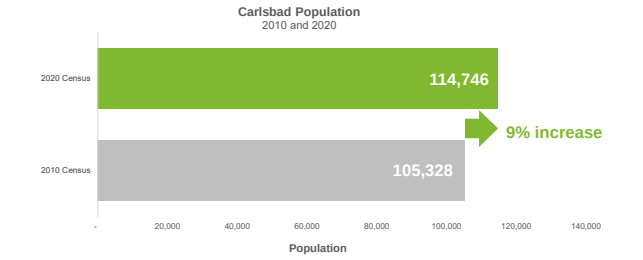
A Decade of Growth



Source: 2010 Census and 2020 Census

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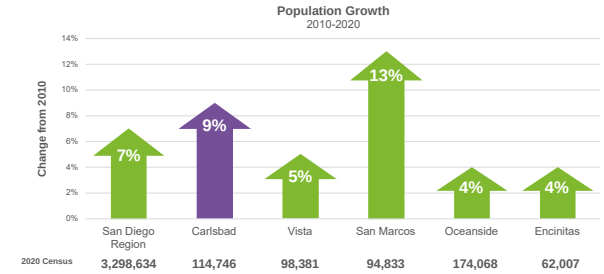
Population Gains: Comparing Carlsbad



Source: 2010 Census and 2020 Census; SANDAG calculations

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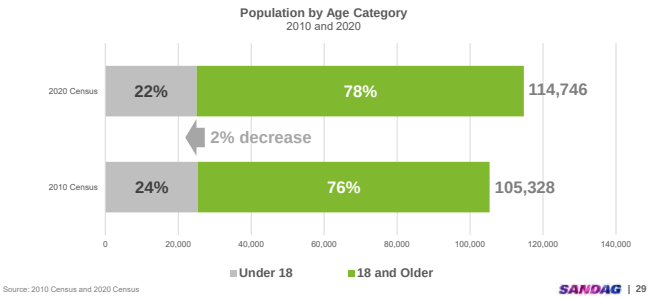
The Aging Population



Source: 2010 Census and 2020 Census

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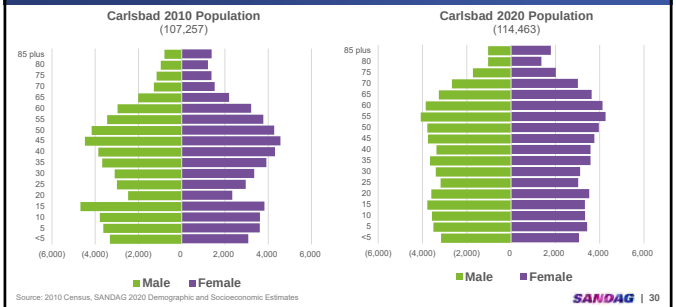
Population Pyramids: Carlsbad 2010 and 2020



Source: 2010 Census, SANDAG 2020 Demographic and Socioeconomic Estimates

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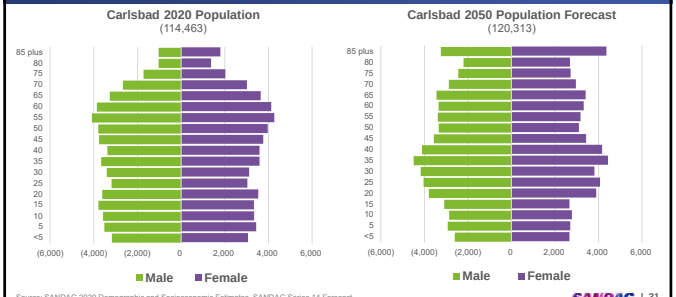
Population Forecast: Carlsbad 2020 and 2050



Source: SANDAG 2020 Demographic and Socioeconomic Estimates, SANDAG Series 14 Forecast

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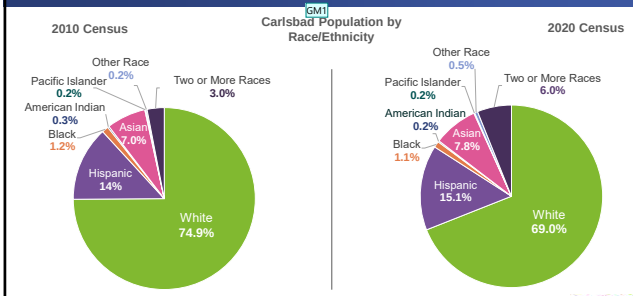
Increasing Diversity



Source: 2010 Census and 2020 Census

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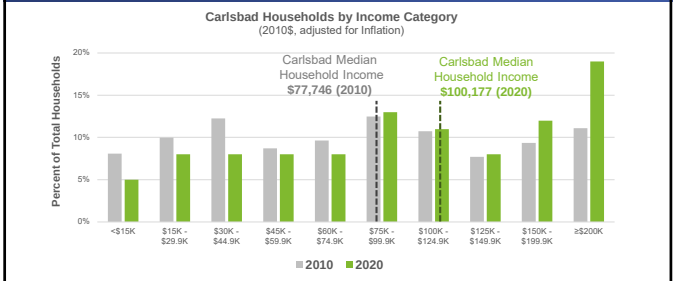
Higher Household Income



Source: SANDAG 2020 Demographic and Socioeconomic Estimates

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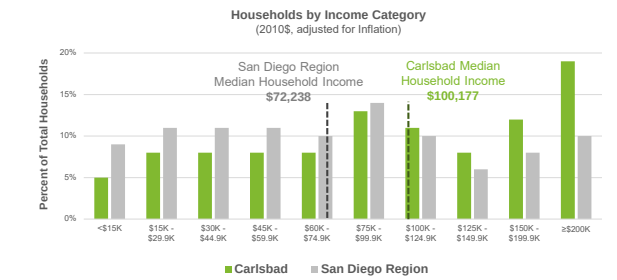
Household Income: Comparing Carlsbad



Source: SANDAG 2020 Demographic and Socioeconomic Estimates

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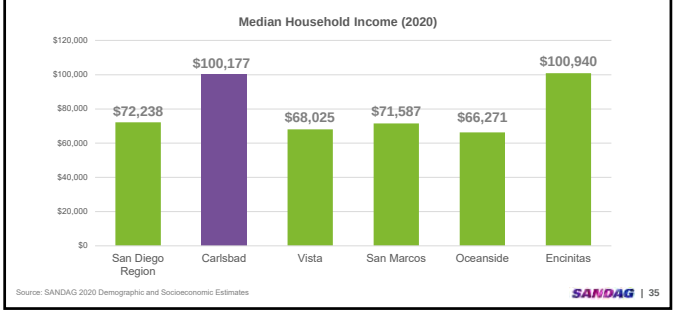
Median Household Income: Comparing Carlsbad



Source: SANDAG 2020 Demographic and Socioeconomic Estimates

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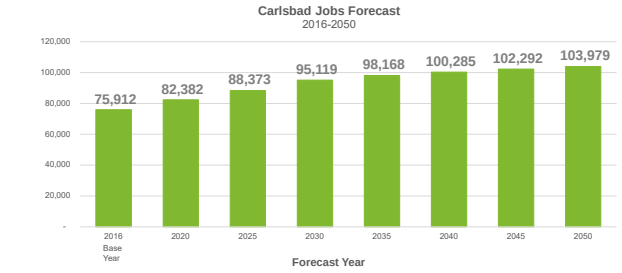
Jobs

36

Job Growth



Source: SANDAG Series 14 Regional Growth Forecast

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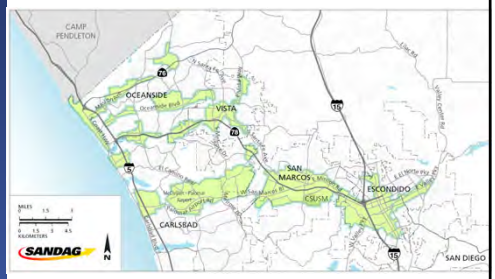
SR 78 Corridor Employment Center

Forecast shows 35% job growth 2016-2050 as expansion in key industries continues.

2016: 293,209 jobs
2050: 394,681 jobs



Source: SANDAG (2019, May). 78 Corridor employment center, Employment centers in the San Diego region: An analysis of where people live and work [Map 1].

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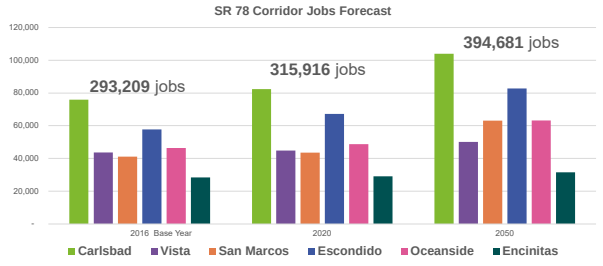
Employment Trends: Comparing Carlsbad

Jobs increase 35% from 2016 to 2050



Source: SANDAG Series 14 Regional Growth Forecast

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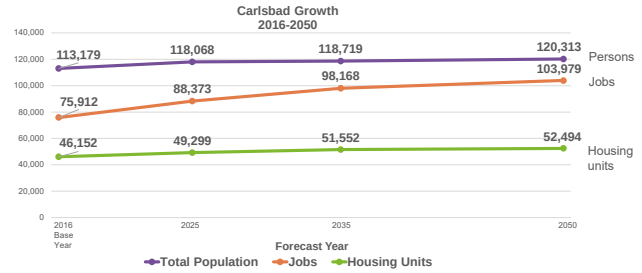
Forecast Summary: Carlsbad



Source: SANDAG Series 14 Regional Growth Forecast

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Housing

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Meeting the Region's Housing and Climate Goals

171,685 new homes by 2029
20% GHG reduction by 2035

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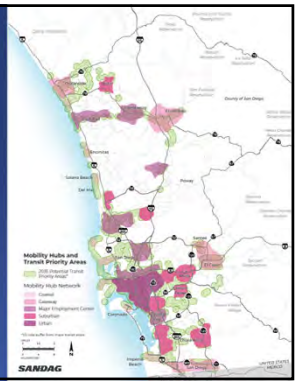
Sustainable Communities Strategy: Bringing Housing & Mobility Options Together



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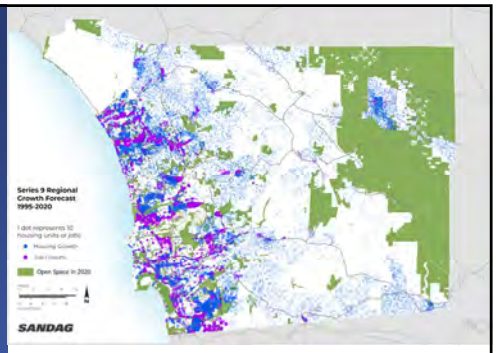
Growth Forecast

San Diego Region



Series 9 Regional Growth Forecast 1995-2020

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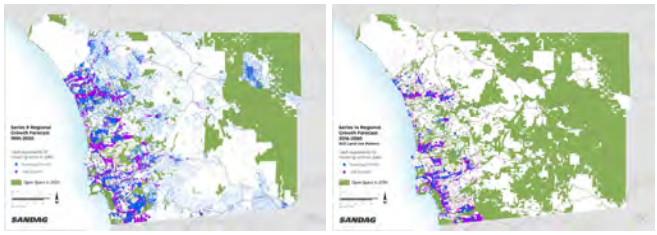
San Diego Region Growth Forecast
Comparing growth



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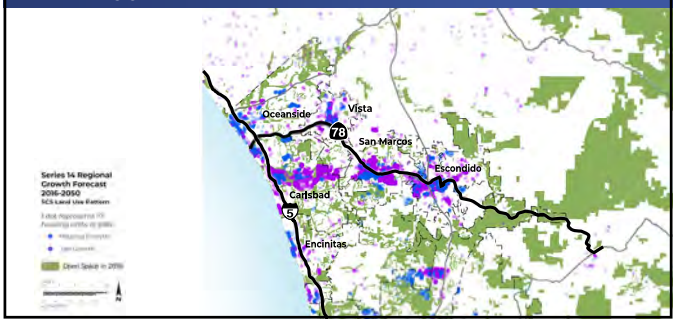
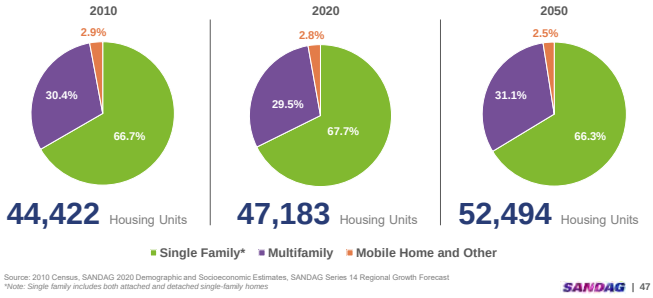
San Diego Region Growth Forecast
Comparing growth



46

Carlsbad Housing 2010, 2020 and 2050



Source: 2010 Census, SANDAG 2020 Demographic and Socioeconomic Estimates, SANDAG Series 14 Regional Growth Forecast
*Note: Single family includes both attached and detached single-family homes

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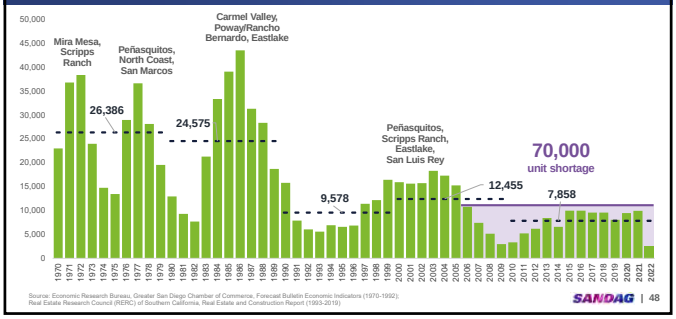
Residential Permits Issued



Source: Economic Research Bureau, Greater San Diego Chamber of Commerce, Forecast Bulletin Economic Indicators (1970-1992); Real Estate Research Council (RERC) of Southern California, Real Estate and Construction Report (1993-2019)

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Questions

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- **Email:** marcia.smith@sandag.org

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3. Committee Business

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Committee Housekeeping Items

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PUBLIC COMMENTS & INPUT

- City Hall location – Aug. 16 City Council meeting
- Day-to-day management of the Senior Center
- Ponto Park
- Reservoir solar panels
- Village development

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BROWN ACT REMINDER

54

SUBCOMMITTEES

55

PRIORITIZING POTENTIAL NEW TOPICS

56

PROJECT SCHEDULE

DATE/TIME	POTENTIAL TOPICS
Aug. 25, 2022 5 p.m.	Libraries, parks and open space
Sept. 22, 2022 5 p.m.	Develop recommendations Provide recommendations on key elements and performance standards to include in new plan.
Oct. 12, 2022 5 p.m.	Develop recommendations Provide recommendations on key elements and performance standards to include in new plan.
Dec. 15, 2022 5 p.m.	Review report with draft recommendations Review report summarizing committee recommendations.

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PROJECT SCHEDULE

DATE/TIME	POTENTIAL TOPICS
Jan. 26, 2023 5 p.m.	Finalize recommendations Finalize report summarizing committee recommendations.
Feb. 23, 2023 5 p.m.	Finalize recommendations Approve report summarizing committee recommendations.
March 2023	City Council presentation Committee recommendations presented to the City Council for consideration.

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Circulation Performance Standard

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OUTLINE

- Current Growth Management Plan
- How Roadway Improvements are Funded
- How Transportation Analysis has Changed
- Best Transportation Practices for Sustainable Growth
- Growth Management Plan Standards Discussion

60

Current Growth Management Plan

Carlsbad TOMORROW

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CURRENT GROWTH MANAGEMENT PLAN

Established in 1986
- Updated with the 1994 General Plan Update
- Updated with the 2015 General Plan Update

Main Goals
- Provide a framework growth should occur
- Ensure that new development pays its own way

2015 General Plan Update Set the GMP Circulation Standard
- Established a livable streets approach to mobility
- Emphasized a multi-modal approach to transportation
- Established a Complete Streets network within the city

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GROWTH MANAGEMENT PLAN POLICY

Circulation – Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

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CURRENT GENERAL PLAN POLICIES

3-P.3 Apply and update the city's multi-modal level of service (MMLOS) methodology and guidelines that reflect the core values of the Carlsbad Community Vision related to transportation and connectivity. Utilize the MMLOS methodology to evaluate impacts of individual development projects and amendments to the General Plan on the city's transportation system.

3-P.4 Implement the city's MMLOS methodology and maintain LOS D or better for each mode of travel for which the MMLOS standard is applicable, as identified in Table 3-1 and Figure 3-1.

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LIVABLE STREETS

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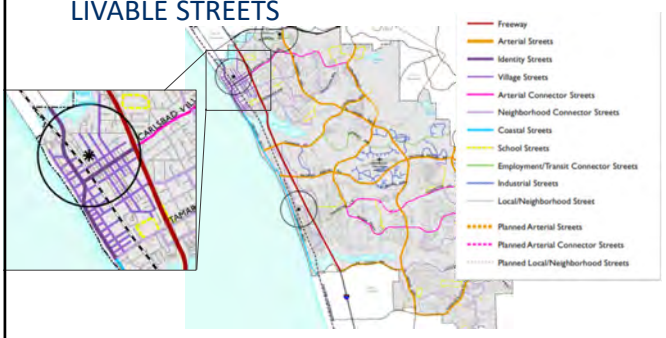
LIVABLE STREETS



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CURRENT TRAFFIC TRENDS IN CARLSBAD

Historic Facilities Not Meeting LOS D Standards			2019				2020				2021			
			AM		PM		AM		PM		AM		PM	
			NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
El Camino Real	City Limits	Marron Road	F	F	F	F	F	F	F	F	F	F	F	F
	Tamarack Avenue	Cannon Road	C	F	C	C	C	C	C	C	C	C	C	C
	Cannon Road	College Boulevard	C	F	F	B	B	B	C	B	C	B	C	B
	Aviara Parkway Alga Road	La Costa Avenue	C	F	C	F	B	C	B	C	C	F	C	F
Melrose Drive	City Limits	Palomar Airport Road	C	F	C	F	C	D	C	D	C	F	C	F
Cannon Road	Avenida Encinas	Paseo Del Norte	D	F	F	F	D	D	D	D	D	D	F	F
	El Camino Real	College Boulevard	D	F	F	D	D	D	D	D	D	F	D	D
College Boulevard	City Limits	Carlsbad Village Drive	D	D	B	D	C	C	C	C	C	D	D	D
	Alicante Avenue	Palomar Airport Road	B	B	A	D	A	B	A	B	A	B	A	B
Palomar Airport Road	Avenida Encinas	Paseo Del Norte	F	F	F	F	F	F	F	F	F	F	F	F
	El Fuerte Street	Melrose Drive	C	F	F	C	B	C	C	B	C	C	C	C
La Costa Avenue	Piraeus Street	El Camino Real	B	F	C	B	B	B	B	B	B	C	B	C

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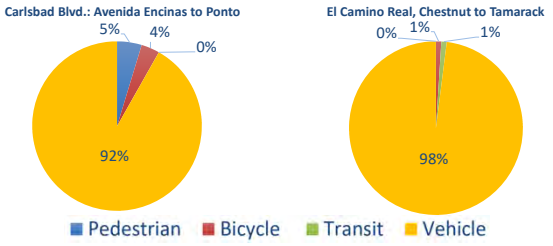
HOW PEOPLE TRAVEL: TRAVEL MODE SPLIT



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GENERAL PLAN POLICIES – GROWTH MANAGEMENT PLAN

3-P.5 Require developers to construct or pay their fair share toward improvements for all travel modes consistent with this Mobility Element, the Growth Management Plan, and specific impacts associated with their development.

3-P.9 Develop and maintain a list of street facilities where specified modes of travel are exempt from the LOS standard (LOS exempt street facilities), as approved by the City Council. To exempt vehicle mode of travel from LOS standard, the street facility must be identified as built-out by City Council because:

a. obtaining rights of way not feasible; or

b. proposed improvements significantly impact environment in an unacceptable way; or

c. proposed improvements result in unacceptable impacts to other community values or General Plan policies; or

d. proposed improvements require more than three through lanes in each direction

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GENERAL PLAN POLICIES: GROWTH MANAGEMENT PLAN

3-P.11 Require new development that adds vehicle traffic to street facilities that are exempt from the vehicle LOS standard (consistent with 3-P.9) to implement:

a. **Transportation Demand Management** strategies that reduce the reliance on single-occupant automobile and assist in achieving the city's livable streets vision.

b. **Transportation Systems Management** strategies that improve traffic signal coordination and improve transit service.

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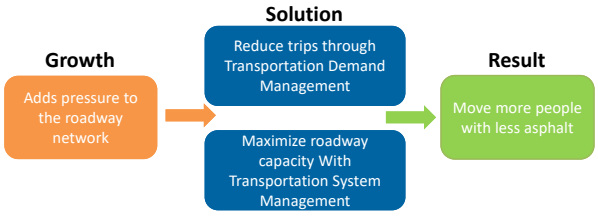
HOW TO MANAGE TRAFFIC WITHOUT WIDENING ROADS



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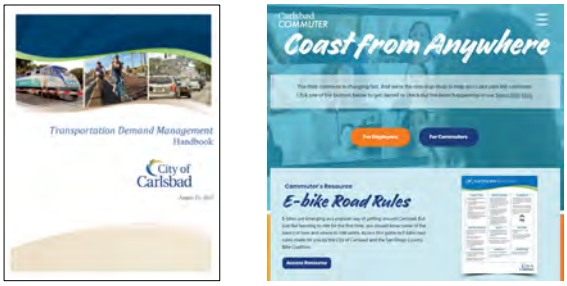
TRANSPORTATION DEMAND MANAGEMENT



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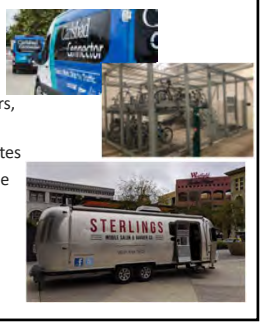
TYPES OF MEASURES

- Creating ridesharing services
- Offering flexible work schedules
- Providing amenities for alternative travel modes such as bike racks, lockers, showers, carpool parking , etc..
- Having dining, laundry, services at worksites
- Giving incentives for not commuting alone by car
- Encouraging use of public transit



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TRANSPORTATION SYSTEMS MANAGEMENT

- Transportation system management strategies that improve traffic signal coordination, improve transit service, and access for all modes.
- Signal detection for vehicles, buses, bikes and pedestrians.
- City currently allows developments to purchase updated signal controllers as mitigation.

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Questions?

Carlsbad TOMORROW

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How Roadway Improvements are Funded

Carlsbad TOMORROW

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HOW ROADWAY IMPROVEMENTS ARE FUNDED

Grant Funding

- SANDAG's Active Transportation Grant Program and Smart Growth Incentive Program
- FHWA Highway Safety Improvement Program
- Caltrans sustainability grants

Developer Funding

- Direct mitigation and frontage improvements
- Transportation Impact Fees
- Regional Transportation Congestion Improvement Program Fees
- Other financing mechanisms, infrastructure districts, bridge thoroughfare districts…

Taxes

- TransNet (half-cent sales tax)
- Gas Tax

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WHO IS RESPONSIBLE FOR THE TRANSPORTATION NETWORK

City of Carlsbad	SANDAG	Caltrans	North County Transit District
• Local roadways • Traffic signals • Sidewalks • Multi-use trails • Bicycle facilities • On-street parking	• Regional Network Funding & Planning • Transit planning • Sustainable Communities Strategy	• Mainline freeways • Freeway over/under Passes • Ramp meters • Traffic signals at ramps • Managed lanes • Park & Ride facilities	• Bus operations • The COASTER • Rail right-of-way operation and maintenance • Transit station amenities • Flexible fleets

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Questions?

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How Transportation Analysis has Changed

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HOW TRANSPORTATION ANALYSIS HAS CHANGED

1950s to the Early 2000s		2010s to Now
Vehicular traffic	→	All modes of travel
Trip generation	→	Vehicle miles traveled (VMT)
Vehicular delay	→	Travel efficiency
Vehicular travel time	→	Connectivity of all modes

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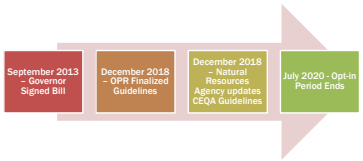
CALIFORNIA SENATE BILL 743



Required jurisdictions to adopt VMT based CEQA Thresholds by July 1, 2020

Disallowed LOS-based CEQA thresholds for land development projects

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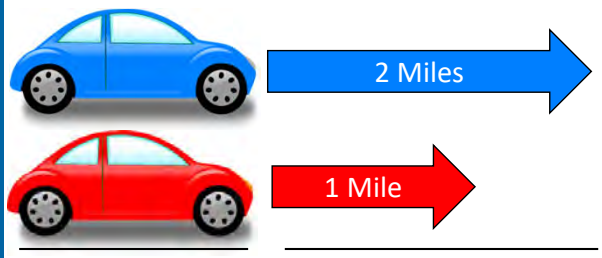
WHAT IS VEHICLE MILES TRAVELED



2 Trips

3 Vehicle Miles Traveled

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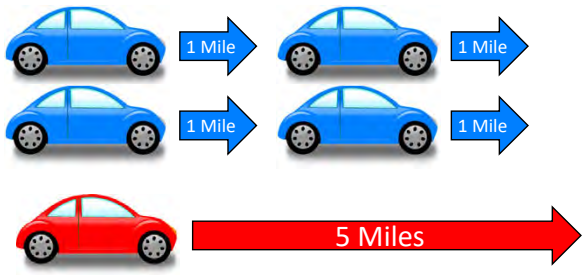
WHY VEHICLE MILES TRAVELED



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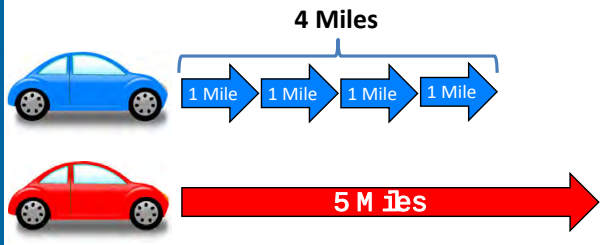
WHY VEHICLE MILES TRAVELED

Which is More Impactful?



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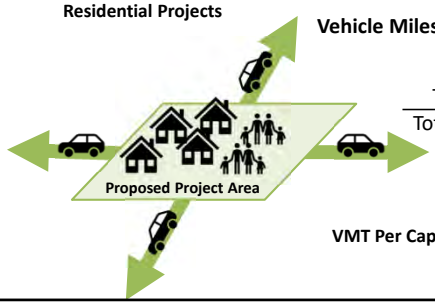
HOW ARE IMPACTS DETERMINED

Residential Projects

Vehicle Miles Traveled Per Capita



$$\frac{\text{Total Project VMT}}{\text{Total Project Residents}}$$

Project VMT: 200 Miles
Residents: 10 People
VMT Per Capita: 20 Miles Per Person

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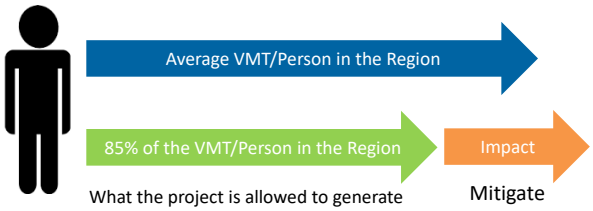
HOW ARE IMPACTS DETERMINED



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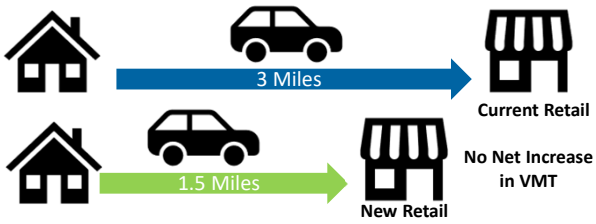
HOW ARE IMPACTS DETERMINED

Retail/Commercial Projects



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IMPACTS OF ROADWAY INFRASTRUCTURE PROJECTS

New Standard:

Roadway infrastructure projects that induce vehicular travel demand are considered to have a VMT related impact.

No Impact	Now Creates An Impact

• Pedestrian Facility Improvements
• Bicycle Facilities
• Multi-Use Trails
• Transit Only Facilities
• HOV Facilities
• Non-Capacity Enhancing Safety Improvements
• Roadway Extensions that Will Create a Shorter Trip Length and Reduce the Over All VMT
	• Improvements that Improve Travel Time
	  • Capacity Enhancing Roadway Projects
	  • Additional Turn-Lanes at Intersections
	• Improvements that Result in Additional Trips
	  • Roadway Extensions to Accommodate New Development
	  • Roadway Improvements that Incentivize People to Drive Further

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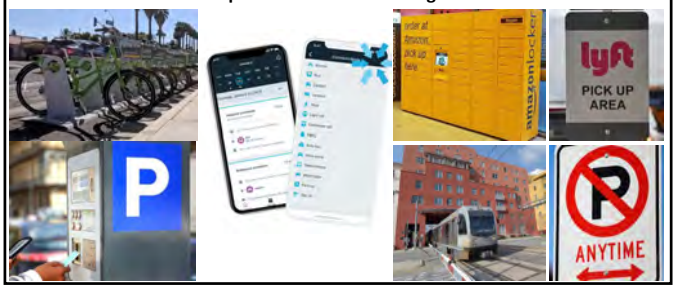
HOW DO YOU MITIGATE FOR VMT

Transportation Demand Management



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HOW DO YOU MITIGATE FOR VMT

Implement Multi-Modal Infrastructure

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Questions?

Carlsbad TOMORROW

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Best Practices

Carlsbad TOMORROW

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BEST PRACTICES

- Plan for growth in areas where the transportation network can accommodate it
- Provide a diversity of land uses
- Develop a system of mobility hubs
- Provide infrastructure that allow travelers to have options
- Plan for multi-modal connectivity
- Utilize fee programs to require development to pay their fair-share and mitigate their impacts

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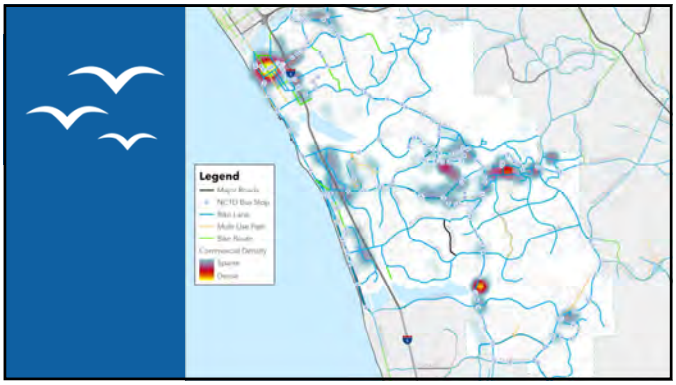

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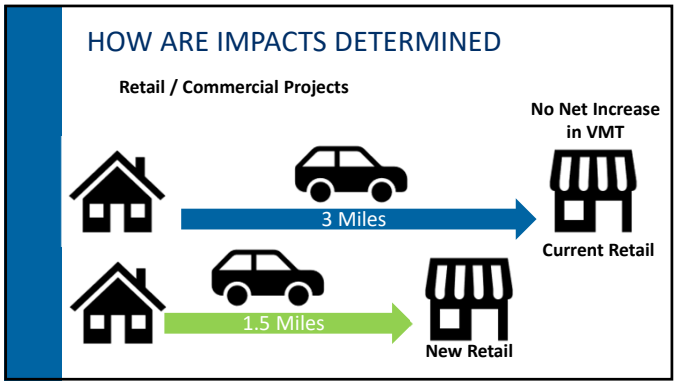

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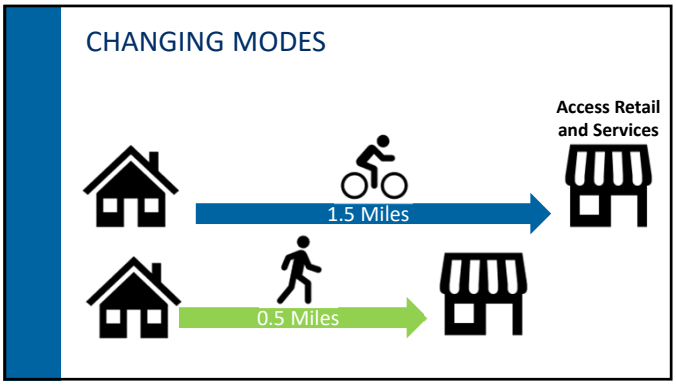

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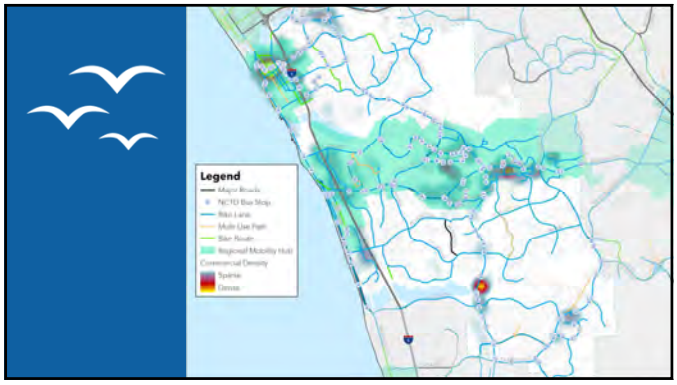

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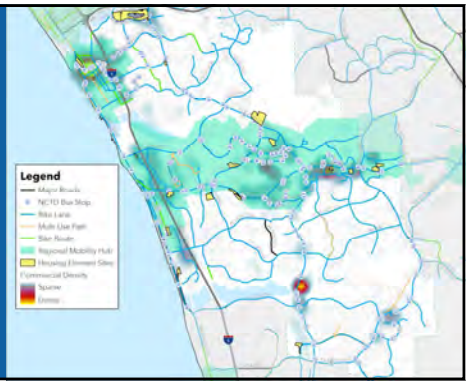

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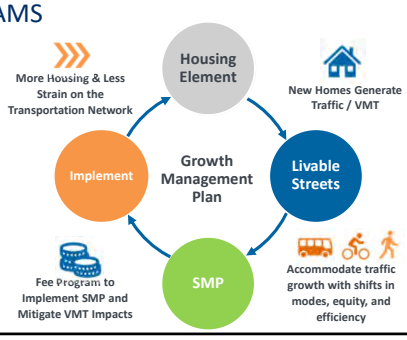
HAVE GROWTH PAY THEIR FAIR-SHARE VIA FEE PROGRAMS



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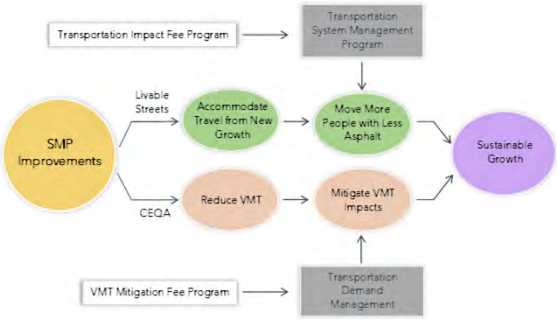
FEE PROGRAM STRUCTURE



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Questions?

Carlsbad TOMORROW

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The Future of Growth Management Plan Standards Discussion

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FUTURE GROWTH PROJECTIONS FOR TRIPS IN CARLSBAD

- With the recent state law changes, like SB9 and SB10, the future residential units going up
- With the increase in units will be increase in vehicle trips and demand
- Under current vehicle LOS standards, the city will experience future roadway deficiencies

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PRESENT TRENDS

Figure – 3. Seasonally Adjusted Vehicle Miles Traveled by Month

Seasonally adjusted data are modeled by the Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation. See http://www.transtats.bts.gov/OSEA/SeasonalAdjustment/ for additional seasonally adjusted travel data and information.

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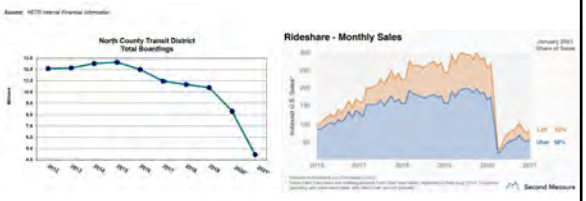
PRESENT TRENDS



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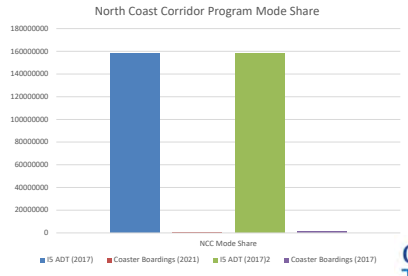
PRESENT TRENDS



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VMT: GOOD VS. BAD?

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2021 regional plan

DECEMBER 2021

https://sdforward.com/mobility-planning/2021-regional-plan

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STATUS OF REGIONAL PLAN

SANDAG

Board of Directors

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Potential Update to the 2021 Regional Plan

Overview

Discussion/Possible Action

Fiscal Impact:

Key Considerations

Schedule/Scope Impact:

- December 10, 2021, meeting, after adoption of the 2021 Regional Plan, the Board of Directors directed staff to immediately begin evaluation of a potential update
- July 8, 2022, Board of Directors approve a revision with schedule estimated through 2025

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CONCLUSIONS AND FUTURE CONSIDERATIONS

- Given how technology changed the transportation landscape over the last decade, SANDAG must continually reevaluate whether the portfolio of projects remaining to be completed are the best mix for achieving congestion relief and the other goals of the TransNet Program. >>>
- Regardless, if autonomous vehicles become commonplace, SANDAG must be nimble in its decisions on the design, operation, and supply of roadways, public transit, and active demand traffic management practices and employ planning efforts that avoid building expensive infrastructure that may soon become obsolete.

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CONSIDERATIONS FOR TRANSNET MOVING FORWARD

Selected PWP/TREP Multi-Modal Project (Alternative 18)

- Double Track LOSSAN, Enhanced Regional Transit Service, and Four Buffer-Separated Express Lanes

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CONSIDERATIONS FOR TRANSNET MOVING FORWARD

Selected PWP/TREP Multi-Modal Project (Alternative 18)

- Double Track LOSSAN, Enhanced Regional Transit Service, and Four Buffer-Separated Express Lanes

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CONSIDERATIONS FOR TRANSNET MOVING FORWARD

Flexible public transit fleets on managed lanes:

- Microtransit: On-demand transit, e-bikes, future mobility technology (wheels)
- Shared transportation options
- Flexible, compact, affordable, shared and provide direct access to destination

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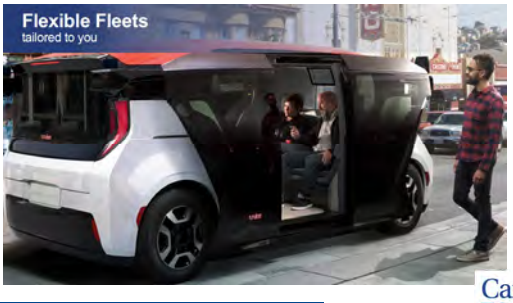
CONSIDERATIONS FOR TRANSNET MOVING FORWARD



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CONSIDERATIONS FOR TRANSNET MOVING FORWARD

Future updates to the Regional Plan:

- Considering trends over the last 7 years, review model assumptions predicting increased transit ridership
- Consider increasing budget for Complete Corridors, Flexible Fleets and Active Transportation
- Future changes to Extension Ordinance or Expenditure Plan reviewed by City/County Technical Advisory Committee (CTAC) or Mobility Working Group and ITOC

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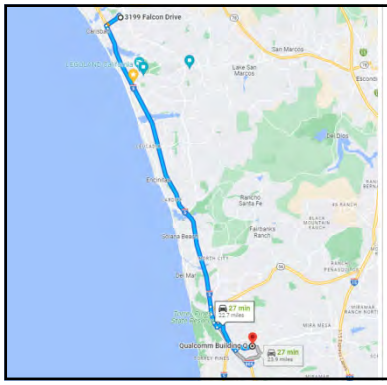

PRESENT TRAVEL MODE CHOICES: TRAVEL TIME EXAMPLE

- TRIP START: Carlsbad Village
- TRIP END: Sorrento Valley Employment Center

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PRESENT TRAVEL MODE CHOICES

Carlsbad Village to Sorrento Valley Employment Center

Travel Mode	Travel Time	Average Speed	Trip Legs
Drive (SOV)	32 min.	44 MPH	Walk, Drive, Park, Walk
Rideshare	42 min.	34 MPH	Walk, Rideshare, Walk
Transit (COASTER)	2 hr. 19 min.	10 MPH	Walk, Rideshare, Train, Rideshare, Walk
Bike	2 hr. 8 min.	11 MPH	Bike, walk
E-Bike	1 hr. 13 min.	20 MPH	E-Bike, walk

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FLEXIBLE FLEET SERVICES

Micromobility	Low-speed devices
Ridehail & Carshare	On-demand vehicles
Rideshare	Shared rides
Microtransit	On-demand shuttles
Last Mile Delivery	Ground and aerial package delivery

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Circulation – Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

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POSSIBLE UPDATES

- Should we implement policies that allow the city to provide faster, fairer, cleaner, and safer mobility options?
- Should we remove LOS standards for monitoring purposes and focus on improving citywide connectivity?

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Questions?

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DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Committee Member Requests for Future Agenda Items

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Public Comment

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Adjournment

Next Meeting: Aug. 25, 2022

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Dear Committee Members.

I have been giving much thought to Jeff Segal's comments at our June 23rd meeting regarding the timeline of topics that were set in advance of our first committee meeting. Most specifically, the concern that we are to develop recommendations on performance standards to include in the new plan on September 22, 2022.

I understand that the topics discussed have been necessary for background and understanding but a lot of topics to get through and digest.

In the interest of brevity, I am suggesting that a short survey be sent to each member to include the following:

List each current performance standard and ask if it should: 1) stay the same 2) be updated or 3) eliminated

If the answer to the above is to be updated, list 3-5 bullet points with those ideas/comments.

Identify new performance standards. List 3-5 bullet points on what should be included at a minimum (the committee can address them in more depth at a meeting).

When a standard is being updated or a new standard is identified, the committee should keep in mind the following: 1) that there is funding availability 2) the standard aligns with the city council goals 3) there are reasonable cost vs. benefits estimates and 4) that it adheres to the recently passed CA Senate bills that focus on increasing housing (thus) affecting the metrics on all performance standards.

Thank you all for your time and effort with the committee. It is much appreciated by me and I know the residents of Carlsbad.

Kind Regards,

Mary Ryan

District 2 Committee Member

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 MMLOLS 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 exit? 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 significate 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

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 that 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.

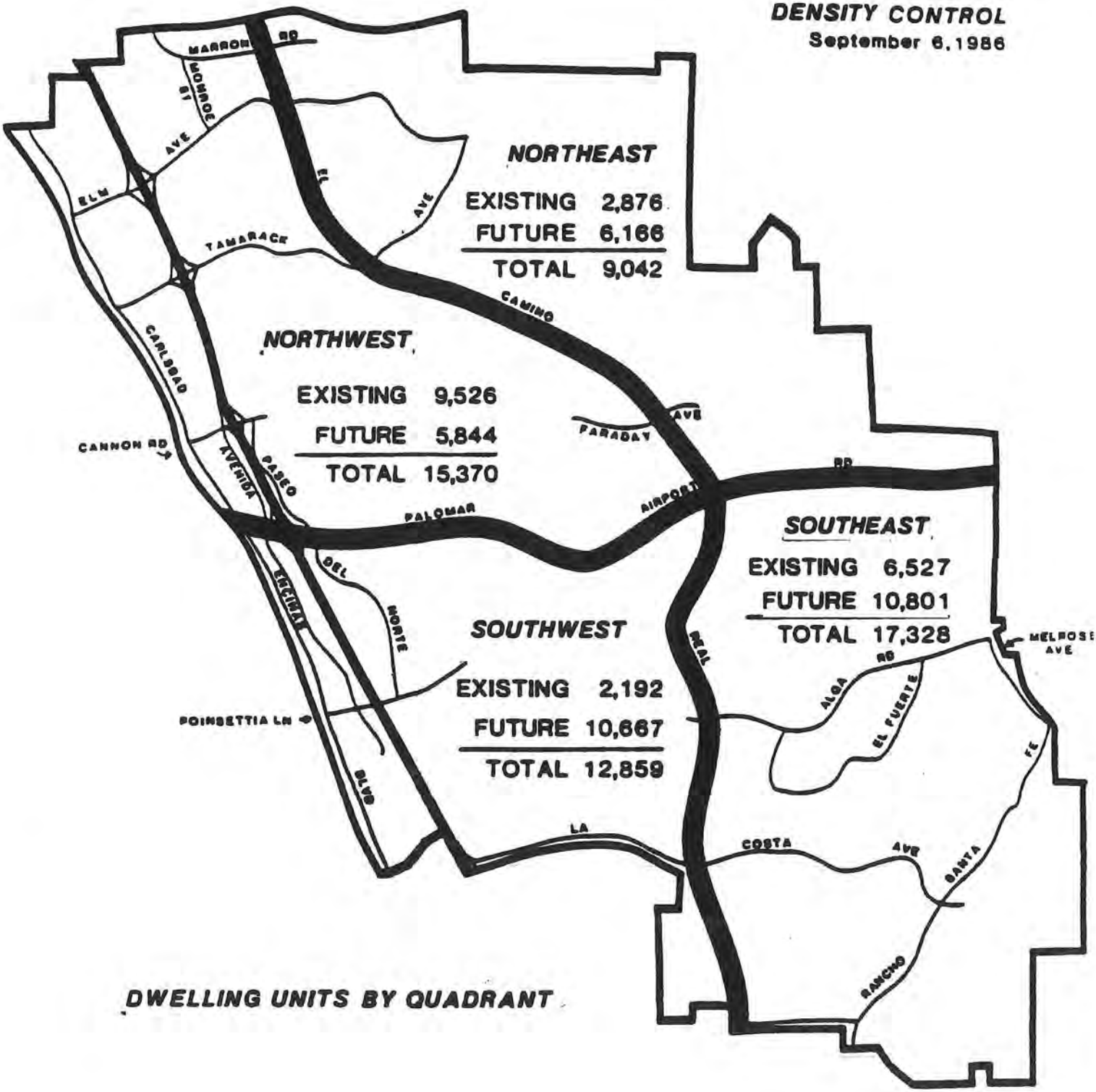
FIGURE 1

LOCAL FACILITY MANAGEMENT ZONES

FIGURE 3

DENSITY CONTROL

September 6, 1986



DWELLING UNITS BY QUADRANT

4

City of Carlsbad

Revised 1/9/90

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 ~~2.471~~ 2.3178 AS PER THE STATE DEPT. OF FINANCE

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

August 25, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the July 28, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the committee. Review agenda and meeting format. Allow for any introductions for those not present at previous meetings – staff and committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Population Projections.** Receive short presentation on city projections versus SANDAG population projections.
   - **Mobility & Circulation Performance Standard (continued).** Receive a short recap presentation from city staff and consultants on the existing standard, along with a presentation of some possible options going forward. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Nathan Schmidt, City of Carlsbad Transportation & Mobility Manager, and Stephen Cook, Intersecting Metrics)
   - **Libraries Performance Standard.** Receive a presentation from city staff on the existing standard and status of library facilities in Carlsbad. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Suzanne Smithson, Director of Libraries and Cultural Arts)
   - **Committee meeting schedule and topics**

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, Sept. 22, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

August 25, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, John Nguyen-Cleary, Amy Allemann, Joe Stine, Steve Linke, Patricia Mehan
Alternate – Jan Neff-Sinclair, Thierry Ibri, Angela O'Hara, Lisa Stark, Jamie Jacobs, Allen Manzano, Art Larson, Marissa Steketee, Patrick Goyarts

Absent:
Primary – Fred Briggs, Chad Majer, William Sheffler
Alternate – Ron Withall, Casey Carstairs, Terence Green, Matthew Reese, Erin Nell, Nora Jimenez George, Kevin Sabellico, William Fowler

APPROVAL OF MINUTES:

Motion by Scott White, seconded by Gita Nassiri, to approve the July 28, 2022 minutes as amended.

PUBLIC COMMENTS:

One public comment was received.

1. **Walkable Parks –**
   Gary Nessim encouraged the city to consider making a standard that would allow for parks and/or open space areas to be within a walkable distance from everyone's home. He further explained how this was accomplished in other developed areas within the city such as the area surrounding Pine Park.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson, including a reminder of the Committee's charge and the limited areas in the city where new growth could occur. City Planner Eric Lardy then briefly reviewed the committee's purpose, the 11 existing performance standards, and the step-by-step process for the overall Growth Management Plan update. Facilitator Susan Harden reviewed the meeting agenda.

DISCUSSION ITEMS:

COMMITTEE BUSINESS:

- **Population Projections.** City Planner Eric Lardy provided a presentation on City of Carlsbad population projections versus SANDAG projections. Committee members asked questions about General Plan requirements for housing and how projections could change with the future Regional Housing Needs Allocation (RHNA) cycle. It was noted that population projections are just an estimate, and many unknown factors could influence the ultimate buildout numbers.

  There was discussion about the direction from the City Council to the committee, specifically that the growth management performance standards being discussed and potentially updated by the committee will only apply to new development. It was emphasized that the Committee Charter approved by the City Council emphasized that the key role for the committee is to recommend what should be included while updating the growth management standards. Funding decisions, development of fees and regulations to implement the standards will follow in a multi-year process.

- **Mobility & Circulation Performance Standard (Continued).** City of Carlsbad Transportation & Mobility Manager Nathan Schmidt, Stephen Cook from Intersecting Metrics, and City of Carlsbad Transportation Director Tom Frank, provided a short presentation on the existing standard for mobility and circulation, including some potential alternatives to the current standard of Multi Modal Level of Service (MMLOS), including Personal Miles Traveled (PMT) and other tools.

  Several clarifying questions were asked and the following key thoughts, questions and considerations specific to the performance standard were captured:
  - Keep MMLOS as the standard; keep monitoring inexpensive and focused.
  - How would the city or developer measure or monitor PMT? Concerned about timing and complexity; is the PMT model flexible?
    - Solana Beach uses PMT and was briefly described. Committee would like to hear more about how this works in Solana Beach.
  - Need for flexibility.
  - Potential to develop with a “shopping” list of custom standards instead of just one.
  - New options presented tonight are exciting.
  - The current standard seems to be “broken” or not implemented appropriately
  - There seems to be a number of exemptions from the current standard and a missing link between what people want – multimodal transportation and increased multimodal safety rather than simply the number of cars on the road.
  - The PMT model can be updated regularly to reflect future mobility options and advancements in technology.
  - Signal timing should be incorporated into improvements that are funded by the standard.
  - A real and comprehensive nexus study is needed.
  - Must target the standard to specific needs while also looking at the bigger multi-modal vision/system.
  - Direct mitigation comes from MMLOS while indirect mitigation comes from PMT. Possibly use both.
  - Acknowledged current state of emergency for bike and e-bike safety. There is a need to improve safety for our bicyclists.
  - Acknowledged requirements from the State for Carlsbad to meet Greenhouse Gas reduction goals.
  - Noted that Envision Carlsbad specifically lays out mobility goals that include biking and walking.

- **Libraries Performance Standard.** Fiona Everett, Senior Management Analyst, and Katie Nye and Sheila Crosby, Deputy Directors of Library & Cultural Arts, provided a presentation on the existing standard and status of library facilities in the City of Carlsbad. Committee members and library staff discussed trends since COVID, storage and spatial needs, and the importance of the City of Carlsbad Library to the city's culture. Group discussion followed, which centered around the following two questions: Is this standard important to the quality of life in the City of Carlsbad? Should the standard be re-evaluated in any way?

  The following key thoughts, questions and considerations specific to the Performance Standard were captured:
  - The current standard has worked well for the library system
  - Library currently supports and provides cultural arts space and programming – consider separating into two distinct standards
  - Foot traffic continues to increase
  - What has digital technology done for storage demand?
    - Storage needs haven't gone down but the opportunity for technological spaces, like play areas, space for "library of things" rentals, etc., has gone up. More space would be beneficial.
  - Is the geographic accessibility adequate? Consider addition to the west of I-5?
  - Should the fees continue to be collected or are current facilities adequate?

- **Committee meeting schedule and topics.** Committee Chair Eric Larson discussed future meeting dates and future agenda items to be discussed. It was noted that an additional meeting on Nov. 30 was being added to the original schedule.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- Committee members requested clarifying information on which standards apply to residential development and which standards apply to both residential and commercial development. Members also requested further clarification on the role of the committee and the final product.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:03 p.m.

Bailey Warren - Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Aug. 25, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Population Projections.** Receive short presentation on city projections versus SANDAG population projections.
- **Mobility & Circulation Performance Standard (continued).** Receive a short recap presentation from city staff and consultants on the existing standard, along with a presentation of some possible options going forward. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Nathan Schmidt, City of Carlsbad Transportation & Mobility Manager, and Stephen Cook, Intersecting Metrics)
- **Libraries Performance Standard.** Receive a presentation from city staff on the existing standard and status of library facilities in Carlsbad. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Exhibit 1) (Suzanne Smithson, Director of Libraries and Cultural Arts)
- **Committee meeting schedule and topics**

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Libraries Performance Standard

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT – Exhibit 1
AUG. 25, 2022

LIBRARY FACILITIES

800 sq. ft. per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

BACKGROUND

Library space (leased/owned, public/non-public) is used as a standard library measurement of customer use and includes collection space, seating, meeting rooms, staff areas, technology, and other public facility needs. The performance standard was originally developed based on surveys of other libraries of comparable size and based on related standards (such as volumes per capita) set by the American Library Association in the 1970s.

When the Growth Management Program was developed, it was recognized that certain facilities could be constructed incrementally, like sewer and water utilities, while others must be constructed all at once or in phases, like library space. When a library facility is constructed, it must be constructed to full size or in large phases; and therefore, more time for planning, site acquisition and financing is required.

The original intent of the five-year timing threshold was for the park to be in operation when the demand had reached a certain point. In 1986, it was estimated that the amount of development that would produce 1,000 population was 432 new homes; however, it isn't financially efficient to construct a library facility in small increments for each 432 homes. Instead, the five-year period allowed demand to accumulate to the point that construction of a full library facility would be warranted.

Here's a summary of the history of the park standard:

- Council Policy Statement No. 32 (September 1982)

  Policy No. 32 established the Public Facilities Management System (later replaced with the Growth Management Program) and established the minimum service levels for seven public facilities; the minimum service level for libraries was "at least 0.6 square feet per capita."

- Public Facility Standards and Citywide Facilities and Improvements Plan (Sept. 1986)

  In September 1986, the City Council adopted the public facility standards for the Growth Management Program as part of the Citywide Facilities and Improvements Plan. The adopted parks standard at this time was: "800 sq. ft. per 1,000 population must be scheduled for construction within a five-year period."

- City Council Resolution No. 97-434 and 97-435 (April 1997)

  In April 1997, the City Council received a 10-year anniversary report on the Growth Management Program and adopted resolutions amending the population related public facility standards, including the library standard. The following was added to the library standard:

  - 800 sq. ft. per 1,000 population must be scheduled for construction within a five-year period *or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.*

  The addition of a dwelling unit threshold was intended to clarify the number of homes the city estimated would be built in a five-year period, which at that time (1997) was 1,250 homes per year citywide, or 6,250 homes in a five-year period. The library facility standard has remained the same since 1997.

FACILITY PERFORMANCE ANALYSIS

Based on the June 30, 2021, population estimate of 116,025, the growth management standard requires 92,820 sq. ft. of public library space. The city's current 99,993 sq. ft. of library facilities adequately meets the growth management standard.

CURRENT LIBRARY FACILITIES	
Facility	**Square Feet**
Dove Library	64,000*
Cole Library	24,600
Learning Center	11,393
Total	**99,993**
*includes approximately 12,000 sq feet of art gallery, garden, and café space	

Buildout Facility Adequacy Analysis

Based on the current General Plan residential land use designations, the projected buildout population is 133,874, the demand for library facilities will be 106,600 sq. ft. The existing 99,993 square feet of library facilities is less than the projected demand for library facilities at buildout.

In 2015-16, the city completed major maintenance and renovation for both the Cole and Dove facilities that addressed ADA requirements and delivery of modern library services and technology, while extending the life of the Cole Library by 10 to 15 years. Items necessary for a modern library were excluded from the Cole remodel due to the knowledge that a completely new facility was expected in the future.

Built in 1967, the design of the Cole Library could not have contemplated modern library services including the extensive delivery of public internet computers, collaborative study spaces (study rooms), children's play spaces, community meeting and event spaces, automated materials handling and the variety of new materials formats. Additionally, the library's role as a community gathering space has increased. With an already maximized building footprint and infrastructure constraints, the Cole Library cannot expand

further to meet these changing needs. Additional meeting spaces, technology learning labs and maker spaces are examples of elements desired by the community.

The civic center and city hall site studies, which were presented to the City Council on August 16, 2022, will inform the timing and opportunities for a new Cole facility. At this meeting, the City Council directed that staff pursue a new City Hall building at the existing city hall site and a new enlarged Cole Library building. As these plans advance, staff will need to evaluate opportunities for future library space.

HOW THE CITY FUNDS LIBRARY FACILITIES

The city funds library facilities in multiple ways:

- Community Facilities District #1 taxes (built Dove library and will fund future expansion of Cole)
- Public Facilities Fees-these fees charged to developers can be used to construct or improve any city building, including library facilities
- Community Development Block Grant (Federal HUD program) funded some of the Library Learning Center
- General Fund has been used for various library expenses. When the two remodel projects were done, those funds came from General Capital Construction Fund and Infrastructure Replacement Fund. Both are funded with contributions from the city's General Fund
- General Fund is where all operational costs come from, aside from any federal or state grants the library may receive, as well as donations

Operations funding for library facilities is from the City's General Fund. This includes Cultural Arts spaces, staff and operating expenses.

FY 2022-23 Library Operating Budget:

	Adopted Budget	**% of Total**
Personnel Services:	***$8,759,917***	***60%***
Operating Expenses:		
Professional, Contract Services	$734,375	
Supplies, Materials	$1,302,947	
Repair, Maintenance	$6,800	
Interdepartmental Charges	$3,362,870	
Other Operating Expenses	$453,733	
Capital Outlay	$0	
Total Operating Expenses:	***$5,860,725***	***40%***
TOTAL OPERATING BUDGET:	**$14,620,642**	

OTHER STANDARDS AND CONSIDERATIONS

In the 1970's, the American Library Association set standards for building design of library services. This calculation was based on library usage at that time. Today's library services offer so much more.

Library spaces have evolved from places where community members check out physical books and study or read quietly into dynamic community gathering spaces. Public libraries now offer their communities robust maker spaces, business incubators, children's play spaces, access to alternate circulating collections such as tools or kitchen equipment, large programming spaces, and space for community partners to deliver services.

In Carlsbad, the three library facilities are not libraries alone and library space is combined with cultural arts space. Library & Cultural Arts locations offer galleries, performance spaces and gardens.

Carlsbad Library & Cultural Arts rely on these industry experts for best practices:

- Public Library Association (PLA) - PLA is an offshoot of the American Library Association and enhances the development and effectiveness of public library staff and public library services specifically.
- California Library Association (CLA) - CLA is a 501c-3 nonprofit that provides professional development and advocacy support for its members and the California library community at large. They are committed to helping library staff develop the knowledge and skills needed to work for 21st Century libraries, and to advance in the library field.
- Institute of Museum and Library Services – is a governmental agency that works to advance, support, and empower America's museums, libraries, and related organizations through grantmaking, research, and policy development. The agency carries out its charge as it adapts to meet the changing needs of our nation's museums and libraries and the communities they serve. They work to help these institutions navigate change and continue to improve their services.

Contemporary/Evolving Methodologies recommended by PLA:

- Public Library | WBDG - Whole Building Design Guide
- Design Thinking for Libraries (PLA referred)
- Libraries As Spaces For 21st Century Learners & Learning Report-of-an-LSC-CNI-Roundtable.pdf
- Space Planning (webjunction.org)

According to the Whole Building Design Guide, there are seven broad types of public library space:

- Collection space (including public computing)
- User seating space
- Staff workspace
- Meeting space
- Special use space
- Non-assignable space (including mechanical space)

Careful analysis of the following will allow designers to determine the space needs for the seven general spaces listed above, which are common to public libraries:

- Identification of the library's population of users
- Estimation of the collections provided by the library and the space needed to accommodate those provisions to meet the future needs of its users
- Estimation of floor space needed to accommodate seating areas
- Estimation of floor space needed by staff
- Estimation of floor space needed for meeting rooms
- Estimation of miscellaneous public- and staff-use space (special use space)
- Estimation of space needed for entry halls, mechanical rooms, bathrooms, etc. (non-assignable space).

By calculating the needs in these broad types of spaces, library planners can quantify the majority of the overall projected space needs. But just estimating overall space requirements is not enough. Libraries must design space to be used as efficiently and effectively as possible. Library building projects must include flexible-use spaces that readily accommodate changes in media, technology, demographics, and community needs, without recurring major reinvestments in building renovation.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 6
Aug. 25, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

6

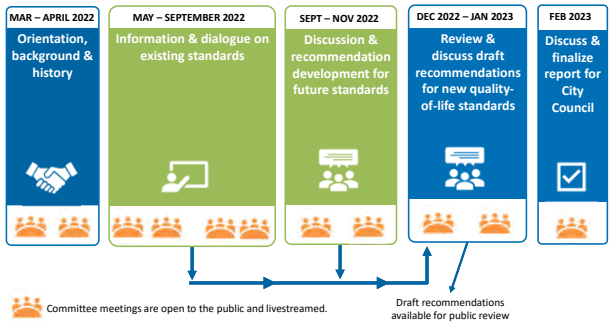
11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

Website for further description:
https://www.carlsbadca.gov/departments/community-development/planning/growth-management/about-growth-management

7

COMMITTEE PROCESS



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TODAY'S AGENDA

Discussion items

- Committee Business
  - Population projections
  - Mobility and Circulation Performance Standard (continued)
  - Libraries Performance Standard
  - Committee meeting schedule and topics
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

City of Carlsbad

9

1. Committee Business

Carlsbad TOMORROW

10

Population Projections

Carlsbad TOMORROW

11

CARLSBAD VS SANDAG GROWTH PROJECTIONS

- July 28 – SANDAG growth projections
  - SANDAG Series 14 Regional Growth Forecast
- Carlsbad's buildout growth projections
  - Land uses planned by the General Plan
  - SANDAG Series 13 Regional Growth Forecast
  - 2035 buildout assumed

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CARLSBAD VS SANDAG GROWTH PROJECTIONS

Agency	2050 Housing Units	2050 Population
Carlsbad	52,263[1]	133,249[1]
SANDAG	52,494	120,313

1 Buildout of housing units planned by the General Plan

- Carlsbad
  - Buildout limited to housing planned by General Plan
  - SANDAG Series 13 factors for 2035
- SANDAG
  - Series 14 factors for 2050

13

GENERAL PLAN AND HOUSING

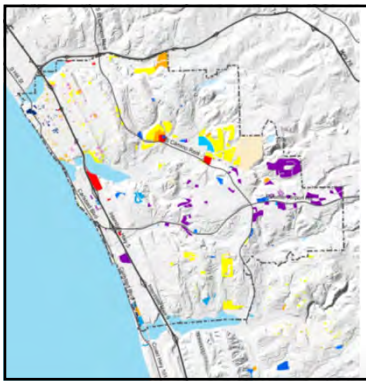
- State law precludes GM housing caps
- State law does not preclude General Plan
  - Housing and population growth is not unlimited in the future
  - Housing planned by General Plan can't be increased without amendment to plan or allowed density increases
  - Housing Element program to add 2,600 housing units

14

18 POTENTIAL HOUSING SITES

- Identified to meet the housing unit target through two alternatives
- 2021-2029 Housing Allocation: 3,873 units
- Rezone Program Requirement: 2,600 units for low and moderate income

15



FUTURE INCREASED DEMAND FOR UTILITIES

Planned Land Use

- Rural Residential
- Single Family Residential
- Multi-Family Residential
- Mobile Home Park
- Group Quarters Facility
- Hotel/Motel
- Industrial
- Roads/ ROW/ Utilities
- Commercial
- Government/ Office
- Public Services
- Healthcare
- Schools
- Outdoor Recreation
- Park/ Open Space
- Agriculture
- Waterbody
- Mixed Use

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CURRENT POPULATION ESTIMATES

June 2021 Housing Units	48,118
June 2021 Population	116,025

- Current/near-term facility planning
  - Uses more stable population factor (no vacancy rate)
  - Avg. persons per dwelling = 2.404 (total pop/total dus)
  - Consistent from year to year between Censuses

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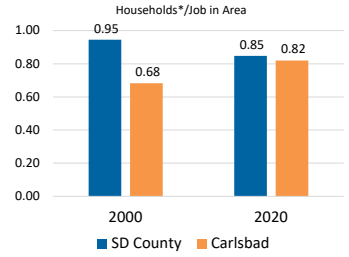
HOUSING/JOBS RELATIONSHIP



* Average from 2016-2020 for 2020 data point | Source: Bureau of Labor Statistics, U.S. Census Bureau; CITECON

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Mobility and Circulation Performance Standard

Tom Frank, Transportation Director
Nathan Schmidt, Transportation Planning & Mobility Manager
Stephen Cook, Intersecting Metrics

Carlsbad TOMORROW

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RECAP FROM LAST MONTH

- Current Growth Management Plan
- How roadway improvements are funded
- How transportation analysis has changed
- Best transportation practices for sustainable growth
- Growth Management Plan standards discussion

Carlsbad TOMORROW

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CURRENT STANDARD

Circulation – Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

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CURRENT STANDARD

1. Level of Service (LOS), focused on cars
   - Volume, speed, road capacity
2. Multimodal Level of Service (MMLOS), focused on pedestrians, bicyclists, and transit users
   - Complete sidewalks, bike lanes, transit stop amenities, etc.
3. Developers pay to build out roads
4. When level of service dips, city may pass building moratorium until streets are improved

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WHAT'S CHANGED

1. City now focused on moving people, not just cars
   - General Plan policy
   - State law
   - Climate Action Plan requirement to reduce GHGs
2. Many roads cannot be expanded further
3. State no longer allows cities to pass building moratoriums

Carlsbad TOMORROW

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COMMITTEE TASK

Decide whether a standard is still needed

If so, determine what it should be
   - How will you know if Carlsbad has effectively managed the impacts of growth? What is different? What is the same? Can it be measured?

How to pay the cost of meeting this standard?
   - Developer fees
   - Other ideas

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POTENTIAL OPTIONS/IDEAS

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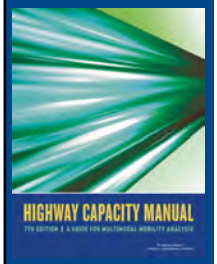

MEASURE DIFFERENT THINGS

Intersections (for cars)
- More accurate method to determine congestion
- More costly and time consuming

Complete Streets Policy Alternative:
- Maintain LOS D threshold except on streets designated for MMLOS and complete streets evaluations

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MEASURE AMENITIES

- **Pedestrian**: Sidewalk completeness, street lighting, crosswalks, traffic calming, etc.
- **Bicycle**: Bikeway type and lane width, lighting, conflict zones, vehicle parking, etc.
- **Transit**: Transit stop amenities (bench, shelter, trash can), pedestrian access, lighting, transit headways and frequency

Carlsbad TOMORROW

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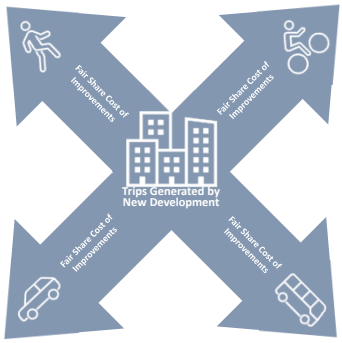

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PROVIDE OPTIONS TO DEVELOPERS

New development must comply with at least two of the following access requirements:

1. 10-minute (half mile) safe and convenient walk of key destinations or retail services.
2. 10-minute (2.5 miles) low stress bike ride of key destinations or retail services.
3. Located a half-mile of a regional transit stop or is within a 10-minute transit ride of key destinations or retail services.
4. Located within a 10-minute drive of the freeway system

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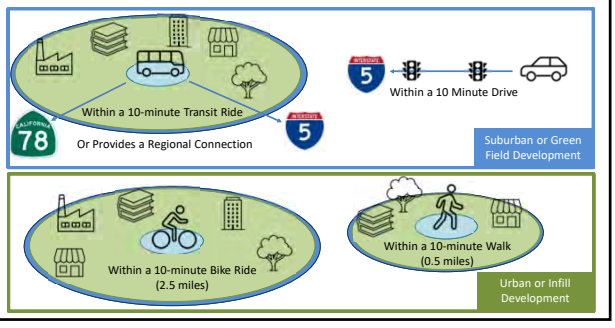
LOCAL MOBILITY ANALYSIS



30

WEIGH VALUE OF MONITORING

- Monitoring has become more time consuming and expensive
- Diverts resources from making improvements
- Focus on using fees to build improvements based on policies and approved plans
- Cost vs value monitoring is providing

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DISCUSSION QUESTIONS

1. How does mobility affect the quality of life in Carlsbad?
2. Now that the city has policies in place and approved plans, is a standard also needed?
3. Is a new standard needed, and if so, what should it be?

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Library Facilities Performance Standard

Fiona Everett, Senior Management Analyst
Sheila Crosby, Deputy Library Director
Katie Nye, Deputy Library Director

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LIBRARY & CULTURAL ARTS SERVICES

- Traditional library services (books, story time, reading and study spaces)
- Specialized services:
  - Genealogy & Carlsbad History
  - Literacy
  - Bilingual Services
  - Exploration HUB
  - Cultural Arts Programs

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BACKGROUND

- Origin – Council Policy 32 (1982)
  - Established first public facility standards
  - Library Facilities – 0.6 sq. ft. per person
  - Square feet needed for employees to serve target population
- Updated with Growth Management Plan in 1986

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GROWTH MANAGEMENT PLAN STANDARD FOR LIBRARY FACILITIES

800 square feet per 1,000 population (citywide)

When need is first identified, facilities must be scheduled for construction:
- Within a five-year period; or
- Prior to construction of 6,250 dwelling units

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CURRENT LIBRARY FACILITIES

Facility	Square Feet
Dove Library	64,000
Cole Library	24,600
Learning Center	11,393
Total	**99,993**

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LIBRARY FACILITIES CURRENT STATUS

- Current population (June 2021) = 116,025
- Current demand = 92,820 sq. ft.
- Supply exceeds demand (99,993 sq. ft.)

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LIBRARY FACILITIES BUILDOUT ANALYSIS

- Buildout population estimate = 133,874
- Buildout demand = 106,600 sq. ft.
- Supply falls short of demand (99,993 sq. ft.)
- Future projects planned
  - Cole Library rebuild and expansion

City of Carlsbad

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LIBRARY FACILITIES FUNDING

- Primary Source – Community Facilities District No. 1 funds
  - Built Dove Library
  - Will fund a future rebuild and expansion of Cole Library
    - $5.98M from CFD#1 currently reserved for Cole rebuild

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LIBRARY FACILITIES FUNDING

- Secondary Sources
  - Public Facilities fees - charged to developers and can be used to construct or improve any city building, including libraries
  - Community Development Block Grant (Federal HUD program) - funded some of the Library Learning Center
  - General Capital Construction & Infrastructure Replacement Funds - 2016 Dove and Cole redesigns

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CHANGING NATURE OF LIBRARIES

- From a repository of books to a community connecting place for people to engage with each other and learn
- Use of electronic resources increasing
- Community more comfortable with virtual spaces

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LIBRARY FACILITIES

CHANGING NATURE OF LIBRARIES

- Re-purposing space for evolving needs
  - Early learning play spaces
  - Bookable study/telecommuting rooms
  - Additional seating for laptop use
  - "Library of Things"
  - Technology literacy
  - Employment resources

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CHANGING NATURE OF LIBRARIES

- Existing Growth Management Plan Standard has met existing space needs
- Industry standards for library spaces have evolved:

FORMULAIC CALCULATIONS PER CAPITA

DRIVEN BY COMMUNITY FEEDBACK

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DISCUSSION QUESTIONS

- Is the existing standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

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Committee meeting schedule and topics

Carlsbad TOMORROW

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MEETING TOPICS & SCHEDULE

DATE/TIME	POTENTIAL TOPICS
Sept. 22, 2022 5 p.m.	Parks and open space
Oct. 12, 2022 5 p.m.	
NEW Nov. 30, 2022 5 p.m.	Develop recommendations Provide recommendations on key elements and performance standards to include in new plan.
Dec. 15, 2022 5 p.m.	

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Committee Member Requests for Future Agenda Items

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next Meeting: Sept. 22, 2022

Carlsbad TOMORROW

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July 29, 2022

To: Carlsbad Tomorrow Committee

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

I am concerned that the presentations on Mobility/Circulation last evening may have created some confusion about the types of performance standards that can be implemented. There was a lot of unavoidable, but potentially confusing, transportation engineering jargon and acronyms.

My main concern was the repeated statement that "vehicle miles traveled" (VMT) must now be used instead of "level of service" (LOS) as the performance standard under the "California Environmental Quality Act" (CEQA). While that statement is technically true, it is not really relevant to our committee's work on growth management. As I explained last evening, the development project review process simultaneously follows two paths, which can be pictured as follows:

Agency	State of California	City of Carlsbad
Impact addressed	Environment (GHGs)	Street infrastructure
Governing code	CEQA	GMP
Travel mode(s)	Vehicles	All
Required study	EIR	LMA
Method	VMT	LOS

The **State** requires certain proposed projects to review the **environmental** impact of vehicle trips (greenhouse gas emissions) under its **CEQA** law with a document called an "environmental impact report" (**EIR**).[1] The EIR must include a study that estimates how many **VMT** will be generated by the project. If VMT is determined to be over a certain CEQA threshold, then the project can be compelled to pay for mitigation strategies to reduce its VMT by reducing vehicle trips or length.

At the same time, **Carlsbad** requires review of **street infrastructure** impacts in the vicinity of the proposed project (e.g., vehicle congestion and pedestrian, bicycle, and/or transit facility needs) under its "Growth Management Plan" **GMP** code with a document called a "local mobility analysis" (**LMA**).[2] The LMA should include analyses of **LOS** for **all modes** of travel prioritized on the adjacent streets. If LOS is worse than the "D" GMP performance standard for any prioritized mode, then the project should pay for improvements such as road widening, intersection improvements, sidewalks, bike lanes, transit amenities, and or vehicle trip/length reduction approaches.

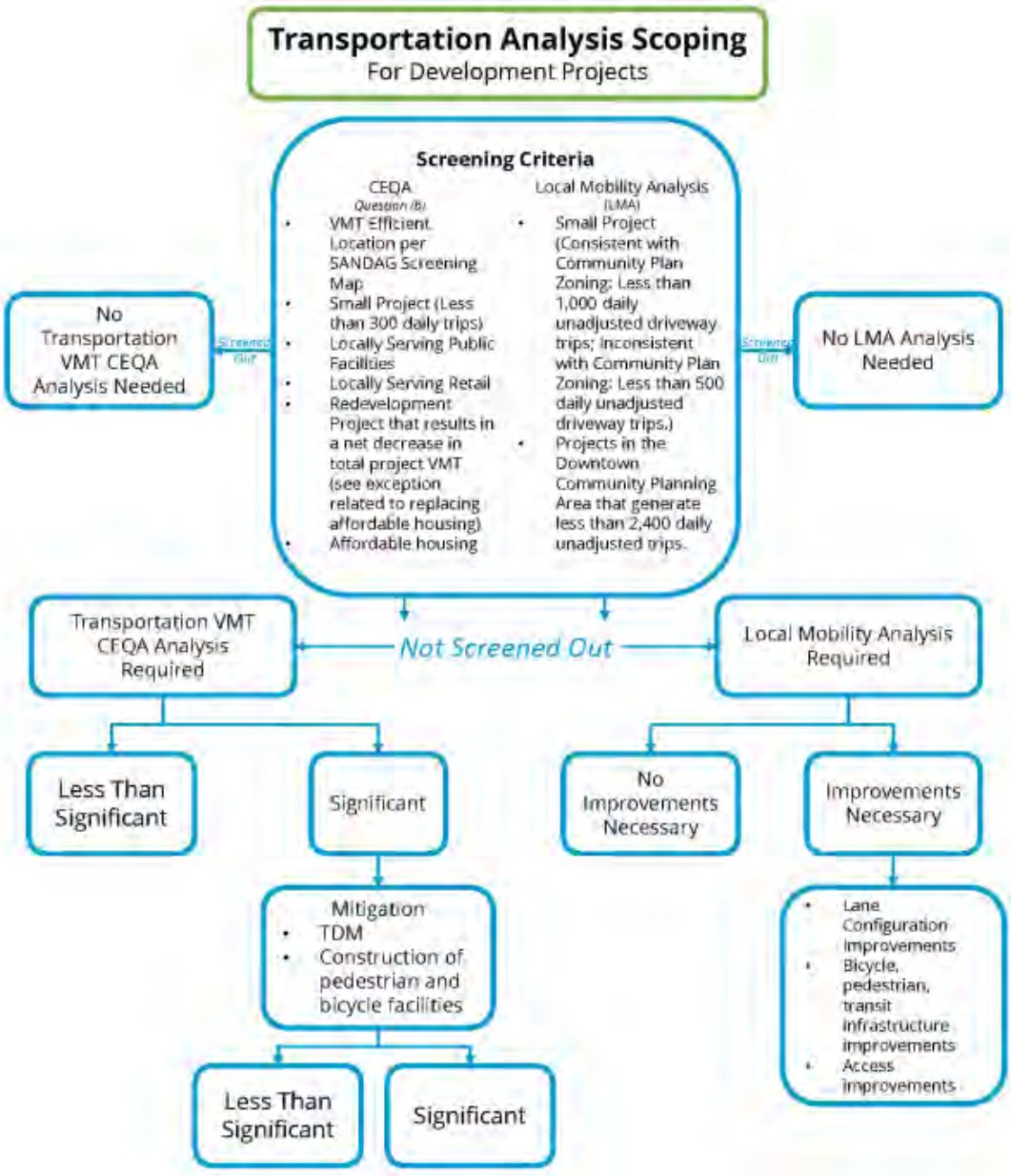
Conveniently, many of the mitigation strategies for both paths are shared, and the State requirement could take care of the environmental side of things, while the City requirements could cover the quality of life side. Projects that have significant impacts on just one path could have lower mitigation requirements, while those that have significant impacts on both paths could have higher mitigation

[1] Note that some projects use a Negative Declaration or Mitigated Negative Declaration (MND) instead of an EIR.
[2] Note that some jurisdictions call this a Local Transportation Analysis (LTA), Transportation Impact Analysis (TIA), or Traffic Impact Study (TIS).

requirements. Unfortunately, from my perspective, this is not the reality in Carlsbad, which minimizes mitigation requirements by developers.

Also note that, in Carlsbad, the proportion of projects required to do EIRs is small, and the proportion found to have significant VMT impacts is tiny, so adopting VMT as Carlsbad's GMP performance standard would ensure that nearly no infrastructure projects would get funded under the GMP.

Finally, please note that the San Diego Section of the Institute of Transportation Engineers recommends, and all major San Diego County jurisdictions use, this dual review approach. As an example, here is the City of San Diego's Transportation Study Manual flow chart. The State CEQA/EIR/VMT path is on the left, and the City/LMA/LOS path is on the right.



7 ACTION PLAN

7

ACTION PLAN

This chapter of the SMP presents an Action Plan that serves to consolidate recommendations from previous mobility plans and then prioritize these recommendations. The chapter gives city staff a short-range implementation plan that will support a coordinated effort to improve mobility-related sustainability across the city. The SMP Project Database is a core component of the SMP Action Plan. It includes recommendations from 12 prior Carlsbad mobility plans, as well as unbuilt planned recommendations from this current planning process, especially the planned networks presented in Chapter Five. This chapter also presents a phasing plan for the programmatic recommendations presented in Chapter 6.

The Action Plan chapter begins with a presentation of the SMP Project Database, then presents the project prioritization criteria, along with the prioritization analysis and results. This assessment is intended to provide City staff and community members with an implementation plan that leads to the highest quality, multimodal and sustainable mobility networks in the shortest amount of time. Implementation of key programs will support the City's efforts to encourage more walking and cycling trips, and these programs should be launched in conjunction with building out the active transportation networks over the coming years.

Lastly, the chapter presents estimates of new bike and walk trips anticipated to be generated by full buildout of the SMP planned networks, and the associated economic benefits of this modal shift.

IN THIS CHAPTER

- SMP Project Database
- Prioritization Criteria
- Project Prioritization
- Project Implementation Phasing
- Program Implementation Phasing
- Forecast Active Travel Trips and Economic Benefits

The SMP has been referred to as "a plan of plans" in that it seeks to respect recent multimodal planning efforts in the City of Carlsbad by consolidating their respective recommendations into a single, searchable project database for use by city staff and community members in various aspects of implementing multimodalism in the city.

A total of 246 project recommendations were culled from 12 prior plans, as well as from the current plan, and were then assigned to 95 corridors and areas across the city. The corridor segments were generally defined by intersecting circulation element roadways. Each of the 246 projects was assigned to one of the 95 corridors or areas.

Figure 7-1 displays the SMP project corridor and area extents with their respective IDs, while Table 7-1 presents a basic description of recommendations being made in these project corridor/areas. Appendix K provides a table with the SMP Project Database and complete project descriptions.

The SMP Project Database is an important outcome of this planning process, and the City should coordinate integrating this database into the recently launched Capital Improvement Program Dashboard. Integration of the SMP Project Database into this dashboard will help city staff and community members understand the multitude of proposed projects that fall along any particular roadway segment across the City. The understanding will facilitate combining certain projects with others, based upon their proximity or overlap.

After the projects were assigned to corridors and areas, each of these locations was prioritized.

Table 7-2 describes the prioritization criteria and their minimum and maximum point values, along with how their point values were assigned. The prioritization criteria largely flowed out of the community engagement process and included factors related to density, safety, sustainability, equity and connectivity.

FIGURE 7-1 SMP PROJECT DATABASE PROJECT ID

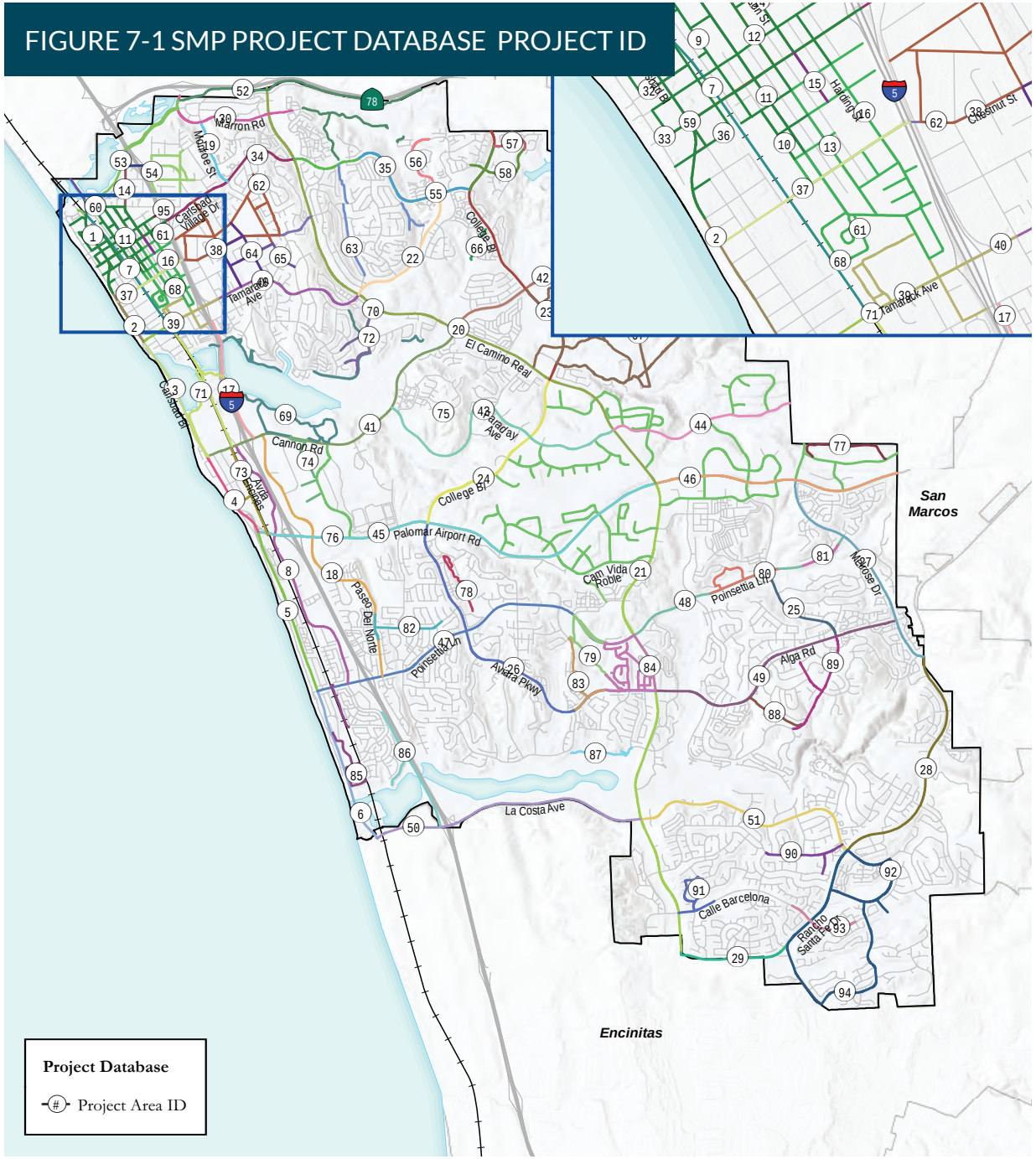


Table 7-1 Project Database with Project Recommendation Type

PR ID	Street	Corridor	From	To	Project Recommendation Type		
					Bicycle	Pedestrian	Transit
1	Carlsbad Bl	Corridor	N City Boundary	Carlsbad Village Dr	x	x	x
2	Carlsbad Bl	Corridor	Carlsbad Village Dr	Tamarack Av	x	x	x
3	Carlsbad Bl	Corridor	Tamarack Av	Cannon Rd	x	x	-
4	Carlsbad Bl	Corridor	Cannon Rd	Palomar Airport Rd	x	x	-
5	Carlsbad Bl	Corridor	Palomar Airport Rd	Poinsettia Ln	x	x	-
6	Carlsbad Bl	Corridor	Poinsettia Ln	La Costa Av	x	x	-
7	Rail ROW	Corridor	Carlsbad Bl	Tamarack Av	-	x	-
8	Avenida Encinas	Corridor	Cannon Rd	Poinsettia Ln	x	x	x
9	State St	Corridor	Laguna Dr	Oak Av	-	x	-
10	Tyler St	Corridor	Oak Av	Chestnut Av	-	x	-
11	Roosevelt St	Corridor	Laguna Dr	Magnolia Av	-	x	-
12	Madison St	Corridor	Laguna Dr	Carlsbad Village Dr	-	x	-
13	Madison St	Corridor	Carlsbad Village Dr	Magnolia Av	-	x	-
14	Jefferson St	Corridor	Interstate 5 over-pass	Carlsbad Village Dr	x	-	-
15	Jefferson St	Corridor	Carlsbad Village Dr	Pine Av	-	x	-
16	Harding St	Corridor	Carlsbad Village Dr	Magnolia Av	-	x	-
17	I-5 (ChinquTo Cannon)	Corridor	Chinquapin Av	Cannon Rd	x	-	-
18	Paseo Del Norte	Corridor	Cannon Rd	Poinsettia Ln	x	-	-
19	Monroe St	Corridor	Marron Rd	Carlsbad Village Dr	-	x	-
20	El Camino Real	Corridor	N. City Boundary	Palomar Airport Rd	x	x	-
21	El Camino Real	Corridor	Palomar Airport Rd	Olivenhain Rd	x	x	x
22	Tamarack Ave	Corridor	El Camino Real	Carlsbad Village Dr	x	-	-
23	College Bl	Corridor	N. City Boundary	El Camino Real	x	x	-
24	College Bl	Corridor	El Camino Real	Palomar Airport Rd	-	-	x

Table 7-1 Project Database with Project Recommendation Type

PR ID	Street	Corridor	From	To	Project Recommendation Type		
					Bicycle	Pedestrian	Transit
25	El Fuerte St	Corridor	Poinsettia Ln	Alga Rd	-	x	-
26	Aviara Pkwy	Corridor	Palomar Airport Rd	El Camino Real	-	x	-
27	Melrose Dr	Corridor	Palomar Airport Rd	Rancho Santa Fe Rd	x	-	-
28	Rancho Santa Fe Rd	Corridor	Melrose Dr	La Costa Ave	x	-	-
29	Olivenhain Rd	Corridor	El Camino Real	La Costa Ave	x	-	-
30	Marron Rd	Corridor	N. City Boundary	1100' east of ECR	-	x	x
31	Las Flores Dr	Area	SB Ramps	NB Ramps	-	x	-
32	Christiansen Wy	Corridor	Garfield St	Washington St	-	-	-
33	Carlsbad Village Dr	Corridor	Ocean St	Interstate 5	x	x	x
34	Carlsbad Village Dr	Corridor	Interstate 5	El Camino Real	x	x	-
35	Carlsbad Village Dr	Corridor	El Camino Real	College Bl	x	-	-
36	Oak Ave	Corridor	Lincoln St	Washington St	-	x	-
37	Chestnut Ave	Corridor	Carlsbad Bl	Interstate 5	x	x	-
38	Chestnut Ave	Corridor	Interstate 5	El Camino Real	x	x	-
39	Tamarack Ave	Corridor	Carlsbad Bl	Interstate 5	x	x	-
40	Tamarack Ave	Corridor	Interstate 5	El Camino Real	x	x	-
41	Cannon Rd	Corridor	Carlsbad Bl	El Camino Real	x	x	-
42	Cannon Rd	Corridor	El Camino Real	eastern terminus	x	-	-
43	Faraday Ave	Corridor	Cannon Rd	El Camino Real	-	x	x
44	Faraday Ave	Corridor	El Camino Real	E. City Boundary	-	x	-
45	Palomar Airport Rd	Corridor	Carlsbad Bl	El Camino Real	x	x	x
46	Palomar Airport Rd	Corridor	El Camino Real	E. City Boundary	x	-	-
47	Poinsettia Ln	Corridor	Carlsbad Bl	El Camino Real	-	x	-
48	Poinsettia Ln	Corridor	El Camino Real	Melrose Dr	x	-	-
49	Alga Rd	Corridor	El Camino Real	Melrose Dr	-	x	-

Table 7-1 Project Database with Project Recommendation Type

PR ID	Street	Corridor	From	To	Project Recommendation Type		
					Bicycle	Pedestrian	Transit
50	La Costa Ave	Corridor	Carlsbad Bl	El Camino Real	x	-	-
51	La Costa Ave	Corridor	El Camino Real	Rancho Sante Fe Rd	x	x	-
52	Buena Vista Creek Eco	Area	N/A	N/A	-	x	-
53	Buena Vista Lagoon	Area	N/A	N/A	-	x	-
54	Buena Vista ES	Area	N/A	N/A	-	x	-
55	Calavera Hills PMP	Area	N/A	N/A	-	x	-
56	Hope ES School Area	Area	N/A	N/A	-	x	-
57	Calavera Hills MS	Area	N/A	N/A	-	x	-
58	Calavera Hills ES	Area	N/A	N/A	-	x	-
59	Lincoln Plaza	Area	N/A	N/A	-	x	-
60	Village Streets	Area	N/A	N/A	-	x	-
61	Barrio Streets	Area	N/A	N/A	-	x	-
62	Carlsbad HS PMP	Area	N/A	N/A	-	x	-
63	Hidden Canyon Park	Area	N/A	N/A	-	x	-
64	Valley MS	Area	N/A	N/A	-	x	-
65	Magnolia ES	Area	N/A	N/A	-	x	-
66	SDG&E Corridor	Corridor	N/A	N/A	-	x	-
67	Carlsbad Highlands Eco	Area	N/A	N/A	-	x	-
68	Jefferson ES	Area	N/A	N/A	-	x	-
69	Agua Hedionda Lagoon	Area	N/A	N/A	-	x	-
70	Kelly Dr / Park Dr	Corridor	El Camino Real	Alondra Wy	x	x	-
71	Canyon Park	Area	N/A	N/A	x	x	-
72	Kelly ES	Area	N/A	N/A	-	x	-
73	CRT (Cannon To Palomar)	Corridor	Cannon Rd	Palomar Airport Rd	x	x	-

Table 7-1 Project Database with Project Recommendation Type

PR ID	Street	Corridor	From	To	Project Recommendation Type		
					Bicycle	Pedestrian	Transit
74	Legoland	Area	N/A	N/A	-	x	-
75	The Kirgis Trail Conn	Corridor	Twain Av	Existing Trail	-	x	-
76	Connector Study Area	Area	N/A	N/A	x	x	x
77	Carlsbad Raceway Park	Corridor	Melrose Dr	Lionshead Av	-	x	-
78	SDG&E (Plum to Poins)	Corridor	Plum Tree Ct	Poinsettia Ln	-	x	-
79	Aviara Community Park	Area	N/A	N/A	-	x	-
80	Poinsettia ES	Area	N/A	N/A	-	x	-
81	Carillo ES	Area	N/A	N/A	-	x	-
82	Pacific Rim	Area	N/A	N/A	-	x	-
83	Aviara Oaks MS & ES	Area	N/A	N/A	-	x	-
84	Aviara Oaks PMP	Area	N/A	N/A	-	x	-
85	Avenida Encinas	Area	N/A	N/A	-	x	-
86	Batiquitos Lagoon	Area	N/A	N/A	x	-	-
87	Batiquitos Lagoon Eco	Area	N/A	N/A	-	x	-
88	SDG&E (Alga to El Fuerte)	Corridor	Alga Rd	El Fuerte	-	x	-
89	La Costa Meadows	Area	N/A	N/A	-	x	-
90	La Costa Heights	Area	N/A	N/A	-	x	-
91	El Camino Creek	Area	N/A	N/A	-	x	-
92	La Costa Ave / Cam Coches	Corridor	Olivenhain Rd	Rancho Santa Fe Rd	x	x	-
93	Mission Estancia	Area	N/A	N/A	-	x	-
94	La Costa HS School Area	Area	N/A	N/A	-	x	-
95	Grand Ave	Corridor	Grand Ave terminus	Pio Pico Dr	x	x	-

Table 7-2 Prioritization Criteria

<table>
<tr><th>Prioritization Criteria</th><th>Point Value</th></tr>
<tr><td>Population Density: The Population Density criteria is a composite of scores from three unique density-related inputs, including population density, senior density, and youth density, as follows:
<table>
<tr><th></th><th>Population Density</th><th>Senior Density</th><th>Youth Density</th></tr>
<tr><td>Lowest density</td><td>3.30 persons/acre and below = 0 pts</td><td>0.66 persons/acre and below = 0 pts</td><td>0.83 persons/acre and below = 0 pts</td></tr>
<tr><td>Medium-Low density</td><td>3.33 – 5.14 persons/acre = 0.5 pts</td><td>--</td><td>--</td></tr>
<tr><td>Medium density</td><td>5.16 – 6.36 persons/ acre = 1 pt</td><td>0.71 – 1.10 persons/acre = 2 pts</td><td>0.84 – 1.33 persons/acre = 2 pts</td></tr>
<tr><td>Medium-High density</td><td>6.40 – 8.82 persons/acre = 1.5 pts</td><td>--</td><td>--</td></tr>
<tr><td>Highest density</td><td>9.56 persons/acre or greater = 2 pts</td><td>1.14 persons/acre or greater = 4 pts</td><td>1.35 persons/acre or greater = 4 pts</td></tr>
</table>
Population density was calculated within a 500’ buffer area of each project using a Census Block Group-level population dataset from the 2017 American Community Survey five-year estimate. The three density inputs were summed by buffer area and then divided by three. The aggregate population density scores range from 0 to 1 points.</td><td>0 – 1</td></tr>
<tr><td>Employment Density: Employment density was calculated within a 500’ buffer area of each project using a Census Block-level employment dataset from the 2016 US Census Longitudinal Employer-Household Dynamics estimate. The category breaks determining the point values of this criterion were assigned by sorting project area employment densities in descending order and dividing the projects into five roughly equal categories. Higher employment density is associated with higher implementation priority. The category breaks governing this criterion’s point values are as follows:
Lowest density (1.2 persons per acre and below) = 0 points
Medium-Low density (1.29 – 2.12 persons per acre) = 0.25 points
Medium density (2.21 – 4.12 persons per acre) = 0.5 points
Medium-High density (4.32 – 7.08 persons per acre) = 0.75 points
Highest density (7.72 persons per acre or greater) = 1 point</td><td>0 – 1</td></tr>
</table>

Table 7-2 Prioritization Criteria

Prioritization Criteria	Point Value
Median Household Income: Median Household Income was calculated within a 500' buffer area of each project using Census Block Group-level median household income dataset from the 2017 American Community Survey five-year estimate. The category breaks determining the point values of this criterion were assigned by sorting project area median household incomes in descending order and dividing the projects into four roughly equal categories. Lower household income is associated with higher implementation priority. The category breaks governing this criterion's point values are as follows: • Highest median income ($119,210 or above) = 0 points • Medium-High median income ($101,699 – $118,174) = 1 point • Medium-Low median income ($76,965 – $101,235) = 2 points • Lowest median income ($76,669 and below) = 3 points	0 – 3
CalEnvrioScreen (CES): CES is a composite index by Census Tract which reflects pollution burden and vulnerability across the state. Higher CES scores reflect higher exposure to pollution. An average weighted CES score was calculated for each project by intersecting the project extents with the CES coverage. The category breaks determining the point values of this criterion were assigned by sorting average weighted scores in descending order and dividing the projects into four roughly equal categories. Higher CES scores are associated with higher implementation priority. The CES category breaks governing this criterion's (shown as the CES score's conversion to statewide percentile) point values are as follows: • Low CES score (9.18 and below) = 0 points • Medium-Low CES score (9.35 - 11.47) = 1 point • Medium-High CES score (11.53 - 13.72) = 2 points • High CES score (13.95 and above) = 3 points	0 – 3

Table 7-2 Prioritization Criteria

Prioritization Criteria	Point Value
Transit: The transit criteria assigns implementation priority to project areas within a quarter-mile of high ridership transit stops/stations, which include the Coaster stations, planned Mobility Hub sites, and the transit stops at the intersection of El Camino Real & Marron Road. Project extents within a quarter-mile of these high transit demand areas were awarded 2 points. This criterion's point values are as follows: • More than a quarter mile from a major transit location = 0 points • Within a quarter mile of a major transit location = 2 points	0 – 2
VMT: Implementation priority was assigned to project extents within higher VMT-generating areas of the city. VMT generation was divided into three categories: <85%, 85-100%, or >100% of the regional average VMT. This criterion's point values are as follows: • 85% of regional average or less = 0 points • 85% - 100% = 3 points • Above 100% (above regional average) = 6 points	0 – 6
School Proximity: Implementation priority was assigned to project extents that overlap with School Streets or are adjacent to schools. This criterion's point values are as follows: • Not overlapping with a School Street/Not adjacent to a school = 0 points • Overlaps with a School Street = 1 point • Overlaps with a School Street and is adjacent to a school = 2 points	0 – 2

Safety-Related Prioritization Criteria

Table 7-2 Prioritization Criteria

Prioritization Criteria	Point Value
Safety-Related Prioritization Criteria Collisions: This criterion assigns a point value ranging from zero to five, based on bicycle and pedestrian collisions per mile within the last five years along the project extent. The category breaks were determined by sorting collisions per mile in descending order and dividing the projects by mileage into five roughly equal categories. The category breaks defining this criterion's point values are as follows: • No collisions along proposed project extent = 0 points • 0.01 – 1.09 bicycle and pedestrian collisions per mile = 1 point • 1.10 – 2.78 bicycle and pedestrian collisions per mile = 2 points • 2.79 – 7.23 bicycle and pedestrian collisions per mile = 3 points • 7.24 – 38.25 bicycle and pedestrian collisions per mile = 4 points	0 – 4
Key Destination Connectivity: A project received points for this prioritization criterion if it improved pedestrian, bicycling or transit access to a key destination in the City of Carlsbad (key destinations are listed in Chapter 2). Points were assigned based on the significance of the destination (regionally significant, locally significant, or neighborhood-serving) and based on the level of access the project provided (if project was adjacent to destination, or if the project connected to destination-serving roadway within a quarter-mile or between a quarter-mile and half-mile). Up to 3 points maximum were given for this input. $\text{Improved Accessibility Score} = \frac{\text{Transit Network Points} + \text{Bike Network Points} + \text{Pedestrian Network Points}}{\text{Locational Significance}}$	0 – 3
Transformative Corridor: Priority was assigned to projects located along Transformative Corridors using the following scoring: • Project does not fall along a Transformative Corridor = 0 points • Project falls along a Transformative Corridor = 6 points	0 - 6
Total Possible Points	31

Figure 7-2 displays the final project prioritization scores for the 95 project corridors and areas based on the criteria provided in Table 7-2. Projects with the highest implementation priority are shown in red and orange, with prioritization scores over 16.7 out of a total possible score of 31.

In order to achieve a reasonable geographic distribution of priority projects across the city, we selected the top 30 priority projects in a manner that would match the proportion of project extents falling within each council district. Council District 1, for example, has 30% of the project extents, so this district was assigned 30% of the top 30 projects. Council District 2 has 35% of the project areas, so this district was assigned 35% of the top 30 projects. Council District 3 has 20% of the project areas, so this district was assigned 20% of the top 30 projects. Lastly, Council District 4 has 15% of the project areas, so this district was assigned 15% of the top 30 projects.

FIGURE 7-2 SMP PROJECT DATABASE

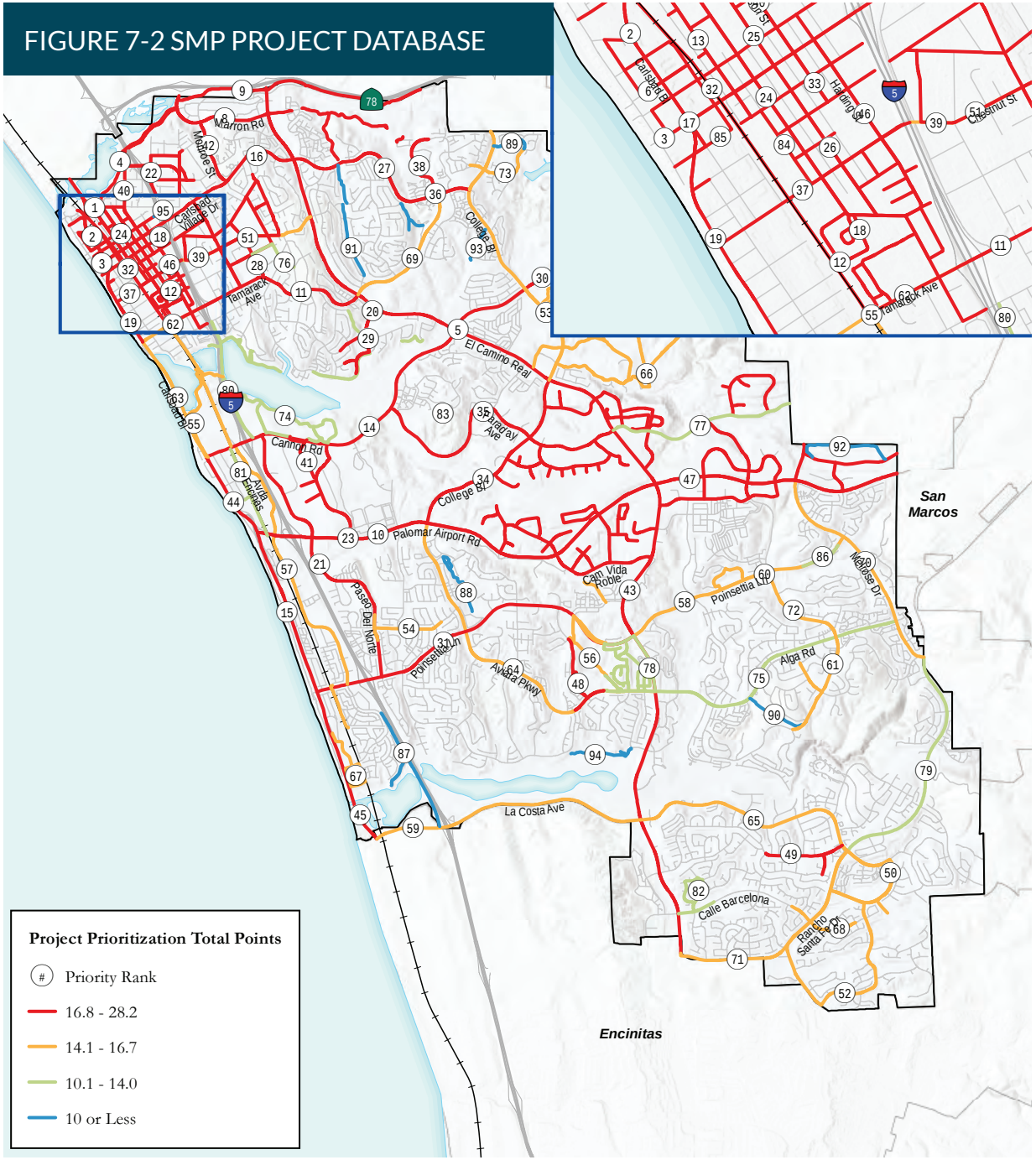


Table 7-3 and Figure 7-3 show the highest priority (top 30) projects across the City of Carlsbad, including consideration of the final project area prioritization score and maintaining a reasonable distribution of top priority projects by council district.

Table 7-4 presents a brief project description for each of the 30 top priority projects as defined in Table 7-3.

Appendix L presents the final prioritization scores and ranking for the entire database of 95 project extents.

FIGURE 7-3 HIGHEST PRIORTITY PROJECTS

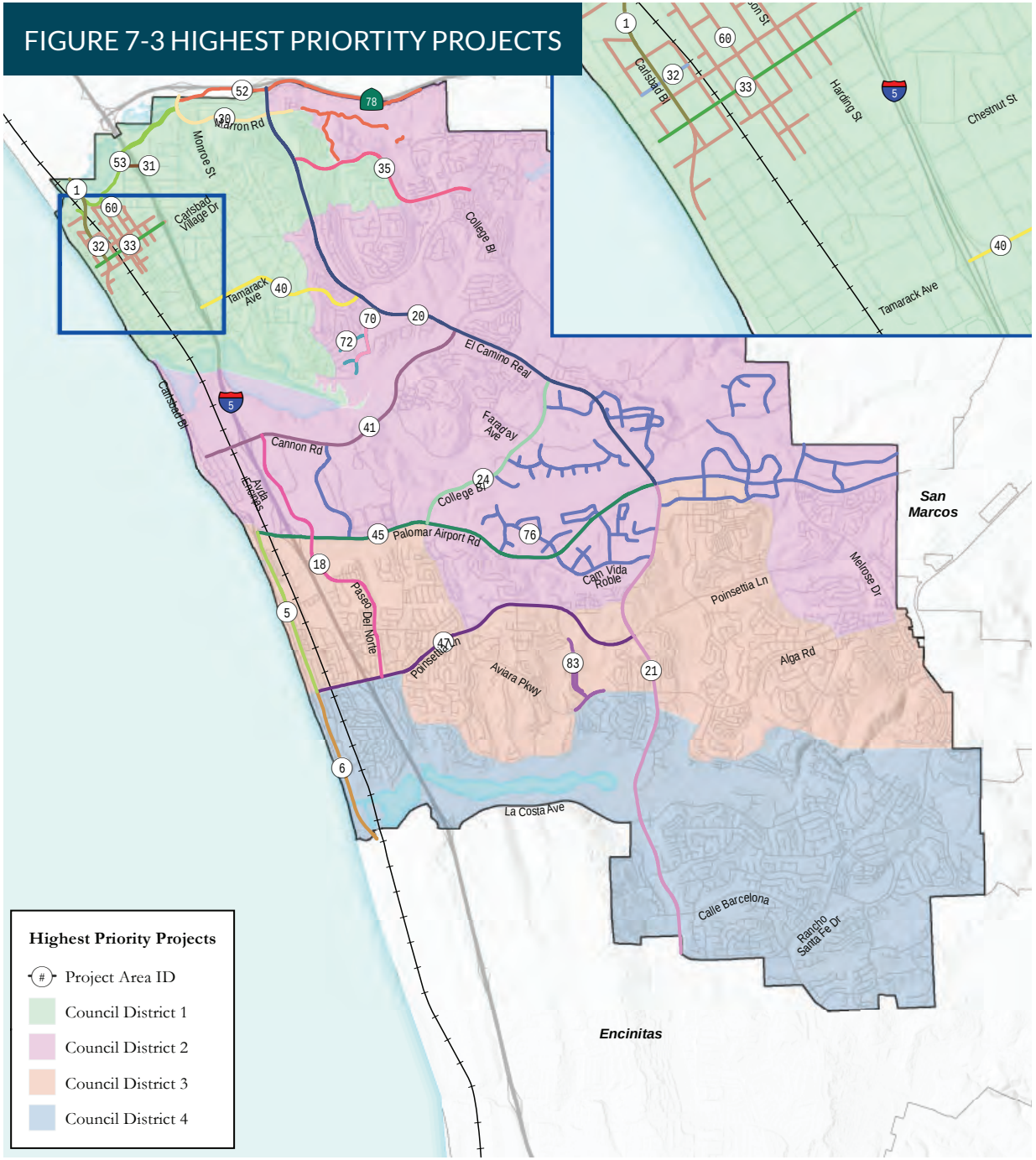


Table 7-3 Top 30 Priority Projects by Council District

Council District 1

Overall Rank	Rank	PR ID	Street	Corridor	From	To	Population Density	Employment Density	Median Household Income	EnviroScreen	School Proximity	Collisions	Key Destination Accessibility Score	Transformative Corridor	Transit	VMT	TOTAL
1	1	60	Village Streets	Area	N/A	N/A	0.83	1	3	3	2	3	1.33	6	2	6	28.17
2	2	1	Carlsbad Bl	Corridor	N City Boundary	Carlsbad Village Dr	0.75	1	3	2	2	3	2.17	6	2	6	27.92
3	3	33	Carlsbad Village Dr	Corridor	Ocean St	Interstate 5	0.75	1	3	3	0	4	0.00	6	2	6	25.75
4	4	53	Buena Vista Lagoon	Area	N/A	N/A	1.00	0.5	3	3	2	2	0.00	6	2	6	25.5
5	5	20	El Camino Real	Corridor	N. City Boundary	Palomar Airport Rd	0.25	0.5	2	2	2	3	0.00	6	2	6	23.75
6	6	32	Christiansen Wy	Corridor	Garfield St	Washington St	0.50	1	3	1	0	3	0.00	6	2	6	22.5
7	7	31	Las Flores Dr	Area	SB Ramps	NB Ramps	1.00	0.25	3	2	1	3	0.00	6	0	6	22.25
8	8	30	Marron Rd	Corridor	N. City Boundary	1100' east of El Camino Real	0.42	0.75	3	1	0	2	0.00	6	2	6	21.17
9	9	52	Buena Vista Creek Eco	Area	N/A	N/A	0.50	0.5	3	3	0	0	0.00	6	2	6	21

Table 7-3 Top 30 Priority Projects by Council District

Overall Rank	Rank	PR ID	Street	Corridor	From	To	Population Density	Employment Density	Median Household Income	EnviroScreen	School Proximity	Collisions	Key Destination Accessibility Score	Transformative Corridor	Transit	VMT	TOTAL
Council District 2																	
5	1	20	El Camino Real	Corridor	N. City Boundary	Palomar Airport Rd	0.25	0.5	2	2	2	3	0.00	6	2	6	23.75
8	2	30	Marron Rd	Corridor	N. City Boundary	1100' east of El Camino Real	0.42	0.75	3	1	0	2	0.00	6	2	6	21.17
9	3	52	Buena Vista Creek Eco	Area	N/A	N/A	0.50	0.5	3	3	0	0	0.00	6	2	6	21
10	4	45	Palomar Airport Rd	Corridor	Carlsbad Bl	El Camino Real	0.17	1	1	2	0	2	0.50	6	2	6	20.67
11	5	40	Tamarack Ave	Corridor	Interstate 5	El Camino Real	0.50	0	2	2	1	3	0.00	6	0	6	20.5
14	6	41	Cannon Rd	Corridor	Carlsbad Bl	El Camino Real	0.00	1	2	2	2	1	0.00	6	0	6	20
20	7	70	Kelly Dr / Park Dr	Corridor	El Camino Real	Alondra Wy	0.42	0	2	1	2	2	0.00	6	0	6	19.42
21	8	18	Paseo Del Norte	Corridor	Cannon Rd	Poinsettia Ln	0.50	0.75	1	1	2	2	0.00	6	0	6	19.25
23	9	76	Connector Study Area	Area	N/A	N/A	0.00	0.75	1	2	0	1	0.50	6	2	6	19.25
27	10	35	Carlsbad Village Dr	Corridor	El Camino Real	College Bl	0.50	0.25	2	1	0	3	0.00	6	0	6	18.75
29	11	72	Kelly ES	Area	N/A	N/A	0.42	0	2	1	2	1	0.00	6	0	6	18.42

Table 7-3 Top 30 Priority Projects by Council District

	Overall Rank	Rank	PR ID	Street	Corridor	From	To	Population Density	Employment Density	Median Household Income	EnviroScreen	School Proximity	Collisions	Key Destination Accessibility Score	Transformative Corridor	Transit	VMT	TOTAL
Council District 3	10	1	45	Palomar Airport Rd	Corridor	Carlsbad Bl	El Camino Real	0.17	1	1	2	0	2	0.50	6	2	6	20.67
	15	2	5	Carlsbad Bl	Corridor	Palomar Air-port Rd	Poinsettia Ln	0.00	0.75	1	1	0	1	2.00	6	2	6	19.75
	21	3	18	Paseo Del Norte	Corridor	Cannon Rd	Poinsettia Ln	0.50	0.75	1	1	2	2	0.00	6	0	6	19.25
	23	4	76	Connector Study Area	Area	N/A	N/A	0.00	0.75	1	2	0	1	0.50	6	2	6	19.25
	31	5	47	Poinsettia Ln	Corridor	Carlsbad Bl	El Camino Real	0.58	0.5	0	1	2	2	0.00	6	0	6	18.08
	34	6	24	College Bl	Corridor	El Camino Real	Palomar Airport Rd	0.00	1	2	2	0	1	0.00	6	0	6	18

Council District 4	31	1	47	Poinsettia Ln	Corridor	Carlsbad Bl	El Camino Real	0.58	0.5	0	1	2	2	0.00	6	0	6	18.08
	43	2	21	El Camino Real	Corridor	Palomar Air-port Rd	Olivenhain Rd	0.42	0.5	1	1	0	2	0.00	6	0	6	16.92
	45	3	6	Carlsbad Bl	Corridor	Poinsettia Ln	La Costa Av	0.25	0.5	1	1	0	2	0.00	6	0	6	16.75
	48	4	83	Aviara Oaks MS & ES	Area	N/A	N/A	0.50	0.25	0	2	2	0	0.00	6	0	6	16.75

Table 7-4 High Priority Project Descriptions (Top 30 Projects)

Rank	PR ID	Street	From	To	Project Description
1	60	Village Streets	N/A	N/A	Pedestrian lighting; Street planters and sharrows; roadways less than 48 feet without bike lane; Transition street improvements and entry features; Alleyway pedestrian improvements
					EV charging stations & NEV Shuttles
					ADA Priority Level 1 - Village Area: Right-of-Way adjacent to public facilities
					ADA Priority Level 2 - Village Area: 1/4 mile from public facilities
					ADA Priority Level 3 - Village Area: Remaining (mid-term) projects in study area
2	1	Carlsbad Bl	N City Boundary	Carlsbad Village Dr	Pedestrian lighting and Restriping for bike and ped comfort
					Pedestrian improvements
					Bulbouts at all RRFB and EcoCounter locations
					Transformative Corridor
					Pedestrian crossings, Roadway alignment, and Transit stop improvements
					Comfort Stations (quarter- to half-mile spacing)
3	33	Carlsbad Village Dr	Ocean St	Interstate 5	Bike and ped crossing improvements
					Streetscape improvements
					Improvements at intersection of Washington St/Carlsbad Village Dr
					Transit stop improvements
					Mobility Hub at Carlsbad Village Coaster Station
4	53	Buena Vista Lagoon	N/A	N/A	I-5 crossing pedestrian improvements on Carlsbad Village Dr
					Buena Vista South Shore
					Carlsbad Blvd Lagoon Overlook Area
					Sidewalk infill, wayfinding, freeway crossing

Council District 1

Table 7-4 High Priority Project Descriptions (Top 30 Projects)

Rank	PR ID	Street	From	To	Project Description
5	20	El Camino Real	N. City Boundary	Palomar Airport Rd	Truncated domes, audible signal installation at intersection of El Camino Real/Marron Rd
					Transformative Corridor
					El Camino Real & Cannon Road bridge improvements and bike lane installation
					Sidewalk improvements along east and west sides of El Camino Real from Tamarack Av to Chestnut Av; Sidewalk improvements along west side of El Camino Real from Lisa St to Crestview
					Signalized intersection improvements at El Camino Real/Chestnut Av; Signalized intersection improvements at El Camino Real/Tamarack Av
					Transit stop improvements along El Camino Real from SR-78 to Cannon Rd; Transit stop improvements along El Camino Real from Cannon Rd to College Bl; Transit stop improvements along El Camino Real from College Bl to Palomar Airport Rd
					Class I Bike Path westside El Camino between Palomar Airport and Gateway Rd
6	32	Christiansen Wy	Garfield St	Washington St	Christiansen Wy improvements
7	31	Las Flores Dr	SB Ramps	NB Ramps	I-5 crossing pedestrian improvements on Las Flores Drive
8	30	Marron Rd	N. City Boundary	1100' east of El Camino Real	Sidewalk infill, wayfinding, rail crossing, transit stop improvements
					Mobility Hub at Shoppes Carlsbad
9	52	Buena Vista Creek Eco	N/A	N/A	Haymar Rd (From El Camino To South Coast Quarry - Quarry Creek)
					Haymar Rd (From Marron Rd To El Camino)
					Hidden Canyon Park & North SDG&E Utility Rd
					Park Drive Trail
					Quarry Creek Development Trails
					Buena Vista Creek Ecological Reserve Trail

Council District 1

Table 7-4 High Priority Project Descriptions (Top 30 Projects)

Rank	PR ID	Street	From	To	Project Description
Council District 2					
1	20	El Camino Real	N. City Boundary	Palomar Airport Rd	Same as Council District 1 Rank 5
2	30	Marron Rd	N. City Boundary	1100' east of El Camino Real	Same as Council District 1 Rank 8
3	52	Buena Vista Creek Eco	N/A	N/A	Same as Council District 1 Rank 9
4	45	Palomar Airport Rd	Carlsbad Bl	El Camino Real	Midblock crosswalk at Armada Dr
					Multi-use path
					Bicycle and traffic striping improvements on Palomar Airport Rd/I-5 overpass
					Transformative Corridor
					Transit stop improvements along Palomar Airport Rd from College Bl to El Camino Real
5	40	Tamarack Ave	Interstate 5	El Camino Real	Improvements at intersection of Highland Drive/Tamarack Avenue
					Improvements at intersection of Sunnyhill Dr/Tamarack Av
					Traffic signal near Valley Middle School and Magnolia Elementary School
					Transformative Corridor
6	41	Cannon Rd	Carlsbad Bl	El Camino Real	Truncated domes and audible signal installation at intersection of Paseo Del Norte/Cannon Road
					Transformative Corridor
7	70	Kelly Dr / Park Dr	El Camino Real	Alondra Wy	AT facility improvements
8	18	Paseo Del Norte	Cannon Rd	Poinsettia Ln	Road diet and sharrows on Paseo Del Norte from Palomair Airport Rd to Cannon Rd
					Transformative Corridor
9	76	Connector Study Area	N/A	N/A	Bicycle improvements on Camino Vida Roble from El Camino Real to Palomar Airport Rd
					Mobility Hub in Business Park
					Traffic signal installation and pedestrian improvments at Aramada Dr/Fleet St S.
					Traffic signal installation and pedestrian improvments at intersection of Aramada Drive & Grand Pacific Resort
					Traffic signal installation and pedestrian improvments at intersection of Camino Vida Roble & Yarrow Drive

Table 7-4 High Priority Project Descriptions (Top 30 Projects)

	Rank	PR ID	Street	From	To	Project Description
Council District 2	9 cont.	76	Connector Study Area	N/A	N/A	AT Facility improvements along Orion Street from El Camino Real to Faraday Avenue
	10	35	Carlsbad Village Dr	El Camino Real	College Bl	Transformative Corridor
	11	72	Kelly ES	N/A	N/A	SRTS improvements

Council District 3	1	45	Palomar Airport Rd	Carlsbad Bl	El Camino Real	Same as Council District 2 Rank 4
	2	5	Carlsbad Bl	Palomar Airport Rd	Poinsettia Ln	Reconfiguration and redevelopment; Improvements at intersection of Carlsbad Bl/ Poinsettia Ln
						Pedestrian improvements
						Bulbouts at all RRFB and EcoCounter locations
						Class I - Bike Path
						Transformative Corridor
						Roadway alignment; AT facility improvements along Carlsbad Bl from Palomar Airport Rd to Avenida Encinas; AT facility improvements
						Comfort Stations (quarter- to half-mile spacing)
						General Mobility Improvement
	3	18	Paseo Del Norte	Cannon Rd	Poinsettia Ln	Same as Council District 2 Rank 8
	4	76	Connector Study Area	N/A	N/A	Same as Council District 2 Rank 9
	5	47	Poinsettia Ln	Carlsbad Bl	El Camino Real	Transformative Corridor
						Traffic signal installation and pedestrian Improvements at Poinsettia Ln/Brigantine Rd
						Roadway construction of Poinsettia Ln from Cassia Rd to Oriole Ct
	6	24	College Bl	El Camino Real	Palomar Airport Rd	Transit stop improvements along College Bl from Palomar Airport Rd to Faraday Av

Table 7-4 High Priority Project Descriptions (Top 30 Projects)

	Rank	PR ID	Street	From	To	Project Description
Council District 4	1	47	Poinsettia Ln	Carlsbad Bl	El Camino Real	Same as Council District 3 Rank 5
	2	21	El Camino Real	Palomar Airport Rd	Olivenhain Rd	Transformative Corridor
						Traffic signal installation and pedestrian Improvements at Poinsettia Ln/Brigantine Rd
						Roadway construction of Poinsettia Ln from Cassia Rd to Oriole Ct
	3	6	Carlsbad Bl	Poinsettia Ln	La Costa Av	Reconfiguration and redevelopment
						Pedestrian improvements
						Bulbouts at all RRFB and EcoCounter locations
						Transformative Corridor
						Roadway alignment; AT facility improvements along Carlsbad Bl from Palomar Airport Rd to Avenida Encinas; AT facility improvements
						Comfort Stations (quarter- to half-mile spacing)
	4	83	Aviara Oaks MS & ES	N/A	N/A	SRTS improvements

IMPLEMENTATION PLANNING AND PHASING

This section proposes phasing plans for both project and program recommendations presented in the SMP.

Project Implementation and Phasing

The project prioritization presented in this chapter presents a high-level planning analysis that will require further refinement and feasibility analysis through the preparation of a Feasibility and Implementation Plan. Implementation is by far the most challenging aspect of creating a successful mobility network. Significant obstacles can include acquisition of right-of-way, securing construction and maintenance funding, designing projects that provide access for all roadway users, and meeting environmental standards.

In order to address these obstacles and to determine project feasibility, the Feasibility and Implementation Plan will include the preparation of planning level cost estimates, analysis of right-of-way constraints, constructability analysis, and conceptual plan preparation. The resulting plan will be utilized for both grant applications and when integrating the plan recommendations into the Capital Improvement Program (CIP) for construction.

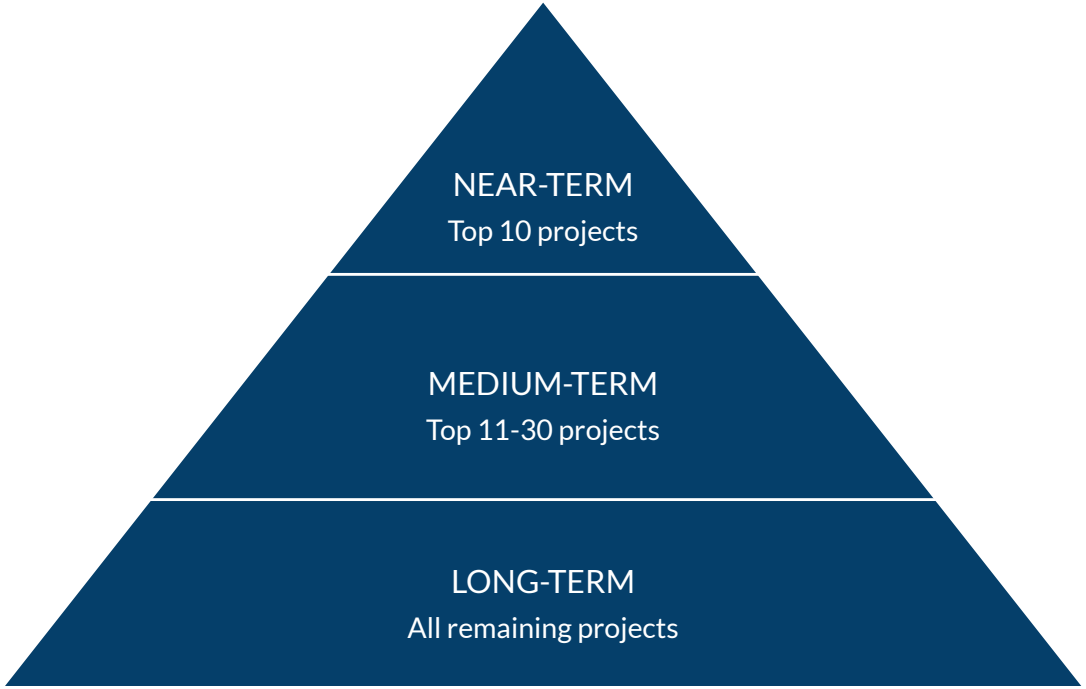
The implementation and phasing for the prioritized projects are divided into three main categories: Near-Term, Medium-Term, and Long-Term.

The top 10 priority projects are defined as Near-Term projects and should be implemented first, ideally within a 5 to 10 year timeframe.

The top 11-30 priority projects are defined as Medium-Term projects and should be implemented in the medium to near future, ideally within a 10-20 year timeframe.

The remaining proposed projects, as listed in Appendix L, are considered Long-Term and are anticipated to be implemented in the 20 to 30 year range.

In order to monitor and report on the progress being made as a result of implementing these high priority projects, the city will execute the SMP Active Transportation Monitoring Program as described in detail in Chapter 6 of the SMP.



This program will allow city staff, elected officials, and community members to track changes in travel behavior over time and especially in relation to the implementation of active travel and transit infrastructure projects.

Program Implementation and Phasing

Chapter 6 recommends a total of five programs to support shifting travel from automobile to walking and cycling across the City of Carlsbad, as follows:

- Cycling Education
- Safe Routes to School
- Transportation Demand Management
- Active Transportation Monitoring
- Local Roadway Safety Plan

Based upon input from the Transportation & Mobility Commission and City staff, these programs have been prioritized for implementation into two phases as shown below.

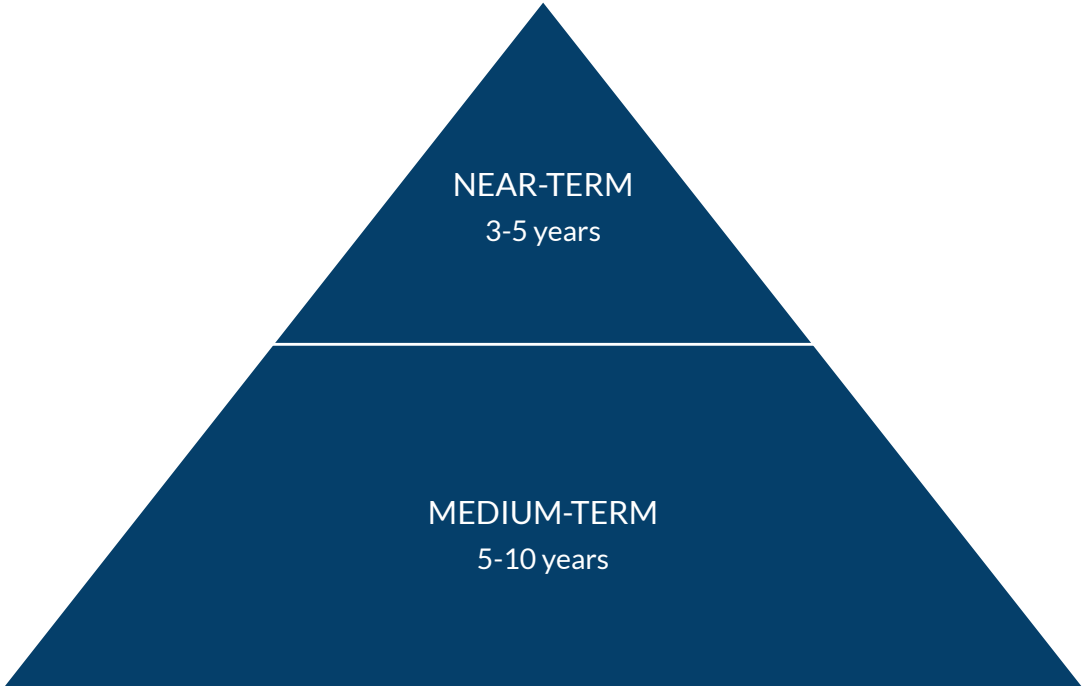
Near Term (3 to 5 years)

- Safe Routes to School
- Active Transportation Monitoring
- Local Roadway Safety Plan

Medium Term (5 to 10 years)

- Cycling Education
- Transportation Demand Management

The Feasibility and Implementation Plan referenced in the previous section should include cost estimates for launching and maintaining these five programs, with details such as staffing, marketing, and general operating costs.



ESTIMATED NEW USERS AND ASSOCIATED BENEFITS

Calculating New Users

Table 7-5 presents an estimation of current and projected future active transportation trips. Current trips are based upon 2017 American Community Survey (ACS) data, which is the most recent available from the US Census Bureau.

These data measure commute trips only, and therefore were extrapolated further to capture the active travel trips taken by those accessing transit, working from home, and school children who bike and walk to school.

Regional growth estimates were applied based upon SANDAG Series 13 regional growth forecasts, and increased by 1.3% to account for the improved facilities resulting from buildout of the SMP networks, since walking and biking will become viable for more people with an enhanced network. This increase is a conservative estimate based upon experience of other major metropolitan areas.

Table 7-5 Estimated Active Transportation Trips and New Users

Source of Trip	Description of Source	Number of Trips
Carlsbad Census Population	From 2017 American Community Survey (ACS) Estimates	113,147
Current Estimated Total Daily Bicycle Trips (Weekday)	Includes bicycle commuters, Assumption of 15% of work-at-home commuters making one bicycle trip per day, 10% of transit users biking to transit, and 2% of schoolchildren traveling by bike (x2 to reflect round trips)	3,072
Current Estimated Total Daily Walk Trips (Weekday)	Includes walking commuters, Assumption of 50% of work-at-home commuters making one walking trip per day, 85% of transit users walking to transit, and 14.5% of schoolchildren traveling by foot (x2 to reflect round trips)	13,951
Regional 2050 Population Growth Estimates	Based upon SANDAG regional estimates	+29%
2050 Population Estimate	Based upon +29% SANDAG estimate	145,960
2050 Estimated Total Daily Bicycle Trips (Weekday)	Based upon +29% SANDAG estimate and 1.3% network growth enhancement from fully completed network (based upon the experience of other major regions)	4,014
2050 Estimated Total Daily Walk Trips (Weekday)	Based upon 29% SANDAG estimate and 1.3% network growth enhancement from fully completed network (based upon the experience of other major regions)	18,231
Estimated New Bicycle Trips Per Day	Based on current estimates – 2050 estimates	942
Estimated New Walking Trips Per Day	Based on current estimates – 2050 estimates	4,280

Economic Benefits of New Users

The economic benefits of active transportation are wide reaching and measurable on many levels: benefits to citywide economies, to businesses, to individuals and society, and benefits to the environment.

The transportation-related economic benefits from investing in active transportation infrastructure are significant and include the reduction of congestion, decreased road maintenance costs, less costly infrastructure, increased road safety and decreased user costs. Increased active transportation use also benefits society by increasing mobility, an increased sense of community and improved livability . There are workplace benefits as well – employees who are physically active report fewer days off due to illness, have lower turnover rates, lower healthcare costs and increased productivity .

The City of Carlsbad can expect to accrue several types of benefits from investing in active transportation infrastructure as described in the SMP and discussed below.

Citywide Economic Benefits

One study analyzed the citywide economic benefits of active transportation investments resulting from increased walking and bicycling for utilitarian transportation purposes, such as commuting or accessing neighborhood destinations. The study analyzed the effects of investing in active transportation infrastructure such as sidewalks, bicycle facilities (lanes, paths), and complete street design. The study found for every $1 spent in implementing the active transportation strategy, the economy would see an additional $8.41 in sales output, $2.65 in personal income, and $5.20 in value added.

Another example of a more regional economic impact comes from North Carolina's Outer Banks. The Outer Banks generates $60 million in economic activity through bicycle tourism, by conservative estimates (in 2012 dollars). The one-time investment of $6.7 million in bicycle infrastructure has resulted in an annual nine-to-one return .

The benefits of a bicycle accessible business district are measurable as well. A 2009 study of Bloor Street, a commercial street in Toronto, Ontario showed that encouraging bicycling is good for business: people who had biked and walked to the area reported that they spent more money in the area per month than those who drove there .

Another study of greater Portland, Oregon had the same finding: bicycling customers spend more money per month. The study found that customers who arrived by automobile, spent the most per visit across all of the establishments, however cyclists spent the most per month .

Broad Avenue Arts District in Memphis, TN was a struggling commercial and residential area. The revitalizations began with a focus on attracting arts related business. However, the project grew in popularity once bicycle lanes were included. Business owners on Broad Avenue made the connection between bike lanes and business growth. As of 2012, the district had seen 16 new businesses, 29 property renovations (17 at blighted locations), and 40,000 visitors to the Arts Walk. Restaurants had reported a growth in business from cyclists as well .

The benefits of investing in active transportation infrastructure is also born out in the real estate market. Researchers have mapped real estate transactions and have shown that bike facilities can have positive, statistically significant impacts on home values. Studies in Canada , Vermont, Indiana, and Delaware , among other places, have shown that homes located close to bicycle infrastructure were valued between 5- 11% higher than comparable homes located further away.

Sources:

R. Campbell, M. Wittgens. The Business Case for Active Transportation: The Economic Benefits of Walking and Cycling. Better Environmentally Sound Transportation (March 2004).

Active Transportation Health and Economic Impact Study, November 7, 2016. Southern California Association of Governments.

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August 24, 2022

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

Re: GMP circulation performance standards

This first page describes a flow diagram on the second page, intended to help simplify and visualize three parallel/complementary pathways of traffic impact analysis. These pathways apply to development reviews and the city's annual Growth Management Plan (GMP) monitoring, consistent with the GMP and General Plan Mobility Element. The third page contains my initial recommendations for committee consideration.

State of California environmental impact assessment (VMT)

On the left of the flow diagram is the State's **Environmental** pathway, which is intended to reduce greenhouse gas (GHG) emissions. A "vehicle miles traveled" (VMT) method is used for this pathway. If a project's calculated VMT exceeds a certain threshold, the developer is supposed to create a Transportation Demand Management (TDM) plan to reduce GHGs. In practice, though, the City Planner either exempts or screens out almost every project from VMT analysis, and the few that require a more detailed analysis are typically found to have little or no impact and/or implement minimal TDM measures. Further, the VMT approach is very general and does not directly address congestion/quality of life in specific problem areas of the city. The other two pathways, which are based on level of service (LOS), address that.

City of Carlsbad growth management/direct mitigation (LOS)

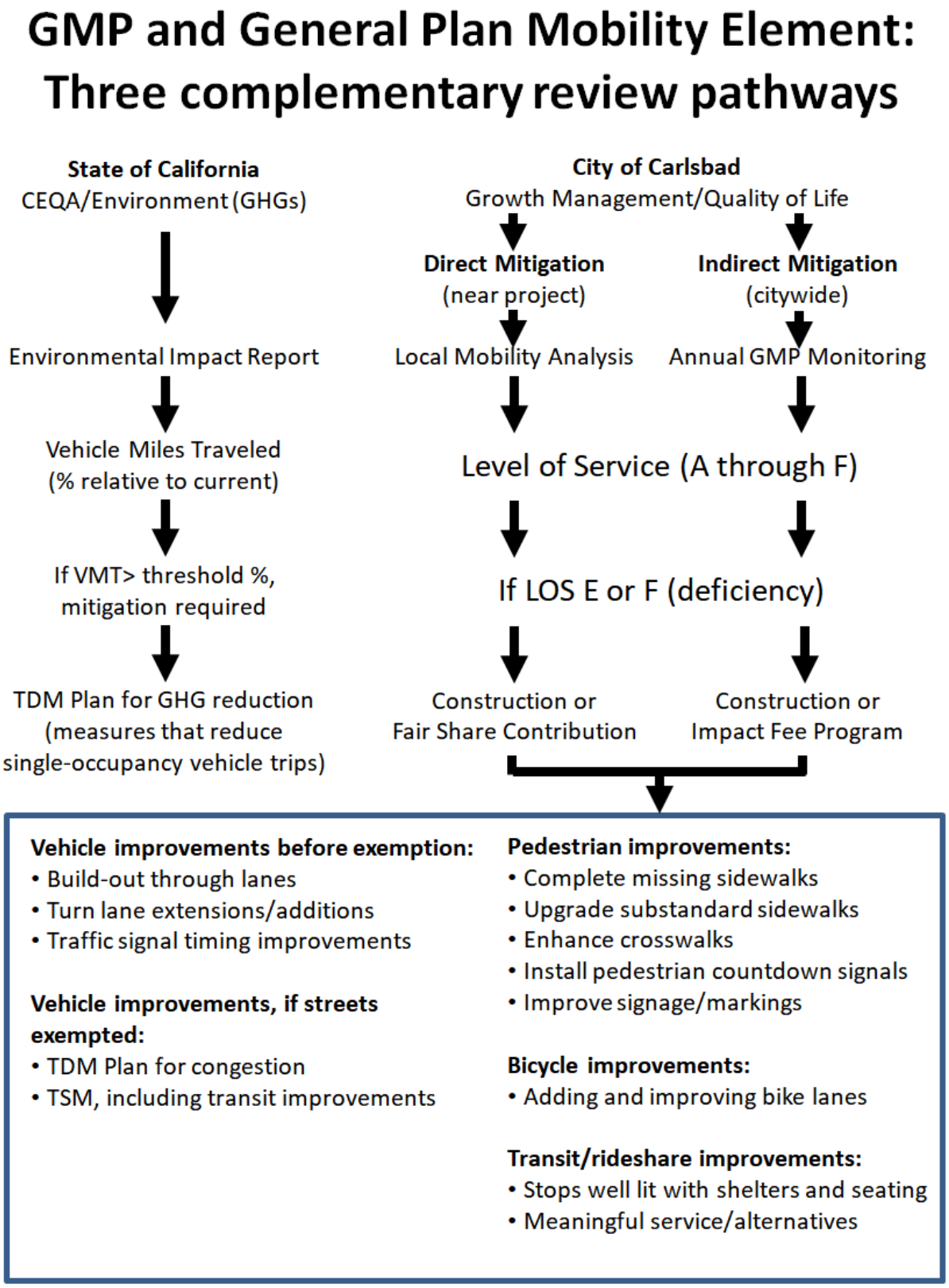
For the **Direct Mitigation** pathway (in the middle of the diagram), when the city or a developer proposes a project, they conduct a Local Mobility Analysis, which includes LOS calculations for each mode of travel prioritized on the streets in their project area (vehicle, pedestrian, bicycle, and/or transit). If LOS is E or F (GMP-deficient), the developer is supposed to either construct, or make a "fair share contribution" towards the construction of, improvements that overcome any deficiencies. Unfortunately, vehicle LOS deficiencies have become largely irrelevant, because the city just exempts any deficient segments from the GMP. And the non-vehicle LOS systems have been designed to require only installation of a few sidewalk segments and small transit stop benches to get passing grades.

City of Carlsbad growth management/indirect mitigation (LOS)

The **Indirect Mitigation** pathway (on the right) relates to annual GMP monitoring. Similar to Direct Mitigation, LOS is supposed to be calculated for each prioritized mode of travel—but annually, and on a citywide basis. Theoretically, the GMP requires the shutdown of development in any zones that have LOS deficiencies, unless there is a planning and financial commitment to complete projects that resolve the deficiencies. Also, a list of projects that address deficiencies should be included in the Traffic Impact Fee program, into which developers make uniform contributions based on the number of vehicle trips they generate. This mitigates indirect impacts (independent of the location of the project or how congested the adjacent streets are).

In practice, though, the city just exempts the vehicle LOS deficiencies, and they have begun claiming that they never intended to enforce the LOS performance standard for the pedestrian, bicycle, and transit modes in areas of the city that were already built (which is almost the entire city). In fact, in the six years since the

requirement to monitor non-vehicle LOS went into effect, none has ever been reported. Further, the failure to keep the Traffic Impact Fee program updated means that critical projects like the city's portion of the College Boulevard extension and any non-vehicle projects have missed out on years of funding.



Initial Suggestions

Strengthen pedestrian, bicycle, and transit LOS methods

Make these more stringent, in order to require more than just completion of missing sidewalks and bus stop benches to get a passing LOS "D" grade (e.g., see the list of improvements on the right side of the box at the bottom of the flow diagram). In addition, do not allow staff to unilaterally change the methods without public review/adoption. Also, actually do the monitoring and report it, as required by our General Plan.

Direct Mitigation

For larger developments that add significant vehicles, pedestrians, bicyclists, and/or transit users to the transportation network, require construction of more local improvements. For smaller developments, set up a system to collect fair-share contributions for local improvements, and then the city should fund its portion.

Vehicle LOS GMP exemption prerequisites

When the GMP exemption power was introduced by staff, they promised that segments would not be exempted until build-out, and that intersection and traffic signal timing improvements still would be made. And they promised that exempted segments "would not be forgotten," because aggressive TDM measures would be implemented. Accordingly, street segments should not be exempted unless they are built-out and analyses have been done to determine whether additional turn lanes and/or extensions of existing turn lanes and/or signal timing optimization would help improve LOS. Also, already-exempted street segments that have not been analyzed, as described above, should have their exemptions lifted, if appropriate, or be analyzed.

Post vehicle LOS GMP exemption

For street segments that still do not meet the vehicle LOS standard after the above prerequisites are met, require meaningful TDM, Transportation Systems Management (TSM), and transit/ridesharing measures that directly address the local congestion problem (as prescribed in the General Plan). It is insufficient to cite a minimal plan from the anemic Climate Action Plan TDM Program, which was not designed to address exempted street congestion. If TDM is insufficient, then a different approach needs to be identified.

Indirect Mitigation/Traffic Impact Fee Program

Include in the TIF Program projects encompassing all of the improvement types in the box above, including vehicle through and turn lanes, traffic signal timing projects, sidewalk/crosswalk enhancements, countdown signals, bike lane enhancements, transit/rideshare stop improvements, and TDM measures, such as ridesharing. Also, update the program every few years rather than waiting 15 years each time.

Strengthen Transportation Impact Analysis (TIA) and VMT Analysis guidelines

Update the guidelines to enhance analytic consistency. Reduce the ability to avoid mitigation by minimizing staff discretion to waive or change rules, or to allow custom methods for each separate development.

FINALLY, DO NOT INTRODUCE ANOTHER UNPROVEN, UNMEASURABLE BLEEDING EDGE SCHEME TO REPLACE OUR CURRENT SYSTEM—ONLY TO FAIL TO IMPLEMENT THAT ONE, AS WELL, OVER THE NEXT DECADE.

CARLSBAD TOMORROW: GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

September 22, 2022, 5 p.m.
Special Meeting

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the Aug. 25, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Review purpose and charge for the committee. Review agenda and meeting format. Allow for any introductions for those staff not present at previous meetings.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Open Space Performance Standard.** Receive a presentation from city staff on the existing standard, status of open space, and the city's overall open space system. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Eric Lardy, Principal Planner)
   - **Parks Performance Standard.** Receive a presentation from city staff and consultants on the existing standard, status of parks, and some comparisons with other cities. Group discussion on the standard: Is this standard important to quality of life in Carlsbad? Should this standard be re-evaluated in any way? (Kyle Lancaster, Director of Parks and Recreation, and Nancy Bragado, Bragado Consulting).

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Wednesday, Oct. 12, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

September 22, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Fred Briggs, William Sheffler, Amy Allemann, Joe Stine, Patricia Mehan, Steve Linke
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Erin Nell, Angela O'Hara, Nora Jimenez George, Allen Manzano, William Fowler

Absent:
Primary – Jeff Segall, Gita Nassiri, Chad Majer, John Nguyen-Cleary
Alternate – Don Christiansen, Terence Green, Thierry Ibri, Matthew Reese, Lisa Stark, Jamie Jacobs, Art Larson, Marissa Steketee, Kevin Sabellico,

APPROVAL OF MINUTES:

Motion by Hap L'Heureux, seconded by Scott White, to approve the August 25, 2022 minutes as amended.

PUBLIC COMMENTS:

One public comment was received.

1. **Public Park & Open Space –**
   John Gama states that Zone 9, the southwest quadrant of Carlsbad, is short 30 acres of open space per city ordinance 29.10.130. After reading the ordinance to the committee, he explains that the original developers of the Ponto area were falsely exempted from this standard. He states that there is not 30 acres of open space per the standard. The recent Ponto Beach Village Project was denied by the Coastal Commission, and in their report required the city to investigate this area for visitor serving uses, ie a public park. Mr. Gama notes there is a 14.3-acre lot available for the city to purchase at a taxpayer savings compared to the currently proposed Pacific Coast Hwy relocation that doesn't add any city land. Notes surveys have shown 85-91% of groups and citizens support a coastal park at Ponto. Mr. Gama expresses frustration with the city's response to addressing the open space standard and park space deficiency. States a park at Ponto is consistent with all elements in the community vision. Notes that this situation has been detailed to the Mayor and City Council at official meetings to no avail. Implores committee to work with community to address deficiencies and make something special at the southern entrance to the city.
2. **MMLOS Methodology –**
   Lori Robbins discusses MMLOS and its application to streets with railroad crossings. She expresses concern with the condo development happening close to streets with railroad crossings and the existing gridlock worsening with the development. Ms. Robbins would like to see considerations made for the negative impacts of gridlock to quality of life in the Village.

3. **Open Space –**
   Howard Krausz representing North County Advocates. Reminds everyone the big picture of Proposition E setting forth standards for parks and open space as 15% of each LFMZ. Notes that the 15% should be in each of those so people don't travel to find open space. States 40% of Carlsbad was to be open space. Implores committee to find open space now or it will never happen. Mr. Krausz does not want exempted areas to not have any open space. Notes items should not be double counted, and things that aren't open space should not be counted as open space.
4. **Open Space/Parks –**
   Michael Sebahar is a member of the Parks Commission. States there are opportunities for the commission to make a difference by the coast, by the smokestacks, and around Ponto to become areas where the community gathers, meets and reinforces community. Notes great projects have big obstacles but the results are worth it. Asks committee to see possibilities rather than obstacles and do something extraordinary with this property.
5. **Beaches –**
   Kathy Steindlberger expresses support for Carlsbad beaches. Beaches are eroding at an alarming pace. Sand replenishment projects cost millions and two storms could come in the winter and all the sand would be gone. Cheaper to proactively deal with sea level rise than to react to it. Supports moving southbound Carlsbad Boulevard eastward but the impacts of development along the beach must be considered or there will be no sand left.
6. **Parks –**
   Lance Schulte notes that People for Ponto have sent many documents to the city documenting the unfair distribution of parks and that the growth management open space standard was and is not met at Ponto. Ponto is missing 30 acres of growth management planned open space and Ponto coastal south Carlsbad is unserved by city parks. There is a willing seller of 14-acres of Ponto land that would be world class coastal park for Carlsbad. Such a park could host profitable community events and allow the city to apply for park grants. Mr. Schulte says this would save taxpayers 20-40 million compared to the PCH relocation. Asks for Ponto Park to be put into Growth Management Plan recommendation to the Council.
7. **Open Space –**
   Diane Nygaard representing Preserve Calavera states Parks & Open Space is probably the most important performance standards to the members of this community. 40% open space was never a formal performance standard but was a goal. This goal was included in ballot arguments, campaign literature and city documents. Notes that when the growth management plan was adopted it planned for a build out population of 137,000, many less than is being planned for today. It didn't include today's density. Notes that the performance standard is 15% for each zone so everyone has access, not just half the city. When the performance standard was adopted, it did not say 11 of the 25 zones would be exempted. Meeting the open space performance standard was not one and done, it should be ongoing. Asks the committee to have meaningful access to nature be part of their legacy.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson, notes staff members are present that will be introduced as resources during the course of the meeting. City Planner Eric Lardy then briefly reviewed the committee's purpose and charter, the 11 existing performance standards, and the step-by-step process for the overall Growth Management Plan update. Facilitator Susan Harden reviewed the meeting agenda.

DISCUSSION ITEMS:

COMMITTEE BUSINESS:

- **Open Space.** Principal Planner, Eric Lardy provided a presentation and history on the City of Carlsbad Open Space Standard as it exists today. There was a question from the committee on how state housing laws limit changes to density and use. Eric Lardy explained that the city is limited on what they can do with land designated as residential. If something is residential the city can't change the General Plan designation to reduce the density without concurrently increasing density elsewhere. Eric Lardy and Jennifer Jesser, Senior Planner, answered questions on some of the details of the Open Space standard and history.

  Several other clarifying questions were asked and the following thoughts, questions and considerations specific to the performance standard were captured:
  - Perception of unequal distribution of open space throughout the city
  - Exemptions seem arbitrary in hindsight
  - An equitable assessment of access to open space across the whole city is important
  - Update of Proposition C property list may be warranted; new proposition for additional funding could be proposed/passed
  - The 15% standard doesn't solve all open space needs (trails, etc.)
  - Recommend another ballot initiative to increase City Council's spending limit without a vote (update Prop H to reflect high cost of land)
  - Acknowledge impact of seal level rise on the loss of beaches

  Staff following up on some specific questions/requests from the Committee regarding open space:
  - More detail on the 2005-2007 Prop C Citizens Committee property list
  - Was the term "40%" open space specifically used in the ballot measure language?
  - How much open + park space is in each of the 25 zones?

- **Parks.** City of Carlsbad Parks & Recreation Director, Kyle Lancaster, provided a presentation on the current Park Standard. Nancy Bragado of Bragado Planning provided a presentation on how Carlsbad compares to other cities in the San Diego region. Jeff Murphy, City of Carlsbad Community Development Director, answered questions related to the exemption of the Ponto property. Roxanne Muhlmeister, City of Carlsbad Assistant Finance Director, answered questions regarding park funding and if the Public Facility Fee Fund could be used.

  Several additional clarifying questions were asked and the following thoughts, questions and considerations specific to the performance standard were captured:
  - Like idea of citywide fee to get money up front as in-lieu fees don't produce enough money to pay for projects
  - Prioritize park projects based on 10-minute walk to serve residents that don't have parks nearby to help address issues of equity
  - Prioritize areas without parks within a 10-minute walk
  - Ponto zone – concern that a previously approved (but never built) park resulted in it being exempt from open space standard
  - Exemptions are to Open Space standard, exemptions are not to the Park Standard
  - Question on Public Facility Fee Funds being used to fund park projects
    - Roxanne Muhlmeister, City of Carlsbad Assistant Finance Director, indicates PFF funds can be used for city facilities which include parks
    - Follow up question on how PFF funds are acquired.
    - Ms. Muhlmeister indicates they are development impact fees (not property taxes)
  - Community Facility District 1 discussed; due to scale down of City Hall relocation could those funds be repurposed through a court order or other mechanism to fund parks

    - Roxanne Muhlmeister indicates if there is money left unused in that fund it would be redistributed back to the people that paid it.
  - Environmental justice briefly discussed and how it applies to the City of Carlsbad; currently no areas in the city designated as Environmental Justice areas
  - Park In-Lieu fees can be used to purchase land for parks and build parks; fees are divided by quadrant
  - Are we addressing what people want out of parks? In planning for parks do we also look at what people need? (response that Park Master Planning process does this)
  - Concern when passive open spaces are counted as park space
  - The impact of the homeless on parks needs to be addressed
  - Equal spread of large park across four quadrants seems to inflate SW quadrant number
  - Counting golf courses as recreation area raises equity issues
  - Explore an increase in standard (look at adjacent cities)
  - Consider moving away from only measuring community parks
  - Broaden concept of a park (community, neighborhood) for all
  - Breakdown standards per thousand based on park type
  - Take macro approach – citywide
  - Interest in Tier 2 standard shared as part of presentation
  - Look into using density transfers to create park space (and proactively address state mandates/new policies for housing)
  - Concern that lagoon trails are not counted as park recreation
  - Impact of new parks on parks and transportation standards should be consistently applied (Veterans Park downplayed transportation impacts while overemphasizing new park access)

Staff following up on some specific questions/requests from the Committee regarding parks:

  - Clarify whether in-lieu fees can be used for new parks (e.g. Ponto)
  - Is there a 10-minute walk study? A Trust for Public Land (TPL) study exists but doesn't count HOA (private recreation) facilities. Staff to provide a link.
  - What is the acreage/inventory of HOA/private parks?

- **Committee meeting schedule and topics.** Committee Chair Eric Larson discussed future meeting dates and future agenda items to be discussed. It was noted that the next meeting, occurring on October 12, will solely discuss items brought up outside of the 11 standards to make determinations on what happens with those items.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- Committee members requested assessing rolling Arts into the Growth Management Plan. Look at citywide cellular service/wifi connectivity.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:06 p.m.

Eric Lardy - Minutes Clerk

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT – Exhibit 1
SEPT. 22, 2022

OPEN SPACE STANDARD

Fifteen percent of the total land area in the zone [Local Facility Management Zone] exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

PURPOSE OF THIS REPORT

This report is informational only and is intended to help guide the Carlsbad Tomorrow – Growth Management Citizens Committee's discussion on the Growth Management open space standard, as well as open space in Carlsbad more generally.

APPLICABILITY OF THE OPEN SPACE STANDARD

Open space to meet the standard is provided concurrent with approval of development projects within the Local Facility Management Zones where the standard applies, which is Local Facilities Management Zones 11 – 15 and 17 – 25. The standard does not apply in Zones 1 – 10 and 16. A map of the facility zones is provided in **Attachment 1 – Local Facilities Management Zones Map**.

BACKGROUND

The history of the open space standard is helpful in understanding its applicability today. Below is a summary of the standard's history. It should be noted that the open space provided to meet the open space standard does not represent all of the open space in Carlsbad (see section titled Open Space Categories for more information).

- Report of the Citizens Committee for the Review of the Land Use Element (July 1985)
  The committee delivered its report in July 1985 and its recommendations were used as the basis for developing the growth management facility standards. On the topic of open space, the committee did not recommend a growth management standard for open space; instead:
  - The committee determined that the amount of open space designated in the Land Use Element was an adequate amount (a minority of the committee thought there wasn't enough open space). Information provided to the 1985 committee indicated that approximately 25 percent of the city's total land area at that time was designated open space.

    Note: today, 38 percent of the city's total land area is designated as open space (**Attachment 2 – Open Space Map**).
  - The committee recommended the General Plan Land Use Element define four categories of open space for: 1. preservation of natural resources; 2. managed production of resources; 3. outdoor recreation; and 4. public health and safety.

    Note: today's General Plan Open Space and Conservation Element defines four categories of open space for: 1. Preservation of natural resources; 2. Managed production of resources; 3. Outdoor recreation; and 4. Aesthetic, cultural and educational purposes.

The committee recommended:

- All four categories of open space be addressed in future master plans.
- Future development be prohibited from designated open space areas
- The city ensure public access and maintenance of accesses to lagoons and beaches
- The city encourage maximum parking accommodations to enhance use of the beach

Note: the city implemented these recommendations through various policies and regulations.

- Public Facility Standards (July 1986) and Citywide Facilities and Improvements Plan (Sept. 1986)

  In July 1986, the City Council adopted the Growth Management Ordinance (Carlsbad Municipal Code Title 21, Chapter 21.90) and the public facility standards for the Growth Management Program. In September 1986 the standards were incorporated in the Citywide Facilities and Improvements Plan. The adopted open space standard was "Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development."

  The Citywide Facilities and Improvements Plan specified that the open space standard applies in some Local Facility Management Zones (Zones 11 – 15 and 17 – 25), but not others (Zones 1 – 10 and 16) because those zones were determined to have already been developed or to have already met the standard (**Attachment 1 – Local Facilities Management Zones Map**). This methodology is consistent with traditional land use methodology which applies new standards prospectively. (See 2020/2021 Growth Management Program Monitoring Report p. 27; *Friends of H Street v. City of Sacramento* (1993) 20 Cal.App.4th 152, 169 [California's planning statutes "address future growth, and do not require local governments to bring existing neighborhoods and streets into compliance with the general plan."].)

  The following are some key facts during the development of the open space standard.

  - Following the 1985 committee report, as part of the development of the Growth Management Program, the city identified areas that were, at the time, "urbanized" (developed areas) "urbanizing" (some development or some level of planning completed, such as an existing master plan) and "future urbanizing" (very little to no development and no existing master plan). See **Attachment 3 – 1986 Development Status Map and Information**.

    - A comparison of the Local Facilities Management Zones map (**Attachment 1**) and the 1986 Development Status Map (**Attachment 3**) shows that the zones where the open space standard is applicable (Zones 11 – 15 and 17 – 25) align, for the most part, with the areas identified in 1986 as "future urbanizing," which is where future master plans would be required (e.g., Aviara, Bressi Ranch and Quarry Creek master plans) and is consistent with the 1985 committee recommendation for master plans to provide additional future open space.

    - The "urbanized" areas were already developed, and the "urbanizing" areas had previously approved development or master plans. Although the open space standard was not applied to the "urbanizing" areas, the existing approved master plans within these areas provided open space as required by city regulations in place at the time. Prior to the Growth Management Program and the open space standard, the city's

zoning ordinance required 15 percent of the total area of any master plan to be designated as open space. This 15 percent standard differs from the Growth Management open space standard because it applies to the total land area of a master plan and does not exclude environmentally constrained non-developable land.

Following the adoption of the Growth Management Program, the city continued efforts to prioritize the protection of open space in Carlsbad. A summary of those efforts is provided in **Attachment 4 – Summary of Carlsbad's Open Space Preservation History**.

FACILITY PERFORMANCE ANALYSIS

As stated above, open space to meet the standard is provided concurrent with the approval of development projects within the Local Facility Management Zones where the standard applies.

As development projects are processed through the city's review process, they are evaluated to verify that all regulations and standards are satisfied, including the growth management open space standard, if applicable. The decision-making body (Planning Commission or City Council) makes a finding that all requirements are met.

To date, approved development projects and dedication of open space has been found to satisfy the open space standard in Local Facility Management Zones 11-15, 17-21, and 23-25. In Local Facility Management Zone 22, the approved development to date has not yet met the open space standard; however, as future development occurs in this zone, additional open space will be required.

FUNDING AND OBTAINING OPEN SPACE

Open space provided to meet the Growth Management open space standard is provided concurrent with new development, and is typically private open space (e.g., recreation areas and landscape buffers) within a development that is paid for and maintained by the developer and community (HOA).

In general, cities can obtain open space through dedications or fees from developers for public facilities and can require a certain amount of land in a development be left in open space. When requiring open space on privately owned land, the city must ensure the owner is not denied a reasonable use of their land and that the owner is not denied the right to develop their property, unless the owner is willing to sell their land and is compensated.

In addition to developer dedication of open space to meet the Growth Management open space standard, there are other methods the city can use to acquire open space, including:

Acquisition in Fee

The city purchases property at fair market value. Fund sources could include:

- The General Fund ($1 million spend limit without vote)
- Voter approved bond measure or special tax. An example of voter approved funding in Carlsbad is Proposition C, which was passed by the voters in 2001 and authorized the City Council to spend up to $35 million on four projects of community interest, one of which was open space and trail linkages. See Attachment X, which includes a description of Proposition C and related open space acquisition.
- Require developers to pay into a fund that could be used for future purchase of open space.

- As discussed below, to comport with the original intent that open space can be achieved "without having to buy it," the expenditure of open space funds would be limited by the amount received from private development projects.

Negotiated Open Space

The city requires open space as part of approval of a development project, such as:

- Require dedication of park land or payment of a fee in-lieu of dedication. The city currently collects park fees in-lieu of dedication.
- Allow a property owner to transfer the permitted density for the whole site to a smaller portion of the site in exchange for retaining the other portion in open space. The city currently allows this.
- Require a percentage of development projects to be open space. In Local Facility Management Zones where the Growth Management open space standard is applicable, the city already requires 15 percent of development projects, excluding constrained lands, to be open space.
- Require a development project to dedicate nondevelopable areas (e.g., steep slopes, wetlands, floodways, sensitive habitat) as open space (note: this is not Growth Management open space). While the city has identified most nondevelopable areas and has dedicated them as open space, new development projects throughout the city are evaluated to determine if any land area should be retained in open space due to environmental constraints.

In 1988, the city formed a citizens committee to review the city's open space programs; the committee's report was completed in July 1989). As part of the committee's work, city staff provided information on the open space standard and stated: "that the amount of open space now required under the Growth Management Plan can be achieved without having to buy it, but also that the city has pushed to the limit what can be achieved without a monetary acquisition program." This remains true today.

Examples of How the City Provides and Protects Open Space Overall

The examples below (not a complete list) show that the Growth Management open space standard is not the only method the city uses to provide and protect open space.

- General Plan – designates all dedicated open space areas as "open space" on the Land Use and Open Space Maps and includes policies that protect these areas from development.
- Habitat Management Plan – guides the design, management, monitoring, and public use of the city's natural open space preserve system.
- Growth Management Open Space standard – in Local Facility Management Zones where the standard applies (Zones 11-15 and 17-25).
- Growth Management Parks standard – parks are also considered open space.
- Trails Master Plan – identifies where trails will be constructed; trails are open space.
- Zoning Ordinance
    - Open Space Zone applied to all areas designated by the General Plan as "open space" and specifies regulations that protect these areas from development.

- Chapter 21.210 Habitat Preservation and Management Requirements – assures compliance with the Habitat Management Plan.
- Chapter 21.38 Planned Community Zone – requires 15 percent of the total area of a master plan to be open space (primarily aligns with the areas subject to the Growth Management open space standard).
- Chapter 21.209 – Cannon Road Agricultural/Open Space Zone – supports continued agriculture and identifies authorized open space uses on agriculture areas south of Cannon Road and east of Paseo Del Norte.
- Various other development standards that require open space, recreation areas and landscaped buffers/setbacks within development projects.

OPEN SPACE CATEGORIES

Open space is one of Carlsbad's defining features and serves several different purposes. Open space to meet the growth management standard is just a part of all the open space in Carlsbad. Many open space areas are conserved as natural habitat. Other open space areas fulfill both habitat conservation and recreational needs or are specifically designated for recreational use.

Land within the Carlsbad covers about 39 square miles (25,021 acres), 38 percent of which is designated as open space. About 78 percent of this open space is comprised of natural open space such as native habitats, lagoons, and streams. The city's open space network boasts three lagoons, over 67 miles of trails, and almost seven miles of coastline. **Attachment 2 – Open Space Map** is a map of all dedicated open space in Carlsbad, of which some is open space dedicated to meet the open space standard in Local Facility Management Zones 11 – 15 and 17 – 25. Open space overall has been designated throughout Carlsbad in the following four categories:

Table 1: Categories of Open Space

#	Category	Description	Percentage of Total Open Space
1	Protection of natural resources	Plant and animal habitat, nature preserves, beaches and bluffs, wetland and riparian areas, canyons and hillsides, and water features such as lagoons and streams. Note: the Carlsbad Habitat Management Plan (2004) is the city's primary guide on the natural habitat areas of the city that should be protected and dedicated as open space.	78%
2	Managed production of resources	Agriculture areas north and south of Cannon Road, aquaculture (Hubbs SeaWorld Research Institute), water management (Maerkle Reservoir), and could include commercial fisheries, and mineral resources.	3.5%
3	Outdoor recreation	Public parks and recreation areas, school playfields, golf courses, and private recreation areas in development projects.	12.5%
4	Aesthetic, cultural and educational purposes	In Carlsbad this type of open space primarily consists of land use buffers and ornamental landscaping around and within development projects; other examples could include greenbelts providing separation from surrounding communities, arboreta, and botanical gardens.	6%

QUESTIONS ABOUT THE OPEN SPACE STANDARD

There have been a number of questions about the existing standards and history of them. This section summarizes the some of those questions and the information available.

Applicability of the standard

Questions have been raised on why the open space standard does not apply to Local Facilities Management Zones 1 – 10 and 16. That was a determination made by the City Council when they adopted the Citywide Facilities and Improvements Plan and the open space standard in 1986.

Furthermore, the 1985 committee determined that open space was adequate and that future master plans should provide more open space, which would occur in the areas identified as "future urbanizing areas" (**Attachment 3 – 1986 Development Status Map and Information**). Zones 1 – 10 and 16 were in areas where no new master plans were anticipated ("urbanized" areas) or in areas where there was approved development or master plans ("urbanizing" areas). The approved master plans within the "urbanizing" areas did provide open space to meet the standard applicable to them (Zoning Ordinance requirement for master plans to provide 15 percent of the master plan area as open space).

Is there a 40 percent open space requirement?

There have also been some misconceptions that there is a standard that requires 40 percent open space. There is no requirement or standard that requires 40 percent open space per individual projects or on a citywide basis.

As explained in the 2015 General Plan Environmental Impact Report Master Response MR1-2, neither Proposition E nor the Citywide Facilities and Improvements Plan (CFIP) performance standards required 40 percent open space. Proposition E states "emphasis shall be given to ensuring good traffic circulation, schools, parks, libraries, open space, and recreational amenities." The CFIP open space standard states "Fifteen percent of the total land area in the zone, exclusive of environmentally constrained non-developable land…concurrent with development." The CFIP also states that LMFZ Zones 1-10 and 16 "are already developed or meet or exceed the requirement" and are not required to comply with the open space standard. Generic references to 40 percent open space, are a shorthand estimate derived by adding the 25 percent estimated constrained lands to the 15 percent CFIP open space standard. However, this shorthand estimate does not take into account that the CFIP exemption; i.e. 15 percent open space standard applied to only 14 of the 25 Local Facility Management Zones, rather than the entire city.

A July 8, 1986, City Council staff report on the facility standards states: "compliance with this [open space] standard should result in approximately 35 to 40% of the total land area in the city being open space when the city is fully built out." A couple years later, a June 27, 1988, staff report to an open space committee, stated that "staff has estimated that approximately 10,000 acres or 38.5% of the total land area in the city is projected to be set aside for open space uses.

The reference to 40 percent open space was an estimate, not a standard or goal. Today, 38 percent of Carlsbad is dedicated as open space; it seems the estimate was fairly accurate.

Open Space in Local Facilities Management Zone 9

As noted previously, the open space standard does not apply to Local Facilities Management Zone 9 (**Attachment 1 – Local Facilities Management Zones Map)**, which includes part of the Ponto area and the majority of the zone is subject to the Poinsettia Shores Master Plan. This is an area where the city has received community comments stating that the zone does not meet the open space standard and more open space is needed. In 1986 the City Council determined that the open space needs for Zone 9 had been met and therefore the open space standard does not apply to Zone 9.

Zone 9 was an "urbanizing" area when the Growth Management Program was being developed. A master plan was approved for the area (Batiquitos Lagoon Educational Park Master Plan). The master plan met the open space standard required at the time (Zoning Ordinance), which is 15 percent of the total area of the master plan.

The following is a summary of actions related to Zone 9 that relate to the open space planned in that area:

- Oct. 1, 1985 – Batiquitos Lagoon Educational Park Master Plan approved by City Council and, as required by the zoning ordinance at the time, was required to provide a minimum 15 percent of the total master plan area as open space.
- May 6, 1986 – City Council staff report on development of the Growth Management Program:
    - City council directed staff, working in conjunction with the developer of Zone 9, to finalize a pilot local facility management program to serve as a format model for programs for the other zones. The Batiquitos Lagoon Educational Park Master Plan for Zone 9 had been approved the year before and it was a recent development plan to use as a model.
- June 24, 1986 – Growth Management Ordinance approved (Zoning Ordinance Chapter 21.90):
    - Section 21.90.030(g) allowed development of phase I of the Batiquitos Lagoon Educational Park Master Plan to proceed prior to approval of a Local Facility Management Plan for Zone 9, subject to certain conditions including that the developer agree to participate in the restoration of a significant lagoon and wetland resource area and make any dedications of property necessary to accomplish the restoration. The master plan developer did make the open space land dedications that were needed for the restoration of Batiquitos Lagoon.
- Sept. 16, 1986 – City Council approves the Citywide Facilities and Improvements Plan, including the open space standard with the clarification that the standard is not applicable in Zones 1-10 and 16.
- July 11, 1989 – City Council approves the Local Facilities Management Plan for Zone 9. Other than noting the existing open space within the zone, open space was not further analyzed in the plan, as the open space standard does not apply to Zone 9.
- Jan. 18, 1994 – City Council adopts an ordinance approving Poinsettia Shores Master Plan, which replaced the Batiquitos Lagoon Educational Park Master Plan. The related Planning Commission staff report (Oct. 20, 1993) evaluates open space in the master plan as follows:

  "The Poinsettia Shores Master Plan will not adjust or modify any existing General Plan designated open space areas or boundaries. Of the project's 162.8 total acres, approximately 34.8 acres are natural lagoon/wetland habitat which have Open Space General Plan designations (planning areas "I", "K", and "L") and have already been dedicated in fee title to the State of California, State Lands

> Commissions in accordance with previous BLEP [Batiquitos Lagoon Educational Park] approvals. The master plan has additional open space totaling approximately 11 acres comprised of a community recreation center (planning area "M") and open space areas consisting of blufftop and roadway setbacks. The total master plan open space (approximately 46 acres) represents 28% of the entire master plan area. This exceeds the [Zoning Ordinance] requirement of at least 15% of the master plan area (24.4 acres) to be set aside as open space. As outlined in the Citywide Facilities Improvement Plan and the Zone 9 LFMP, this master plan has complied with all open space requirements. The project is also consistent with the Open Space and Conservation Resource Management Plan and incorporates master plan trails and links with the Citywide Trails System as required. The master plan's frontage on the east side of Carlsbad Boulevard (planning areas "G" and "H") is the location for linkage with the Citywide Trails System. These planning areas will be required to provide for the trail link within the required 40-foot structural setback from Carlsbad Boulevard. … On August 26, 1993, the master plan's open space program was reviewed by the City's Open Space Advisory Committee and unanimously supported…"

While the open space standard is not applicable to Zone 9, open space has been provided for the area, including private recreation areas, trail linkages and a significant natural open space dedication that helped in the restoration of Batiquitos Lagoon, which is a significant natural resource to the community.

Options for Future Open Space

As described in this report, the Growth Management open space standard is only a part of the open space system in Carlsbad. The applicability of the standard was focused on "undeveloped" areas (in 1986) where large development projects and master planned communities would be built. Most of these previously "undeveloped" areas are now developed or have approved development plans. The existing open space standard has limited applicability in the future.

As the city matures, the city must consider how to continue to protect and provide open space when facing the challenges in securing vacant land available for open space; including the limitations set by new state housing laws that limit the city's ability to reduce residential densities or change residential land to a different use.

Because of the challenges in securing vacant available land for more open space than is currently planned, options for a different open space standard are limited and involve additional cost to the city. As stated above under "funding and obtaining open space," during the city's evaluation of its open space programs in 1988, city staff provided a report that concluded "the amount of open space now required under the Growth Management Plan can be achieved without having to buy it, but also that the city has pushed to the limit what can be achieved without a monetary acquisition program."

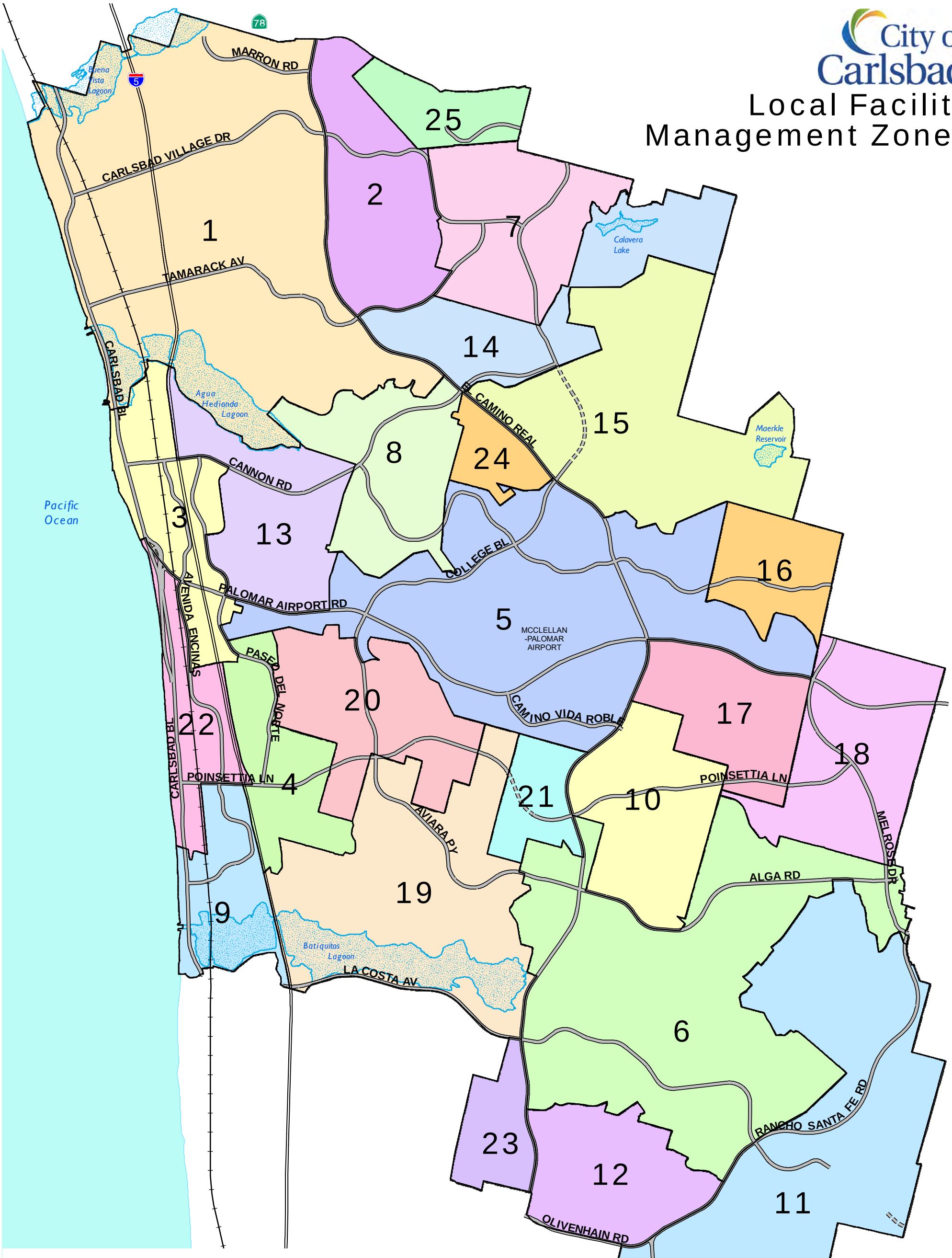
As a result of Proposition C (see **Attachment 4 – Summary of Carlsbad's Open Space Preservation History)**, the city does have an acquisition program in place. However, the city has faced challenges in acquiring lands for open space, as recommended by the Proposition C open space committee. The city actively looks for properties that could be purchased with this funding; however, a primary challenge is finding a landowner willing to sell their property at a fair market value, which is a requirement for the city.

Attachments

Attachment 1 – Local Facilities Management Zones Map
Attachment 2 – Open Space Map
Attachment 3 – 1986 Development Status Map and Information
Attachment 4 – Summary of Carlsbad's Open Space Preservation History

City of Carlsbad

Local Facility Management Zones



Highway

Major Street

Planned Street

Railroad

Lagoon

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Open Space Map

Updated February 2021

Future Open Space and Visitor Services*

Open Space Categories:

- 1 - Preservation of Natural Resources
- 2 - Managed Production of Resources
- 3 - Outdoor Recreation (Programmed\Unprogrammed)
- 4 - Aesthetic Cultural and Educational Purposes
- Lagoons
- City Limits
- Highway
- Major Street
- Planned Street
- Railroad

	Acreage	% of OS	% of City*
	7387.9	77.7%	29.5%
	328.8	3.5%	1.3%
	1185.8	12.5%	4.7%
	602.1	6.3%	2.4%
Total	9504.6		38.0%

* Future open space area is not counted in the open space acreage table on this map. For more information, see General Plan Land Use and Community Design Element, 'Special Planning Considerations: Carlsbad Boulevard/Agua Hedionda Center.'

PLEASE NOTE: Open space areas on this map are derived from the San Diego County assessor parcel map from SanGIS.org, which is the best mapping base currently available for a city-wide perspective. However, the parcel lines and the open space areas within them must be considered as approximations only, and are not to be used to establish definitive lines of ownership or land status.

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

GIS parcel data is derived from SanGIS/SANDAG downloadable data - www.sangis.org.
Copyright SanGIS 2019.

Feet
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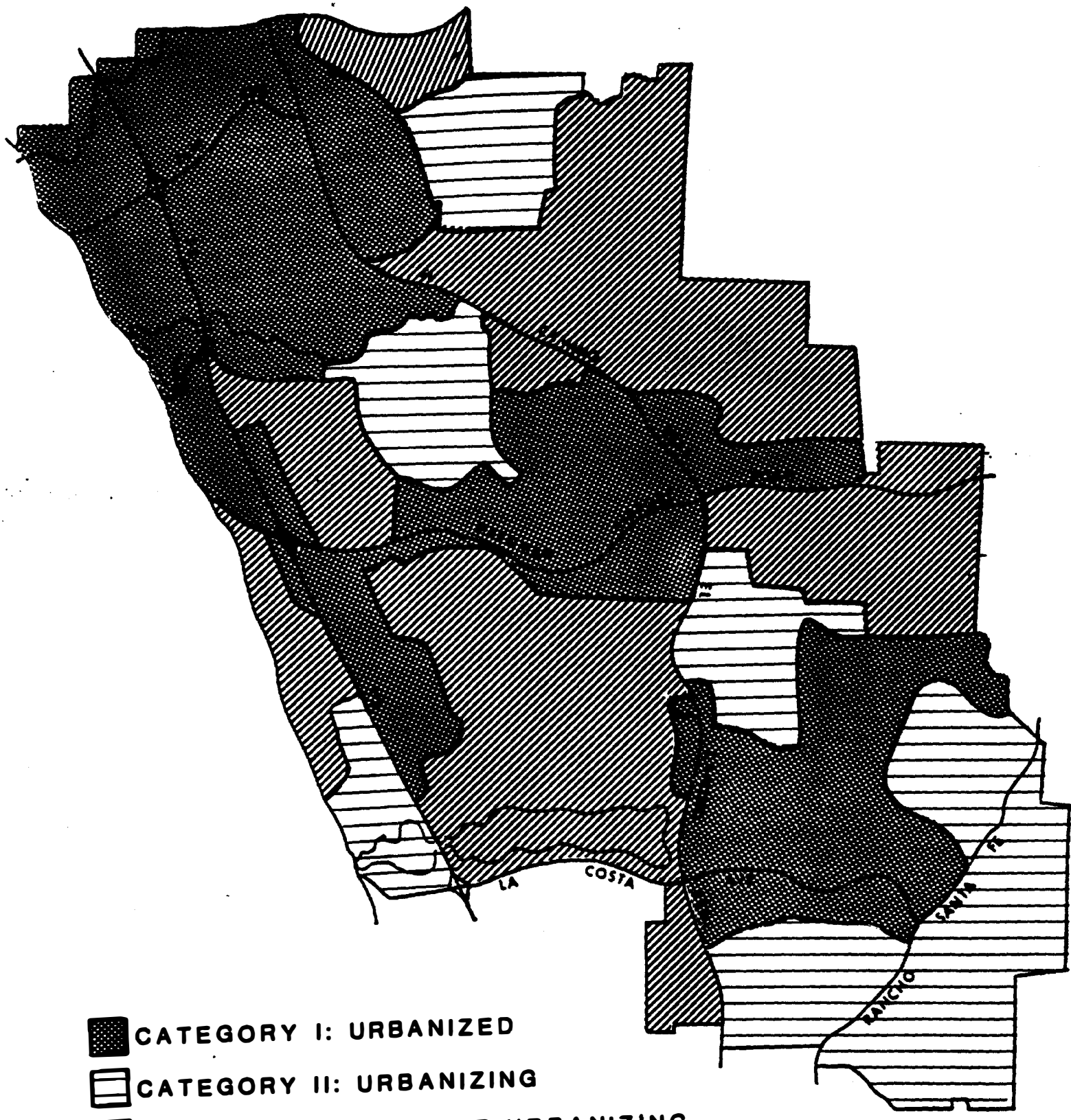
Developmental Status Map



CATEGORY I: URBANIZED

CATEGORY II: URBANIZING

CATEGORY III: FUTURE URBANIZING

DEVELOPMENTAL STATUS CATEGORIES

City divided into three categories based upon their overall developmental status, level of urbanization and existing level of adequacy of public facilities and services. The three categories and the criteria used as a guide for each one is as follows:

I. Urbanized

1. Older developed areas of City.
2. Primarily developed or immediately contiguous or surrounded by developed areas.
3. Additional development considered infill.
4. Public facilities basically adequate for level of anticipated, additional development.
5. Infill requirements in terms of completing public facilities or infrastructure.

II. Urbanizing

1. Some development in area.
2. Newer developing area of City.
3. Some level of planning already completed (i.e, existing master plan).
4. Adjacent to or considered a logical extention of a Category I (Urbanized) area.

III. Future Urbanizing

1. Very little or no development.
2. Isolated from existing services and facilities.
3. Isolated from existing development (i.e, not immediately adjacent to or surrounded by a Category I or II area (Urbanized or Urbanizing).
4. No existing master plan or existing master plan outdated.

The significance of the categories is as follows:

A) Required degree of detail and level of the sophistication for preparation of a Developmental and Community Facilities Management Program (see Attachment 5). Additional detail and planning will be required in order to prepare a management program for the category in which an area or property is located.

	Specific Public Facility/Service Requirements (WHAT)	Phasing - Timing of Public Facility /Service Requirement (WHEN)	Funding Source/ Mechanism For Requirement (HOW)
Category II			X
Category II		X	X
Category III	X	X	X

X - Detailed Planning Needed

B) City staff to prepare proposed management program for Category I (Urbanized) areas. Priority for preparing and reviewing management programs for other categories is proposed to be as follows:

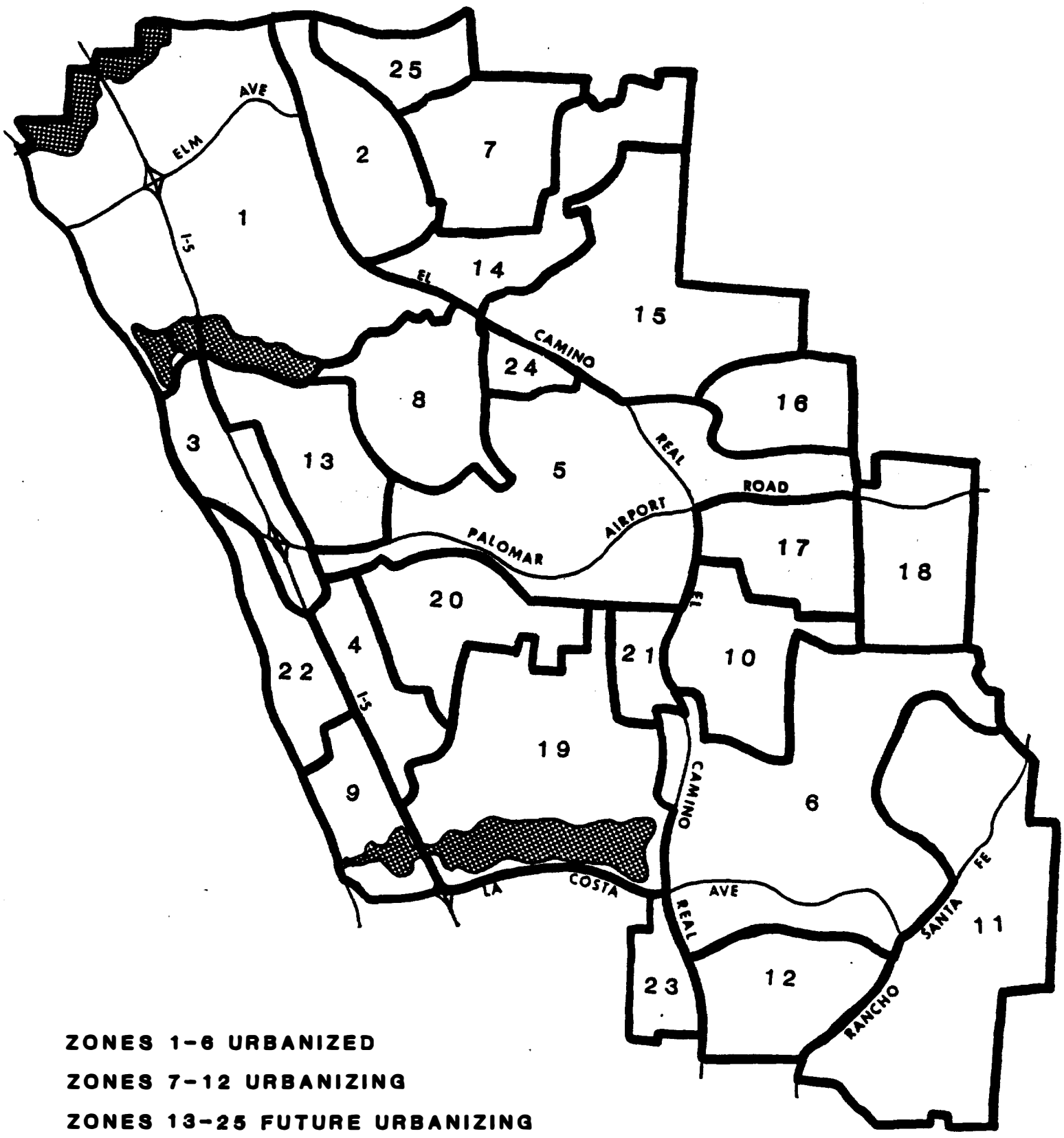
1st Priority - Category II (Urbanizing)
2nd Priority - Category III (Future Urbanizing)

C) Priority for determining City involvement and level of participation in providing facilities or correcting inadequacies (i.e, capital facilities programming, assessment district formation, bond financing) is proposed to be as follows:

1st Priority - Category I (Urbanized)
2nd Priority - Category II (Urbanizing)
3rd Priority - Category III (Future Urbanizing)

(B) and (C) above will tend to favor and encourage infill development.

Developmental and Community Facilities Management Zones



ZONES 1-6 URBANIZED

ZONES 7-12 URBANIZING

ZONES 13-25 FUTURE URBANIZING

DEVELOPMENTAL AND COMMUNITY FACILITIES MANAGEMENT ZONE BOUNDARIES

For developmental and community facilities management and planning purposes the City was divided into 25 zones. These would be similar but on a smaller scale to what some cities call community planning areas. The criteria that was used as a guide for determining the boundaries of the zones was as follows:

1. Boundaries of existing master plans
2. Boundaries of pending master plans
3. Boundaries of potential future master plan areas
4. Availability of public facilities and services
5. Public facility relationships especially the City's planned major circulation network
6. Special district boundaries where appropriate
7. Location with respect to the three developmental status categories (urbanized, urbanizing and future urbanizing)

Summary of Carlsbad's Open Space History

Carlsbad has a long history of prioritizing the protection of open space and natural resources and providing open spaces for community recreation. A summary and links (if available) of some of the major efforts related to open space in Carlsbad include:

- Citizens Committee for the Review of the Land Use Element (1985) made recommendations on policies related to future growth, including open space.
- Citywide Facilities and Improvements Program (1986), a part of the Growth Management Program (1986), sets standards for 11 public facilities, including parks and other open space.
- Citizens Committee for Open Space (1988-1989) reviewed the city's open space plans and programs and made recommendations on open space protection.
- Open Space and Conservation Resource Management Plan (1992) called for development of a comprehensive open space system.
- General Plan Open Space and Conservation Element (1994) included policies to guide protection and creation of open space areas, including policies that aligned with the recommendations of the Citizens Committee for Open Space.
- Open Space Advisory Committee (1990-1995) reviewed and made recommendations on the open space of master plans and other major development proposals.
- Proposition C (2002) authorized the City Council to spend more than $1 million to acquire open space and build trails. As of 2022, the city has spent $4.2 million on open space and trails projects, including South Shore Agua Hedionda Lagoon Trail Improvements, Arroyo Vista Trail Extension, Lake Calavera Trails, 6125 Paseo del Norte open space purchase and Aura Circle open space purchase. $1.8 million remains budgeted for future open space purchases.
- Trails Program Report (2001) and Trails Implementation Plan (2002) outlined a future vision for a citywide trails plan and identified private trails to be made public and new public trails to be built.
- Community Forest Management Plan (2002/2019) describes how the city will care for its trees (on city owned properties), provides a list of the tree species the city can plant in areas adjacent to public streets, and sets a goal of increasing the overall number of trees on city owned or controlled properties.
- Habitat Management Plan (2004) guides the preservation and protection of sensitive biological resources within the city while allowing for continued economic development. The plan guides the design, management, monitoring, and public use of the city's natural open space preserve system. Carlsbad is the only North County city with an approved Habitat Management Plan, which is a 50-year comprehensive biological approach to preserving natural land for plant and animal species.
- Open Space Management Plan (2005) establishes procedures, standards, guidelines and conditions for long-term conservation and management of sensitive species and habitat.
- Proposition C Open Space and Trails Ad Hoc Committee (2005 – 2007); established a prioritized list of potential property acquisitions for open space protection and trail linkages. The committee's recommendations aided the City Council in the use of Proposition C funds (see "Proposition C", above).

- General Plan Open Space and Conservation Element (2015) provides policies that address the communities open space needs for habitat and resource conservation, and parks and recreation.
- Parks and Recreation Department Master Plan (2015, update in process) identifies needs and priorities for park and recreation facilities; provides a guide to achieve a balance of programing, facilities and amenities.
- Trails Master Plan (2019) is a blueprint for how city trails will be developed and managed in the future.
- Carlsbad Preserve Management Plan (2021) provides management, monitoring, and reporting guidelines for the conservation goals for certain properties owned and managed by the City of Carlsbad.

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT – Exhibit 2
Sept. 22, 2022

PARKS STANDARD

3.0 acres of Community Park or Special Use Area per 1,000 population within the park district [city quadrant] must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to August 22, 2017.[1]

PURPOSE OF THIS REPORT

This report is informational only and is intended to help guide the Carlsbad Tomorrow – Growth Management Citizens Committee's discussion on the Growth Management park standard.

BACKGROUND

The city's parks standard has evolved from the early 1980s to today but has always been based on a ratio of park land to population and includes a five-year timing threshold. When the Growth Management Program was developed, it was recognized that certain facilities could be constructed incrementally, like sewer and water utilities, while others must be constructed all at once, like parks. When a park is constructed, it must be constructed to full size or in large phases; and therefore, more time for planning, site acquisition and financing is required.

The original intent of the five-year timing threshold was for the park to be in operation when the demand had reached a certain point. In 1986, it was estimated that the amount of development that would produce 1,000 population was 432 new homes; however, it isn't financially efficient to construct a park in small increments for each 432 homes. Instead, the five-year period allowed demand to accumulate to the point that construction of a full park would be warranted.
Here's a summary of the history of the park standard:

- Parks and Recreation Element Update (May 1982)
  In 1982, as part of an update to the city's General Plan Parks and Recreation Element, the city decided to focus future park development on community parks and special use/resource areas, and to no longer be responsible for the construction and maintenance of smaller "neighborhood parks." The objective was for neighborhood recreation facilities to be provided and maintained by private development, such as homeowner associations.

[1] City Council Resolution No. 97-435 states that "scheduled for construction" means the improvements have been designed, a park site has been selected, and a financing plan for construction of the facility has been approved.

A report to a citizens committee in 1985 (see **Attachment 1 – Apr. 19, 1985, Report to Citizens Committee on Parks**) states that a city survey indicated people wanted larger and more active park areas, which contributed to the city's 1982 decision to provide more community parks.

- Council Policy Statement No. 32 (September 1982)
  Policy No. 32 established the Public Facilities Management System (later replaced with the Growth Management Program) and established the minimum service levels for seven public facilities; the minimum service level for parks was "at least two acres of developed community parks, 2.5 acres of special resource areas, and 0.5 acres of special use facilities."

- Report of the Citizens Committee for the Review of the Land Use Element (July 1985)
  In the mid-1980s, as concern regarding growth intensified, the City Council appointed a citizens committee to the review of the General Plan Land Use Element; The committee delivered its report to the City Council in July 1985. The committee's recommendations were used as the basis for the growth management facility standards. On the topic of parks, the committee recommended the city increase the park standard to three acres per 1,000 population. The committee also recommended:
  - Retaining the community parks policy and that the city be responsible for development and maintenance of the community park system.
  - Requiring individual developers to provide smaller parks, also referred to as "pocket parks" and active recreation facilities; maintenance of pocket parks shall be the responsibility of homeowner's associations and remain in private ownership
  - Adopting a policy allowing individual communities to acquire, develop and maintain neighborhood parks. Funding to come from a special assessment district approved by voters.

  As part of the committee's work, city staff provided information on various topic, including parks; see **Attachment 1 – Apr. 19, 1985, Report to Citizens Committee on Parks.**

- Public Facility Standards (July 1986) and Citywide Facilities and Improvements Plan (Sept. 1986)
  In July 1986, the City Council adopted the public facility standards for the Growth Management Program; and in September 1986 the standards were incorporated in the Citywide Facilities and Improvements Plan. The adopted parks standard at this time was:
  - "Three acres of community park or special use area per 1,000 population within the Park District, must be scheduled for construction within a five-year period."
  - "Macario Canyon" (later renamed Veteran's Memorial Park) was identified in the Citywide Facilities and Improvements Plan as a planned community park and the estimated acreage at the time (100 acres) was divided equally among the four quadrants (25 acres each). See **Attachment 2 – Park Standard Excerpt from 1986 Citywide Facilities and Improvements Program**.

After adoption of the parks standard, the city continued to charge park fees (in-lieu of park dedication) and utilized the funds for park construction. The park fee was originally established in 1966 and has been updated overtime. See Impact Fees/Facilities Financing section below for more information on park funding.

- City Council Resolution No. 97-434 and 97-435 (April 1997)
  In April 1997, the City Council received a 10-year anniversary report on the Growth Management Program and adopted resolutions amending the population related public facility standards, including the parks standard. The revisions added the following to the park standard:
  - Three acres of Community Park or Special Use Area per 1,000 population within the Park District must be scheduled for construction within a five-year period **or prior to construction of 1,562 dwelling units within the Park District, beginning at the time the need is first identified.**

  The addition of a dwelling unit threshold was intended to clarify the number of homes the city estimated would be built in a five-year period, which at that time (1997) was 1,250 homes per year citywide or 312 homes per year per quadrant (park district). The threshold of 1,512 dwelling units is equal to 312 new dwellings per year for five years.

- City Council Resolution No. 2017-170 (August 2017)
  The City Council approved an amendment to the park standard that removed the 1,562 dwelling unit threshold and added a new requirement for the five-year threshold for park construction to commence on the date the City Council approved the parks standard amendment. This amendment resulted from concerns about linking the timing of the construction of a new park to the construction of 1,562 dwelling units, as the General Plan anticipates the remaining residential capacity in certain quadrants of the city to be less than 1,562 dwelling units. If the dwelling threshold of the standard cannot be met, this technically could mean that more park acres would not be built to meet the population demand. Therefore, the park standard was amended to read as it does currently (see page 1, above).

Parks Planning and Status

The Carlsbad Parks & Recreation Department offers a variety of programs and services to promote health and wellness and has been nationally accredited by the Commission for Accreditation of Park and Recreation Agencies for excellence in operation and service. The City of Carlsbad's park system includes 42 community parks and special use areas and over 67 miles of trails that provide outdoor recreational opportunities and conserve open space for residents and visitors. The Carlsbad General Plan describes community parks and special use areas, as follows:

> "Community parks are typically 20-50 acres in size (though there are several smaller parks "grandfathered" into this classification) and designed to serve the recreational needs of several neighborhoods, with a focus on serving families from the vicinity with daily frequency. Community parks generally provide active and passive use amenities; however, they are not limited to the exclusive use of either."

> "Special use areas are typically between one and five acres in size, with only one or two basic uses, which can be either active or passive in orientation. Examples include, but are not limited to, swim facilities, skate parks, dog parks, tennis courts or picnic areas. School sites that operate under a joint-use facility agreement between the City of Carlsbad and a school district are also included in the inventory."

There are other types of parks not defined by the General Plan that could be utilized in future planning. Pocket parks, sometimes called Parkettes, are small parks typically less than one acre and are located within urban or suburban neighborhoods.

There are several plans that guide the planning and operation of the city's public parks and recreation system including the Citywide Facilities and Improvements Plan that specifies the parks standard; the General Plan for long range goals and policies; the Parks & Recreation Department Master Plan (which is currently being updated) to guide priorities, proposed investments and programming; and individual master plans prepared for each park that provide detailed design and construction plans. There is also a Trails Master Plan that provides a framework for the city's comprehensive trail system. While the trails system offers recreation throughout the city, trails outside of park boundaries are not counted toward the parks standard. For additional information, see **Attachment 3- Parks Planning Process.**

In addition to public parks provided and maintained by the city, the city's Zoning Ordinance has standards that require recreation areas within planned developments (condominiums and small lot residential projects) and master planned communities (e.g., Bressi Ranch, Aviara, Poinsettia Shores, Villages of La Costa, Calavera Hills, etc.). These recreation areas supplement the city's public parks and provide recreation in closer proximity to the residents of those areas. However, these recreation areas are not maintained by the city and are not included in the inventory of public parks to meet the city's park standard.

The park standard has greatly contributed to the availability of parks throughout the city. As shown in Table 1 below, all quadrants are in compliance with the park standard. The scheduling for construction of Veterans Memorial Park (Veteran's Memorial Park Master Plan was approved by City Council on July 26, 2022) resulted in the existing and planned future park inventory for all city quadrants exceeding the projected required acreage at buildout. **Attachment 4 – Carlsbad Park Inventory** lists all of the park facilities and **Attachment 5 – Parks Location Map** shows their location.

Table 1. Park Acreage by Quadrant: Performance Standards, Current Amount, Planned Amount

Quadrant	Current Population	Current Park Acreage required	Buildout Population	Buildout Park Acres Required	Current Park Acreage 2022
NW	31,360	94.1	39,126	117.4	131.7
NE	18,189	54.6	22,741	68.2	68.7
SW	26,337	79.0	28,834	86.5	93.6
SE	40,140	120.4	42,548	127.6	138.3
Total	**116,025**	**348.1**	**133,249**	**399.7**	**432.4**

COMMUNITY INTEREST IN A PONTO PARK

Over the past several years, a community group, People for Ponto, has submitted petitions and correspondence stating that the city does not have sufficient park acres in the southwest quadrant and that the city should acquire land and build a park in the Ponto area. For more information, see **Attachment 6 – Community Interest in a Ponto Public Park**.

POTENTIAL FUTURE PARKS

The park acreage in Table 1 does not include future park projects listed in the Capital Improvements Program (major construction projects) as "partially funded" or "unfunded". Should funding mechanisms be found, and these parks are built, the additional parks acreage would further aid in meeting/exceeding the growth management parks standard. Future parks may include:

- Robertson Ranch Park (NE – 11.2 acres); partially funded in the CIP. The master planning process for this park is scheduled to begin in FY 2022-23.
- Zone 5 Business Park Recreational Facility (NW – 9.3 acres); partially funded in the CIP.
- Cannon Lake Park (NW – 6.8 acres); unfunded in the CIP.
- South Carlsbad Coastline (SW – approximately 60 acres); not identified in the CIP; as part of current city efforts to plan the realignment of south Carlsbad Boulevard, public land will be freed up and available for other public uses, including the potential for 60 acres of park and recreation uses.

The community parks and special use areas tabulated toward meeting the city's Growth Management Program park standard are extensive, yet only represent a part of the recreational opportunities offered by the City of Carlsbad. City residents, as well as visitors, enjoy the city's beaches, natural resource areas, golf courses, lagoons and trails, all of which do not count toward the city's park standard; and as mentioned above, all planned developments and master planned communities offer private recreation areas for the benefit of residents in those areas. This should be considered when comparing Carlsbad's population-based parks standard to other jurisdictions that may not have comparable definitions of what counts as parklands, or the existence of beaches, extensive trail systems, natural open spaces, and private recreation areas that provide valuable recreational opportunities. For more information, see **Attachment 7 - Park Standards Benchmarking Analysis.**

Impact Fees/Facilities Financing

City parks projects and their funding sources (Community Facility District No. 1, public facility impact fees, park development impact fees, developer contributions, and general fund) are included in the Capital Improvement Program, which is a chapter of the city's budget document. The City of Carlsbad Community Facilities District No. 1 was established in 1991, creating a special tax lien on vacant properties throughout the city. The purpose of the CFD was to finance the construction of specific public facilities of citywide obligation and benefit, including Veterans Memorial Park.

In part, parks are also funded by development impact fees paid by developers of residential projects. Carlsbad assesses park-in-lieu fees, which refers to the practice of requiring a residential developer to

pay a fee to satisfy park needs, rather than dedicating land for parks. Park-in-lieu fees are collected by the city for the purchase and development of parkland within each quadrant of the city, and the fees are based on the acquisition cost of parkland. In concept, when enough cash has been assembled the city constructs the next capital improvement project in order of priority. This method forces the city to delay construction of various projects until funds have been collected. However, other financing methods such as reimbursement agreements, assessment districts, debt financing, or others may be used to accelerate construction. Projects in the CIP funded with park-in-lieu fees include future park site acquisition, development and restoration. Park in-lieu fees are the same in the NE, SE and SW quadrants and higher in the NW quadrant. For more information, see **Attachment 7 - Park Standards Benchmarking Analysis.**

Carlsbad's park-in-lieu fees have helped fund the capital cost of park development, but do not contribute to operations and maintenance. Funding for operations and maintenance of park facilities come from the general fund and may also include user fees, partnerships, special permits, rental opportunities, concessions, sponsorships, and other sources. Adjustments to user fees will be explored as a part of the Parks & Recreation Department Master Plan update.

The background section refers to a 1985 citizens committee that recommended retaining the community park policy; the information the committee considered in making their recommendation included the cost of providing and maintaining neighborhood parks. As part of the committee's work, city staff provided a "neighborhood park analysis" that identified 39 neighborhood parks would be needed throughout the city, based on a ½ mile walking distance and other criteria, and those 39 parks would cost the city (in 1985 dollars): $19.5 million (acquisition), $11.7 million (construction) and $1.5 million annually (maintenance); see **Attachment 1 – Apr. 19, 1985, Report to Citizens Committee on Parks**.

Since 1982, the city has required private development be responsible for the cost to provide and maintain neighborhood recreation facilities. Private on-site pocket parks and recreational facilities developed as a part of master planned communities are maintained through homeowners' association dues. Existing neighborhoods or HOAs also have the option to form assessment districts as a means to pay for additional park facilities. However, it is often challenging to gain approval of districts in developed areas with many property owners, as assessment districts require a majority of property owners within the proposed district to vote in support of the new levy.

Visitor and Commuter Demand

Visitors create demands on the parks system, but also generate funds for the city through payment of transient occupancy tax when staying at hotels or vacation rental properties, and sales taxes when eating or shopping at local restaurants and stores. TOT makes up 10% of the city's General Fund.

In an article published in *Parks & Recreation Magazine*, authors Peter Harnik and Abby Martin[2] discuss the impact visitors and commuters (those who work in the city but don't live there) may have on a city's

[2] Harnik, Peter and Abby Martin. "How Many Out-of-Towners Are in Your Park?" May 1, 2014. Parks & Recreation Magazine, National Recreation and Park's Association.

park system, especially related to high-profile facilities such as Chicago's Millennium Park and San Diego's Balboa Park. The authors also discuss how commuters may create a midday increase in usage of park systems, citing examples in the cities of Boston, Pittsburg, Atlanta, Miami and Indianapolis. Harnick and Martin note that major park attractions draw tourism to cities which in turn generate tax revenues, yet these contributions are often not quantified nor are a portion of the increased tax revenues gained directed back to the affected park system budgets. The authors recommend that cities collect data on parks-related tourism and the economic multiplier effect generated, so that a case can be made for greater revenue allocations to parks. User fees for special events and sports tournaments that use park facilities can also help sustain the parks system.

In Carlsbad, the scope of work for the Parks & Recreation Master Plan Update currently underway will study how the city's user fees compare to other regional jurisdictions.

The city's Growth Management Ordinance (Carlsbad Municipal Code Chapter 21.90) recognizes the relationship between employment uses and park needs and authorizes special facility fees to pay for improvements or facilities that are related to new industrial development. In November 1987, the City Council adopted its first park mitigation fee for nonresidential development in the Zone 5 Local Facilities Management Plan area (office and industrial area along Palomar Airport Road near the airport). Additionally, a park mitigation fee was required for nonresidential development in the Zone 13 and Zone 16 Local Facilities Management Plan areas (commercial area along Avenida Encinas between Cannon Road and Palomar Airport Road; and the business park on Faraday Avenue at the city's eastern boundary). The Committee could consider further exploring the application of and potential future use of the nonresidential park mitigation fee.

Benchmarking

Compared to the median of other California cities with similar population densities (above 2,500 per square mile), Carlsbad has a lower persons-per-park ratio, meaning they provide more parks for their population (**Attachment 7, Table 2**).

Looking more specifically at the San Diego region, Carlsbad is compared to the cities of Encinitas, Oceanside, San Marcos, Vista, Poway, Chula Vista, and San Diego. Carlsbad has more park acres per resident than Encinitas, Vista, and Chula Vista, but less park acres per resident than Oceanside, San Marcos, Poway and San Diego (**Attachment 7, Table 3.1**). Carlsbad also has a higher percentage of land area used for parks when compared to Encinitas, Oceanside, San Marcos, Vista and Chula Vista, but a lower percentage than Poway and San Diego (**Attachment 7, Table 3.2**). The City of San Diego's high park acreage is due in part to its large inventory of open space land; just over three-quarters of its park system lands are undeveloped[3].

Park performance standards, set by individual city agencies, help to guide park and recreation development and levels of service, to ensure residents are being provided adequate park services. The standards also influence how much financial contributions are required through developer impact fees.

[3] City of San Diego Parks Master Plan Needs + Priorities Report, April 2020. Accessed at: https://www.sandiego.gov/planning/parks-master-plan

A population-based metric of required acres per 1,000 residents is a commonly used park performance standard. However, there is variation in what jurisdictions count toward meeting their standard. For example, some jurisdictions count regional parks and pocket or mini parks toward meeting the standard. Carlsbad only counts community parks and special use areas. Table 2 provides a summary of performance standards for selected nearby cities. For more details on benchmarking, please see **Attachment 7 - Park Standards Benchmarking Analysis.**

Table 2. Park Performance Standards

Reference	**City**	**Standard** *(acres per 1,000 residents)*
Citywide Facilities and Improvements Plan (Growth Management Program)	City of Carlsbad	**3.0 acres** *applied in each park district (i.e., city quadrant)*
General Plan: Recreation Element (amended 2003)	City of Encinitas	**0.25-0.5 acres** for Mini Parks **1.0-2.0 acres** for Neighborhood Parks **5.0-8.0 acres** for Community Parks **5.0-8.0 acres** for Special Use Parks **No standard** for Regional Parks
2019 Parks & Recreation Master Plan	City of Oceanside	**5.0 acres as a planning goal** **- 40% public schoolground acreage credit** **- 40% acreage credit for Guajome Regional Park developed acres**
2021 General Plan, Parks, Recreation and Community Health Element	City of San Marcos	**5.0 acres** **- provide opportunities for passive and active recreation** **- includes parks, trails and recreational facilities** **- new infill development to provide plazas, mini parks or other civic spaces as a part of parkland requirement** **-**
General Plan 2030: Resources Conservation & Sustainability Element	City of Vista	**2.0 acres** for Neighborhood Parks **3.0 acres** for Community Parks **4.0-4.9 acres** overall average park standard
1991 General Plan Public: Facilities Element	City of Poway	**2.5 acres** for Neighborhood Parks **5.0 acres** for Community Parks
2018 Parks & Recreation Master Plan Update	City of Chula Vista	**3.0 acres** **Includes community, neighborhood, special purpose, including mini and urban parks. Strategy varies for eastern (new growth) and western Chula Vista.**
2021 Park Master Plan and associated General Plan Amendments	City of San Diego	"Value-based" standard of 100 points per 1,000 people in place of its prior standard of 2.8 acres. Points are awarded based on land, experience, and equity & access**.**

Development Impact Fees

Development impact fees are enacted by local governments on developers to ensure new growth pays its proportionate share of needed expansions and upgrades to infrastructure and facilities. Fee rates are assessed proportional to the impact created by the new development, and the proceeds from these fees can only be spent on expanding or upgrading infrastructure that can be used by the occupants of the new development in the DIF's "area of benefit." Table 3 provides a summary of fees for selected cities in the San Diego region.

Table 3. Park-in-Lieu fees per different cities

	Residential Type – Fees per dwelling unit				
	General	**Rural**	**Single-Family**	**Multi-Family**	**Mobile Home**
City of Carlsbad *Note: Varies by quadrant: NE, SE, NE, SW*			$5,728 (NE, SE, SW) $7,649 (NW)	$4,804 (≤4 units) (NE, SE, SW) $4,636 (>4 units) (NE, SE, SW) $6,414 (≤4 units) (NW) $6,190 (>4 units) (NW)	$3,696 (NE, SE, SW) $4,934 (NW)
City of Oceanside	$4,431				
City of Vista			$8,086	$8,035	$5,41
City of San Marcos			$6,251	$6,251	
City of Poway *Note: 50% reduction for an ADU*		$4,562	$4,562	$3,594	$3,318
City of Encinitas *Note: Other fees for Open Space, Trail Development, and Community Facilities*			$10,751: (0.125-8.0 DU/Ac) $7,180: (8.0-25.0 DU/Ac)		$6,838
City of Chula Vista *Note: Varies by west of I-805 and east of I-805 freeway*			$13,684 west $21,366 east	$10,157 west $15,858 east	$6,404 west $9,999 east
City of San Diego			Ranges from $11,333 to $17,989 scaled to unit size	Ranges from $8,800 to $13,968 scaled to unit size, with lower fees in transit priority areas and for senior housing, and certain other reductions related to environmental justice, affordable housing or sustainability goals.	
County of San Diego			Varies by community from $5,457 to $11,217 • Fallbrook: $7,624 • Bonsall: $8,010 • San Dieguito (includes Rancho Santa Fe): $10,245	Varies by community from $4,503 to $12,144 • Fallbrook: $8,719 • Bonsall: $6,999 • San Dieguito (includes Rancho Santa Fe): $ 11,039	

Park Standard Options

The Citywide Facilities and Improvements Plan assessed and planned for future needs resulting from anticipated "buildout" of the city based on the City's General Plan, including refinements that resulted from the 2015 General Plan Update. The city must now consider how the Growth Management Program park standard should be implemented in response to the new state housing laws that prohibit the city from implementing housing caps and moratoria, the difficulty in relying on a static "buildout" number given changing obligations to provide housing opportunities over time, and the challenges in securing vacant land available for parks as the city matures.

Possible approaches that Carlsbad could pursue are provided below. All approaches presume that payment of the park in-lieu fee is sufficient for the development project associated with the fee to proceed, and state housing laws continue to prohibit housing caps and moratoria.

TIERED SYSTEM FOR IMPLEMENTING PARK STANDARD

- Tier 1 would maintain the existing system for the remaining development accounted for in the Growth Management Program and 2015 General Plan.
- Tier 2 would apply to all growth not accounted for by the 2015 General Plan. Tier 2 growth could only occur through an amendment to the General Plan to increase planned residential density/growth.
- Flexible or modified park standard for Tier 2 growth Maintain the 3.0 acres of park land per 1,000 population standard. If sufficient park acreage is not available, allocate park fees to a fund reserved for opportunistic purchases of land, which would enable the city to take advantage of future land sales as they present themselves, or
- Maintain the 3.0 acres of park per 1,000 population standard but provide more options for how that acreage standard can be met. Instead of only counting community parks and special use areas, consider counting recreational resources like public trails, and private fitness courses, pocket parks or other recreational improvements toward meeting the standard, or
- Create a new parks standard that considers the recreational value and features of various park improvements, including acreage, rather than relying solely on the acreage standard. For example, a pocket park, with high-value improvements designed for intensive use, could be determined to be worth more than an equivalent acreage of grassy area, or
- Combine multiple metrics, or create an entirely new park standard, such as a 10-minute walk access goal, or density of people living near a park compared to park size.

BROADER PARK DISTRICTS

- Consider new geographies for the collection and use of Tier 2 impact fees. Quadrants could be combined to create larger geographic districts or be eliminated altogether in favor of a citywide program.
- Citywide fees can be accrued and programmed faster than would be possible than if the fees were split into districts/quadrants.

- As a practical matter, this change would acknowledge that it will take longer to accumulate funds collected through incremental infill development as opposed to what has traditionally been collected from large residential subdivisions.

ADDRESSING CONCURRENCY

- Eliminate requirements that link Tier 2 development to a defined list of park projects. Instead, the collection of the park-in-lieu fees would be sufficient for projects to meet their parks obligation.
- The city's FY 2022-23 Capital Improvements Program includes park projects that have been identified as "partially funded" or "unfunded." Consider using citywide (Tier 2) park-in-lieu fees to support these projects.
- Increase the utility of existing parks through increased amenities or value-added investments.
- Construct new park projects as sufficient funding sources, including park-in-lieu fees, are secured

OTHER POTENTIAL CONSIDERATIONS

- Consider equity and environmental justice when making decisions on the use of Tier 2 funds; prioritize investments in areas of need.
- Consider if co-benefits can be achieved and whether diverse funding sources could be used to support park-system investments, such as adapting to climate change vulnerabilities and contributing to stormwater requirements. For example, the Carlsbad Coastline Project is a climate adaptation project that also offers the opportunity to create new land for recreational use.
- Explore pros and cons of expanding implementation of a park mitigation fee for industrial development.
- Review user fee recommendations anticipated from the Parks & Recreation Department Master Plan Update, for their potential to help fund park improvements and operations.

Attachments

Attachment 1. Apr. 19, 1985, Report to Citizens Committee on Parks
Attachment 2. Park Standard Excerpt from 1986 Citywide Facilities and Improvements Program
Attachment 3. Parks Planning Process
Attachment 4. Carlsbad Park Inventory
Attachment 5. Parks Location Map
Attachment 6. Community Interest in a Ponto Public Park
Attachment 7. Park Standards Benchmarking Analysis

PARKS

I. Issues Identified

1. Parks needed sooner.
2. Provide more usable parks.
3. Neighborhood parks needed.

II. Analysis

In 1982, when the revised Parks and Recreation Element was adopted, the concept of park development in Carlsbad changed. Rather than having small neighborhood, pocket parks, the program was revised to require the dedication and construction of larger, more active community parks. A city survey indicated the people wanted larger, more active, park areas. Developers are required by ordinance to dedicate a certain amount of land or pay a fee in lieu of dedicating park land. Larger, community parks which are geared toward future development in Carlsbad take longer to get and longer to build. David Bradstreet, Parks and Recreation Director, will be present at the Committee's meeting of March 25, 1985 to explain the concept in more detail or answer questions about the present status of the park development program if the Committee wants additional information.

Smaller, neighborhood-type parks are not required by the city. In a planned residential development (prd) where lots are proposed that are less than the size required by the underlying zone, common recreational areas are required under city ordinance. The common area can be either passive or active or a combination of both. The area is required to be maintained by a homeowners association. For a standard single family subdivision, no common recreational facilities are required by ordinance.

III. Alternatives for Addressing Park Issues

1. Establish a mechanism where large, master plan developers are required to provide community parks up-front or at an earlier point in time so that they are available when they are needed.

2. Require developers to provide smaller, active recreational areas (parks) in all developments including standard single family subdivisions. These smaller parks would be maintained by a homeowners association or through a property owners tax maintenance district.

APRIL 19, 1985

TO: CITIZENS COMMITTEE

FROM: LAND USE PLANNING

NEIGHBORHOOD PARK ANALYSIS

I. Analysis

At your meeting of April 8, 1985, the Citizens Committee requested staff to prepare a neighborhood park analysis specifically addressing locations in the city which will not have public park or recreational facilities within close proximity of residential neighborhoods. The attached map was prepared by planning staff and shows these locations based upon staff's best estimates and projections (a larger, working map will be available at your meeting to provide more details of the analysis). The criteria and assumptions used by staff in preparing the map included the following:

(1) Only publicly-owned and maintained facilities were included - city parks (all sizes) and public school facilities (playgrounds, athletic fields).

(2) Approximate locations of future, planned facilities as shown on the land use plan were used. The exact location of some of the future schools and parks have not yet been determined.

(3) Assumes all undeveloped, planned facilities will in fact be constructed.

(4) 1/2 mile maximum walking distance and no crossing of a major or primary street.

(5) Industrial area excluded.

Based upon the above criteria, staff's analysis indicates that there are approximately thrity locations in the city which will not have public parks or recreational facilities within 1/2 mile walking distance. In order to provide these facilities, approximately thirty-nine neighborhood parks would be required.

II. Cost Estimate*

For thirty-nine neighborhood parks (average five acres per site):

Acquisition - $19,500,000
Construction - $11,700,000
Maintenance - $ 1,521,000 per year
*(1984-85 Dollars)

III. Other Background Information

The 1982 revision to the Parks and Recreation Element eliminated the city's involvement in neighborhood parks except for those which had been accepted prior to the adoption of the revised Element. Applicable policy statements from the Element are:

(1) "The city should not accept land dedication under its discretionary authority unless the property is for community park land purposes."

(2) "Neighborhood level recreation shall be provided by:

- Special-Use facilities which may be developed and maintained by private, public, or a joint effort of both. Those facilities owned by the city will be maintained on a regular basis as per the use requirements.

- Existing neighborhood parks prior to the adoption of this revised Element."

(3) "Guide industries in the provision of recreational facilities for their employees during the planning review process."

On April 1, 1985, the Citizens Committee approved the following recommended policy statement "encourage developers to provide smaller, active recreational areas (parks) in developments including standard single family subdivisions. These smaller parks would be maintained by a homeowners association or through a property owners tax maintenance district".

Respectfully submitted,

Michael J. Holzmiller

MICHAEL J. HOLZMILLER
Land Use Planning Manager

MJH/ar

Attachment

PARKS

PERFORMANCE STANDARD

Three acres of Community Park or Special Use Area per 1,000 population within the Park District, must be scheduled for construction within a five year period.

ADDITIONAL FACILITY PLANNING INFORMATION

The Growth Management Park standard has been developed to address Community Park and Special Use Areas together. Combining the two will provide greater flexibility for the Parks and Recreation Department to address the future needs of each quadrant as development occurs.

The Parks and Recreation Department recently prepared an analysis of existing park acreage in the city which produced the following information:

A. INVENTORY

1. Buildout Assumptions:

	Population	Total Required Acres
Northwest Quadrant		
Current	25,039	75.12
At Buildout	39,479	118.44
Northeast Quadrant		
Current	5,607	16.10
At Buildout	20,843	62.53
Southwest Quadrant		
Current	5,416	16.23
At Buildout	31,775	95.33
Southeast Quadrant		
Current	16,128	48.38
At Buildout	42,817	128.45

2. Existing Community Parks and Special Use Areas:

Northwest Quadrant

Community Parks (Developed)	Acres	
Holiday	5.4	
Hosp Grove	27.0	
Laguna Riviera	6.8	
Magee	3.0	
Total Developed		42.2

Community Parks (Undeveloped)	Acres	
Macario Canyon - credit	25.0	
Cannon Lake	6.7	
Total Undeveloped		31.7

PARKS (Continued)

Special Use Areas	Acres	
Buena Vista	2.3	
Cannon Park	1.7	
Car County	1.0	
Chase Field	2.3	
CHS Tennis Courts	3.0	
Harding Community Center	1.0	
Jefferson Elementary	2.6	
Kelly Elementary	2.8	
Magnolia	4.2	
Maxton Brown	1.4	
Maxton Brown Extension	2.1	
Oak	0.4	
Pine Elementary	2.0	
Pio Pico	0.8	
Rotary	1.0	
Swim Complex	3.0	
Valley Jr. High School	7.5	
Total		39.1

Northeast Quadrant

Community Parks (Developed)	Acres	
Calavera Hills Phase I	8.0	
Larwin	18.3	
Total Developed		26.3

Community Parks (Undeveloped)	Acres	
Macario Canyon - credit	25.0	
Calavera Hills Phase II	10.0	
Total Undeveloped		35.0

Special Use Area	Acres	
Larwin	4.0	
Total		4.0

Southwest Quadrant

Community Parks (Developed)	Acres	
Altamira	12.0	
Total Developed		12.0

Community Parks (Undeveloped)	Acres	
Macario Canyon - credit	25.0	
Total Undeveloped		25.0

There are no Special Use Areas in the Southwest Quadrant.

427

PARKS (Continued)

Southeast Quadrant

Community Parks (Developed)

	Acres	
La Costa Canyon	9.0	
Stagecoach	28.0	
Total Developed		37.0

Community Parks (Undeveloped)

	Acres	
Macario Canyon - credit	25.0	
Alga Norte	23.0	
Carrillo Ranch	10.3	
Total Undeveloped		58.30

Special Use Areas

	Acres	
Cadencia	4.1	
Fuerte	3.6	
Fuerte Elementary	2.0	
Levante	8.0	
St. Elizabeth	1.0	
Total		18.7

C. ADEQUACY EVALUATION

	Acres Required Per Standard	Existing Acreage: Community Park (Dev)	Existing Acreage: Special Use Area	Total Acreage
Northwest Quadrant	75.12	42.20	39.10	81.30
Northeast Quadrant	16.10	26.30	4.00	30.30
Southwest Quadrant	16.23	12.00	0	12.00
Southeast Quadrant	48.38	37.00	18.70	55.70
Citywide Totals	155.83	117.50	61.80	179.30

On a Citywide basis, the overall parks acreage is adequate. However, the Growth Management Program requires each quadrant to provide the appropriate acreage in relation to its residential population. For that reason, the southwest quadrant does not meet the performance standard and is deficient. The three other quadrants meet the performance standard.

It should be noted as shown in the existing acreage figures that in certain quadrants there exists a greater proportion of Special Use Area acreage as compared to Community Park acreage. The performance standard allows the Parks and Recreation Department the ability to more properly address the individual quadrant needs for either Community Park or Special Use Area acreage as local plans are submitted.

PARKS (Continued)

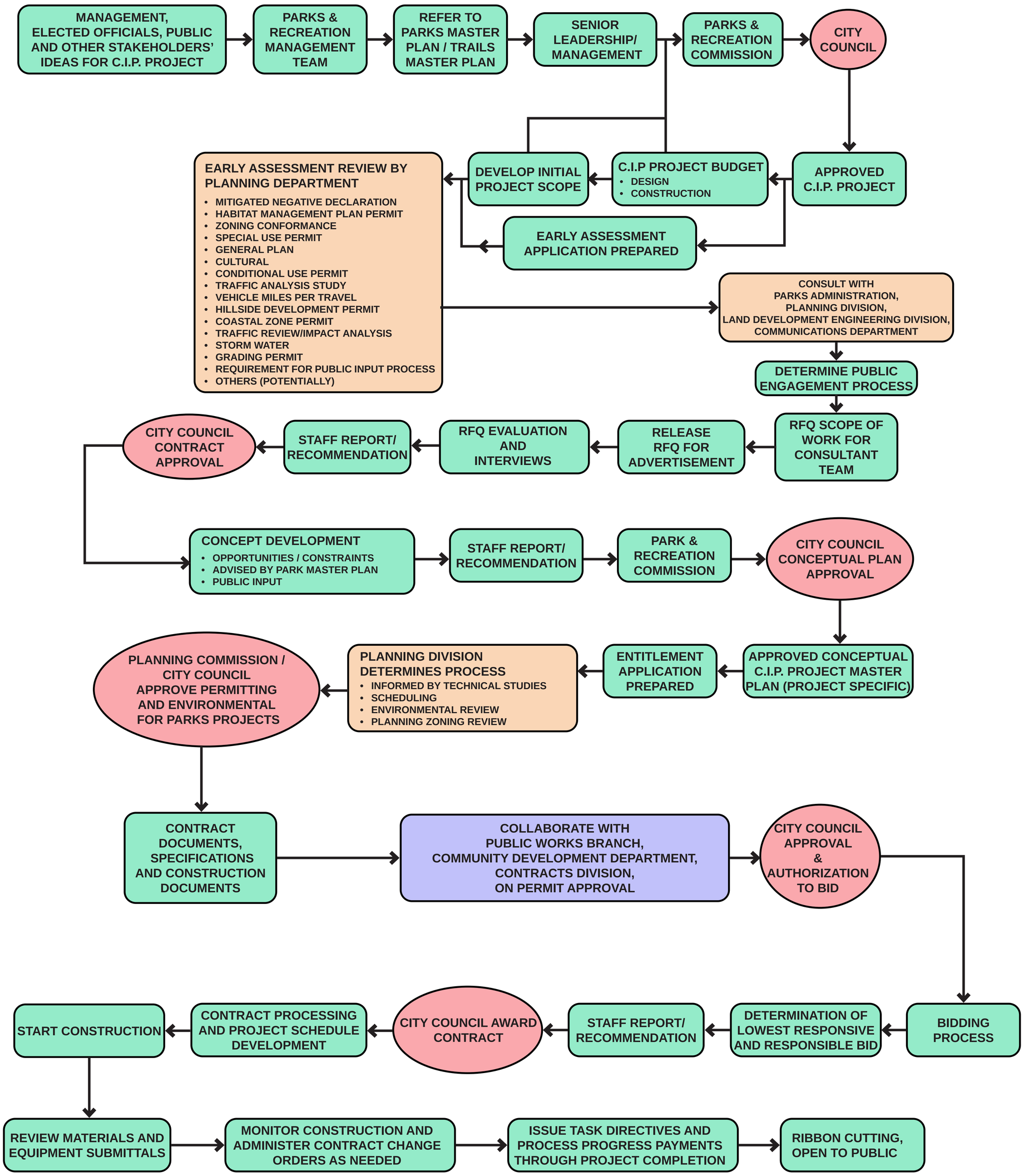
Alternatives

There are several alternatives which could be considered to rectify this deficiency, however, after discussing these options staff believes one of the following should be considered:

1. Amend the current Five Year C.I.P. to include funding for new park facility in the Southwest Quadrant which would require deleting other projects.

2. Direct staff to attempt to resolve this deficiency based on the Local Facility Management Plans which will be received after the approval of the Citywide Facilities and Improvements Plan.

PARKS AND RECREATION-CAPITAL IMPROVEMENT PROGRAM (C.I.P.) PROJECT PROCESS



Carlsbad Park Inventory

Table 1. Community Parks and Special Use Areas (2022)

FACILITY NAME	QUADRANT	ACRES
Community Parks		
Alga Norte Community Park, including Alga Norte Dog Park	SE	32.1
Aviara Community Park	SW	24.3
Calavera Hills Community Park, including gateway	NE	16.7
Hidden Canyon Community Park, including Ann D. L'Heureux Dog Park	NE	22.0
Holiday Park	NW	6.0
Hosp Grove Park	NW	27.1
La Costa Canyon Community Park	SE	14.7
Laguna Riviera Park	NW	4.2
Leo Carrillo Ranch Historic Park	SE	27.4
Magee Park	NW	2.1
Pine Avenue Park	NW	8.2
Poinsettia Community Park	SW	41.2
Stagecoach Community Park	SE	28.5
Veteran's Memorial Park (scheduled for construction per parks standard)	CITYWIDE	93.7 (23.425 per quad.)
Subtotal Community Parks		***348.2***
Special Use Areas		
Aviara Oaks School Field	SW	4.7
Buena Vista Elementary School Field	NW	2.5
Buena Vista Reservoir Park	NW	3.1
Business Park Recreational Facility (Zone 5 Park)	NW	3.0
Cadencia Park	SE	4.0
Calavera Hills Trailhead	NE	.4
Cannon Park	NW	1.7
Car Country	NW	1.0
Carlsbad High School Tennis Courts	NW	1.7
Chase Field	NW	2.7
Harding Community Center	NW	1.0
Harold E. Smerdu Community Garden	NW	1.3
Hope Elementary School Field	NE	2.8
Hosp Grove Trailheads	NW	7.6
Jefferson Elementary School Field	NW	2.2
La Costa Meadows Elementary School Field/El Fuerte Park	SE	4.7
Kelly Elementary School Field	NW	2.9
La Costa Heights Elementary School Field	SE	3.5
Magnolia Elementary School Field	NW	4.0
Maxton Brown Park	NW	0.9

FACILITY NAME	QUADRANT	ACRES
Special Use Areas		
Monroe Street Swim Complex	NW	2.0
Oak Park	NW	0.2
Ocean Street Sculpture Park and Tamarack Picnic Facilities	NW	8.8
Pio Pico Park	NW	0.8
Senior Center Complex	NW	3.4
Skate Park	NE	3.4
Terramar North Bluff	NW	1.4
Valley Junior High School Field	NW	8.5
Subtotal Special Use Areas		***84.2***

Table 2. Anticipated Future Park Projects

QUAD	PARK PROJECT	PARK CLASSIFICATION	ESTIMATED PARK ACREAGE
NW	Cannon Lake Park	Special Use Area	6.8
NW	Business Park Recreational Facility (Zone 5 Park) Expansion	Special Use Area	9.3
NE	Robertson Ranch Park	Special Use Area	11.2

Growth Management Citizens Committee
Carlsbad City Parks

CITY OF CARLSBAD CALIFORNIA

Community Park
Special Use Area
Future Park

Index	Park Name
1	HOSP GROVE PARK
2	HOSP GROVE TRAILHEAD
3	HIDDEN CANYON PARK
4	HOPE ELEMENTARY SCHOOL FIELD
5	BUENA VISTA ELEMENTARY SCHOOL FIELD
6	BUENA VISTA RESERVOIR PARK
7	CALAVERA HILLS TRAILHEAD
8	PIO PICO PARK
9	HAROLD SMERDU COMMUNITY GARDEN
10	CALAVERA HILLS COMMUNITY PARK
11	MAXTON BROWN PARK
12	MONROE STREET POOL
13	CARLSBAD HIGH SCHOOL TENNIS COURTS
14	OAK PARK
15	HARDING COMMUNITY CENTER
16	MAGEE PARK
17	HOLIDAY PARK
18	MAGNOLIA ELEMENTARY SCHOOL FIELD
19	SENIOR CENTER / PINE AVENUE COMMUNITY CENTER
20	PINE AVENUE COMMUNITY PARK
21	CHASE FIELD
22	VALLEY JUNIOR HIGH SCHOOL FIELD
23	ROBERTSON RANCH COMMUNITY PARK - FUTURE
24	JEFFERSON ELEMENTARY SCHOOL FIELD
25	FRAZEE / TAMARACK STATE BEACH FACILITIES - BLUFFS
26	KELLY ELEMENTARY SCHOOL FIELD
27	LAGUNA RIVERA PARK
28	ZONE 5 PARK EXPANSION - FUTURE
29	ZONE 5 PARK
30	SKATE PARK
31	VETERANS MEMORIAL PARK
32	TERRAMAR NORTH BLUFF
33	CANNON PARK
34	CANNON LAKE PARK - FUTURE
35	CAR COUNTRY PARK
36	LEO CARRILLO RANCH HISTORIC PARK
37	ALGA NORTE COMMUNITY PARK
38	AVIARA COMMUNITY PARK
39	POINSETTIA COMMUNITY PARK
40	EL FUERTE PARK / LA COSTA MEADOWS ELEMENTARY SCHOOL FIELD
41	AVIARA OAKS SCHOOL FIELD
42	CADENCIA PARK
43	LA COSTA CANYON COMMUNITY PARK
44	LA COSTA HEIGHTS ELEMENTARY SCHOOL FIELD
45	STAGECOACH COMMUNITY PARK

Feet
0 2,000

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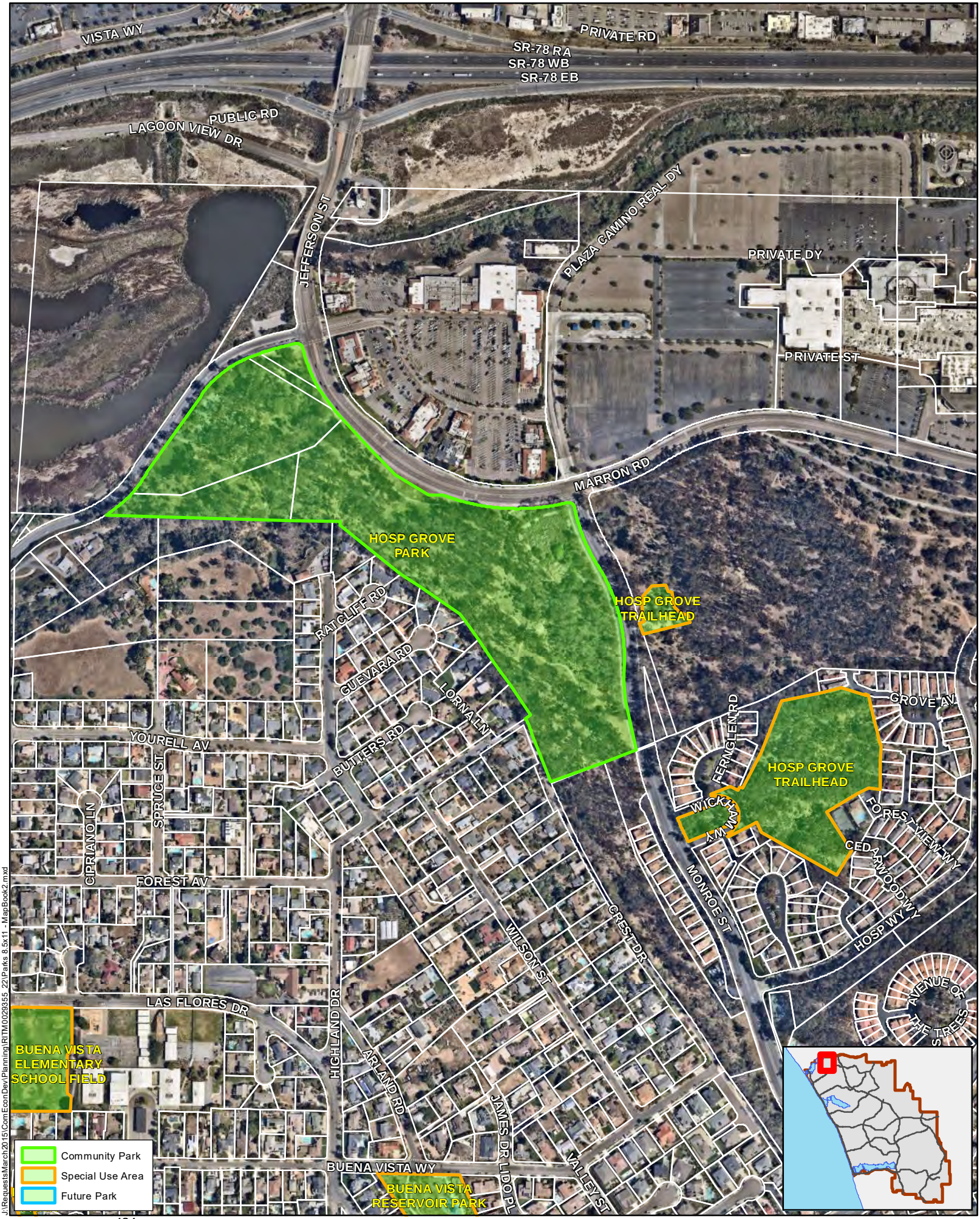

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HOSP GROVE PARK

NORTH

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HIDDEN CANYON PARK

NORTH

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HOPE ELEMENTARY SCHOOL FIELD

NORTH

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BUENA VISTA ELEMENTARY SCHOOL FIELD

NORTH

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BUENA VISTA RESERVOIR PARK

NORTH

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CALAVERA HILLS TRAILHEAD

NORTH

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PIO PICO PARK

NORTH

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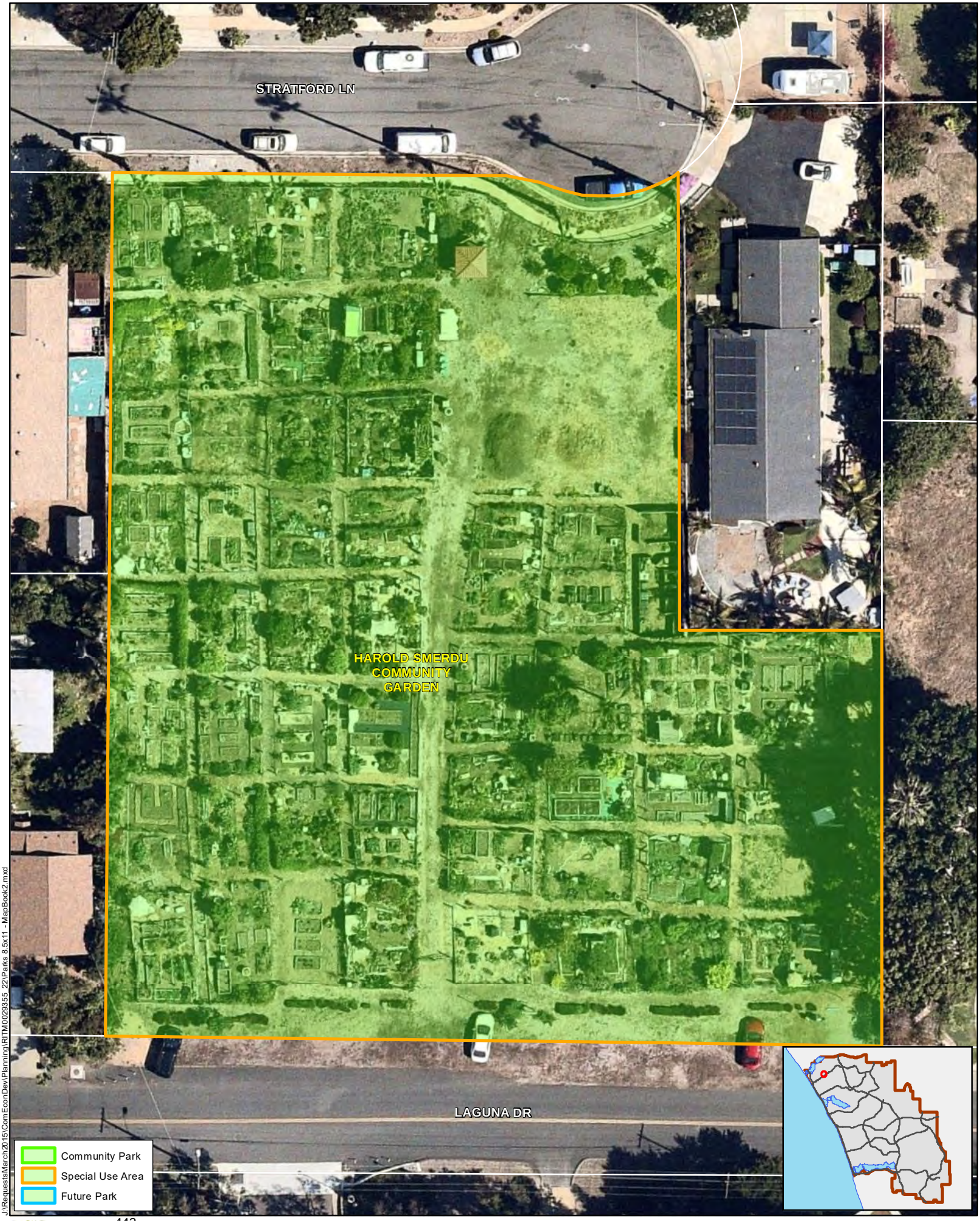
441

CALAVERA HILLS COMMUNITY PARK

NORTH



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HAROLD SMERDU COMMUNITY GARDEN

NORTH

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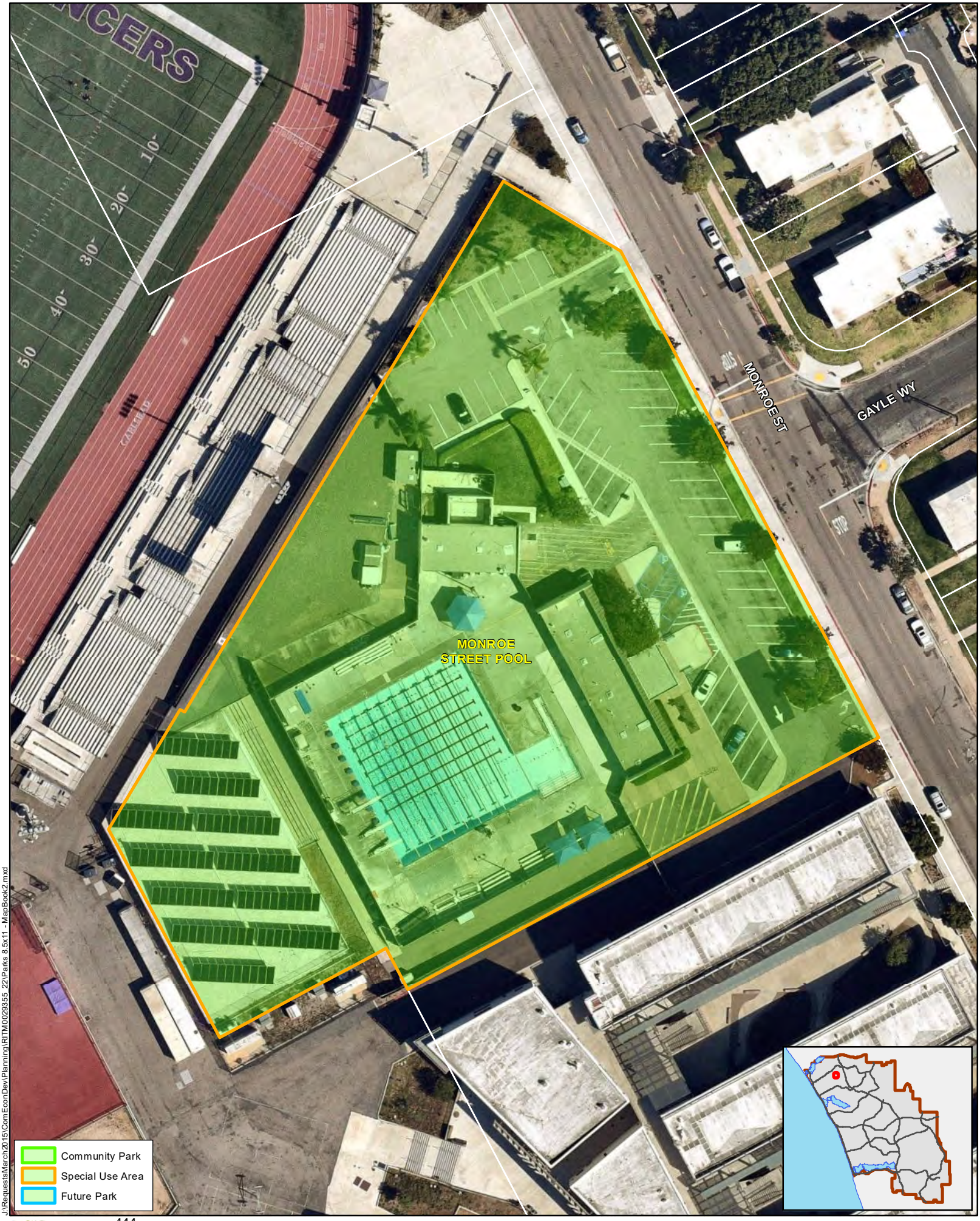
MAXTON BROWN PARK

NORTH



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444

MONROE STREET POOL

NORTH

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CARLSBAD HIGH SCHOOL TENNIS COURTS

NORTH

OAK PARK

NORTH

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HARDING COMMUNITY CENTER

NORTH

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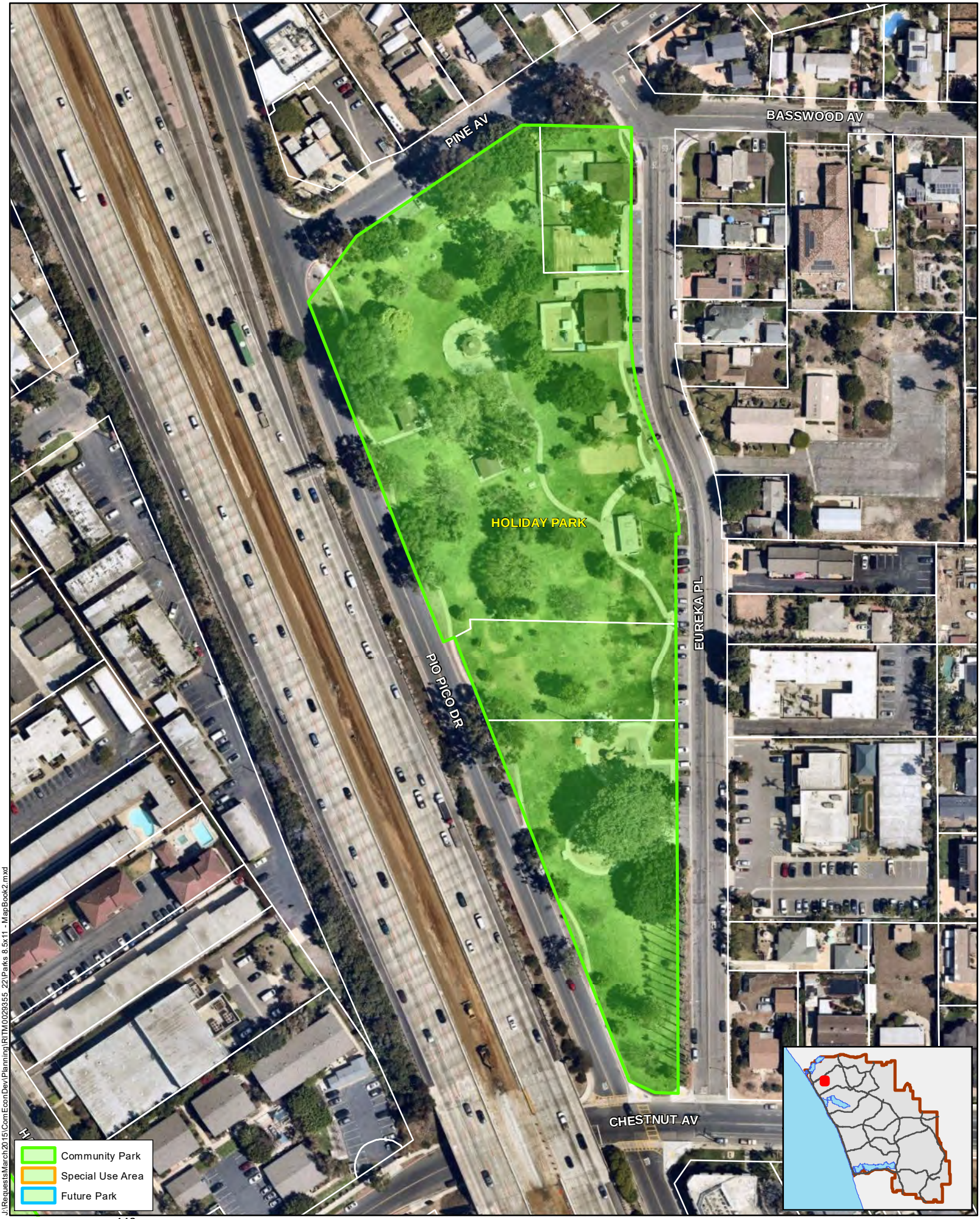
448

MAGEE PARK

NORTH



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HOLIDAY PARK

NORTH

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450

MAGNOLIA ELEMENTARY SCHOOL FIELD

NORTH

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SENIOR CENTER / PINE AVENUE COMMUNITY CENTER

NORTH

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PINE AVENUE COMMUNITY PARK

NORTH

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CHASE FIELD

NORTH

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VALLEY JUNIOR HIGH SCHOOL FIELD

NORTH

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JEFFERSON ELEMENTARY SCHOOL FIELD

NORTH

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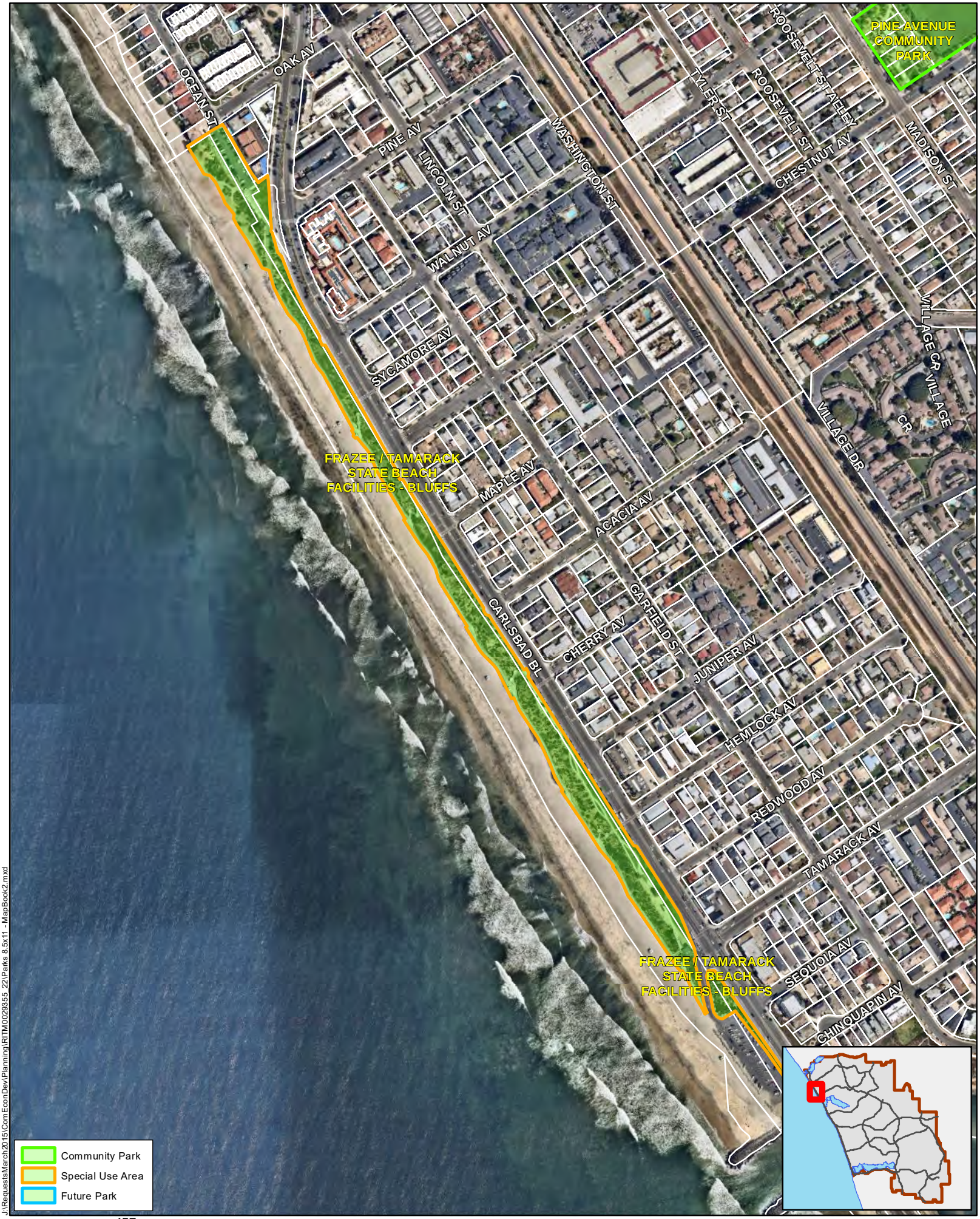
ROBERTSON RANCH COMMUNITY PARK - FUTURE

NORTH


PINE AVENUE COMMUNITY PARK
OCEAN ST
OAK AV
PINE AV
LINCOLN ST
WASHINGTON ST
TYLER ST
ROOSEVELT ST
ROOSEVELT STAELEY
CHESTNUT AV
MADISON ST
WALNUT AV
SYCAMORE AV
VILLAGE CR VILLAGE CR
VILLAGE DR
FRAZEE / TAMARACK STATE BEACH FACILITIES - BLUFFS
MAPLE AV
ACACIA AV
CARLSBAD BL
CHERRY AV
GARFIELD ST
JUNIPER AV
HEMLOCK AV
REDWOOD AV
TAMARACK AV
SEQUOIA AV
CHINQUAPIN AV
FRAZEE / TAMARACK STATE BEACH FACILITIES - BLUFFS
Community Park
Special Use Area
Future Park
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457
FRAZEE / TAMARACK STATE BEACH FACILITIES - BLUFFS
NORTH

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458

KELLY ELEMENTARY SCHOOL FIELD

NORTH

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LAGUNA RIVERA PARK

NORTH

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460

ZONE 5 PARK EXPANSION - FUTURE

NORTH

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ZONE 5 PARK

NORTH

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SKATE PARK

NORTH

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VETERANS MEMORIAL PARK

NORTH

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TERRAMAR NORTH BLUFF

NORTH

CANNON PARK

NORTH

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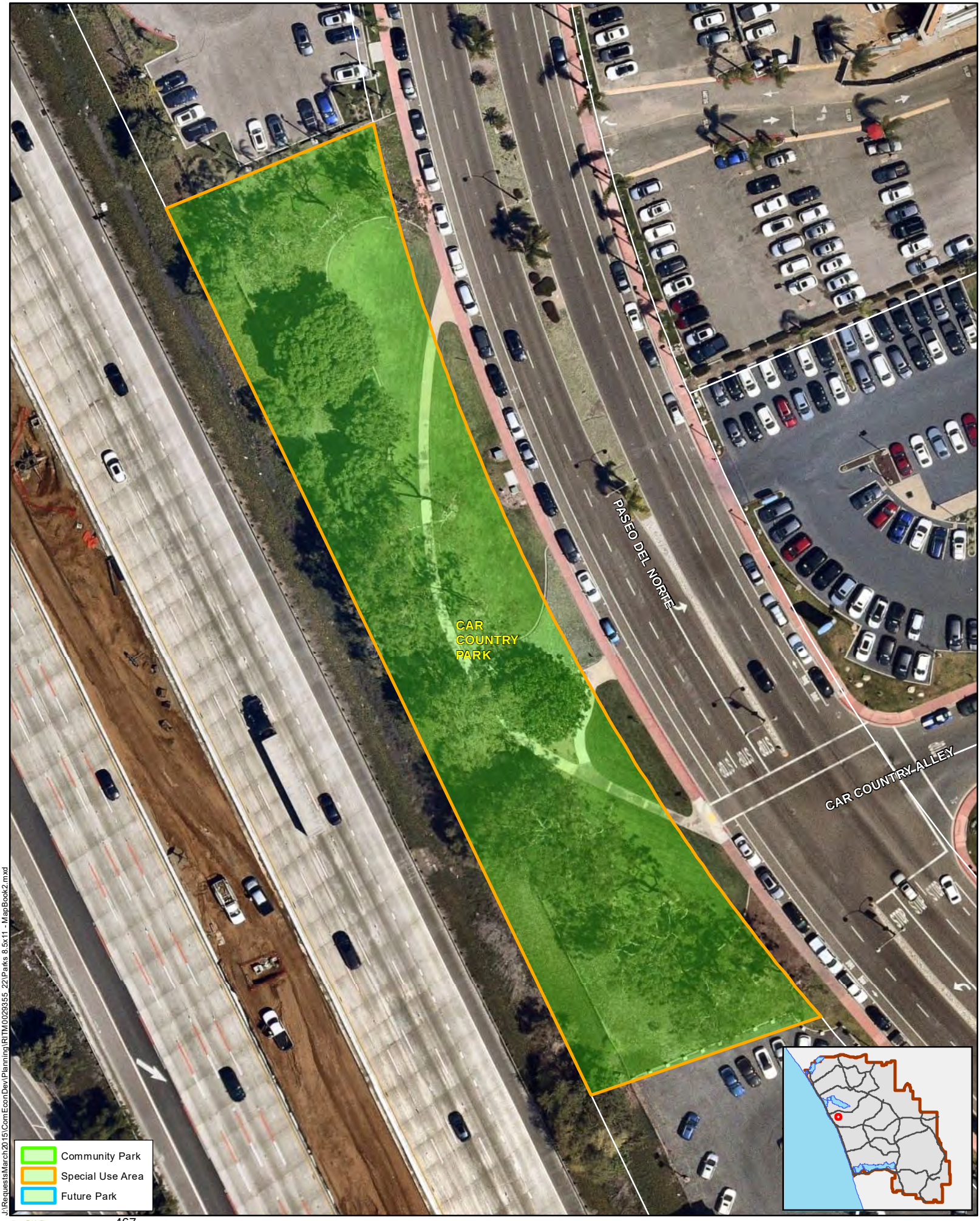
CANNON LAKE PARK - FUTURE

NORTH



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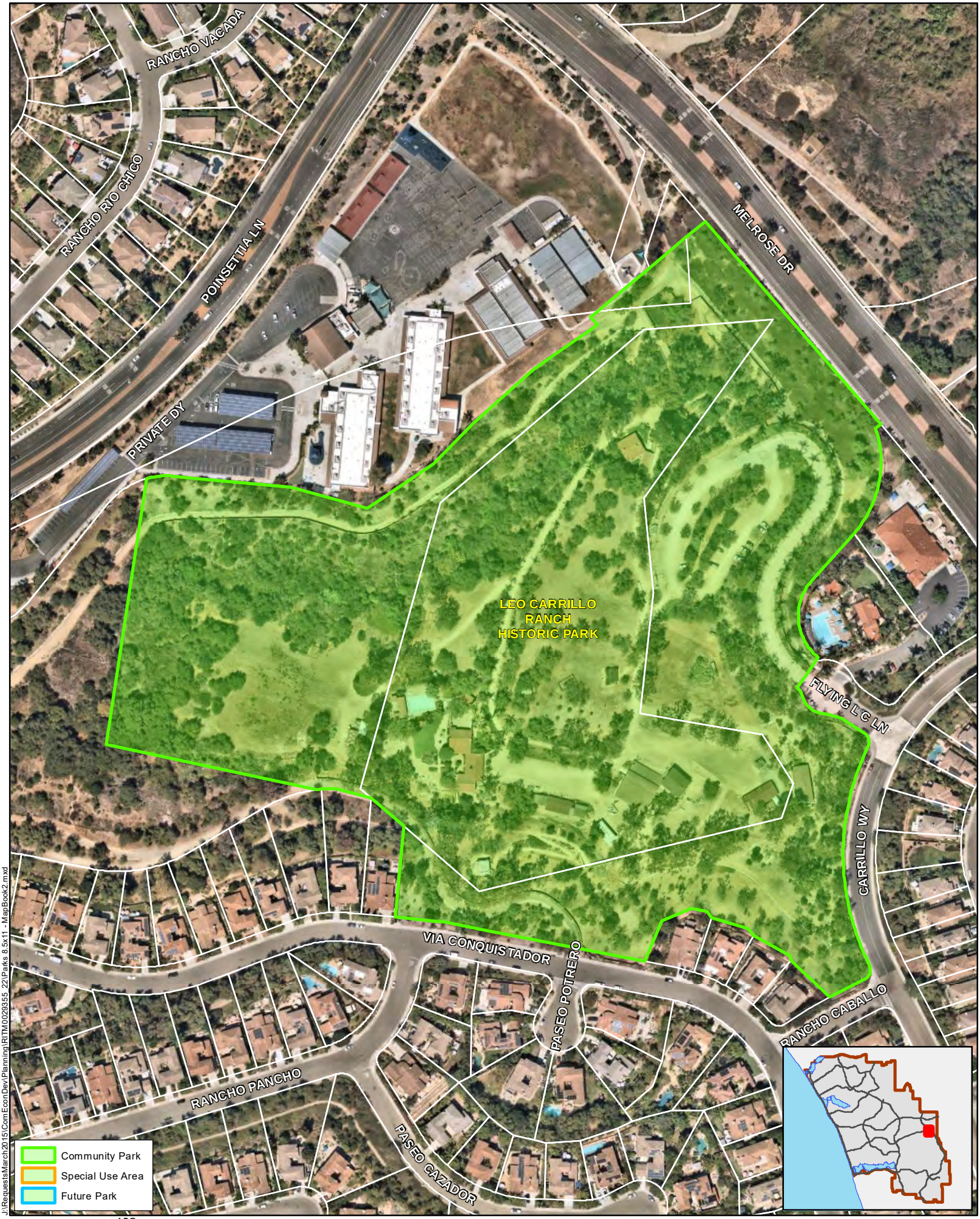
CAR COUNTRY PARK

NORTH



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LEO CARRILLO RANCH HISTORIC PARK

NORTH

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ALGA NORTE COMMUNITY PARK

NORTH

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470

AVIARA COMMUNITY PARK

NORTH

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POINSETTIA COMMUNITY PARK

NORTH

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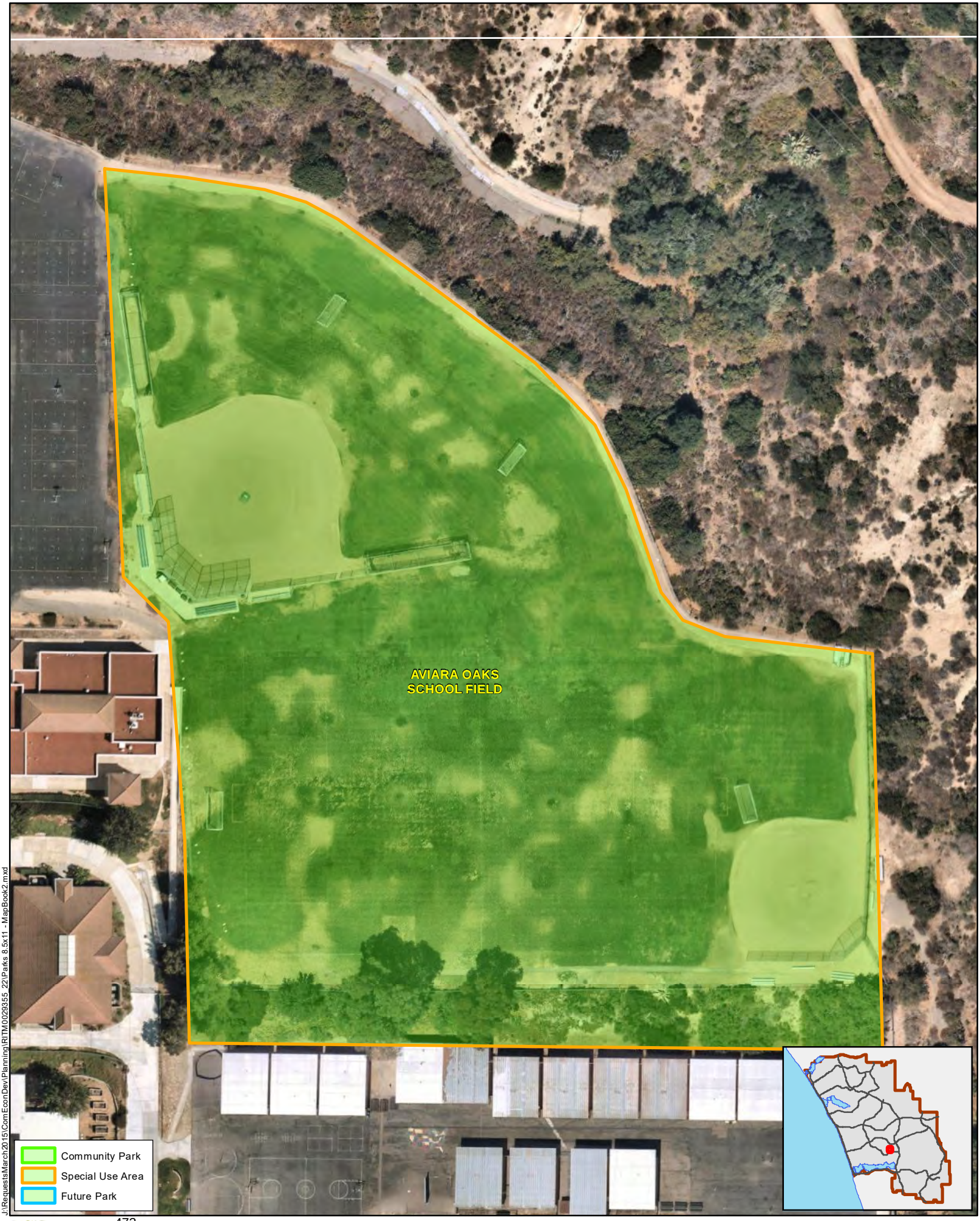
EL FUERTE PARK / LA COSTA MEADOWS ELEMENTARY SCHOOL FIELD

NORTH



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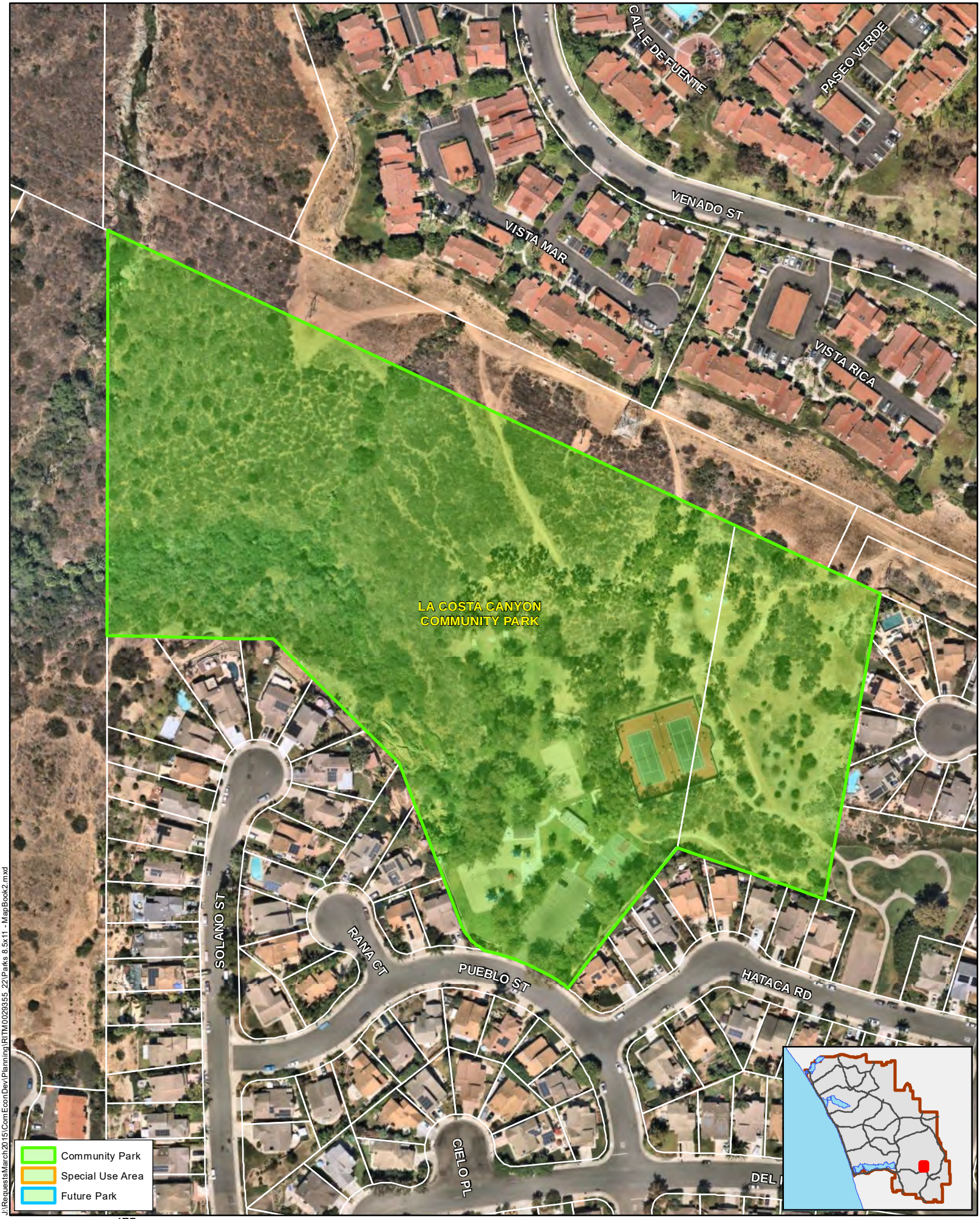
AVIARA OAKS SCHOOL FIELD

NORTH

CADENCIA PARK

NORTH



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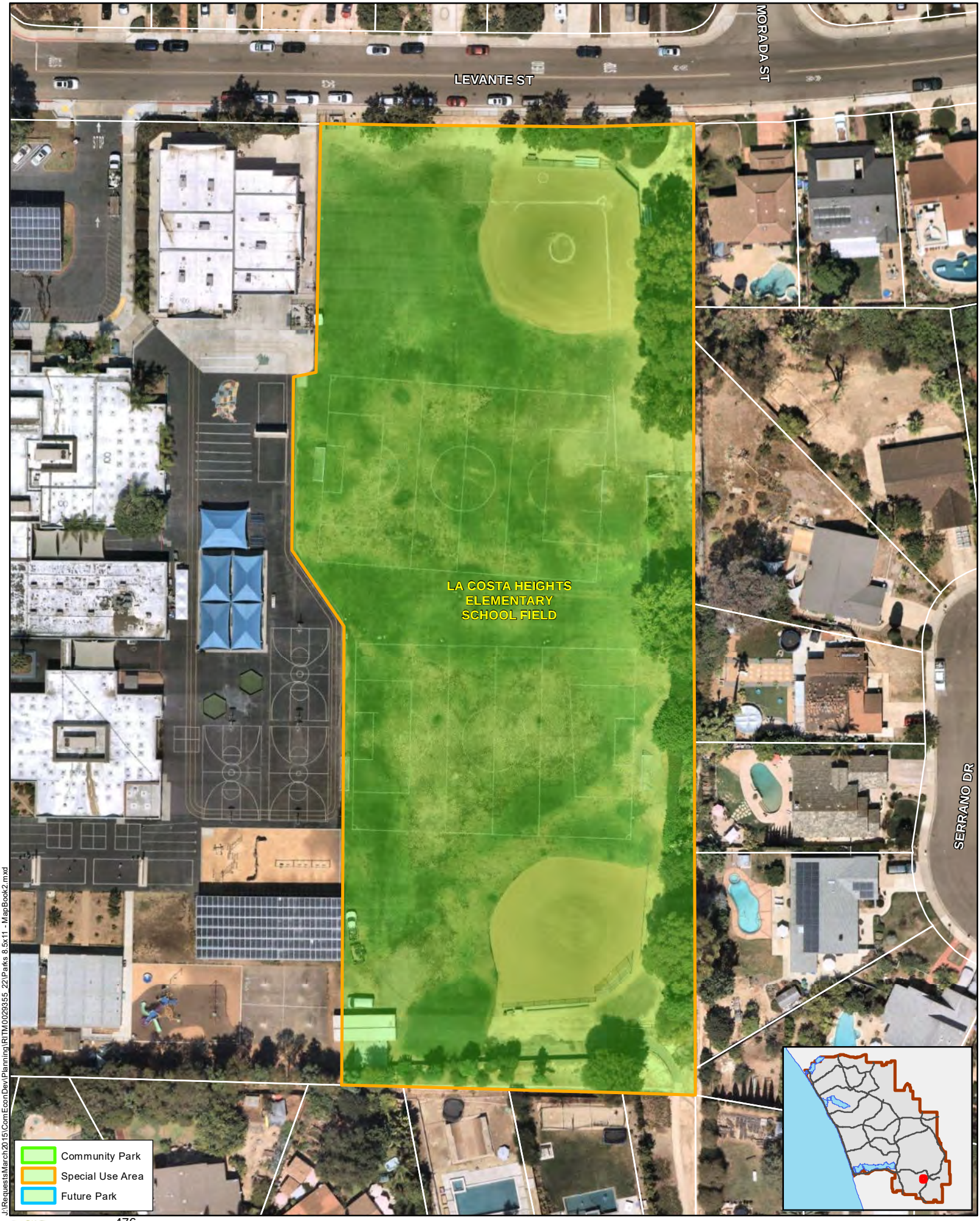
475

LA COSTA CANYON COMMUNITY PARK

NORTH



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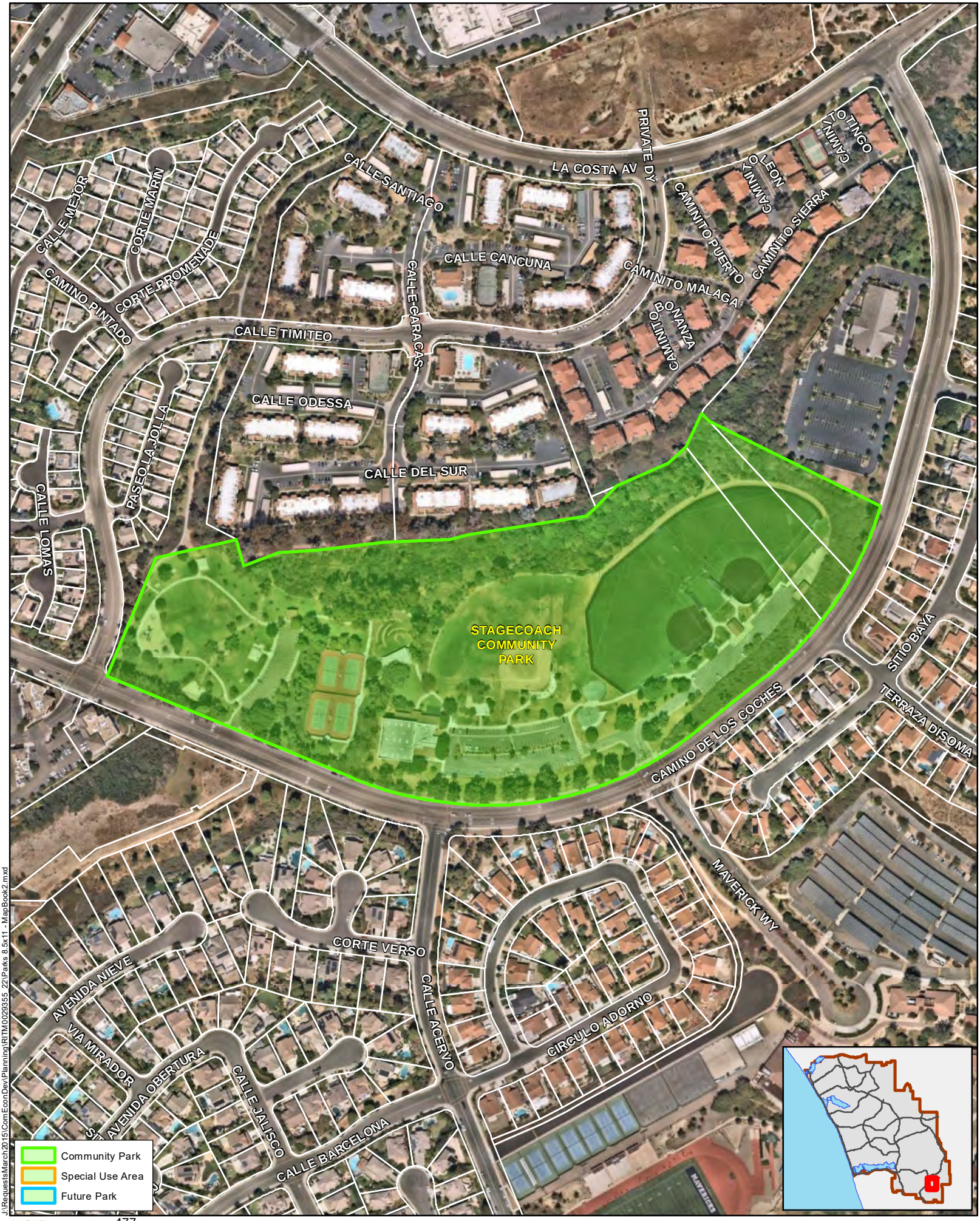
LA COSTA HEIGHTS ELEMENTARY SCHOOL FIELD

NORTH



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STAGECOACH COMMUNITY PARK

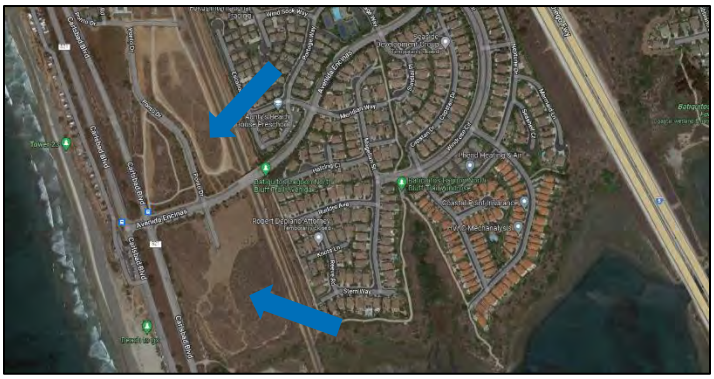
NORTH

City of Carlsbad
Community Development

FACT SHEET

COMMUNITY INTEREST IN A PONTO PUBLIC PARK

The City of Carlsbad has received comments from community members expressing a desire for a public park on the existing vacant properties in the general area around Ponto Drive and Avenida Encinas (see image below).



There has been different information shared about park needs and whether the city has met the required amount of park space outlined in the city's Growth Management Plan for the southwest quadrant of the city. City staff provided detailed information at two City Council meetings (held Jan. 26, 2021 an July 13, 2021) about park requirements, city land acquisition limitations and private development rights. The City Council did not direct additional actions related to acquisition of parks land in the vicinity of these private properties.

REPORT FINDINGS

- The city has met the current Growth Management Plan performance standard for park space in the southwest quadrant.
- The vacant sites in the Ponto area are zoned for residential/commercial tourism development -- the property owners have a legal right to develop those vacant sites per the approved 2015 General Plan and Local Coastal Plan, which guide how land can be used and developed in the city.
- The city can only acquire private property from a willing seller, at the current fair-market value. One of the parcels has a reported asking price of around $35 million.
- Funding for park acquisition, development and maintenance must come from the General Fund, which was not included in the Fiscal Year 2022-23 budget (funds from park-in-lieu fees or Community Facility District #1 fees are restricted and cannot be used).
- Citywide voter approval would be required under Proposition H, a Carlsbad-specific law that requires voter approval for any capital improvement projects that cost more than $1 million in general funds, even if the city already has the money on hand.
- There are currently 136 residential units planned for one of the sites. Per Senate Bill 330, the city would be required to increase the density of another property within the city to accommodate those 136 residential units if the property was acquired for park space.
- The Carlsbad Sea Level Rise Vulnerability Assessment did not identify specific acreages of park or open space land that could be "lost" due to sea level rise. It only identifies areas that have the *potential* for erosion, flooding or inundation in the future if no actions are taken. Potential vulnerabilities identified along the beach, bluffs, campground and Carlsbad Boulevard will be addressed through future adaptation plans that will establish measures needed to prevent or minimize the loss of land due to sea level rise.
- There is a city effort underway (South Carlsbad Coastline Project) to repurpose Carlsbad Boulevard to potentially create more than 60-acres of available space over a 2.7-mile stretch that could be used for bike/pedestrian paths, recreational areas beach access and open space within the southwest quadrant.

Park Standards Benchmarking Analysis

Table 1. City of Carlsbad Information

Carlsbad Info:		Data Source:
Total land within the city area (in acres)	25,021	Carlsbad General Plan (2015 Update) pg. 2-7
Total city area (in square miles)	39	
Population	116,025	Growth Management Plan
Population per square mile	2,975	
Acres of land within the city designated for recreation use	2,074	Carlsbad General Plan (2015 Update) pg. 2-7
% of city land area used for P&R	8%	
Acres of land within the city designated for open space use	6,243	Carlsbad General Plan (2015 Update) pg. 2-7
% of city land area used for open space	25%	
# of City Community Parks and Special Use Areas	42	Carlsbad City Parks and Rec website
Miles of Trails	67	
Current Park Acreage	432.4	City Council action of July 26, 2022 – finding of compliance with Growth Management Plan/Citywide Facilities and Improvements Plan
Current Park Acreage plus Planned Park Acreage	519.7	City Council action of July 26, 2022 – finding of compliance with Growth Management Plan/Citywide Facilities and Improvements Plan

Table 2. National Park and Recreation Association (NRPA) Comparison[1]

Data	City	Residents per park	
NPRA	City of Carlsbad	2,830	Takeaway: The City of Carlsbad performs better than the median CA city, i.e., provides more parks for its population.
NPRA	Median of CA cities with >2,500 people per sqm	4,149	

[1] Based on NRPA 2020 Agency Performance Report for CA agencies with jurisdictions greater than 2,500 people per sq. mile. Results yielded 20 agencies for park number and acreage comparisons, and 21 agencies for operating expenditures comparison.

Table 3. Trust for Public Lands Comparisons

Note: Data obtained from the Trust for Public Lands 2022 ParkServe database may not match the calculations provided by the National Park and Recreation Association or the City of Carlsbad. Number of parks, park acreage, and percent of city land used for parks are all based on the Trust for Public Lands data and may include or omit elements that differ from other data sources. Despite differences with the other data sources, numerical data has been maintained as-is in order to best relate to other Trust for Public Lands city comparisons.

3.1 Total amount of Park Acreage

Data		2020 Census Population	Park Acreage	Acres per 1,000 residents
TPL	City of Carlsbad	114,411	1,162.61[2]	10.16
TPL	City of Encinitas	62,967	289.65	4.60
TPL	City of Oceanside	175,694	2,141.46	12.19
TPL	City of San Marcos	96,219	653.89	6.80
TPL	City of Vista	100,659	459.70	4.57
TPL	City of Poway	49,780	3,589.73	72.11
TPL	City of Chula Vista	268,779	839.55	3.12
TPL	City of San Diego	1,414,545	43,569.12	30.80

3.2 Percentage of Land within the City designated for Recreation

Data		% of land within the city designated for recreation use	% difference
TPL	City of Carlsbad	14%	
TPL	City of Encinitas	12%	-14%
TPL	City of Oceanside	12%	-14%
TPL	City of San Marcos	7%	-50%
TPL	City of Vista	6%	-57%
TPL	City of Poway	18%	29%
TPL	City of Chula Vista	8%	-43%
TPL	City of San Diego	19%	36%

[2] This acreage is higher than the City of Carlsbad park acres (432.4) that count toward the city's Growth Management park standard.

Notes about the benchmarking data sources:

National Recreation and Park Association (NRPA): https://www.nrpa.org/

The NRPA is a national organization whose Park Metrics research provides data for comparison across agencies and communities around the United States. Data is compiled from nearly 1,100 park and recreation agencies, and can be narrowed down to more focused areas such as geography, budget range, jurisdiction population, jurisdiction density, and more. Information is collected via submission responses per agency, so inclusivity details may vary from agency to agency. This is an important note when comparing specific cities. NRPA is best used to understand general trends across large geographies.

Trust for Public Land (TPL): https://www.tpl.org/

The TPL ParkServe Database includes 14,000 cities, towns, and communities. Population estimates are obtained from Esri's 2021 U.S. demographic estimates. Information about park number, acreage, amenities/facilities, etc. is either city-reported information or is obtained via available resources (municipal websites, county/state GIS data, and satellite imagery) with requested verification by the respective city. Information is updated monthly upon verification.

In this dataset, "parks" are defined as publicly owned local, state, and national parks, trails, and open space; school with joint-use agreement with the local government; or privately-owned parks that are managed for full public use. Examples TPL ParkServe does not include parks in gated communities, private golf courses, private cemeteries, school parks/playgrounds without active joint-use agreements, nor zoos, museums, or professional sports stadiums.

Development Impact Fees per City

City of Carlsbad

Fee Applicable to Residential Subdivisions Only:	NE, SE, SW (per unit)	NW (per unit)
Single Family Detached & Duplex (0-lot line or attached wall)	5,728	7,649
Attached Residential (4 units or less)	4,804	6,414
Attached Residential (more than 4 units)	4,636	6,190
Mobile Homes	3,696	4,934

City of Oceanside

Fee Category	Current Estimate Fee or Calculate Formula	Authority for Imposition
Public Facility (Residential)	$2,621 per unit	Reso. #15-R0638-1 Ord # 91-09
Public Facility (Commercial/Industrial)	$.902/ sq. ft. or $902/thousand sq. ft.	Reso. #15-R0638-1 Ord # 91-09
Parks (Residential only)	$4,431 per unit	Reso. #15-R0638-1 Ord # 91-09

City of San Marcos

PUBLIC FACILITIES FEES (PFF)

The City of San Marcos Public Facilities Fees finance the construction of certain City facilities. Approved pursuant to Council Resolution 2008-7007.

Fee Category	Single Family Dwelling (Per Unit)	Multi-Family Dwelling (per Unit)	Commercial (per Acre)	Industrial (per Acre)	Light Industrial (per Acre)	Business Park (per Acre)	Office (per Acre)
Circulation Streets	$6,747	$4,048	$125,914	$53,974	$31,427	$92,086	$87,959
SR-78 Interchanges	$3,240	$1,923	$59,254	$25,632	$18,124	$43,732	$50,730
NPDES	$221	$221	$687	$687	$687	$687	$687
Technology Improvements	$44	$44	$148	$148	$148	$148	$148
Parks	$6,251	$6,251	-0-	-0-	-0-	-0-	-0-
Habitat Conservation	$103	$103	$198	$198	$198	$198	$198
Subtotal	$16,570	$12,590	$186,201	$80,639	$50,584	$136,851	$139,722
Drainage	Drainage Fees assessed based on Table below						

City of Encinitas

Parkland Acquisition and Park Development Fees

TABLE A

General Plan Designation	Zone	Park Acquisition Fee Per DU *	Park Development Fee Per DU	Total Fee Per DU
Residential (0.125-0.25 DU/Ac)	R	$6,792.00	$3,959.00	$10,751.00
Residential (0.25-0.5 DU/Ac)	RR	$6,792.00	$3,959.00	$10,751.00
Residential (0.5-1.0 DU/Ac)	RR1	$6,792.00	$3,959.00	$10,751.00
Residential (1.0-2.0 DU/Ac)	RR2	$6,792.00	$3,959.00	$10,751.00
Residential (2.0-3.0 DU/Ac)	R3	$6,792.00	$3,959.00	$10,751.00
Residential (3.0-5.0 DU/Ac)	R5	$6,792.00	$3,959.00	$10,751.00
Residential (5.0-8.0 DU/Ac)	R8	$6,792.00	$3,959.00	$10,751.00
Residential (8.0-11.0 DU/Ac)	R11	$4,536.00	$2,644.00	$7,180.00
Residential (11.0-15.0 DU/Ac)	R15	$4,536.00	$2,644.00	$7,180.00
Residential (15.0-25.0 DU/Ac)	R25	$4,536.00	$2,644.00	$7,180.00
Mobile Home Park	MHP	$4,320.00	$2,518.00	$6,838.00

Open Space Land Acquisition

Fees per Unit of Development – Open Space Land Acquisition

Development Type	Zone	Dev Units (1)	Func Pop per Unit (2)	Equity per Capita (3)	Fee per Unit (4)
Residential (0.125-0.25 DU/Ac)	R	DU	2.83	$154.88	$438.00
Residential (0.25-0.5 DU/Ac)	RR	DU	2.83	$154.88	$438.00
Residential (0.5-1.0 DU/Ac)	RR1	DU	2.83	$154.88	$438.00
Residential (1.0-2.0 DU/Ac)	RR2	DU	2.83	$154.88	$438.00
Residential (2.0-3.0 DU/Ac)	R3	DU	2.83	$154.88	$438.00
Residential (3.0-5.0 DU/Ac)	R5	DU	2.83	$154.88	$438.00
Residential (5.0-8.0 DU/Ac)	R8	DU	2.83	$154.88	$438.00
Residential (8.0-11.0 DU/Ac)	R11	DU	1.89	$154.88	$293.00
Residential (11.0-15.0 DU/Ac)	R15	DU	1.89	$154.88	$293.00
Residential (15.0-25.0 DU/Ac)	R25	DU	1.89	$154.88	$293.00
Mobile Home Park	MHP	DU	1.80	$154.88	$279.00

Trail Development

Fees per Unit of Development – Trail Development

Development Type	Zone	Dev Units (1)	Func Pop per Unit (2)	Equity per Capita (3)	Fee per Unit (4)
Residential (0.125-0.25 DU/Ac)	R	DU	2.83	$59.51	$168.00
Residential (0.25-0.5 DU/Ac)	RR	DU	2.83	$59.51	$168.00
Residential (0.5-1.0 DU/Ac)	RR1	DU	2.83	$59.51	$168.00
Residential (1.0-2.0 DU/Ac)	RR2	DU	2.83	$59.51	$168.00
Residential (2.0-3.0 DU/Ac)	R3	DU	2.83	$59.51	$168.00
Residential (3.0-5.0 DU/Ac)	R5	DU	2.83	$59.51	$168.00
Residential (5.0-8.0 DU/Ac)	R8	DU	2.83	$59.51	$168.00
Residential (8.0-11.0 DU/Ac)	R11	DU	1.89	$59.51	$112.00
Residential (11.0-15.0 DU/Ac)	R15	DU	1.89	$59.51	$112.00
Residential (15.0-25.0 DU/Ac)	R25	DU	1.89	$59.51	$112.00
Mobile Home Park	MHP	DU	1.80	$59.51	$107.00

Community Facilities Fees

Fees per Unit of Development – Community Facilities Fees

Development Type	Zone	Dev Units (1)	Func Pop per Unit (2)	Equity per Capita (3)	Fee per Unit (4)
Residential (0.125-0.25 DU/Ac)	R	DU	2.80	$204.15	$571.00
Residential (0.25-0.5 DU/Ac)	RR	DU	2.80	$204.15	$571.00
Residential (0.5-1.0 DU/Ac)	RR1	DU	2.80	$204.15	$571.00
Residential (1.0-2.0 DU/Ac)	RR2	DU	2.80	$204.15	$571.00
Residential (2.0-3.0 DU/Ac)	R3	DU	2.80	$204.15	$571.00
Residential (3.0-5.0 DU/Ac)	R5	DU	2.80	$204.15	$571.00
Residential (5.0-8.0 DU/Ac)	R8	DU	2.80	$204.15	$571.00
Residential (8.0-11.0 DU/Ac)	R11	DU	2.20	$204.15	$449.00
Residential (11.0-15.0 DU/Ac)	R15	DU	2.10	$204.15	$428.00
Residential (15.0-25.0 DU/Ac)	R25	DU	2.10	$204.15	$428.00
Mobile Home Park	MHP	DU	1.90	$204.15	$387.00

City of Vista

Park Fee	(Effective 8/14/2020)	(Effective 8/14/2021)
Single Family	$ 7,951.56	$ 8,086.54
Multi-Family (per dwelling unit)	$ 7,901.64	$ 8,035.77
Mobile Home	$ 5,350.23	$ 5,441.05

City of Poway

a. Traffic and Parks

Proposed Impact Fees per Unit of Development (Excluding Water and Sewer Fees)

Development Type	Development Units [1]	Traffic Mitigation	Park Fees
Residential, Rural	DU	$2,095	$4,562
Residential, Single-Family	DU	$2,079	$4,562
Residential, Multi-Family	DU	$2,056	$3,594
Residential, Mobile Home	DU	$2,044	$3,318
Commercial	KSF	$3,327	
Light Industrial	KSF	$1,386	
Industrial Park	KSF	$2,133	

[1] Units of Development: DU = dwelling unit; KSF = 1,000 gross square feet of building area

b Habitat Mitigation In-Lieu Fee

$17,000 Per Acre

City of Chula Vista

PARKLAND ACQUISITION & DEVELOPMENT

The Parkland Acquisition and Development (PAD) fee consists of two fee components: land acquisition and park development.

Applicable: Citywide. Parkland acquisition fees vary between eastern and western Chula Vista, as divided by I-805. Development fees are consistent citywide.

Single Family, per dwelling unit
Acquisition, west of I-805 ..... $4,994
Acquisition, east of I-805 ..... $12,676
Development, citywide $8,690
Total single family fee, west of I-805 ..... $13,684
Total single family fee, east of I-805 ..... $21,366

Multifamily, per dwelling unit
Acquisition, west of I-805 ..... $3,707
Acquisition, east of I-805 ..... $9,408
Development, citywide $6,450
Total multifamily fee, west of I-805 ..... $10,157
Total multifamily fee, east of I-805 ..... $15,858

Mobile Home, per unit
Acquisition, west of I-805 ..... $2,337
Acquisition, east of I-805 ..... $5,932
Development, citywide $4,067
Total mobile home fee, west of I-805 ..... $6,404
Total mobile home fee, east of I-805 ..... $9,999

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 7
Sept. 22, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

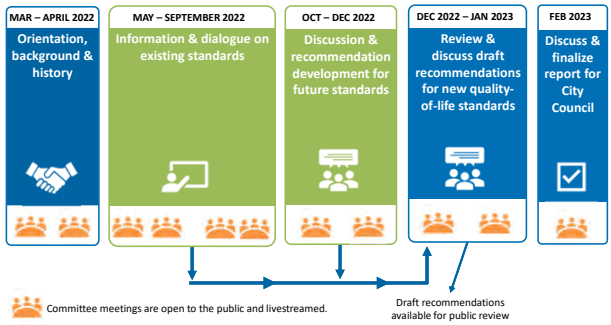
6

11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

7

COMMITTEE PROCESS



8

TODAY'S AGENDA

Discussion items

- Committee business
  - Open Space
  - Parks
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

9

1. Committee Business

10

Open Space Standard

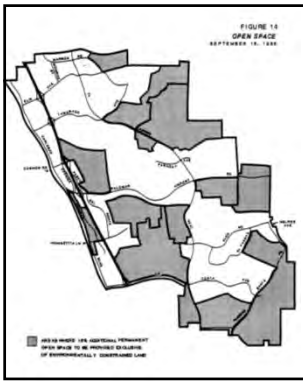
Eric Lardy, City Planner

11

CURRENT STANDARD

Fifteen percent of the total land area in the zone [Local Facility Management Zone] exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

12



APPLICABILITY OF OPEN SPACE STANDARD

- Applies in facility zones 11-15 and 17-25 (in gray)
- Does NOT apply in facility zones 1-6 and 16 (in white)

13

JULY 1985 COMMITTEE RECOMMENDATIONS

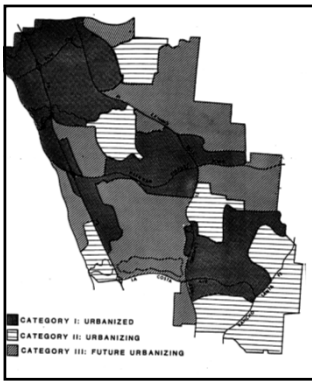
- Basis for growth management standards
- No open space standard recommended
- Determined there was adequate open space
- Open space to be provided by master plans

14

MAY 1986 REPORT TO CITY COUNCIL

- Staff identifies list of facilities to address in Growth Management Program
- Open space not included in list

15



MAY 1986 DEVELOPMENT STATUS MAP

- Urbanized (developed)
- Urbanizing (approved development/master plan)
- Future Urbanizing (little or no development)

16

1986 – ADOPTION OF GROWTH MANAGEMENT PROGRAM

- June: Growth Management Ordinance
  - Directed staff to include a standard for open space
- July: Performance standards
  - Including open space standard

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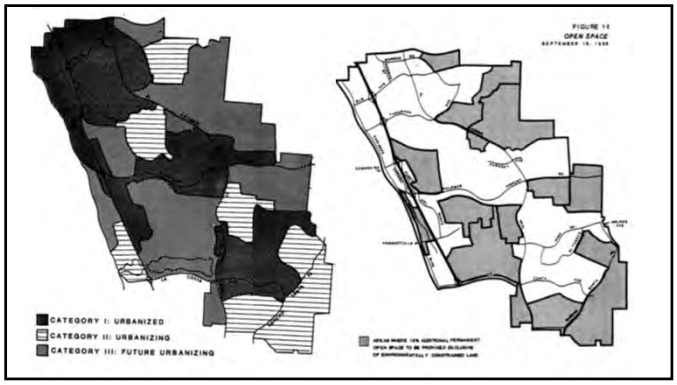
SEPTEMBER 1986 – CITYWIDE FACILITIES AND IMPROVEMENTS PLAN

- Open space standard included in Citywide Facilities and Improvements Plan
- Specifies standard does not apply in areas that are developed or already meet the standard

18



19

LOCAL FACILITY MANAGEMENT PLANS

- Adopted for all facility zones (1-25)
- Identified how the zone would meet the open space standard (in applicable zones)
- Open space proved concurrent with development in applicable zones

20

GROWTH MANAGEMENT OPEN SPACE STATUS

- Open space standard satisfied in facility zones 11-15, 17-21 and 23-25 (in gray)
- Future development in facility zone 22 is required to meet standard (gray area with orange star)

21

FUNDING GMP OPEN SPACE

- Growth Management Open Space – private
- Provided by developer
- HOAs pay for cost to maintain

22

FUNDING OTHER OPEN SPACE

- Space acquired outside of the 15% standard
- Acquisition fee
  - General fund, Proposition C, Developer fees
- Negotiated open space
  - Development required dedication
  - Density transfer for more open space
  - Protect sensitive nondevelopable areas
  - Often a cost to city to maintain

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1988 OPEN SPACE COMMITTEE

- Staff report to committee stated:

  "…that the amount of open space now required under the Growth Management Plan can be achieved without having to buy it, but also that the city has pushed to the limit what can be achieved without a monetary acquisition program."

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HOW CITY PROVIDES AND PROTECTS OPEN SPACE

- General Plan – Open Space Map
- Habitat Management Plan
- Growth Management Open Space Standard
- Growth Management Parks Standard
- Trails Master Plan
- Zoning regulations

25

OPEN SPACE CATEGORIES

#	Category	% of Total Open Space
1	Protection of Natural Resources	78%
2	Managed Production of Resources	3.5%
3	Outdoor Recreation	12.5%
4	Aesthetic, Cultural and Educational Purposes	6%

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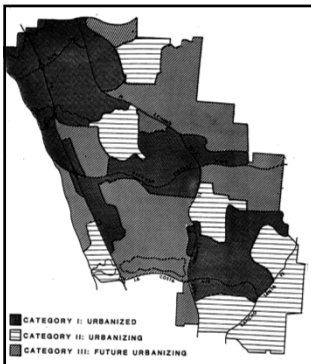

WHY DOESN'T STANDARD APPLY TO ALL ZONES?

- City Council determination in 1986
- Standard applied to areas where future master plans anticipated
- Not applied to developed areas
- Not applied where development or master plan already approved

27

IS 40% OPEN SPACE REQUIRED?

- No - there is no requirement for 40% open space
- Misconception
- 1986 – 35 - 40% open space estimated at buildout
- 1986 – 25% of city was estimated to be open space
- 40% = 25% + 15% open space standard (shorthand)
- Today, 38% of city is open space

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POTENTIAL OPTIONS

- Options limited due to challenges
  - Securing vacant available land
  - State housing laws limit changes to density/use
- City seeks available land for open space
  - Utilizes Proposition C funds
  - Difficulty finding landowner willing to sell at fair market value

29

DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

30

Parks Standard

Kyle Lancaster, Parks & Recreation Director
Nancy Bragado, Bragado Consulting

Carlsbad TOMORROW

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CURRENT STANDARD

3.0 acres of community park or special use area per 1,000 population within the park district (city quadrant).

If a district falls into deficit, a community park or special use area must be scheduled for construction within a five-year period, beginning at the time the need is first identified.

32

1982 PARKS & RECREATION ELEMENT UPDATE (GENERAL PLAN)

- No longer to construct neighborhood parks
- Future parks were to be community parks
- Based on public input for larger, more active parks

33

1985 CITIZENS COMMITTEE RECOMMENDATIONS

- Basis for Growth Management standards
- Retain a community parks approach
- Require developers to provide private recreation areas maintained by HOA
  - Providing recreation in closer walking distance

34

1986 CITYWIDE FACILITIES AND IMPROVEMENTS PLAN

- Park standard = 3 acres/1,000 population
- Scheduled for construction within five years
  - Allowed time for park planning
- The total acres of Macario Canyon (Veterans Memorial) Park were planned to be divided equally among quadrants

35

PARKS STATUS

Quadrant	Current Population	Current Park Acres required	Buildout Population	Buildout Park Acres Required	Current Park Acres 2022
NW	31,360	94.1	39,126	117.4	131.7
NE	18,189	54.6	22,741	68.2	68.7
SW	26,337	79.0	28,834	86.5	93.6
SE	40,140	120.4	42,548	127.6	138.3
Total	**116,025**	**348.1**	**133,249**	**399.7**	**432.4**

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POTENTIAL FUTURE PARKS

Robertson Ranch Park (NE 11.2 acres)

Zone 5 Business Park Expansion (NW 9.3 acres)

Cannon Lake Park (NW 6.8 acres)

Southwest Carlsbad Coastline (SW up to 60 acres)

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CARLSBAD PARKS INVENTORY

- 42 existing community parks and special use areas

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RECREATION AREAS NOT COUNTED TOWARD PARK STANDARD

- Over 67 miles of trails
- Beaches
- Natural resource areas
- Lagoons
- Golf courses
- Private recreation areas

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PARKS & RECREATION PLANNING

- **Citywide Facilities and Improvements Plan:** park standard
- **Carlsbad General Plan:** long range goals and policies
- **Parks & Recreation Department Master Plan:** guides priorities, investments and programming
- **Individual park master plans:** detailed design and plans
- **Trails Master Plan:** framework for city's trail system
- **Zoning Ordinance:** requirements for recreation areas in private development

40

PARK DEVELOPMENT FINANCING

- Park in-lieu fees
- Developer contributions
- Community Facility District #1
- General Fund

41

VISITOR AND COMMUTER DEMAND

- Visitors create demands, but also generate funds through Transient Occupancy Tax and sales tax
- Commuters may create midday increase in park use
- Facility use fees apply to visitors/commuters
- Park mitigation fee available for nonresidential development

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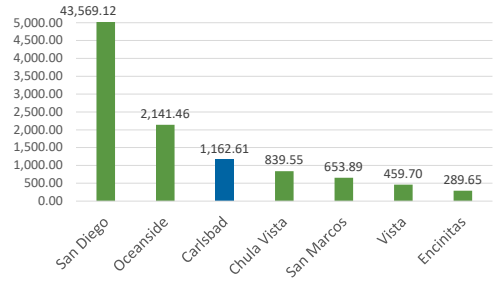
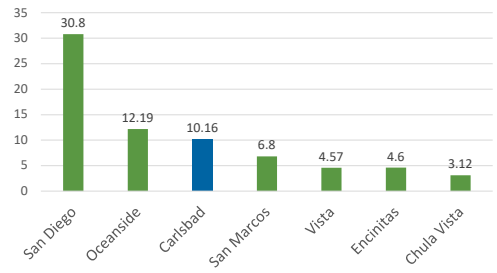
HOW CARLSBAD COMPARES – PARK ACRES*



* Based on the Trust for Public Lands data and may include or omit elements that differ from other data sources

43

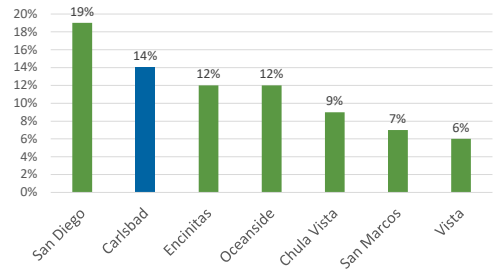
PARK ACRES PER 1,000 RESIDENTS*



* Based on the Trust for Public Lands data and may include or omit elements that differ from other data sources

44

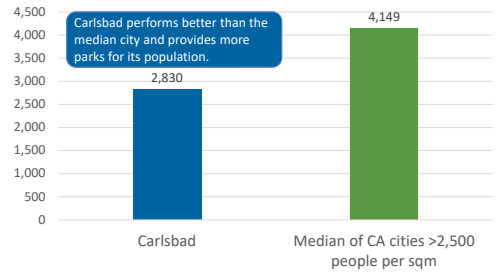
LAND DESIGNATED FOR RECREATION USE*



* Based on the Trust for Public Lands data and may include or omit elements that differ from other data sources

45

RESIDENTS PER PARK*



* National Park and Recreation Association data

46

Reference	City	Standard (acres per 1,000 residents)
Citywide Facilities and Improvements Plan	City of Carlsbad	**3 acres applied in each park district (i.e., city quadrant)**
General Plan: Recreation Element (amended 2003)	City of Encinitas	**0.25 - 0.5 acres for Mini Parks** **1 - 2 acres for Neighborhood Parks** **5 - 8 acres for Community Parks** **5 - 8 acres for Special Use Parks** **No standard for Regional Parks**
2019 Parks & Recreation Master Plan	City of Oceanside	**5 acres as a planning goal** - 40% public schoolground acreage credit - 40% acreage credit for Guajome Regional Park developed acres
2021 General Plan, Parks, Recreation and Community Health Element	City of San Marcos	**5 acres** - Provide opportunities for passive and active recreation - Includes parks, trails and recreational facilities - New infill development to provide plazas, mini parks or other civic spaces as a part of parkland requirement

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Reference	City	Standard (acres per 1,000 residents)
General Plan 2030: Resources Conservation & Sustainability Element	City of Vista	**2 acres for Neighborhood Parks** **3 acres for Community Parks** **4 - 4.9 acres overall average park standard**
1991 General Plan Public: Facilities Element	City of Poway	**2.5 acres for Neighborhood Parks** **5 acres for Community Parks**
2018 Parks & Recreation Master Plan Update	City of Chula Vista	**3 acres** - Includes community, neighborhood, special purpose mini and urban parks. Strategy varies for eastern (new growth) and western (infill) Chula Vista.
2021 Park Master Plan and associated General Plan Amendments	City of San Diego	**"Value-based" standard of 100 points per 1,000 people** in place of its prior standard of 2.8 acres. Points are awarded based on land, experience and equity and access.

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City	Residential Type – Fees per dwelling unit				
	General	Rural	Single-Family	Multi-Family	Mobile Home
City of Carlsbad *Varies by quadrant: NE, SE, NE, SW*			$5,728 (NE, SE, SW) $7,649 (NW)	$4,804 (≤4 units) (NE, SE, SW) $4,636 (>4 units) (NE, SE, SW) $6,414 (≤4 units) (NW) $6,190 (>4 units) (NW)	$3,696 (NE, SE, SW) $4,934 (NW)
City of Oceanside	$4,431				
City of Vista			$8,086	$8,035	$5,410
City of San Marcos			$6,251	$6,251	
City of Poway *50% reduction for an ADU*		$4,562	$4,562	$3,594	$3,318
City of Encinitas *Other fees for Open Space, Trails, and Community Facilities*			$10,751: (0.125-8.0 DU/Ac) $7,180: (8.0-25.0 DU/Ac)		$6,838

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City	Residential Type – Fees per dwelling unit			
	Rural	Single-Family	Multi-Family	Mobile Home
City of Chula Vista *Varies by west of I-805 and east of I-805*		$13,684 west $21,366 east	$10,157 west $15,858 east	$6,404 west $9,999 east
City of San Diego		Ranges from $11,333 to $17,989 scaled to unit size	Ranges from $8,800 to $13,968 scaled to unit size, • Lower fees in transit priority areas and for senior housing • Certain other reductions related to environmental justice, affordable housing or sustainability goals	
County of San Diego		Varies by community from $5,457 to $11,217 • Fallbrook: $7,624 • Bonsall: $8,010 • San Dieguito (includes Rancho Santa Fe): $10,245	Varies by community from $4,503 to $12,144 • Fallbrook: $8,719 • Bonsall: $6,999 • San Dieguito (includes Rancho Santa Fe): $ 11,039	

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POTENTIAL OPTIONS

Tiered System

- Tier 1 – maintain existing system for remaining new development
- Tier 2 – apply to all growth not accounted for in 2015 General Plan. Tier 2 growth could only occur through a General Plan amendment.

Flexible or modified standard for Tier 2

- Maintain 3.0 acres/1,000 and allocate some park fees to a fund for opportunistic purchases, and
- Provide more options for how acreage standards can be met
- Or create a new standard that considers recreational value or other factors

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POTENTIAL OPTIONS

Broader Park Districts

- Combine or eliminate quadrants/districts
- Broader or citywide districts allow fees to accrue and be programmed faster
- Consider slower pace of infill development opposed to large subdivisions

Addressing Concurrency

- Don't link Tier 2 development to a defined list of projects
- Use Tier 2 fees to support unfunded CIP park projects
- Fund investments in existing parks per park master plans
- Construct new parks as funds are secured

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OTHER CONSIDERATIONS

- Consider equity and environmental justice
- Consider if co-benefits can be achieved and whether diverse funding sources could be used to support park-system investments
- Explore pros and cons of expanding implementation of a park mitigation fee for industrial development
- Review user fee recommendations from P&R Master Plan update

53

DISCUSSION QUESTIONS

- Is this standard important to quality of life in Carlsbad?
- Should this standard be re-evaluated in any way?

54

Committee Member Requests for Future Agenda Items

55

Public Comment

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Adjournment

Next Meeting: Oct. 12, 2022

57

To: Growth Management Committee

From: Mike Howes

Subject: 40% OPEN SPACE = URBAN LEGEND

Over the recent years the City has been criticized for not providing 40% open space as "promised" by Carlsbad's Growth Management Plan (GMP). None of the people making these criticisms had any involvement with the creation of Carlsbad's Growth Management Plan and most did not even live in Carlsbad at that time. Neither the ordinance that established the Growth Management Plan nor the Citywide Facilities Plan required 40% open space. Furthermore, Proposition E, the initiative approved by the voters in 1986 that ratified the city's GMP, did not contain a 40% open space requirement. This was clearly explained by City staff during the Envision Carlsbad process.

As noted by the title, the Growth Management Plan was a plan to manage the growth of Carlsbad and ensure that public facilities were in place before or concurrent with development. It was not an open space plan; open space was just one of the 11 public facilities addressed by the Growth Management Plan. It was never a goal of the Growth Management Plan to ensure that 40% of Carlsbad would be preserved as open space.

WHERE DID 40% COME FROM?

When staff was preparing the Growth Management Plan the City was divided into 25 Local Facilities Districts. The boundaries of these districts were based on property ownership, the amount of development in a particular area and the stage of planning that was occurring for a particular portion of the City. At that time in 1986, around 36 years ago, there was far less development than currently exists. Bressi Ranch, Rancho Carrillo, La Costa Valley, Kelly Ranch, La Costa Oaks, LEGOLAND/Carlsbad Ranch, Zone 20, Poinsettia Shores, Poinsettia Properties, most of Aviara and many other areas were vacant land or farmland at that time.

As mentioned above, part of the Growth Management Plan did address open space and required that each of the 25 Local Facilities Management Zones provide a minimum of 15% open space when they developed. At that time, it was determined that Zones 1, 2,3,4,5,6,7,8,9,10, and 16 were already developed, met or exceeded the requirement or had approved Master Plans or Tentative Maps. Attached are some pages from the Citywide Facilities and Improvement Plan that addressed open space.

As Staff planners we calculated how much open space existed in the developed areas of the City, how much more would come from approved Master Plans, the acreage of planned future City parks and how much additional open space acreage would be provided when each of the undeveloped Local Facility Management Zones provided their 15% open space. This had never been done before on a Citywide basis. Based on this it was estimated that about 37%-38% of the City would be open space. This estimate was made using paper maps, engineer scales and pocket calculators, we did not have computers, the

Internet, GIS, or Google Maps at that time. It was our best estimate using the technology that was available 36 years ago.

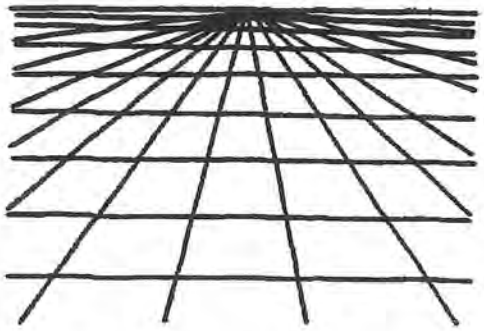
The City Council and other civic leaders were proud of how much open space Carlsbad would provide in comparison to other cities in North County. As mentioned above, this estimate had never been done before. Even Council members forgot that the original estimate was 37-38% and started saying close to 40% or a goal of 40% of the City as open space at final buildout. Eventually many people that had no knowledge of the Growth Management Plan or its history just heard 40% open space and it assumed a life of its own. As stated above, the goal of the Growth Management Plan was to address the timely provision of public facilities, not guarantee 40% open space. If the City only has 37-38% open space at buildout, staff did a great job trying to predict the future. No one ever meant to mislead that public and guarantee 40% open space, the City staff was just doing the best they could with the technology we had at the time. If we could have predicted the stock market with the same level of accuracy, we would all have been very wealthy individuals years ago.

Attachments

City of Carlsbad

Growth Management Program

Citywide Facilities and Improvements Plan



September 16, 1986

Amended January 9, 1990

Amended April 22, 1997

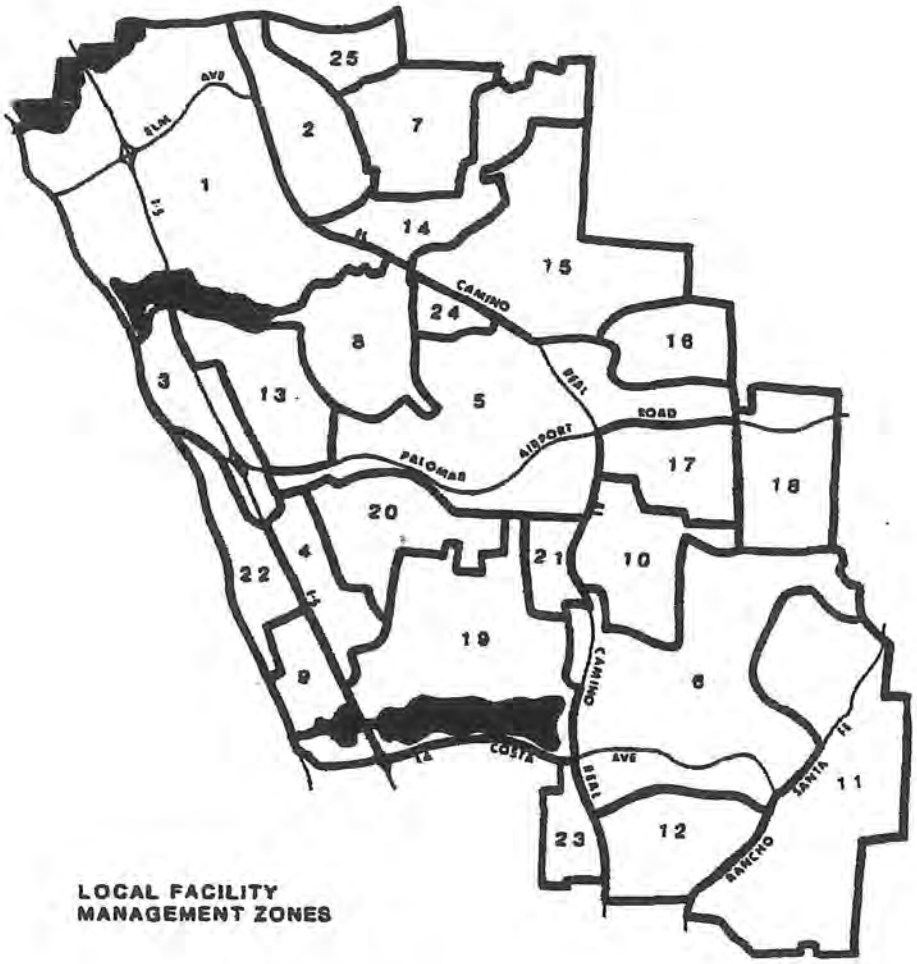
Amended September 22, 2015

Amended August 22, 2017

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

OPEN SPACE

PERFORMANCE STANDARD:

Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

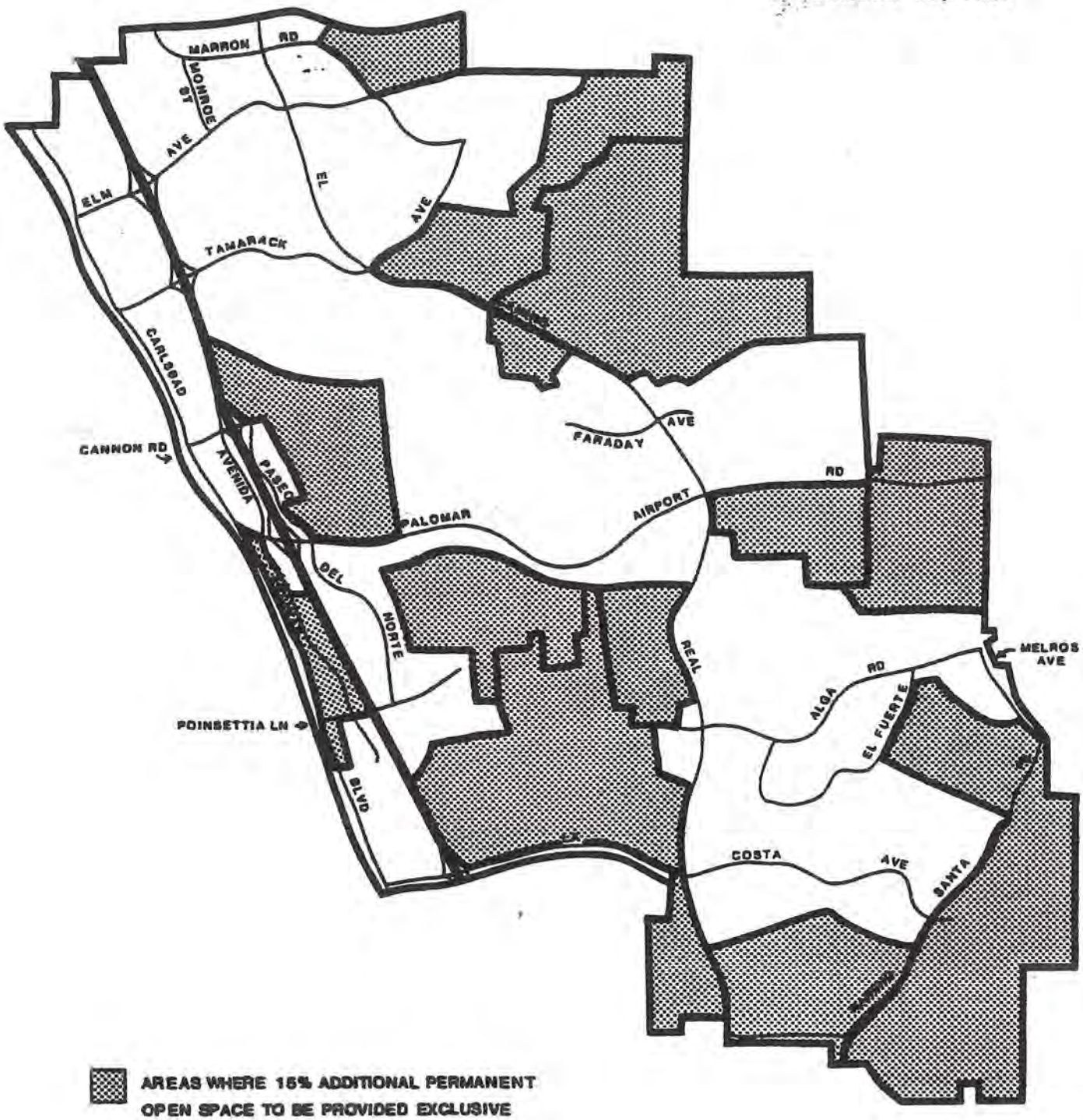
ADDITIONAL FACILITY PLANNING INFORMATON:

The preceding map highlights those areas of the city which will be required to comply with the open space performance standard. The other areas of the city are already developed or meet or exceed the requirement. Local Facility Management Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 16 already meet the standard while Zones 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, and 25 must detail in their local plan how they will meet this standard.

FIGURE 14

OPEN SPACE

SEPTEMBER 16, 1986



AREAS WHERE 15% ADDITIONAL PERMANENT OPEN SPACE TO BE PROVIDED EXCLUSIVE OF ENVIRONMENTALLY CONSTRAINED LAND

Community Parks vs. Neighborhood Parks - HISTORY

Recently there has been some comment about the lack of neighborhood parks in the City. When I first started working for Carlsbad in 1980 the City did not have any of the large Community Parks that currently exist through out the City. There were a few neighborhood parks, most of which did not have any ballfields. The citizens of Carlsbad told the City Council that they wanted large multi-use parks with ballfields, they did not want any more neighborhood parks. The City did not want beach parks or trails, the emphasis was ballfields in large multi-use parks.

Based on the wishes of the citizens of Carlsbad, the City Council directed the Parks & Recreation Department along with the Planning Department that in the future the City only wanted large Community Parks. That is why in each quadrant of the City there are at least one or often two large Community Parks instead of a number of small neighborhood parks. This is what the citizens of Carlsbad wanted. At that time most of the undeveloped portions of the City were zoned P-C, Planned Community which required the preparation of a Master Plan. The Master Plan ordinance along with the Planned Development Ordinance required that each of the Master Plans provide a common HOA recreation area. Most of the large Master Plans within the City have Common HOA recreation areas. Examples of this would be the common HOA recreation areas in Bressi Ranch, San Pacifico or La Costa Valley. The City believed that these common HOA recreation areas within the Master Plans would function as neighborhood parks at no cost to the City since almost all of them were within a mile of the residents of their Master Plan.

CARLSBAD TOMORROW: GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

October 12, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the Sept. 22, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Allow for any introductions for those staff not present at previous meetings. Review agenda and meeting format. Review purpose and charge for the committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Potential New Growth Management Topics.** Receive a brief overview from city staff and participate in a committee discussion on potential new growth management topics. (Eric Lardy, City Planner) (Exhibit 1)

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Wednesday, Nov. 30, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

October 12, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, William Sheffler, Joe Stine, Patricia Mehan, Steve Linke
Alternate – Ron Withall, Patrick Goyarts, Casey Carstairs, Don Christiansen, Terence Green, Erin Nell, Nora Jimenez George, Lisa Stark, Jamie Jacobs, Allen Manzano, Jan Neff-Sinclair, Art Larson, William Fowler

Absent:
Primary – Chad Majer, John Nguyen-Cleary, Amy Allemann
Alternate – Thierry Ibri, Matthew Reese, Angela O'Hara, Marissa Steketee, Kevin Sabellico

APPROVAL OF MINUTES:

Motion by William Sheffler, seconded by Allen Manzano, to approve the Sept. 12, 2022 minutes as amended. Jeff Segall abstained from the vote as he wasn't present at the meeting.

PUBLIC COMMENTS:

Three public comments were received.

1. **Land Use and Zoning –**
   Diane Lech – is concerned SB9 has eliminated single family home zoning throughout the state. Ms. Lech asks the committee to support the Our Neighborhood Voices initiative. The initiative doesn't take away SB9, but it puts decisions regarding land use and zoning back into the hands of local government and the people they represent, rather than having the state mandate a one size fits all plan.
2. **Cellular Service and Wi-Fi Access –**
   Jim Niswander states the quality of life and growth management subject of concern for him is cellular service and wi-fi access. Mr. Niswander states that we live in a world where mobile communications and internet access are critical to our lives, and that while we are dependent on service provided by vendors, there should be ability to measure whether their service meets a minimum acceptable standard. Mr. Niswander wants Carlsbad to receive the benefits of emergency applications that depend on cellular and wi-fi service, and states that establishing a minimum level service of cellular service and wi-fi access will maintain quality of life in Carlsbad for all residents.
3. **Parks –**
   Lance Schulte is concerned about children playing in residential streets and the railroad right of way. Mr. Schulte stated he has run a cost benefits analysis of the benefits of constructing a park at Ponto and the cost savings to taxpayers of a park at Ponto versus the other city options. He believes 10s of millions of dollars can be saved by buying property for a park at Ponto. He states that if the committee cares about "Carlsbad Tomorrow", Carlsbad's children who are the "tomorrow", the park issues at Ponto have to be addressed.

WELCOME AND INTRODUCTIONS:

Meeting opened with a welcome to attendees from Committee Chair Eric Larson. City Planner Eric Lardy then briefly reviewed the committee's purpose and charter, the 11 existing performance standards, and the step-by-step process for the overall Growth Management Plan update. Facilitator Susan Harden reviewed the meeting agenda. Eric Lardy discussed that the meeting at hand will review topics outside of the 11 existing performance standards, many of which were placed on the "Bike Rack" or otherwise brought up during the course of previous discussions. The committee will decide what action to take with each of the topics, such as removing it from consideration as a standard, bringing it back for additional discussion around becoming a new standard or addressing it in a separate quality –of life memo to the City Council.

COMMITTEE BUSINESS:

- **Walkability.** Discussion took place about what constitutes "walkability" and the definition of walkability. It was noted that topography plays a part in the walkability of a community. Some members questioned whether the existing circulation standard does enough to promote walkability given its importance in the city's community vision while others felt it was adequate. The committee also discussed the city's existing plans that incorporate mobility and if they're actionable or being implemented.
    - **Action**: By consensus, the committee moved to bring the topic of walkability back to the committee when the existing circulation performance standard is discussed further, with additional detail and a definition of walkability requested.
- **Arts and culture.** It was noted that other cities have a measurable standard and or public/ private funding stream for arts and culture.
    - **Action**: By consensus, the committee moved to further consider arts and culture as a future performance standard at a future meeting.
- **Physical health.** The committee discussed how the city doesn't have direct oversight on citizens' physical health, outside of programming and services offered by Parks & Recreation.
    - **Action**: By consensus, the committee moved to remove physical health from performance standard consideration.
- **Behavioral health.** The committee discussed how behavioral health, mental health and homelessness are intertwined. Should discuss further in relation to homelessness. Concern was expressed about the aging population of Carlsbad and if the facilities currently in place can handle the growth of that demographic. Additional discussion was had surrounding population projections given the new zoning laws and how census data may no longer be an accurate predictor.
    - **Action:** By consensus, the committee moved to remove behavioral health and mental health from performance standard consideration but consider how both affect other potential performance standards.
- **Public Safety.** It was noted that the request to discuss "public safety" was not related to the existing fire standard, rather it was a question of police response time and the Police Department not being part of any existing performance standard. Both Police and Fire staff are first responders and if one has a performance standard, perhaps both should. It was noted that the Police Chief had not presented to the committee but would be willing to make a presentation on staffing and budgeting. The committee questioned how eliminating the fire performance standard and/or a public safety standard would affect the ability to secure funding necessary to expand the departments as needed in the future.

- **Action**: By consensus, the committee moved to further consider public safety as a performance standard at a future meeting.

- **Homelessness.** The committee discussed the growing numbers of individuals experiencing homelessness, whether developers could pay a fee for homeless response services, and to what extent, , the city has control over the homeless population. It was noted that the city does have developer fees for affordable housing and a homeless response team and plan in place. There was discussion about how to quantify the issue into a performance standard.
  - **Action:** By consensus, the committee moved to remove homelessness from performance standard consideration, but to consider including it as part of a quality-of-life memo for City Council's review.
- **Senior Center operations.** The committee discussed how the topic came to be on the list.
  - **Action:** By consensus, the committee moved to remove Senior Center operations from performance standard consideration.
- **Seniors/aging community.** It was noted this topic was brought forth for the committee to keep in mind that Carlsbad has an aging population when considering future performance standards. Some noted cities go through cycles and the committee may not want to assume the city will have a significantly larger senior population come 2050. The committee also discussed how there are programs already in place for seniors and whether they're sufficient may not be something under the Growth Management Committee's purview. There was also discussion around existing plans, the Age Friendly Action Plan as an example, the redundancies that exist between many of the plans and how they interact with the Growth Management plan. It was noted that if a topic is moved to the quality-of-life memo, the recommendations, and how detailed they will be, is a discussion at another meeting.
  - **Action:** By consensus, the committee moved to remove seniors/aging population from performance standard consideration, but to consider including it as part of a quality-of-life memo for City Council's review.
- **Energy/power (local electric power generation; renewable energy; reservoir solar panels).** The committee discussed merging the three topics into one "energy" topic. Some expressed energy should be a performance standard as there are many aspects that are measurable and can be tied to development. Discussion took place around whether energy is controlled by the state or city. Staff noted that this topic is ever evolving, and the committee could receive a presentation from the Climate Action Plan experts. Many energy requirements are state mandated. The building code is being updated, effective Jan. 1, 2023. After the presentation, the committee can decide if aspects need to be included in the Growth Management Plan or if they are adequately addressed elsewhere. Staff noted the City Council approved a 5-Year Strategic Plan that included moving forward with solar panel construction at Maerkle Reservoir construction.
  - **Action:** By consensus, the committee moved to further consider energy as a performance standard after receiving additional information from staff at a future meeting.

- **Water (sources/supply; desalination; water quality; stormwater; recycled).** The committee discussed how the five water topics in front of the committee tie into the existing water distribution system performance standard.
  - **Action:** By consensus, the committee moved to discuss all water-related topics under the existing water performance standard at a future meeting.

- **Environmental sustainability: climate change.** It was noted that the committee has requested, under the energy topic, a presentation from city staff on the Climate Action Plan. It was requested that the Climate Action Plan presentation address transportation and its contribution to greenhouse gas emissions, including Transportation Demand Management plans to reduce vehicle miles traveled.
    - **Action:** By consensus, the committee moved to further discuss environmental sustainability, as it pertains to climate change, at a future meeting with a staff presentation on the city's the Climate Action Plan (see energy topic).
- **Environmental sustainability: sea level rise.** Staff commented that sea level rise is addressed by the city's Local Coastal Program. In October 2021 the City Council approved an amendment to the program that included a sea level rise vulnerability assessment to identify areas that could be impacted by sea level rise. The assessment is being reviewed by the Coastal Commission. If the plan is adopted by the Coastal Commission and the City Council, it includes additional adaptation work related to sea level rise impacts. From the staff's perspective, that plan and evaluation is well covered. Some committee members expressed about land lost in South Ponto Beach from sea level rise. Staff noted that the vulnerability assessment identified bluff erosion, not lost acreage in South Ponto. Concerns were also expressed about the loss of beaches occurring now and that this problem needs to be addressed in the short term, rather than the long term. Discussion took place about whether other committees/commissions are adequately addressing this topic and whether it meets performance standard criteria. The Beach Replenishment Plan was brought up and there was a request for more information on that plan.
    - **Action:** Motion by Joe Stine, seconded by Jeff Segall, to remove sea level rise from performance standard consideration, believing the topic is adequately addressed by the City of Carlsbad and other agencies, passes by a vote of 15 in favor and 2 opposed.
- **Technology: cell service/Wi-Fi access.** A committee member **p**roposed the City Council encourage cell service vendors to provide more ubiquitous coverage. It was noted that Wi-Fi calling would alleviate some of the cell service coverage issues. The Wi-Fi topic was referring to providing free Wi-Fi access in various parts of the city. It was noted that the FCC has control over cell service, not the carriers. It was suggested that David Graham (Chief Innovation Officer, City of Carlsbad) come present to the committee with more information on Wi-Fi in the city.
    - **Action:** By consensus, the committee moved to remove cell service and Wi-Fi access from performance standard consideration, but to consider including it as part of a quality-of-life memo for City Council's review after an informational presentation from city staff.
- **Technology.** Discussion on what's included under the broad topic of "technology". Laying fiber optic cable, undergrounding utility lines mentioned. Question on if David Graham could address these topics in his presentation. Technology should allow us to do more with less.
    - **Action:** By consensus, the committee moved to remove technology from performance standard consideration, but to consider including it as part of a quality-of-life memo for City Council's review after an informational presentation from David Graham.
- **Village development.** Discussion took place about the parking situation in the Village, and how there are existing specific plans addressing development in the area. It was noted that parking should be addressed in the Village & Barrio Master Plan. Some expressed concern over height limits in the Village and Barrio neighborhoods. It was noted that there's a citizens' committee working to develop design standards for the Village and Barrio, therefore the topic is redundant for the Growth Management Committee to be considering. Discussion on existing the Village Barrio Parking Management Plan. Double tracking and lowering the tracks discussed. Staff noted it's a funding issue as the city doesn't own and operate the tracks, SANDAG and NCTD (North

County Transit District) are owners. It's a priority for the City Council and they are working with those agencies on how they plan to move forward.

Specific to parking, discussion on the state mandating seven-stories in the Village with no parking requirements based on the proximity to the transit center and how the city can't control that. Additional discussion centered on there being plenty of parking in the Village within walking distance, which goes back to the walkability discussion.

- **Action**: By consensus, the committee moved to remove village development from performance standard consideration.

- **Update Proposition H and C.** The committee discussed that the Proposition H requirement for voters to approve any capital improvement projects that cost more than $1 million may need to be increased especially when it hasn't been adjusted for inflation and developer fees are minimal at this time. There is a need to revisit the Proposition H limit and add some language similar to Proposition C that specifies certain types of projects don't require voter approval. It was noted that changing the existing legislation would mean putting a new proposition on the ballot for voter approval.

  - **Action:** By consensus, the committee moved to add Proposition H and C to consideration for a quality-of-life memo for City Council's review.

- **Public request for a park at Ponto.** Some did not think the committee should make recommendations on specific projects, i.e., a park at Ponto, noting that the committee's charge is citywide and making such recommendations would be outside of the committee's charter. A potential 10-minute walkability standard was discussed, and some noted that the specific Ponto Park discussion did not preclude discussing a 10-minute walk standard under the existing park performance standard. Further comments were shared about making general park recommendations that could address the Ponto situation, as well as any other park deficiencies that exist or could exist with future growth. There were some concerns that the Ponto area will be developed and "lost" to the community if it isn't preserved through the open space performance standard, or a park constructed. It was noted that the City Council has voted on the topic and the Growth Management Committee does not have the authority to override City Council decisions. The committee further discussed how changes to the existing park and open space performance standards could result in a park in the Ponto area being required. One member commented that a park at Ponto would be an asset for all of Carlsbad and therefore should be considered under the Growth Management Plan.

  - **Action:** By consensus, the committee moved to not name Ponto Park as a specific city facility in the Growth Management Plan, but the committee will discuss the lack of parks in the Ponto quadrant when making recommendations for modifications within the existing park performance standard.

DISCUSSION ITEMS:

- City Planner Eric Lardy noted the City Council approved a 5-Year Strategic Plan on Oct. 11, 2022, which touches on many of the issues the committee has been discussing. A link to the plan will be distributed to the committee.
- **Committee meeting schedule and topics.**
  The committee was provided an example and explanation of the one-page summary handouts being created for the 11 existing performance standards that will be discussed starting at the Nov. 30 meeting. Requested additions to the documents included:
  - Staff recommendation on the standard to use as a discussion starting point.
  - Related plans and studies to the standard.
  - How the city could create a nexus for the standard to development.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- Committee members requested tourist loading data and a report on Transit Occupancy Tax dollars.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 7:46 p.m.

Eric Lardy – Minutes Clerk

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT – Exhibit 1
OCT. 12, 2022

POTENTIAL NEW GROWTH MANAGEMENT TOPICS

Introduction

To date, the committee has reviewed and discussed information relative to the city's existing 11 growth management standards. This report is intended to help guide the committee's discussion on potential new growth management topics not addressed by the 11 existing standards.

When considering potential new growth management topics, the committee should considered the work product the committee is responsible for, as stated in the committee's charter:

The committee will be responsible for reviewing work product and providing feedback to staff and consultants. The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

List of Potential New Growth Management Topics

At the committee's meeting on April 28, 2022, the committee participated in a facilitated discussion centered around the question - in terms of public facilities and services, what topics do you feel are most important to address in the future, and what should change about the current Growth Management Plan? The topics resulting from that discussion, and topics identified at other committee meetings, are listed in the attached matrix (**Attachment A – Topics Outside of 11 Existing Performance Standards**).

The matrix identifies relevant programs that currently address the topics, and provides questions to help the committee evaluate if the topic should be addressed by the city's growth management program, the questions include:

- Is this topic already adequately addressed [by the city or other agency]?
- Is this topic something the city can directly control?
- Could a nexus be made between future growth and this topic (should it be included in the growth management plan)?
- Should this topic be included in a quality-of-life memorandum from the committee to the City Council?

Keep the following in mind when reviewing the matrix:

- This is the current list of all the topics raised.
- You don't need to fill out the matrix before the meeting.

- You are not required to click on all the links, they are just for background information so committee members have an idea of how each topic is being addressed by other city programs or agencies.
- The goal of the matrix is to help sort and prioritize the potential new topics and determine if any should be considered further as new performance standards or separate recommendations for the City Council's consideration.

Attachments

Attachment A – Topics Outside of 11 Existing Performance Standards

Carlsbad TOMORROW
Growth Management Citizens Committee

TOPICS OUTSIDE OF 11 EXISTING PERFORMANCE STANDARDS

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Behavioral health	County of San Diego Behavioral Health Services (sandiegocounty.gov) City of Carlsbad Parks & Recreation Department programs and services (carlsbadca.gov/parksandrec) County Live Well San Diego Program (livewellsd.org)				
Physical health					
Walkability	Age Friendly Action Plan Sustainable Mobility Plan				
Public safety	City of Carlsbad Police Department Divisions & Services				
Homelessness	City of Carlsbad Housing & Homeless Services Department Homeless Response Plan - Work Plan				

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Seniors/aging community	City of Carlsbad Age-Friendly Action Plan City of Carlsbad Parks & Recreation Department senior programs and senior center City of Carlsbad Senior Commission County Aging & Independence Services				
Senior Center operations					
Arts and culture	City of Carlsbad Arts & Culture Master Plan City of Carlsbad Library & Cultural Arts programs and services				

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Energy/power: local electric power generation	Clean Energy Alliance Energy Upgrade California City of Carlsbad Environmental Sustainability Department programs to reduce energy use City of Carlsbad New Power Plant City of Carlsbad Home Energy Score Assessment Program Property Assessed Clean Energy California Solar Initiative California Clean Vehicle Rebate Project Electric vehicle charging stations Carlsbad Energy Center				
Energy/power: renewable energy					
Energy/power: reservoir solar panels					

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Water: Sources and supplies	San Diego County Water Authority Carlsbad Potable Water Master Plan Carlsbad Municipal Water District water resources Olivenhain Municipal Water District Vallecitos Water District Carlsbad Desalination Plant Carlsbad water quality San Diego Regional Water Quality Control Board Storm Water Management and Discharge Control Ordinance (Chapter 15.12) Carlsbad Municipal Water District Recycled Water Master Plan Update County Department of Environmental Health and Quality recycled water				
Water: Desalination					
Water: Water quality					
Water: Stormwater					
Water: Recycled water					

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Environmental sustainability: climate change	City of Carlsbad Climate Action Plan City of Carlsbad Draft Local Coastal Program (pending Coastal Commission approval) City of Carlsbad Sea Level Rise Vulnerability Assessment				
Environmental sustainability: sea level rise					
Technology	City of Carlsbad Strategic Digital Investment Plan Connected Carlsbad Roadmap City of Carlsbad Innovation				
Cellular service/Wi-Fi access					

Topic	Other related programs and agencies that address this topic in Carlsbad	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic? (should it be included in growth management plan)?	Should this topic be included in a quality-of-life memorandum from the Committee to the City Council?
Village development	Village & Barrio Master Plan Village & Barrio Objective Design Standards (underway)				
Request for public park in Ponto area	Ponto Park fact sheet (received 9/22) Growth Management Plan parks performance standard				
Update Proposition H	Chapter 1.24 EXPENDITURE LIMITATION (qcode.us)				

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 8
Oct. 12, 2022

1

Call to Order & Roll Call

2

Approval of Minutes

3

Public Comment

4

Welcome & Introductions

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

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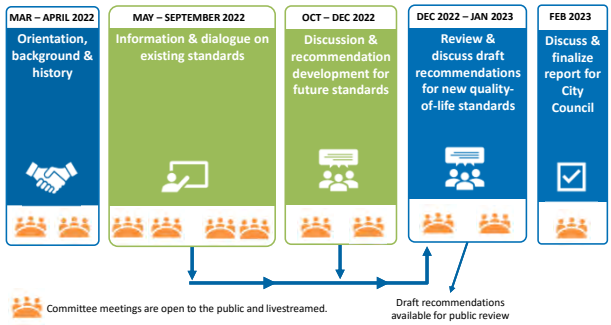
COMMITTEE PROCESS



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TODAY'S AGENDA

Discussion Items

- Potential new growth management topics
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

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Potential New Growth Management Topics

Carlsbad TOMORROW

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POTENTIAL NEW TOPICS

- To date, focus has been on existing 11 standards
- Now committee will discuss potential new topics for the growth management plan
- During discussion, consider the work product identified in committee charter

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COMMITTEE WORK PRODUCT

The committee will be responsible for reviewing work product and providing feedback to staff and consultants. The committee is expected to focus on input, review and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

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NEW TOPICS MATRIX

- Lists topics previously identified by committee
- Identifies existing programs that address the topics

GOAL
Help sort and prioritize new topics to determine if any should be considered further as performance standards or separate recommendations for the City Council's consideration.

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DISCUSSION QUESTIONS

- Is this topic already adequately addressed?
- Is this topic something the city can directly control?
- Could a nexus be made between future growth and this topic? (should it be included in the growth management plan)
- Should this topic be included in a quality-of-life memorandum from the committee to the City Council?

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Committee Discussion

Carlsbad TOMORROW

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Walkability				

Related programs:
- Age Friendly Action Plan
- Sustainable Mobility Plan

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Arts and Culture				

Related programs:
- Carlsbad Arts & Culture Master Plan
- Carlsbad Library & Cultural Arts programs and services

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Behavioral health Physical health				

Related programs:
- County Behavioral Health Services
- County Live Well San Diego Program
- Carlsbad Parks & Recreation programs and services

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Public Safety				

Related programs:
- Carlsbad Police/Fire Departments Divisions and Services

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Homelessness				

Related programs:
- Carlsbad Housing & Homeless Services Department
- Homeless Response Plan
- City Council 5-Year Strategic Plan

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Seniors/ Aging **Senior Center Operations**				

Related programs:
- Carlsbad Age-Friendly Action Plan
- Carlsbad Parks & Recreation programs and services
- Carlsbad Senior Commission
- County Aging & Independence Services

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Energy/ Power: **Local generation** **Renewable** **Reservoir solar**				

Related programs:
- Clean Energy Alliance
- Energy Upgrade California
- Carlsbad Environmental Sustainability Department
- Carlsbad new power plant
- Carlsbad Home Energy Assessment
- Carlsbad Energy Center
- Property Assessed Clean Energy
- Calif. Solar Initiative
- Calif. Clean Vehicle Rebate Project
- Electric Vehicle charging stations

22

Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Water: **Sources/supply** **Desalination** **Quality** **Stormwater** **Recycled**				

Related programs:
- County Water Authority
- Carlsbad Potable Water Master Plan
- Water Districts' Resources
- Carlsbad Desalination Plant
- Carlsbad water quality regulations
- Regional Water Quality Control Board
- Stormwater management ordinance
- Carlsbad Recycled Water Master Plan
- County Department of Environmental Health

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Environmental Sustainability: **Climate Change** **Sea Level Rise**				

Related programs:
- Carlsbad Climate Action Plan
- Carlsbad Draft Local Coastal Program
- Carlsbad Sea Level Rise Vulnerability Assessment

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Technology Cell Service/ Wi-Fi Access				

Related programs:
- Carlsbad Strategic Digital Investment Plan
- Connected Carlsbad Roadmap
- Carlsbad Innovation

25

Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Village Development				

Related programs:
- Village & Barrio Master Plan
- Village & Barrio Objective Design Standards (underway)

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Update Proposition H				

Related programs:
- Carlsbad Municipal Code Chapter 1.24 Expenditure Limitation

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Topic	Is this topic already adequately addressed?	Is this topic something the city can directly control?	Could a nexus be made between future growth and this topic?	Should this topic be included in a quality-of-life memo to the City Council?
Public Request for Park at Ponto				

Related programs/resources:
- Ponto Park fact sheet
- Growth Management Park Standard

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CITY COUNCIL 5-YEAR STRATEGIC PLAN

- Approved last night, Oct. 11
- Includes policy goals to reflect most important priorities of the community
- Focuses city resources to fulfill the Carlsbad Community Vision

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STRATEGIC PLAN GOAL THEMES

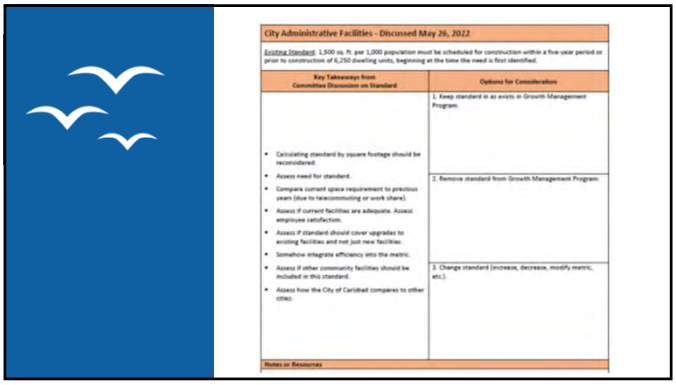
- Community Character
- Quality of Life & Safety
- Sustainability & Natural Environment
- Economic Vitality
- Organizational Excellence & Fiscal Health

30

Committee Member Requests for Future Agenda Items

Carlsbad TOMORROW

31



City Administrative Facilities - Discussed May 26, 2022

Existing Standard: 1,500 sq. ft. per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Calculating standard by square footage should be reconsidered. • Assess need for standard. • Compare current space requirement to previous years (due to telecommuting or work share). • Assess if current facilities are adequate. Assess employee satisfaction. • Assess if standard should cover upgrades to existing facilities and not just new facilities. • Somehow integrate efficiency into the metric. • Assess if other community facilities should be included in this standard. • Assess how the City of Carlsbad compares to other cities.	1. Keep standard in as exists in Growth Management Program. 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.).
Notes or Resources	

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next Meeting: Nov. 30, 2022

Carlsbad TOMORROW

34

October 7, 2022

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

Re: Open space and parks discussion follow-up

At our last meeting, I raised several questions about open space and parks. As a follow-up, and after doing some additional research, I would like to provide the committee with the following information. We get a lot of communications to read, but please read the initial 1½-page **SUMMARY** below. For the brave of heart, optional **SUPPORTING ENDNOTES** follow.

SUMMARY

40% open space

- In 1986, staff planners estimated (behind the scenes) that Carlsbad would have about 37%-38% open space at build-out based on conditions that existed at that time.[1] However, the growth management ballot proposition adopted by voters that year was accompanied by a rather unequivocal "Argument in Favor" authored by the City Council (which had placed the item on the ballot) that its passage would "guarantee 40% open space."[2]
- Note that staff has used a City Council "Argument in Favor" in the past to guide their interpretation of the legal intent of a related ballot measure, giving that significant weight.[3]

Park funding

- The so-called "fact sheet" we received last meeting on parks is very misleading in its claims that park land acquisition and development can only be paid from the city's General Fund, and that any such expenditure in excess of $1 million requires a citywide vote.[4]
- At a minimum, park-in-lieu (PIL) fee[5] and public facility fee (PFF)[6] funds can be used for those purposes, and tens of millions of dollars have been spent, or are currently programmed to be spent, on parks through those funding mechanisms.
- In addition, Proposition C (adopted citywide by voters in 2002) creates an exemption from the $1 million General Fund limit for "open space" projects. Staff has claimed that the Proposition C exemption applies only to "natural open space," but the word "natural" does not appear anywhere in the ballot measure itself, the City Attorney's Impartial Analysis, or the City Council's Argument in Favor of the measure.[7]
- The State has a very specific legal definition of "open space" for city planning purposes, which comprises several categories of land, including land for parks, in addition to natural open space.[8] The City of Carlsbad has also followed this definition.[9]
- Also, the City Council (which placed the item on the ballot) specifically cited "parks" as an example in the very first sentence of their "Argument in Favor" of passage of Proposition C, supporting that legislative intent.[10]

- Further, the ballot measure itself included the exemption for "trail linkages and open space," and the General Plan in effect at the time had multiple policies promoting the creation of trails within parks and making connections between the parks with trail linkages[11]—all consistent with an intended ability to use Proposition C to fund all types of open space projects (parks and natural), as well as trail linkages to connect all of those spaces.

Veterans Memorial Park's satisfaction of the current park standard

- The justification to divide the substantial acreage of Veterans Memorial Park (formerly Macario Canyon Park) equally into all four quadrants was made in 1986, when the plan was to create a regional-scale park with substantial active areas and facilities—including, apparently, an amphitheater.
- However, the park's final design, which was based on more recent public input, includes only a fraction of active recreation area—with the vast majority being passive areas and inaccessible open space.[12]
- In the transportation study, staff concluded that the park will not really generate new general park use trips--rather, it will basically just redistribute some existing trips from other nearby parks.[13] The Planning Commission went to great lengths to defend that study, highlighting how the park changed into one that is going to function more like a small neighborhood park, rather than a community or regional park.[14]
- Therefore, while it will be a wonderful park, it is not reasonable for the city to continue to argue in 2022 that it will serve a significant citywide role and to split its substantial acreage (most of it passive/off-limits) among all four quadrants to meet the park performance standard, while simultaneously arguing, for transportation impact purposes, that the park will largely be acting like a neighborhood park.

On all of these issues, what is actually legally required, and what this committee wishes to recommend going forward, are open topics. However, in order for our committee to make informed and transparent recommendations to the City Council, we need to be provided with reasonable, accurate, and unbiased information to guide us.

SUPPORTING ENDNOTES

40% open space

Endnote 1: Vice Chair Mike Howes' July 22, 2022 "Growth Management Background & History" communication to the committee.

Endnote 2: The growth management measure Proposition E (Attachment A) was placed on the ballot by the 1986 City Council and focused on:

> …ensuring good traffic circulation, schools, parks, libraries, open space and recreational amenities…

It is notable that the "Argument in Favor," which was co-authored by the very councilmembers who placed the measure on the ballot, focused specifically on the 40% open space argument—not mentioning any of the other public facilities that were included in growth management:

> Proposition E…guarantees that we will always be a low density residential community with 40% open space…

Endnote 3: It is also notable that, at the 1/26/2021 City Council meeting (Item #12), staff cited council's official ballot "Argument in Favor" of 2002's Proposition C in their interpretation that General Fund money cannot be used to fund parks. So, staff clearly considers "Arguments in Favor" to hold significant weight in the interpretation of the intent of such ballot measures.

Park funding

Endnote 4: Bullet points from "Fact Sheet: Community Interest in a Ponto Public Park, City of Carlsbad Community Development":

- Funding for park acquisition, development and maintenance must come from the General Fund, which was not included in the Fiscal Year 2022-23 budget (funds from park-in-lieu fees or Community Facility District #1 fees are restricted and cannot be used).
- Citywide voter approval would be required under Proposition H, a Carlsbad-specific law that requires voter approval for any capital improvement projects that cost more than $1 million in general funds, even if the city already has the money on hand.

Endnote 5: Availability of PIL funds was acknowledged in the "Carlsbad Tomorrow: Growth Management Citizens Committee: Recent Committee Questions & Responses" document received by the committee yesterday (October 6, 2022).

Endnote 6: More significantly, public facility fees (PFF) can be used. In fact, here are three examples of parks that have been assigned a significant amount from the PIL and PFF funds, according to the Capital Improvement Program Dashboard:

- Village H Dog Park and Trail: $0.9 million PFF (Attachment B)
- Robertson Ranch Park Development: $2.5 million PIL + $12.6 million PFF (Attachment C)
- Pine Avenue Park Community Center: $2.2 million PIL + $10.1 million PFF (Attachment D)

Endnote 7: The claim that usage of General Fund amounts greater than $1 million without a citywide vote is also specious. Voters adopted Proposition C in 2002 (Attachment E), which makes exceptions to the $1 million limit for certain specific projects and other broad categories of projects. The broad categories are "trail linkages and open space."

Endnote 8: California Government Code Section 65560(h) describes several categories of land defined as "open space." Subsection (3) describes park open space: "Open space for outdoor recreation, including…areas particularly suited for park and recreation purposes…" Other categories include Subsection (1) open space for preservation of natural resources (i.e., "natural open space"), Subsection (2) open space for managed production of resources (e.g., forests, farms, and fisheries), etc.

Endnote 9: The City of Carlsbad follows this State definition in its Open Space, Conservation, and Recreation Element of the General Plan. That element also clearly lays out how both natural open space and open space for recreational use both fall under the definition of open space:

> Open space is one of Carlsbad's principal defining features and serves several different purposes. Many open spaces are conserved as natural habitat. Other open spaces fulfill both habitat conservation and recreational needs, or are specifically designated for recreational use.

Endnote 10: Four of the five members of the 2002 council (Mayor Lewis and Councilmembers Kulchin, Finnila, and Nygaard) supported placing Proposition C on the ballot (then-Councilmember Hall was opposed). All four of those in favor were designated to co-submit the official written argument in favor of the ballot measure (Attachment E). The very first sentence cites parks and roads as examples, and then it goes on to explain that adoption of the proposition will allow the city to fund such facilities in advance of, or instead of, developer funding:

> The Growth Management Plan {GMP) requires developers, not existing residents and businesses to pay for new facilities such as parks and roads. Unfortunately, the money Is not collected from developers until development occurs. This means that the construction of facilities may lag behind need. This proposition allows the City to advance funding for certain projects ahead of developer funding, and invest additional tax revenues to enhance public benefit or construct projects that would not be a developer responsibility.

The citizens likely wanted to avoid filling every empty parcel with residences and commercial buildings, and they were not parsing "open space" into "natural" vs. "parks" vs. other types. And, given the argument in favor, they were expecting parks to be funded.

Endnote 11: Policies adopted in the 1994 General Plan Update.

> Provide, if feasible, a Carlsbad Trail System to be owned and maintained by the City, and wherever possible, the trail system shall be used to provide linkage between park facilities.
>
> Design and construct trails within parks to connect with the proposed Carlsbad Trail System as part of future park development.

Veterans Memorial Park

Endnote 12: See the 6/15/2022 Planning Commission staff report for Veterans Memorial Park.

Endnote 13: See Appendix I of the above-referenced staff report. Also note that the park is surrounded by the golf course and industrial areas to the south and Agua Hedionda creek to the north, so there is very little residential development within walking or easy biking distance.

Endnote 14: Watch Item #2 in the 6/15/2022 Planning Commission meeting video.

ATTACHMENT A

CITY OF CARLSBAD
Proposition E

(This proposition will appear on the ballot in the following form.)

E Shall an ordinance be adopted to provide as a part of the 1986 growth management plan that 1) NO DEVELOPMENT SHALL BE APPROVED by the City of Carlsbad unless it is guaranteed that concurrent with need all necessary public facilities be provided as required by said plan with emphasis on ensuring good traffic circulation, schools, parks, libraries, open space and recreational amenities; and 2) the City Council shall not approve residential development which would increase the number of dwelling units beyond the limit in said ordinance WITHOUT AN AFFIRMATIVE VOTE OF THE CITIZENS. The City may add additional public facilities. The City shall not reduce public facilities without a corresponding reduction in the residential dwelling unit limit.

ARGUMENT IN FAVOR OF PROPOSITION E

VOTE YES ON PROPOSITION E

Most people agree that the pace of growth in Carlsbad has been so fast that a moratorium on building was needed. The moratorium gave Carlsbad time to find an intelligent way to plan future growth. The result is Proposition E, which puts strict rules on the books--rules that can't change unless you, the voter, change them.

Proposition E puts a permanent cap on the total number of residential units that can be built in Carlsbad; reduces the overall density of the city and guarantees that we will always be a low density residential community with 40% open space. NO DEVELOPMENT SHALL BE APPROVED unless all required public facilities are provided up front.

Proposition E guarantees that the cost of needed public facilities will be paid by land developers and future homeowners--not by current Carlsbad taxpayers. Proposition E gives us controlled growth without increased taxes and without destroying our property values or beautiful community.

Proposition E was put on the ballot by the City Council and is endorsed by the Carlsbad Unified School District.

Now is the time to put strict limits on development and a cap on our future growth. Vote to preserve Carlsbad. VOTE YES ON PROPOSITION E

MARY H. CASLER
RICHARD J. CHICK
ANN J. KULCHIN
CLAUDE A. LEWIS
HOWARD C. HARMON

Village H South Off Leash Dog Area and Trail Segment 5B

Classification: Capital Project **Phase:** Design **Score:** Medium

Description:
The City of Carlsbad took ownership of a 61-acre piece of property, bisected at the corner of Carlsbad Village Drive and Victoria Avenue, as part of a lawsuit settlement involving the Quarry Creek housing project. Taking into account community input, staff and Preserve Calavera created a conceptual plan to allow an off-leash dog area while protecting sensitive habitat preserves and providing for wildlife movement. The project anticipates approximately 1.0 acre of fenced, off-leash dog area, a parking lot and a prefab restroom. The project also includes the design and construction of the balance of Trail Segment 5B (Carlsbad Village Drive to Tamarack Avenue, as reflected in the Carlsbad Trails Master Plan.)

Rationale:
City Council directed city staff to "initiate public outreach to engage residents in the development of a plan to integrate an off-leash dog run as part of the Village H property."

Funding Source	Appropriation to Date	Year 1 Adopted Budget (2021-22)	Year 2 Planned (2022-23)	Year 3 Planned (2023-24)	Year 4 Planned (2024-25)	Year 5 Planned (2025-26)	Year 6-10 Planned (2027-31)	Year 11-15 Planned (2032-36)	Total
PFF	522,000	67,000	872,800						1,394,800
									0
									0
									0
									0
									Total Project Cost: 1,394,800

Location: Southwest Corner of Carlsbad Village Drive and Victoria Avenue, Carlsbad CA 92010

Project location is approximate. Date Exported: 8/23/2021

Project Number: 4610

Robertson Ranch Park Development (Partial Funding)

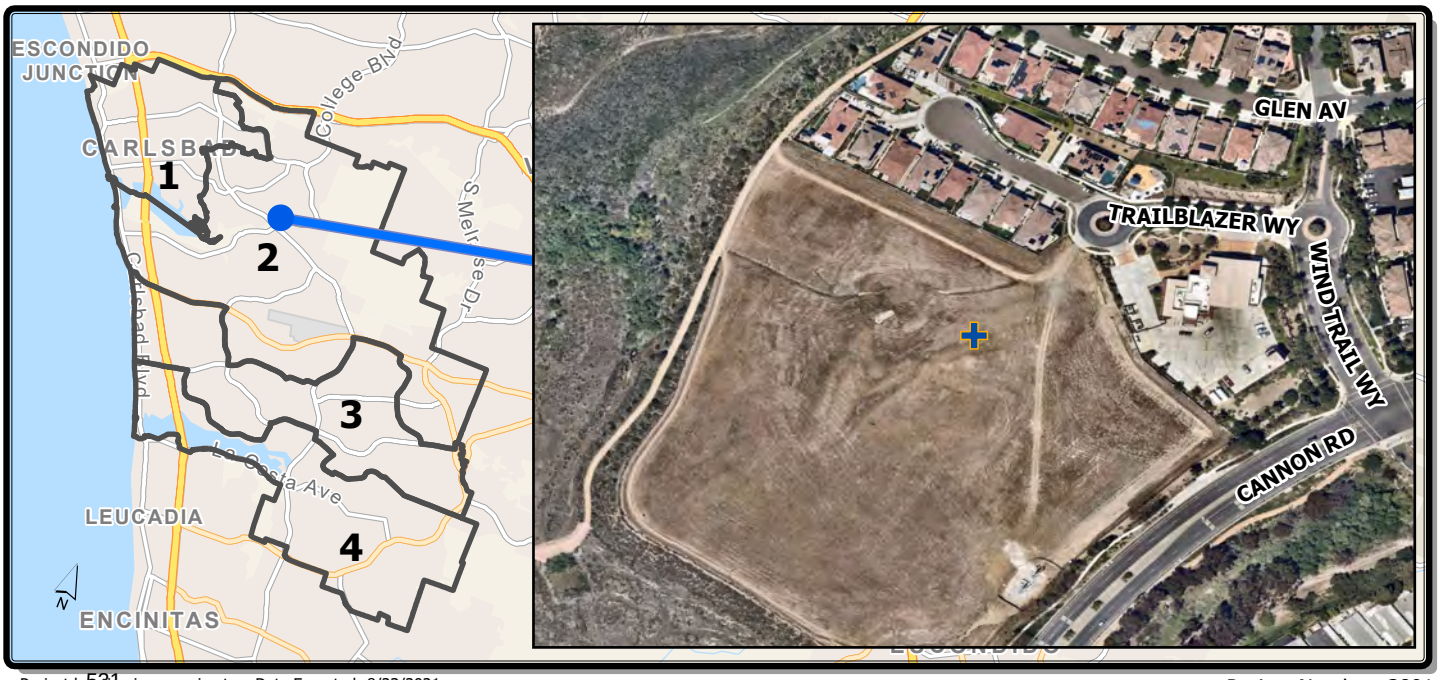
Classification: Capital Project **Phase:** Planning **Score:** Medium

Description:
13 acre Special Use Area Park for sports field complex including restrooms and parking. Initial phase is to develop a concept plan for the site in conjunction with the adjacent Fire Station #3 project. Actual park development not slated until buildout and is currently partially unfunded.

Rationale:
Fifteen (15) acres will be developed to meet the City's guidelines for numbers of sports fields per quadrant.

Funding Source	Appropriation to Date	Year 1 Adopted Budget (2021-22)	Year 2 Planned (2022-23)	Year 3 Planned (2023-24)	Year 4 Planned (2024-25)	Year 5 Planned (2025-26)	Year 6-10 Planned (2027-31)	Year 11-15 Planned (2032-36)	Total
PIL-NE	400,000	200,000		2,450,000					2,850,000
PFF				12,592,000					12,592,000
									0
									0
									0
									Total Project Cost: 15,442,000

Location: El Camino Real and Cannon Rd, access from Trailblazer Way



Project location is approximate. Date Exported: 8/23/2021

Project Number: 3801

Pine Avenue Park - Phase II (Community Building)

Classification: Capital Project **Phase:** Closeout **Score:** Medium

Description:
Originally master planned in 2002 and revised in 2010 and 2011, the remaining elements for the park included a multi-purpose community center with gymnasium (18,000 S.F.) and community garden with rentable plots and ornamental garden. An updated master concept plan was approved in December of 2014 by City Council to build these remaining elements. Based on extensive community input and the parks needs assessment findings and priority rankings, Council approved 3 master plan updates for Pine, Aviara and Poinsettia Community Parks as part of a comprehensive action plan to guide priority development for park facilities for a five-year period. Construction of the park was concluded in May 2018. In FY 20, final warranty tasks will be addressed.

Rationale:
Identified in the Parks and Recreation Element of the General Plan, and meets Recreation Facility Guidelines for one community center per quadrant.

Funding Source	Appropriation to Date	Year 1 Adopted Budget (2021-22)	Year 2 Planned (2022-23)	Year 3 Planned (2023-24)	Year 4 Planned (2024-25)	Year 5 Planned (2025-26)	Year 6-10 Planned (2027-31)	Year 11-15 Planned (2032-36)	Total
PIL-NW	2,197,000								2,197,000
PFF	10,016,040								10,016,040
PFF	123,300								123,300
									0
									0
									Total Project Cost: 12,336,340

Location: 3333 Harding Street, Carlsbad

Project location is approximate. Date Exported: 8/23/2021

Project Number: 4603

CITY OF CARLSBAD

Proposition C

(This proposition will appear on the ballot in the following form.)

PROP C Do the voters of the City of Carlsbad approve spending city funds from various sources including the General Fund in an amount over $1 million to construct capital facilities including a swimming pool complex, trails linkages and open space, a City/Safety Training Facility and a portion of Cannon Road, east of College (Reach 4)?

This Proposition requires approval by a simple majority (50% plus one vote) of the voters to pass.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

THE WAY IT IS NOW: Existing federal, state or local law requires that each real property acquisition or capital improvement project go through an extensive budgeting and approval process. Depending on the nature of the acquisition or project, it can be financed by special funds, general funds, or a combination of both. Special funds are generated from special taxes or development fees, which can only be used for the purpose for which they were imposed. General funds are generated from general taxes or general fees, which can be used for any municipal purpose. Most real property acquisitions or capital improvement projects are paid for from special funds. However, real property acquisitions or capital improvement projects requiring the expenditure of over $1 million from general funds are subject to Carlsbad Municipal Code Chapter 1.24, which requires a majority vote of the citizens for such expenditures.

THE PROPOSAL: The Proposal seeks voter approval under Carlsbad Municipal Code Chapter 1.24 for the expenditure of general funds over $1 million to finance or help finance the construction of:

- A swimming pool complex;
- Trails linkages and open space;
- A City/Safety Training Facility;
- A portion of Cannon Road, east of College (Reach 4).

If approved by a majority vote, the City Council may authorize the expenditure of over $1 million from general funds for the development of each of these projects. A majority vote does not require this expenditure but instead, authorizes the City Council to use this source of funds for these projects.

If Proposition B, which also appears on this ballot, is approved, then the City Council would have authority to spend general funds in excess of $1 million on the specified projects, regardless of the outcome of Proposition C. If Proposition B is not approved, then the City Council would not have the authority to spend general funds in excess of $1 million on the specified projects, unless this Proposition C is approved by the voters.

A "YES" VOTE MEANS: If you vote "yes", you wish to authorize the City Council to approve spending general funds in an amount over $1 million to finance or help finance the specified projects.

A "NO" VOTE MEANS: If you vote "no", you do not wish to authorize the City Council to approve spending general funds in an amount over $1 million to finance or help finance the specified projects.

HOW PROPOSITION "C" GOT ON A BALLOT.

At its August 6, 2002 meeting, the City Council voted to place Proposition C before the voters to decide whether general funds in excess of $1 million should be used to finance or help finance the specified projects.

FISCAL IMPACT: Proposition C does not require the expenditure of general funds but instead authorizes the City Council to use general funds in excess of $1 million to finance or help finance the specified projects. These specified projects have not been designed and their exact costs will be determined during the design, permitting, budgeting and public hearing processes.

ARGUMENT IN FAVOR OF PROPOSITION C

THIS PROPOSITION CREATES NO NEW TAXES. IT ALLOWS THE CITY TO USE THE TAXES ALREADY RECEIVED IN A WAY THAT BENEFITS THE COMMUNITY.

The Growth Management Plan (GMP) requires developers, not existing residents and businesses, to pay for new facilities such as parks and roads. Unfortunately the money is not collected from developers until development occurs. This means that the construction of facilities may lag behind need. This proposition allows the City to advance funding for certain projects ahead of developer funding, and invest additional tax revenues to enhance public benefit or construct projects that would not be a developer responsibility.

A YES vote on Proposition C will provide money for the following projects:

- SWIMMING POOL COMPLEX – a second swimming pool is needed now. Additional funds must be allocated to create a facility that will serve the needs of our community. A YES vote allows the City to allocate additional funds to this project.
- TRAILS AND OPEN SPACE – Carlsbad residents have repeatedly said that creating trails and preserving open space is their top priority. A YES vote will provide funding for both trail linkages and open space acquisition projects.
- SAFETY TRAINING FACILITY – The City's police officers and firefighters must constantly train to maintain a high degree of readiness. A YES vote will provide funding to build a facility to train our safety forces, and upgrade existing facilities and programs.
- CANNON ROAD EAST OF COLLEGE – This section of Cannon Road is needed to connect Cannon Road from Carlsbad to Oceanside. This will take traffic congestion off College Avenue in northeast Carlsbad and El Camino Real near Highway 78. A YES vote will provide money to complete this project.

We urge you to vote YES on Proposition C.

CLAUDE LEWIS Mayor	RAMONA FINNILA City Council Member
ANN KULCHIN Mayor Pro-Tem	JULIE NYGAARD City Council Member

ARGUMENT AGAINST PROPOSITION C

No argument against the proposition was filed in the office of the City Clerk.

EXHIBIT 2

Eric Lardy

From: Frank A. Caraglio <fcaraglio@roadrunner.com>
Sent: Friday, October 7, 2022 5:23 PM
To: Frank A. Caraglio; Michele Hardy
Cc: Growth Management Committee
Subject: Re: Free WiFi - cell phone and internet service

Sent from my iPhone

On Oct 6, 2022, at 7:30 AM, Frank A. Caraglio <fcaraglio@roadrunner.com> wrote:

Hi Michele,

You can ignore my previous email and just send this more recent email out to the committee. It contains all the correspondence between Carlsbad resident Jim Niswander and me on the two topics of 1) Free Wi-Fi and 2) Improved Cellular Service. Both pertain to improving the QOL in Carlsbad.

Thanks,
Frank

From: "Frank A. Caraglio"
To: "Jim Niswander"
Cc: "fcaraglio@roadrunner.com"
Sent: Friday September 30 2022 9:36:19AM
Subject: Re: Free WiFi - cell phone and internet service

Hi Jim,

Not only do I agree with your analysis of the importance of decent cellphone service to enhance the QOL in Carlsbad, I raised that exact subject in the last meeting. I suggested that perhaps cellular carriers could be more directly confronted on levels of service provided. It (along with park Wi-Fi) is now on the list of topics to discuss that might get added to the current eleven standards addressed in the GMP.

In the end, I believe Wi-Fi will be largely replaced by better cellular technologies like 5G, 6G, etc.

The next meeting is Oct 12 at 5 PM. If you want, you could come and make your comments known in person. The public is invited to speak, albeit briefly, at the beginning of the meeting. I think it would be good to get it on the public record for consideration.

Thanks,
Frank

From: "Jim Niswander"
To: "Frank A. Caraglio"
Cc:
Sent: Friday September 30 2022 8:58:32AM
Subject: Re: Free WiFi - cell phone and internet service

Hi Frank,

I agree that free WiFi in Carlsbad is an important subject. One place where we do have WiFi available to visitors is in the libraries.

In our phone conversation, I raised the subject of cell phone service and internet access and my concern that today we apparently do not have policies/methods to insure acceptable levels of service. I think we shared experiences with WiFi Calling that we use because cell service is poor. I tried to make the point that in our growth plan and as a way to maintain a high quality of life in Carlsbad, we should consider establishing minimum standards of service that the suppliers are obligated to maintain. Like the pay telephone, I would guess that landline phones are quickly vanishing, and so we are depending more and more on our mobile phones. As we use mobile phones more and depend so much on internet access, I believe these have become critical resources. I apologize if my message did not come through on the call.

Do you agree with my concern above? I will look for any evidence of other communities pursuing minimum levels of cell phone and internet service.

All the best,
Jim

On Mon, Sep 26, 2022 at 1:27 PM Frank A. Caraglio <fcaraglio@roadrunner.com> wrote:

> Hi Jim,
>
> This is excellent information.
>
> I discussed your comments with Frances and the committee at the meeting last week. As a result, we added the topic of free public Wi-Fi in Carlsbad to the list of committee agenda items to address.
>
> I will forward this email thread to the committee for review.
>
> Thanks much for doing this research - greatly appreciated.
>
> Regards,
> Frank Caraglio
>
> ---
>
> From: "Jim Niswander"
> To: "Frank A. Caraglio"
> Cc:
> Sent: Monday September 26 2022 4:25:07AM
> Subject: Free WiFi
>
> Hello Frank,

This email is a followup from our phone conversation where I raised the subjects of Internet and cell phone access as possible subjects for the Growth Management Citizen's Committee. I suggested that I would investigate the subject of free WiFi.

Turns out we don't have to go very far to see a community that has an active free WiFi initiative: San Diego. Please see the references below.

https://www.sandiego.gov/sdaccess

https://www.sandiegouniontribune.com/news/politics/story/2021-04-20/mayor-expanding-san-diegos-free-internet-program-with-more-locations-hotspots-laptops

https://www.cbs8.com/article/tech/san-diego-expands-wifi-hotspots/509-ce69d34c-9b78-464e-abd9-15aa4e25be06

Below is a link to a wider list of communities offering free WiFi.

https://www.wifimap.io/countries/234-united-states-free-wifi

A search for WiFi on the City of Carlsbad website finds an article about Carlsbad hiking trails information that depends on cellular or WiFi access. Maybe Carlsbad has some planning activity that is not covered yet.

I agree Carlsbad should consider a free WiFi program.

Take care,
Jim Niswander
760-815-7074

On Thu, Sep 15, 2022 at 3:00 PM Frank A. Caraglio <fcaraglio@roadrunner.com> wrote:

> Hi Jim - are you available now - noon?
> Frank
>
> Sent from my iPhone
>
> > On Sep 15, 2022, at 9:11 AM, Jim Niswander <jim.niswander@gmail.com> wrote:
> >
> > Hi Frank,
> >
> > When is a good time to call. Nothing urgent, so can want until the best time for you.
> >
> > Jim
> >
> > On Thu, Sep 15, 2022 at 6:51 AM Frank A. Caraglio <fcaraglio@roadrunner.com> wrote:
> >> Hi Jim,
> >>
> >> Please feel free to call me on my cell at 760-703-9210 if you prefer.
> >>
> >> Thanks,
> >> Frank

From: "Priya Bhat-Patel"
To: "Frank A. Caraglio"
Cc: "jim.niswander@gmail.com"
Sent: Wednesday September 14 2022 5:34:08PM
Subject: Re: Quick question

Frank and Jim connecting the two of you. I'll let you both take it from here.

Dr. Priya Bhat-Patel
she/her/hers
Council Member, District 3
City of Carlsbad
1200 Carlsbad Village Dr.
Carlsbad, CA 92008
www.carlsbadca.gov

442-339-2830 (o)| 760-473-8726 (c)
priya.bhat-patel@carlsbadca.gov

> On Sep 14, 2022, at 5:02 PM, Frank A. Caraglio <fcaraglio@roadrunner.com> wrote:
>
> Sure - fine with me
> Frank
>
> Sent from my iPhone
>
> > On Sep 14, 2022, at 4:56 PM, Priya Bhat-Patel <Priya.Bhat-Patel@carlsbadca.gov> wrote:
> >
> > Hi Frances and Frank,
> >
> > Hope you both are well! I have a resident who wants your contact information to touch base regarding the committee. Frank, I think he specifically wanted to talk regarding something Viasat. Okay to give your emails?
> >
> > Thanks!
> >
> > Dr. Priya Bhat-Patel
> > she/her/hers
> > Council Member, District 3
> > City of Carlsbad
> > 1200 Carlsbad Village Dr.
> > Carlsbad, CA 92008
> > www.carlsbadca.gov

442-339-2830 (o)| 760-473-8726 (c)
priya.bhat-patel@carlsbadca.gov

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

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

This pdf document is being sent to committee@carlsbadca.gov

To: Growth Management Citizens Committee

Subject: Cellular service/WiFi access

Cellular service/WiFi access is included at the bottom of page 5 of the Topics Outside of 11 Existing Performance Standards in the October 12, 2022 Agenda Packet

From: Jim Niswander, District 3 resident

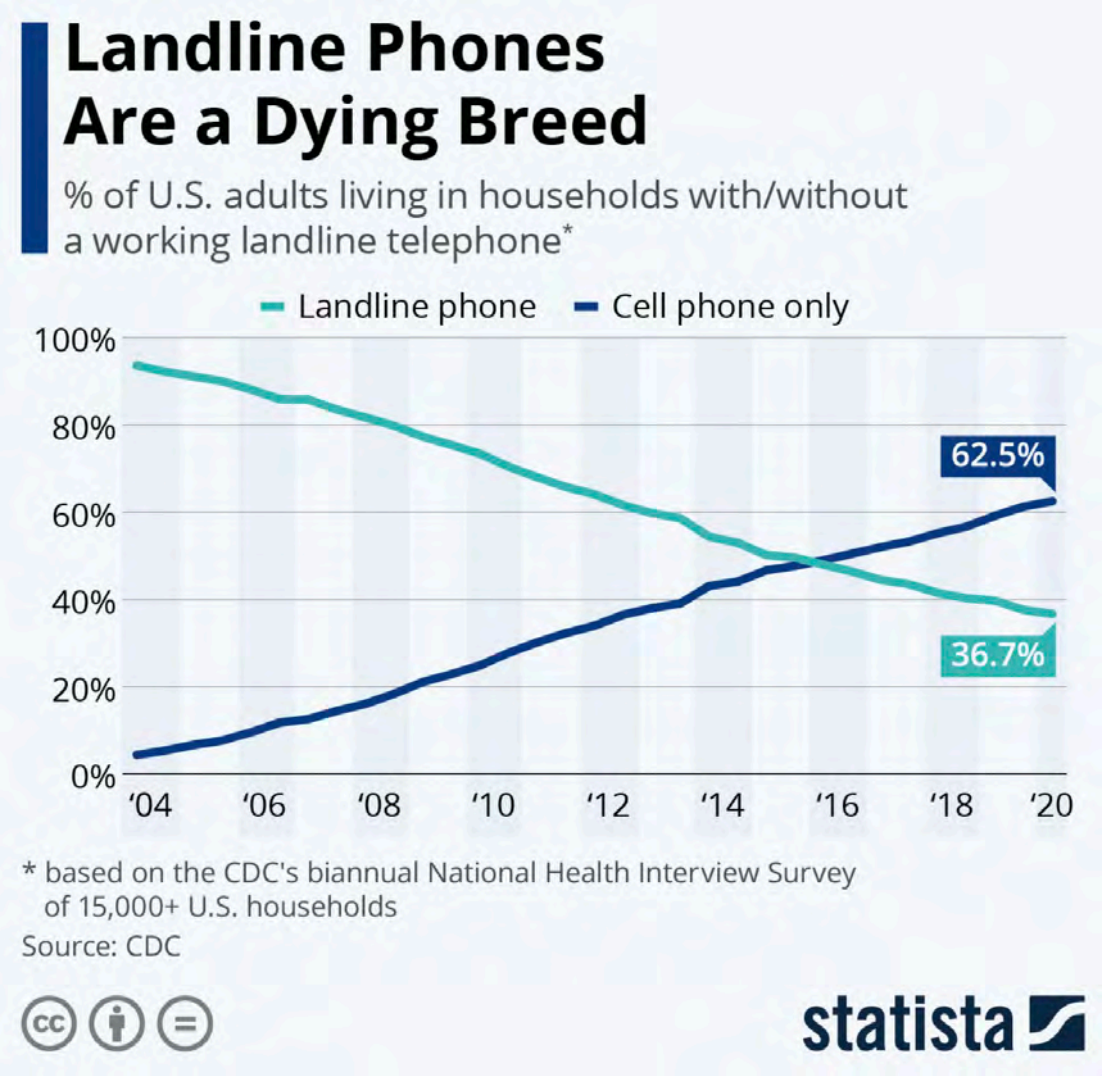
This document contains information that I will reference in my planned 3 minute presentation to the committee on Wednesday, October 12.

A quality of life and growth management subject of concern for me is Cellular service and WiFi access. We live in a world today where mobile communications and internet access are critical to our lives. Can we take steps to assure a minimum level of Cellular service and WiFi access for residents of Carlsbad?

While there are many reasons that justify pursuing a minimum level of service for cellular and WiFi in Carlsbad, one major consideration is emergency communications.

Transition from Landlines to Cell Phones for Connections to Households

Before cell phones, landlines were the connection to all our households. But just as the pay phones have disappeared, so are the number of landlines shrinking. In a survey of 19,956 households release in 2017, 50.8% of the households had only cell phones (no landlines). The chart below shows the shrinking number of household landlines and growing number of cell-phone-only households.



Source for chart above:
https://www.statista.com/chart/2072/landline-phones-in-the-united-states/

In 2004, only about 45% of people in the United States between the ages of 12 and 17 owned cell phones. At that time, most had to rely on landline telephones. Just 4 years later, that percentage climbed to about 71%. That same year, 2008, about 77% of adults owned a mobile phone.[6] In the year 2013, 91% of adults in the United States owned a mobile phone. Almost 60% of those with a mobile had a smartphone.[7] A National Health Interview Survey of 19,956

households by the Centers for Disease Control and Prevention released May 4, 2017 showed 45.9 percent of U.S. households still had landlines, while 50.8 percent had only cell phones. Over 39 percent had both.[8]

Source for text above:
https://en.wikipedia.org/wiki/Landline

Emergency Communications

A critical use of cellular and WiFi service is for emergency communications. The residents of Carlsbad deserve a minimum level of connectivity so we can receive reverse 911 calls and can access emergency information from applications. Below is a list of sources for emergency information and farther below are details of information and mobile applications recommended by these sources:

City of Carlsbad
San Diego County
California Governor's Office of Emergency Services
U. S. Government
UC Berkeley
San Diego Union-Tribune

From City of Carlsbad

https://www.carlsbadca.gov/departments/emergency-services
Stay Informed link

Important phone numbers
Emergency 9-1-1
Electric or gas emergency 800-411-7343
Police (non-emergency) 760-931-2197
Fire Department (non-emergency) 442-339-2141
Information line 2-1-1

Breaking News - Tweets from @carlsbadcagov

https://www.carlsbadca.gov/city-hall/communication-engagement/breaking-news

Social Media Related to Emergencies

Twitter
@carlsbadcagov
@carlsbadpolice
Facebook
City of Carlsbad, California
City of Carlsbad Police Department
Instagram
City of Carlsbad (@carlsbadcagov)
City of Carlsbad Fire Department (@carlsbadfiredepartment)
City of Carlsbad Police Department (@carlsbadpolicedept)
YouTube

CityofCarlsbadCA
Pinterest
City of Carlsbad Pinterest boards

From San Diego County

(Source: https://www.sdcountyemergency.com/)

AlertSanDiego https://www.readysandiego.org/alertsandiego/

AlertSanDiego is for registering your cell phone number, VoIP phone number, and email address only. Listed and unlisted landline phone numbers are already included in the database and do not need to be registered.

The County of San Diego, in partnership with Blackboard Connect Inc., has instituted a regional notification system that will be able to send telephone notifications to residents and businesses within San Diego County impacted by, or in danger of being impacted by, an emergency or disaster. This system, called AlertSanDiego, will be used by emergency response personnel to notify those homes and businesses at risk with information on the event and/or actions (such as evacuation, shelter in place, gas leak, missing person, etc.) we are asking them to take.

SD Emergency application. Disaster Preparedness Starts With You! The SD Emergency Mobile application lets you plan for the unexpected in advance: How you will contact one another. How you will get back together. What you will do in different emergency situations Important Tools at your fingertips! Create an Emergency PlanChecklists Supply Lists. Immediate Emergency Updates. Interactive Emergency Map. Shelter LocationsShakeReadySD (Beta) Earthquake Early Warning
https://emergencymap.sandiegocounty.gov/index.html

From California Governor's Office of Emergency Services

https://www.caloes.ca.gov/ http://calalerts.org/

California Earthquake Early Warning

MyShake App: Free smartphone app that provides iPhone and Android users with audio and visual warnings [magnitude 4.5 or higher and Modified Mercalli Intensity III (weak) shaking]. Available at in the Apple App and Google Play stores;

Wireless Emergency Alerts

Wireless Emergency Alerts (WEAs): No-cost text messages for emergency situations [magnitude 5.0 or higher and Modified Mercalli Intensity IV (light) shaking].

Types of Alerts:

Presidential: Alerts issued by the President or a designee during a national emergency.

Imminent Threat: Alerts issued when an imminent threat to life or property exists in your area, including severe man-made or natural disasters such as earthquakes, wild fires, hurricanes, and tornadoes.

AMBER: Alerts issued to help law enforcement search for and locate an abducted child.

From the United States Government

(Source: https://www.fema.gov/about/news-multimedia/mobile-products)

FEMA application: Take Charge of Disasters
The FEMA App is your personalized disaster resource, so you feel empowered and ready to take charge of any disaster life throws your way. The FEMA App allows you to receive **real-time weather alerts**, send **notifications** to loved ones, locate **emergency shelters** in your area, and more.

PLAN: Learn how to prepare for common hazards quickly and easily.Whether you're experienced or just starting out, the FEMA App can help you learn basic preparedness strategies like how to create a family emergency communication plan, what to pack in your emergency kit, and what to do immediately after a disaster.
PROTECT: Knowing when and how to protect yourself, your loved ones and your property during a disaster can make all the difference.With the FEMA App, you can receive real-time weather and emergency alerts from the National Weather Service for up to five locations nationwide. It can also help you find a nearby shelter if you need to evacuate to a safe space.
RECOVER: The FEMA App gives you the tools you need to recover after a disaster.Find out if your location is eligible for FEMA assistance, find Disaster Recovery Center locations, and get answers to your most pressing questions. Instantly connect with FEMA's disaster resources so you find the help that you need when you need it most.

From UC Berkeley

(Source: https://myshake.berkeley.edu/)
MyShake application - Receive earthquake alerts, see where earthquakes have occurred, and report earthquakes you feel.

From The San Diego Union-Tribune DisasterPreparedness section, Sunday, September 6, 2020

SD Emergency readysandiego.org
NOAA Weather Radar
https://apps.apple.com/us/app/clime-noaa-weather-radar-live/id749133753
WindAlert https://windalert.com/
QuakeFeed https://quakefeed.com/
Cal Fire Ready for Wildfire https://www.readyforwildfire.org/

CARLSBAD TOMORROW: GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

November 30, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the Oct. 12, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Allow for any introductions for those staff not present at previous meetings. Review agenda and meeting format. Review purpose and charge for the committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Review Carlsbad Tomorrow Report Sample Table of Contents and Sample Page.** Receive a presentation from city staff on the proposed work product of the committee.
    - **Fire Standard.** Participate in a committee discussion to determine direction regarding the Fire standard – keep as is, remove, or update.
    - **Police.** Participate in a committee discussion to determine direction regarding establishing a new standard for police services.
    - **Library Standard.** Participate in a committee discussion to determine direction regarding the Library standard – keep as is, remove, or update.
    - **Arts/Culture.** Participate in a committee discussion to determine direction regarding establishing a new standard for arts and culture.
    - **City Administrative Facilities Standard.** Participate in a committee discussion to determine direction regarding the City Administrative Facilities standard – keep as is, remove, or update.
    - **Schools Standard.** Participate in a committee discussion to determine direction regarding the Schools Standard – keep as is, remove, or update.

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, Dec. 15, 2022, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

November 30, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Annika Jimenez, Gita Nassiri, Fred Briggs, Joe Stine, Steve Linke
Alternate – Ron Withall, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Terence Green, Nora Jimenez George, Allen Manzano, Thierry Ibri

Absent:
Primary – Stephen "Hap" L'Heureux, Harry Peacock, Chad Majer, John Nguyen-Cleary, William Sheffler, Amy Allemann, Patricia Mehan
Alternate – Patrick Goyarts, Matthew Reese, Erin Nell, Angela O'Hara, Lisa Stark, Jamie Jacobs, Art Larson, Marissa Steketee, Kevin Sabellico, William Fowler

APPROVAL OF MINUTES:

Motion by Allen Manzano, seconded by Scott White, to approve the Oct. 12, 2022 minutes as amended.

PUBLIC COMMENTS:

There were no public speakers present.

WELCOME AND INTRODUCTIONS:
Meeting opened with a welcome to attendees from Committee Chair Eric Larson. City Planner Eric Lardy then briefly reviewed the committee's purpose and charter, the 11 existing performance standards, and the step-by-step process for the overall Growth Management Plan update. Facilitator Susan Harden reviewed the meeting agenda. Eric Lardy discussed that the meeting at hand will cover a few existing standards and a few topics that the committee asked for presentations on, or to be brought back for further discussion. The committee will decide what action to take with each of the topics, such as removing it from consideration as a standard, bringing it back for additional discussion around becoming a new standard or addressing it in a separate quality-of-life memo to the City Council.

COMMITTEE BUSINESS:

- **Carlsbad Tomorrow Report Sample Table of Contents and Sample Page.** Susan Harden reviewed the sample table of contents and a sample page of the Growth Management Citizens Committee Report**.** The committee had the following comments and recommendations around the format:
    - Recommendation to highlight each performance standard as a page whether it's a new or existing standard, or if the recommendation is to remove an existing standard.
    - There was discussion on incorporating the quality-of-life memo into the report, perhaps as an appendix or as a stand-alone section.
    - There was a desire to have assumed growth projections for the City of Carlsbad listed upfront.

  - The addition of an Executive Summary was requested.
  - The committee would like the report to include text regarding the success, and any issues, of the original Growth Management Plan. Mike Howes' historical write up on the Growth Management Plan was referenced as a starting point.
  - The committee asked for text to be included regarding the committee's process of considering new best practices, comparisons to other cities/municipalities, etc. to form the committee's recommendations where such benchmarks apply.
  - There was discussion on adding a section on the funding challenges of collecting enough developer fees when there is limited growth left in the city, and the probability that the city will need to lead and pay for projects due to the limited developer fees moving forward.
  - There was discussion on how State laws prevent the enforcing of Growth Management by the city and that potential and real impacts of State housing laws should be addressed in the report.
  - It was noted that there is a need for a very clear nexus between impacts of future development and fees and fees charged or the State will throw them out.
  - Discussion included the need for the report to address how the Growth Management Plan historically responded to growth when standards weren't met.
- **Fire Standard.** Staff's recommendation that the Standard be removed from Growth Management to be replaced with annual evaluations of service in the city's operational planning was reviewed. City of Carlsbad Fire Chief, Michael Calderwood, was present to answer questions from the committee and to respond to the stated staff recommendation to remove the Fire Standard from the Growth Management Plan. The committee discussed what they perceived as pros and cons with removing the standard, expressing some concern with full removal. The committee discussed the following regarding mechanisms that could be put in place to ensure new growth doesn't negatively impact the Fire Department's capabilities if the Fire Standard is removed from the Growth Management Program:
  - Develop a community risk assessment (analysis) specific to the Fire Department
  - Develop a separate program or fee to help pay for capital costs associated with growth (e.g. new ladder trucks)
  - Annual review program
  - Refer to a detailed document outside of the Growth Management Program
  - Fire impact fee – updated regularly (annually, biannually, every five years?) and incorporated into the Growth Management Program
  - Direct impact of very large development projects should be considered
  - Can standard be placed upon city rather than developer?
  - Suggestion that performance standards for service should be outside of the Growth Management Plan
    - **Action:** City staff and Chief Calderwood will take the comments generated during the discussion and come back to the committee with further recommendations around including some form of Fire Standard in the Growth Management Program, including the possibility for the Growth Management Program to direct to standards set forth in a stand-alone document.
- **Police.** City of Carlsbad Police Chief, Mickey Williams, provided a presentation on the city's Police Department. Chief Williams discussed how it's difficult to measure the Police Department's performance with a single measurement, and that much like the Fire Department, there are many metrics and considerations involved, along with the ever-changing dynamics of the department – i.e. homeless response officers are a new component. Chief Williams discussed how the growth of the Police Department has been primarily related to community concerns and policy (school resource officers, active shooter, vaping, homelessness) not development growth. He stated the needs and growth of law enforcement is not directly tied to the number of houses or type of development. Chief Williams is not recommending a Police performance standard be included in the Growth

Management Plan but recommends having the Police Department consulted as growth is considered to determine likely Police impact. Also of importance is what growth or development is replacing. The committee discussed the following:

- Consider combined "Public Safety" standard for Fire and Police
- How does growth impact capital expenses? (police cars, etc.)
- If the Fire Standard is kept, there should be a Police Standard too
- Develop an Annual Review Program, similar to the Fire Chief's suggestion
- Opinion expressed that a Police Standard is not needed
- The standard could mandate staff to assess level of service
    - **Action:** By consensus, the committee moved to have staff, the Fire Chief, and the Police Chief collaborate on a recommendation or idea on an approach for addressing Public Safety, particularly as it relates to future growth in the City of Carlsbad.

- **Library Standard.** Fiona Everett, Senior Management Analyst, and Katie Nye and Sheila Crosby, Deputy Directors of Library & Cultural Arts, provided their reasoning behind recommending that the Library standard remain as it is in the Growth Management Plan. The committee briefly discussed if the standard is necessary based on build out projections. The committee was reminded that due to state mandates the future development could change the projections.
    - **Action:** By consensus, the committee moved to leave the Library standard as is.
- **Arts/Culture.** Richard Shultz, Cultural Arts Manager, provided a presentation on arts and culture, and its history, in the City of Carlsbad. Mr. Schultz reviewed the many City Council adopted/approved documents related to culture arts. He notes current public art funding is 1% through CIP projects, whereas most other cities in the state have been at 2% for a long time. Mr. Schultz discussed potential funding mechanisms for a venue in the city. The committee discussed the following:
    - Encourage City Council to increase 1% allocation to 2% in CIP
    - There was a belief expressed that Cultural Arts belongs in a quality-of-life memo rather than the Growth Management Plan.
    - In GMP, a % would apply to developer projects, which aren't projected to amount to much moving forward
    - Can a nexus be made?
    - Concern expressed about the cumulative impacts of imposing developer fees
    - Discussion around the Growth Management Plan and the quality-of-life memo being of equal importance
        - **Action:** By consensus, the committee moved to bring back ideas/language for a potential Culture and Arts Performance Standard, with no commitment on the committee's part for a decision on where to include Culture and Arts.
- **City Administrative Facilities Standard.** Chair Eric Larson reviewed the staff recommendation to remove the City Administrative Facilities standard from the Growth Management Program because the standard is no longer reflective of business operations and the new civic center and city hall project has been authorized in August 2022 to move forward.
    - **Action:** By consensus, the committee moved to remove the City Administrative Facilities standard from the Growth Management Program.
- **Schools Standard.** Chair Eric Larson reviewed the staff recommendation to remove the Schools standard from the Growth Management Program because state law requires annual coordination.
    - **Action:** By consensus, the committee moved to remove the Schools standard from the Growth Management Program.

DISCUSSION ITEMS:

- **Committee meeting schedule and topics.** Chair Eric Larson reminded the committee that the next meeting will occur in two weeks on December 15, 2022, and the following meeting on January 11, 2023.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- It was requested that staff more fully clarify if all Growth Management Standards will assume a related developer fee or if some standards might be performance-based without an associated fee.
- Based on some discussion and questions from committee members, staff will share the following information links: SANDAG population materials/presentation, Growth Management in other cities presentation materials, the City of Chula Vista Capital Improvements Program, and City of Carlsbad Capital Improvements Program dashboard.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:25 p.m.

Eric Lardy

Eric Lardy – Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Nov. 30, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Review Carlsbad Tomorrow Report Sample Table of Contents and Sample Page.** Receive a presentation from city staff on the proposed work product of the committee (Exhibit 1).
- **Fire Standard.** Participate in a committee discussion to determine direction regarding the Fire standard – keep as is, remove, or update (Exhibit 2). Fire Chief will be available for questions.
- **Police.** Participate in a committee discussion to determine direction regarding establishing a new standard for police services. Police Chief will be available for questions.
- **Library Standard.** Participate in a committee discussion to determine direction regarding the Library standard – keep as is, remove, or update (Exhibit 3). Library staff will be available for questions.
- **Arts/Culture.** Participate in a committee discussion to determine direction regarding establishing a new standard for arts and culture. Cultural Arts Manager will be available for questions.

  Currently, the city's art program is supported by the Arts Master Plan using existing city resources. Carlsbad Municipal Code Section 2.18.110 requires that city projects use funds in the amount of one percent of total project cost for works of art.

  www.carlsbadca.gov/departments/cultural-arts/public-art
- **City Administrative Facilities Standard.** Participate in a committee discussion to determine direction regarding the City Administrative Facilities standard – keep as is, remove, or update (Exhibit 4). City Real Estate Manager will be available for questions.
- **Schools Standard.** Participate in a committee discussion to determine direction regarding the Schools standard – keep as is, remove, or update (Exhibit 5).

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Carlsbad Tomorrow Report Sample Table of Contents and Sample Page
2. Fire Standard – Summary of Previous Committee Discussion and Options
3. Library Standard – Summary of Previous Committee Discussion and Options
4. City Administrative Facilities Standard – Summary of Previous Committee Discussion and Options
5. Schools Standard – Summary of Previous Committee Discussion and Options

Carlsbad Tomorrow

Growth Management Citizens Committee Report

Sample Table of Contents

Introduction

Growth Management Program history
- How and why the program was created
- 11 facility standards

Why an updated approach is needed now
- Existing City of Carlsbad plans and polices (Community Vision, General Plan, etc.)
- Changes in laws, regulations and policies
- Changes in city growth patterns
- Check in on current community needs and priorities

Committee
- Membership
- How formed
- Charter
- Process
- Limitations

Funding models
- Legal framework of funding – new development cannot make up deficiencies, requirements for establishing fees, nexus and district.
- Overview of approaches used by other cities/different models in use today in other jurisdictions
- Overview of various approaches to generating fees and other revenue to offset new spending to mitigate the effects of growth

Recommended quality of life standards (see sample report page)
- Present the standards recommended by the majority of the committee, options for how they could be measured and potential associated fees to support them
- Note other standards suggested by committee members

Quality of life standards recommended for removal
- Present the standards recommended for removal by the majority of the committee and the rationale

SAMPLE

Appendices

1. Meeting dates and topics
2. Summary of public input on committee's recommendations
3. Committee working documents
    - Summary handout
    - One page per performance standard
        - Options for potential new performance standards
    - Meeting minutes
4. Other feedback for consideration
    - Present other policy issues the majority of the committee would like to bring to the City Council's attention (outside the scope of the new framework for managing growth)
    - Other related issues individual committee members would like presented

SAMPLE

INSERT NAME OF STANDARD

Proposed standard

- What standard would need to be met in this area to protect Carlsbad's future quality of life?
- How will the city know if the standard has been met? What indicators can be tracked?

Rationale

- Why is the standard important to maintaining Carlsbad's excellent quality of life?
- What is working well with the existing performance standard that should be continued?
- In what ways is the existing standard falling short?
- If this is a new standard, why should this be added?
- What would make the existing performance standard better?
- What problem is the proposed standard trying to solve?
- If this is a new standard, why is it needed?
- What potential challenges or barriers could prevent the standard from being successful?

Potential fees/funding sources

- Residential development fee, new tax, commercial development fee, etc.

SAMPLE

Fire - Discussed July 28, 2022

No more than 1,500 dwelling units outside of a five-minute response time.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Consider methods for tracking, measuring, and evaluating results, and reporting of performance metrics. Identify ways that the current performance standard stated in the Growth Management Plan can be used to aid the fire department. • The current standard should be revised to consider high call volumes or call saturation like the recommended standard in presentation. • Determine whether there is a development impact fee charged for fire. • Consider the 5-minute drive time versus a 5-minute response time. • Consider counting retirement homes when counting the number of dwelling units. Aging community is an issue within the city. Are considered? • Consider the possibility of charging specific impact fees for retirement homes or senior citizen housing facilities in other areas that could impact response times. • Consider the benefits of including a fire performance standard or other metrics as part of the Growth Management Plan (GMP). • Consider the benefit of the fire department managing their performance with other metrics. • Committee must ensure that we mitigate impacts to existing residents, which is a critical part of answering this question.	1. Keep standard as it currently exists in the Growth Management Program. **2. Remove standard from Growth Management Program.** **Staff recommends that the Fire standard be removed from the Growth Management Program and replaced with annual evaluations of service in the city's operational planning.** 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the July 28, 2022, Growth Management Citizens Committee meeting.
PowerPoint presentation from the July 28, 2022, Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Fire Facilities item begins on page 8) from the July 28, 2022, Growth Management Citizens Committee meeting.

Nexus

A nexus can be established for fire facilities; however, the funding has not been established related to this standard. Future fees could be established or updated based on these nexus standards.

- Public Facility Impact Fees
- General Fund

Library - Discussed August 25, 2022

800 sq. ft. (of library space) per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• The current standard has worked well for the library system. • Library currently supports and provides cultural arts space and programming – consider separating into two distinct standards. • Foot traffic continues to increase. • Consider what digital technology has done for storage demand. o Storage needs haven't gone down but the opportunity for technological spaces, like play areas, space for "library of things" rentals, etc., has gone up. More space would be beneficial. • Consider the adequacy of geographic accessibility. Consider addition to the west of I-5? • Consider the collection of fees continue to be collected or are current facilities adequate?	**1. Keep standard in as exists Growth Management Program.** **Staff recommends that the Library standard remain as it is in the Growth Management Program because it has worked for the library team and has helped fund services. Continued collection of funds for this measure will help support future increases in population.** **While the library industry has moved away from formulaic calculations per capita to determine space needs, they have not replaced it with a new standard. Rather, libraries are focused on more flexible spaces that can adapt readily to changing community feedback and needs.** **The existing square footage for library spaces currently includes arts spaces as well: Cultural Arts office space, the Cannon Gallery, and the Schulman Auditorium. Consider this during the committee's discussion on the topic of arts and culture.**
	2. Remove standard from Growth Management Program.
	3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the August 25, 2022, Growth Management Citizens Committee meeting.
PowerPoint presentation from the August 25, 2022, Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Library Facilities item begins on page 7) from the July 28, 2022, Growth Management Citizens Committee meeting.

Arts & Culture Master Plan

Nexus/Funding Sources

A nexus could be established connecting the future growth to the need for library services, one has been established in the creation of CFD#1 resulting in it being eligible for a funding source.

- CFD #1
- Public Facility Impact Fees
- General Fund

City Administrative Facilities - Discussed May 26, 2022

1,500 sq. ft. per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Calculating standard by square footage should be reconsidered. • Assess need for standard. • Compare current space requirement to previous years (due to telecommuting or work share). • Assess if current facilities are adequate. Assess employee satisfaction. • Assess if standard should cover upgrades to existing facilities and not just new facilities. • Somehow integrate efficiency into the metric. • Assess if other community facilities should be included in this standard. • Assess how the City of Carlsbad compares to other cities.	1. Keep standard in as exists in Growth Management Program. **2. Remove standard from Growth Management Program.** **Staff recommends that the City Administrative Facilities standard be removed from the Growth Management Program because the standard is no longer reflective of business operations and the new civic center and city hall project has ben authorized in August 2022 to move forward.** 3. Change standard (increase, decrease, modify metric, etc.).

Additional Resources

Approved minutes from the May 26, 2022, Growth Management Citizens Committee meeting.
Powerpoint presentation from the May 26, 2022, Growth Management Citizens Committee meeting.
Agenda packet (staff report for Admin Facilities item begins on page 15) from the May 26, 2022, Growth Management Citizens Committee meeting.

Carlsbad City Council, Aug. 16, 2022, new city hall and civic center staff report

New City Hall and Civic Center:

- Site, scoping and planning analysis
- Public input summary report

Nexus/Funding Sources

A nexus could continue to be established based upon this standard for the current delta. However, funding for future programs would have to be estimated because the current City Hall project is funded through CFD fundings.

Current funding sources are:

- CFD #1
- Public Facility Impact Fees
- General Fund

Schools - Discussed June 23, 2022

School capacity to meet projected enrollment within the Local Facility Management Zone (LFMZ) as determined by the appropriate school district must be provided prior to projected occupancy.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• We need a greater understanding of the city demographics and demographic projections; recognize that projections are not always accurate. • Need to have a better understanding of headcounts and what demographics they represent. What demographic projection data do schools use? • Assess if school safety should be included. • Is this standard useful without city control? • School sets its own standards – are there other options to explore? Define the term "capacity" and "temporary" as it relates to schools. (for instance, is a trailer acceptable to meet capacity? How long is temporary?) o Need better understanding of what "relo" (trailer) requirements are for schools. • Is there a student generation factor that could be developed for each project (used to do this in the past at Planning Commission)? Perhaps an infill version of this factor? • Will serve/will not serve letters – this process may be an area to fine-tune as part of the growth management standard (how the city responds). • Assess impact of all-day kindergarten on school standards. • Assess city's role in the quality of education. • Assess private schools' impact on capacity and school planning. • Assess need for a census tract by tract understanding of the population. • Population projections will never be an exact science. • Neighborhoods transition and change over the decades – assess how this is accounted for. • Our growth standard recommendations should be actionable.	1. Keep standard in as exists Growth Management Program. **2. Remove standard from Growth Management Program.** **Staff recommends that the Schools standard be removed from the Growth Management Program because state law requires annual coordination.** 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the June 23,2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from the June 23,2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Schools item begins on page 9) from the June 23, 2022 Growth Management Citizens Committee meeting.

The city's General Plan reviewed school facilities in the Environmental Impact Report, projecting current and future enrollment. This chapter is available here: 3.11 Public Facilities and Services March 2014_clean (carlsbadca.gov)

Nexus/Funding Sources

- State fees are established by each school district. As building permit issuance the city confirms submission of developer fees. Government Code Section 65995

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 9
Nov. 30, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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11 PERFORMANCE STANDARDS

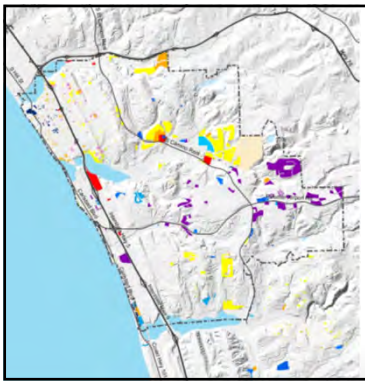
- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

7

GENERAL PLAN AND HOUSING

- State law precludes GM housing caps
- State law does not preclude General Plan
  - Housing and population growth is not unlimited in the future
  - Housing planned by General Plan can't be increased without amendment to plan or allowed density increases
  - Housing Element program to add 2,600 housing units

8



FUTURE INCREASED DEMAND FOR UTILITIES

Planned Land Use

- Rural Residential
- Single Family Residential
- Multi-Family Residential
- Mobile Home Park
- Group Quarters Facility
- Hotel/Motel
- Industrial
- Roads/ ROW/ Utilities
- Commercial
- Government/ Office
- Public Services
- Healthcare
- Schools
- Outdoor Recreation
- Park/ Open Space
- Agriculture
- Waterbody
- Mixed Use

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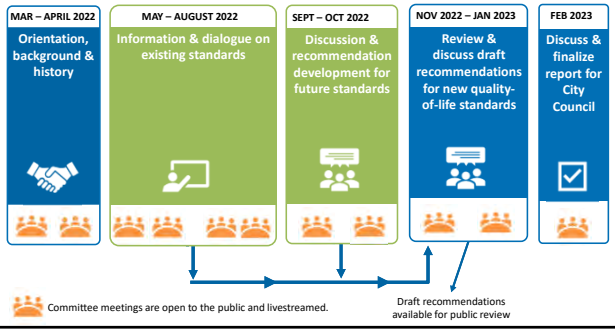
COMMITTEE PROCESS



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TODAY'S AGENDA

Discussion Items

- Committee Business
  - Review Carlsbad Tomorrow Report Outline and Table of Contents
  - Fire Performance Standard
  - Police
  - Library Performance Standard
  - Arts/Culture
  - City Administrative Facilities Standard
  - Schools Performance Standard

Carlsbad TOMORROW

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TODAY'S AGENDA (CONTINUED)

- Committee meeting schedule update
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

Carlsbad TOMORROW

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1. Committee Business

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Preview – Draft Committee Report Outline

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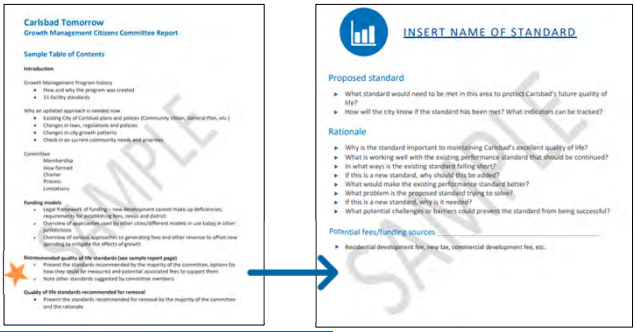

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CONSIDER THESE QUESTIONS

- Proposed standard
  - What standard would need to be met in this area to protect Carlsbad's future quality of life?
  - How will the city know if the standard has been met? What indicators can be tracked?

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CONSIDER THESE QUESTIONS

- Rationale
  - Why is the standard important to maintaining Carlsbad's quality of life?
  - What is working well with the existing performance standard that should be continued?
  - In what ways is the existing standard falling short?
  - What would make the existing standard better?
  - What problem is proposed standard trying to solve?
  - If this is a new standard, why is it needed?
  - What potential challenges or barriers could prevent success?

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Fire Performance Standard

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FIRE PERFORMANCE STANDARD

No more than 1,500 dwelling units outside of a five-minute response time.

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FIRE STANDARD STAFF RECOMMENDATION

- Remove from Growth Management Program
- Replace with annual evaluations of service in city's operational planning.

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Police Department

Mickey Williams, Police Chief

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AT A GLANCE

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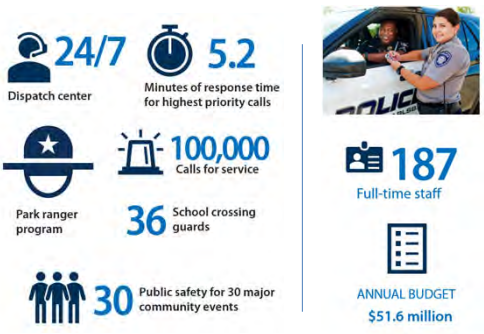
AT A GLANCE



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PATROL

- Provides fundamental base for Police Department's law enforcement services.
- 4 shifts/8 beats
- Meets crime face-to-face in a wide range of situations
  - Street patrols
  - Canine units
  - Bicycle patrol
  - Crisis negotiation
  - Mental health assistance teams

24

INVESTIGATIONS

- Responsible for follow up on variety of crimes
- Four special units
  - Property Crimes (General Investigations)
  - Violent Crimes
  - Vice Narcotics
  - Family Services
- Homeless Outreach Team
- School Resource Officers
- Crime Suppression Team

25

TRAFFIC ENFORCEMENT

- Help reduce the number of collisions through enforcement, educational efforts and partnership with Traffic Engineering Department
- Focus on areas with most collisions/complaints
- Other services
  - Parking enforcement
  - Abandoned vehicle abatement
  - Special events coordination

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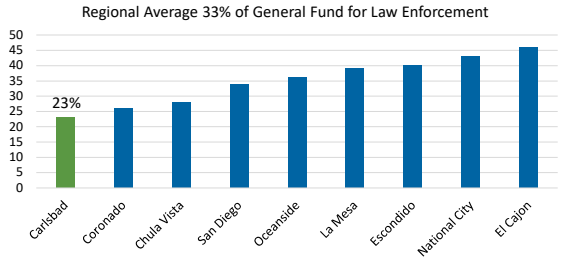
HOW CARLSBAD COMPARES: GENERAL FUND BUDGET FISCAL YEAR 2021-22



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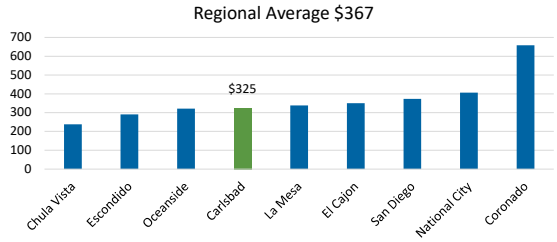
HOW CARLSBAD COMPARES: PER CAPITA SPENDING ON LAW ENFORCEMENT



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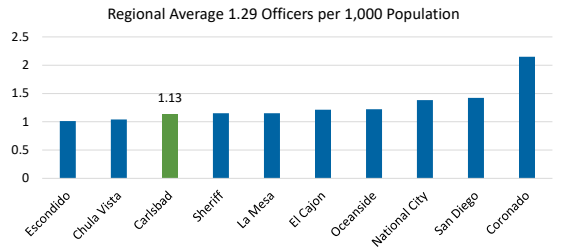
HOW CARLSBAD COMPARES: SWORN OFFICERS PER 1,000 POPULATION



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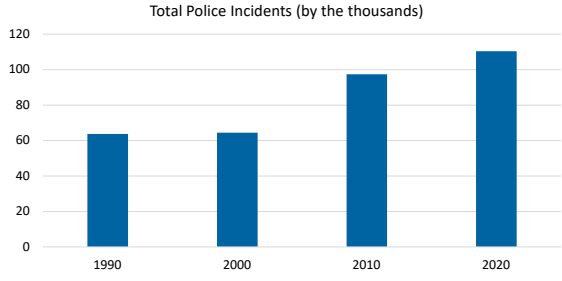
HOW BUSY IS THE POLICE DEPARTMENT?



30

FACTORS AFFECTING POLICE DEPARTMENT

- Changes in state and federal laws
  - AB 109 (2011) – Transferring inmates to county jails
  - Prop 47 (2014) – Reduced drug/theft offenses
  - Prop 57 (2016) – Early release of ~30,000 inmates
- Community concerns
  - Homelessness
  - Active shooter incidents
- Recruiting/retention of officers and dispatchers

31

CURRENT PERFORMANCE MEASUREMENT

- Crime rate (over time/compared to others)
- Response times (Priority 1-4)
- Level of trust in Police Department

32

CONCERNS WITH ADDING POLICE STANDARD

- Police Department staffing is subjective
- Factors affecting Police Department staffing often change

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KEY CONSIDERATIONS

- Should Police be included in Growth Management Plan?
- Policing is complicated
- Determining the right size for Police Department is a moving target
- Avoid rigid measurements for decision making
- Coordination with the Police Department desired

34

STAFF RECOMMENDATION

- Do not recommend a Police performance standard be included in the Growth Management Plan.
- Recommend having Police consulted as growth is considered to determine likely Police impact.

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Questions?

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Break

37

Library Facilities Performance Standard

Fiona Everett, Senior Management Analyst
Sheila Crosby, Deputy Library Director
Katie Nye, Deputy Library Director

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BACKGROUND

- Origin – Council Policy 32 (1982)
  - Established first public facility standards
  - Library Facilities – 0.6 sq. ft. per person
  - Square feet needed for employees to serve target population
- Updated with Growth Management Plan in 1986

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GROWTH MANAGEMENT PLAN STANDARD FOR LIBRARY FACILITIES

800 square feet per 1,000 population (citywide)

When need is first identified, facilities must be scheduled for construction:

- Within a five-year period; or
- Prior to construction of 6,250 dwelling units

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CURRENT LIBRARY FACILITIES

Facility	Square Feet
Dove Library	64,000
Cole Library	24,600
Learning Center	11,393
Total	**99,993**

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LIBRARY FACILITIES CURRENT STATUS

- Current population (June 2021) = 116,025
- Current demand = 92,820 sq. ft.
- Supply exceeds demand (99,993 sq. ft.)

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LIBRARY FACILITIES

LIBRARY FACILITIES BUILDOUT ANALYSIS

- Buildout population estimate = 133,874
- Buildout demand = 106,600 sq. ft.
- Supply falls short of demand (99,993 sq. ft.)
- Future projects planned
  - Cole Library rebuild and expansion

City of Carlsbad

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LIBRARY FACILITIES

TRADITIONAL LIBRARY SERVICES

- Books, story time, reading and study spaces
- Specialized services:
  - Genealogy & Carlsbad History
  - Literacy
  - Bilingual Services
  - Exploration HUB
  - Cultural Arts Programs

44

LIBRARY FACILITIES

EVOLVING NATURE OF LIBRARIES

- Technology literacy increasing
- Community more comfortable with virtual spaces
- Early learning play spaces
- Bookable study/telecommuting rooms
- Additional seating for laptop use
- "Library of Things"
- Employment resources

45

LIBRARY FACILITIES

From a repository of books…

To a community connecting place for people to engage with each other and learn

46

LIBRARY FACILITIES

GROWTH MANAGEMENT STANDARD

- Existing Growth Management Plan Standard has met existing space needs
- While industry standards for library spaces have evolved, there is not a new standard

FORMULAIC CALCULATIONS PER CAPITA

DRIVEN BY COMMUNITY FEEDBACK

47

LIBRARY FACILITIES

STAFF RECOMMENDATION

- Keep standard in as exists Growth Management Program
- Ensures a continued funding source to support new and/or improved library facilities.

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Arts & Culture Facilities Performance Standard

Carlsbad TOMORROW

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The Arts: A New Growth Management Standard

Richard Schultz, Cultural Arts Manager

Carlsbad TOMORROW

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CULTURAL ARTS SERVICES

MISSION

To enhance the vitality of the city and the quality of life for all residents by supporting an environment where arts and cultural organizations thrive, and people of all ages enjoy opportunities for expression and lifelong learning.

51

City of Carlsbad Cultural Arts

CULTURAL ARTS SERVICES

HISTORY

- Established in 1986
- Free admission to all cultural arts events and programs
- Current staffing:
  - 7 full-time
  - 22 part-time
  - 25 part-time each summer

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CULTURAL ARTS SERVICES

PERFORMING ARTS

- TGIF Concerts in the Parks
- Schulman Auditorium concerts
- Guest residencies

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CULTURAL ARTS SERVICES

VISUAL ARTS

- William D. Cannon Art Gallery
- Public Art – permanent and temporary
- Arts education
  - Three-Part Art
  - Pop Up Art

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CULTURAL ARTS SERVICES

COMMUNITY OUTREACH

- Community arts grants
- Mobile Arts Strategy
- Community partnerships

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EXISTING CITY DOCUMENTS

THE FOUNDATION IS BUILT

General Plan

California Government Code Section 65303 indicates that a general plan may include any other elements, which the community feels relate to the physical development of the city.

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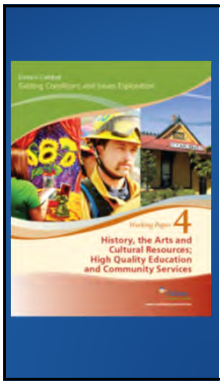

EXISTING CITY DOCUMENTS

THE FOUNDATION IS BUILT

Envision Carlsbad

…an opportunity for the city to encourage the development of new cultural art venues…to provide balanced opportunities for the entire community to appreciate, learn, perform and enjoy cultural arts.

57

EXISTING CITY DOCUMENTS

THE FOUNDATION IS BUILT

City Council accepted, adopted and/or approved:

- Imagine the Possibilities (City Council Resolution 2016-013)
- Arts & Culture Master Plan (City Council Resolution 2018-118)
- Cultural Facilities Needs Assessment (City Council Resolution 2019-214)
- Village & Barrio Cultural District (Adopted 10/12/2021)

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EXISTING CITY DOCUMENTS

THE FOUNDATION IS BUILT

City Council accepted, adopted and/or approved:

- A Cultural Plan (City Council Resolution 1990-356)
- Arts in Public Places (1995, rev. via City Council Resolution 2015-049)
- Strategic Cultural Plan (City Council Resolution 2001-366)
- General Plan - Arts History & Education (2015)

59

EXISTING CITY DOCUMENTS

CURRENT PUBLIC ART FUNDING

- 1% allotment for public art
- Authorized by City Council on May 7, 1985, under chapter 2.18.130 (Appropriations for Arts) of the Carlsbad Municipal Code
- Established funding for a public art element from Capital Improvement Projects appropriations

60

PERCENT FOR PUBLIC ART COMPARISON

California Municipality	Year % Established	Capital Improvement Program % Based on Construction Costs
Lodi	2001	2% over $50,000
Sacramento	1977	2%
San Diego	1991	2% over $250,000
San Francisco	1969	2%
San Jose	1985	2%
Santa Cruz	1999	2%
Stockton	2000	2%
Ventura	1992	2%

Imagine the Possibilities – A Public Art Vision for the City of Carlsbad
(Plan accepted via City Council Resolution 2016-013)

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GOALS FOR A NEW GROWTH MANAGEMENT PLAN STANDARD FOR THE ARTS

Economic development and vitality

Carlsbad is taking its place among the many U.S. cities that recognize the arts, culture and creative sectors as fundamental to their city and integral for a strong quality of life and robust economic development strategies.

Arts & Culture Master Plan
(City Council Resolution 2018-118)

62

GOALS FOR A NEW GROWTH MANAGEMENT PLAN STANDARD FOR THE ARTS

Diversity and inclusion

Community feedback indicated a strong interest in celebrating diversity and showcasing different cultures.

Arts & Culture Master Plan
(City Council Resolution 2018-118)

63

GOALS FOR A NEW GROWTH MANAGEMENT PLAN STANDARD FOR THE ARTS

Provide physical space for the arts

To assist the city's arts programs, local artists and arts organizations by providing physical space, indoor and outdoor, suitable for creating, displaying, and presenting visual and performing arts year-round.

Cultural Facilities Needs Assessment
(City Council Resolution 2019-214)

64

GOALS FOR A NEW GROWTH MANAGEMENT PLAN STANDARD FOR THE ARTS

Support a cultural district

Expand the boundaries of the cultural arts district…including the entire Village and Barrio area:

- Support a greater number of creative sector and cultural businesses
- Enhance the district as a cultural tourism destination

City Council adopted 10/12/21

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GOALS FOR A NEW GROWTH MANAGEMENT PLAN STANDARD FOR THE ARTS

Increase public art funding

Regularly consider the optimal public benefit for the use of public art funding and utilize the option to pool or re-allocate percent for art funds from capital improvement projects as a way to fund artwork throughout Carlsbad.

Imagine the Possibilities – A Public Art Vision for the City of Carlsbad
(Accepted via City Council Resolution 2016-013)

66

From Strategic Cultural Plan (2001)

"With economic and tourism leaders, explore and apply for public funding, tax increment monies, local bonds and other public financing mechanisms to support the inclusion of cultural components in economic and tourism development endeavors."

67

FUNDING OPTIONS

From Public Art Master Plan: Imagine the Possibilities*

Private development incentives and fees

Consider including public art in an incentive package given to developers OR requiring an additional $100 to $1,000 in developer fees for the arts, public art or a new facility

Imagine the Possibilities – A Public Art Vision for the City of Carlsbad
(Accepted via City Council Resolution 2016-013)

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FUNDING OPTIONS

Transient Occupancy Tax

- Currently, the City of Carlsbad collects:
  - $1 per occupied room per night for the Carlsbad Tourism Business Improvement District
  - $2 per occupied room per night for the Carlsbad Golf Lodging Business Improvement District
- Create a fund specifically for the arts and culture initiatives with an additional increase in TOT levies

Arts & Culture Master Plan
(City Council Resolution 2018-118)

69

FUNDING OPTIONS

Explore partnerships

Enhance existing venues and explore the potential for additional artistic and performance venues within the city including various funding models such as public-private partnerships.

Arts & Culture Master Plan
(City Council Resolution 2018-118)

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CARLSBAD THRIVES WITH THE ARTS

- The expression of the arts and culture creates excitement and contributes to Carlsbad as a vibrant place to live.
- Investment in the arts and culture impacts the economic and social welfare of the community.
- The arts reinforce Carlsbad as a city that is livable and dynamic with its distinct identity.

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City Admin Facilities Performance Standard

Carlsbad TOMORROW

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CITY ADMINISTRATIVE FACILITIES PERFORMANCE STANDARD

1,500 square feet per 1,000 population (citywide)

When need is first identified, facilities must be scheduled for construction:
- Within a five-year period; or
- Prior to construction of 6,250 dwelling units

73

ADMINISTRATIVE FACILITIES STAFF RECOMMENDATION

- Remove from Growth Management Program
- Standard no longer reflective of city operations
- New civic center and city hall project authorized to move forward

City of Carlsbad

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Schools Performance Standard

Carlsbad TOMORROW

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SCHOOLS PERFORMANCE STANDARD

School capacity to meet projected enrollment within the Local Facility Management Zone as determined by the appropriate school district must be provided prior to projected occupancy.

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SCHOOLS STANDARD STAFF RECOMMENDATION

- Remove from Growth Management Program
- State law requires annual coordination

City of Carlsbad

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Committee Member Requests for Future Agenda Items

Carlsbad TOMORROW

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UPCOMING COMMITTEE MEETINGS

Dec. 15
- Transportation & Circulation Standard
- Water, sewer, drainage
- Technology/Wi-Fi access

Jan. 11 – NEW MEETING DATE
- Open space
- Parks
- Environmental sustainability
- Energy/power
- Stormwater/water quality

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next meeting: Dec. 15, 2022

Carlsbad TOMORROW

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From:	Don Christiansen
To:	Growth Management Committee
Subject:	LOCAL Electric Power Generation
Date:	Monday, November 28, 2022 7:38:37 AM

G'Day fellow ***Carlsbad Tomorrow*** Growth Management Committee Members!

A new topic of conversation that has come up as a result of weighing in on our City's eleven "performance standards" is ***local electric power generation.*** Please have a look at the following City of Carlsbad link from last month that gives an update on the progress of our ***Clean Energy Alliance***, and how it has grown to include all the cities along the 78 corridor. https://www.carlsbadca.gov/Home/Components/News/News/1360/2

"By 2024, the alliance will be the 10th largest community choice aggregation service in California, with 270,000 accounts."

SDG&E will continue to provide the infrastructure. ***The question is who is going to generate the electricity?*** One option is to continue along the path of our Investor Owned Utility Monopoly ***(IOU)*** that typically buys energy from major players that have the financial capacity to build large scale wind and solar projects. These projects require very expensive extension cords (AKA transmission lines) to get the power to where it's actually used.

Another option is to do what makes ***sustainable sense*** and generate as much local electricity ***as feasible by*** turning rooftops, parking lots, and underutilized land that have been considered liabilities (because of maintenance issues) into assets by installing solar panels. ***LOCAL jobs*** and ***LOCAL business opportunities*** are created in the process.

Our Investor Owned Utility Monopoly will continue to earn 10% for building infrastructure (whether it's needed or not). They will simply have reduced income because fewer transmission lines and other infrastructure will be needed. Please note that SDG&E has the highest electricity rates in the United States. Those rates were lowered enough to undercut ***Clean Energy Alliance*** rates in June, but will be increased by 8% in January, which will once again put the ***Clean Energy Alliance*** at a competitive price advantage.

Carlsbad has shown leadership in the past by its early support of seawater desalination and the ***Clean Energy Alliance.*** Carlsbad can show leadership in the future by supporting ***decentralized solar electric production over rooftops, parking lots, and underutilized land while creating local jobs and local business opportunities.***

Support will also reduce pollution as mandated by Carlsbad's Climate Action Plan AND follow through on our Community Vision statement on Sustainability which reads:
"Build on the city's sustainability initiatives to ***emerge as a leader in green development and sustainability.*** Pursue public/private partnerships, particularly on sustainable water, ***energy***, recycling and foods."

The following link helps show how the City of Palo Alto is addressing decentralizing its electric energy production:
https://www.cityofpaloalto.org/Departments/Utilities/Business/Ways-to-Save/CLEAN

Sincerely,

Don Christiansen
Committee Member: ***Carlsbad Tomorrow***

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

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

December 15, 2022, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the Nov. 30, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & INTRODUCTIONS: *Open meeting and welcome attendees. Allow for any introductions for those staff not present at previous meetings. Review agenda and meeting format. Review and clarify purpose and charge for the committee.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Walkability.** Receive a brief presentation on "walkability" and walkability in Carlsbad. (Nathan Schmidt, Transportation Planning and Mobility Manager)
    - **Circulation/Mobility Standard.** Participate in a committee discussion to determine direction regarding the Circulation/Mobility standard – keep as is, remove or update. Also participate in a committee discussion to determine direction regarding establishing a new standard for walkability. (Nathan Schmidt, Transportation Planning and Mobility Manager)
    - **Technology/Wi-Fi.** Receive a brief presentation on technology/Wi-Fi trends and city initiatives. (David Graham, Chief Innovation Officer)
    - **Water Supply.** Receive a brief presentation on Carlsbad water supply. Participate in a committee discussion to determine direction regarding establishing a new standard for water supply. (Dave Padilla, Utilities Engineering Manager)
    - **Water Distribution Standard.** Participate in a committee discussion to determine direction regarding the Water Distribution standard – keep as is, remove or update. (Dave Padilla, Utilities Engineering Manager)
    - **Recycled Water.** Receive a brief presentation on recycled water in Carlsbad. Participate in a committee discussion to determine direction regarding establishing a new standard for recycled water. (Dave Padilla, Utilities Engineering Manager)
    - **Sewer Collection System Standard.** Participate in a committee discussion to determine direction regarding the Sewer Collection System standard – keep as is, remove or update. (Dave Padilla, Utilities Engineering Manager)
    - **Wastewater Treatment Standard.** Participate in a committee discussion to determine direction regarding the Wastewater Treatment standard – keep as is, remove or update. (Dave Padilla, Utilities Engineering Manager)
    - **Drainage Standard.** Participate in a committee discussion to determine direction regarding the Drainage standard – keep as is, remove or update. (Scott Lyle and Hossein Ajideh, Public Works)

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Wednesday, Jan. 11, 2023, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

December 15, 2022

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Eric Larson, Stephen "Hap" L'Heureux, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Joe Stine, Steve Linke
Alternate – Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Thierry Ibri, Angela O'Hara, Lisa Stark, Allen Manzano, Marissa Steketee, Kevin Sabellico, William Fowler

Absent:
Primary – Scott White, Mike Howes, Chad Majer, John Nguyen-Cleary, William Sheffler, Amy Allemann, Patricia Mehan
Alternate – Ron Withall, Terence Green, Matthew Reese, Erin Nell, Nora Jimenez George, Jamie Jacobs, Art Larson

APPROVAL OF MINUTES:

Motion by Frank Caraglio, seconded by Jeff Segall, to approve the Nov. 30, 2022 minutes.

PUBLIC COMMENTS:

One public comment was received.

1. **Parks and Open Space –**
   Lance Schulte asked that a park at Ponto be included in the committee's recommendation to the City Council. Mr. Schulte also suggested the committee maintain a 15% growth management open space standard.

WELCOME AND INTRODUCTIONS:
Meeting opened with a welcome to attendees from Committee Chair Eric Larson. City Planner Eric Lardy then briefly reviewed the committee's purpose and charter, with emphasis on the mission, the 11 existing performance standards, how the Growth Management Plan is implemented, the committee process, and the next steps in the Growth Management Program update process. Mr. Lardy briefly went over the role of the General Plan and the Housing Element and reminded the committee that SANDAG statistics related to projected population growth and demographics were redistributed in their committee packet. Facilitator Susan Harden reviewed the meeting agenda.

COMMITTEE BUSINESS:

- **Walkability.** City of Carlsbad Transportation Planning and Mobility Manager, Nathan Schmidt, provided a presentation on the term "walkability" and walkability in the city. The following committee discussion occurred:
  - Concern expressed that walkability is not elevated enough in the current standard and a desire stated that in the subsequent discussion (on the Mobility/Circulation Standard) a way be found to elevate walkability as a key quality of life indicator for the next iteration (of the Growth Management Program).

- Concern expressed about how past city policies have resulted in no parks within a walkable distance in certain areas of the city.
- There was discussion on how a nexus can be made between a development adding pedestrians to the streets and requiring the developer to add amenities to make the streets more walkable.
- There was an opinion stated that future developments will be mainly condos, apartments and hotels, therefore in the planning there should be a demand on the developer to include benefits to the general public such as pathways and trails.
- The definition of "walkability" was discussed and noted that the term is defined in many different ways.
- The comment was made that the Growth Management Program has been in place for 30+ years and the updated program will likely be in place for decades to come. The updated program is an opportunity to drive accountability to master planning, and the place topics like walkability can be elevated in importance.
- It was again noted that land use plays a large part in walkability.

- **Circulation/Mobility Standard.** City of Carlsbad Transportation Planning and Mobility Manager, Nathan Schmidt, Stephen Cook from Intersecting Metrics, and Katy Cole from Fehr & Peers provided a presentation recapping the prior Circulation and Mobility Standard presentation and discussed the current standard, what has changed since the current standard was adopted, the limitations of the current standard and the staff recommendation to update the metric in the standard. Staff recommended the Circulation Standard be changed to use Personal Miles Traveled as the measurement and use the Multi Modal Transportation Impact Fee to fund future mobility projects and accommodate future growth. The committee discussed the following:
  - Incorporate other alternative modes (shuttles, self-driving cars)
  - Generally supportive of the draft language/recommendation proposed by staff
  - Concern expressed regarding the loss of Level of Service D requirement as part of the standard. Per staff, Transportation Demand Management would still be required.
  - Concern that it seemed the "performance standard" was being removed from the Growth Management Program and directed to the Sustainable Mobility Plan.
  - Communication with the public will be important if the Level of Service requirement is removed from the standard so that the public understands how quality of roads is being evaluated and measured going forward.
  - The question was raised regarding whether to establish a standard or threshold for Personal Miles Traveled.
  - Concern expressed that Level of Service doesn't measure walkability.
  - Concern expressed about transparency on fees collected. Staff noted AB602 requires the city to publish the amount of fees collected and on what projects the money was spent.
  - Concern expressed that although the draft language proposed for a revised standard state "all users", it does not account for tourists/visitors. Staff indicated that as tourism relates to a new development, the impact of tourists from that development is accounted for through the Personal Miles Traveled evaluation for the development.
  - Can language be "hardened" around Personal Miles Traveled to serve more as a firm standard so that here is an "enforcement mechanism" through the Growth Management Program?
  - Concern expressed that the staff recommendation is a policy not a growth management standard and opinion that the Level of Service metric needs to remain in the standard.
  - Consider Personal Miles Traveled or Local Mobility Assessment into language of the standard.
  - Update the Multi Modal Transportation Impact Fee, but also include Local Mobility Assessment with Level of Service for all modes; or add these recommendations to the separate quality of life memo for City Council's consideration.

- **Action:** Motion to recommend draft Circulation/Mobility Performance Standard language by Frank Caraglio, seconded by Stephen L'Heureux.
- **Action:** Substitute motion by Frances Schnall, seconded by Steve Linke, to amend the original motion on the floor to leave the Level of Service and Local Mobility Assessment in the standard as the metric for direct impacts rather than moving it to the quality-of-life memo.
    - Comment on the amendment to have staff draft new recommended language rather than the committee.
    - Desire expressed for both the cumulative impacts = Multi Modal Transportation Impact Fee and the direct impacts = Level of Service/Local Mobility Assessment to be included in the performance standard.
- **Action:** Frances Schnall withdraws her substitute motion and Steve Linke agrees to withdraw the second; Frank Caraglio withdraws his original motion and Hap L'Heureux agrees to withdraw the second.
- ***Action:*** *By consensus, committee moves to bring the Mobility/Circulation Standard back to the committee with revised language from staff that reflects feedback from the committee.*

- **Technology/Wi-Fi.** City of Carlsbad Chief Innovation Officer, David Graham, provided a presentation to the committee on "Connected Communities" and what role technology plays in growth, mobility and land use. No further committee discussion followed.
- **Water Supply.** Dave Padilla, City of Carlsbad Utilities Engineering Manager, provided a presentation on water supply. Staff recommended not to establish a performance standard for water supply.
    - Discussion on the purchase of desalinated water.
    - Question on if assessments are made on future costs to source water and the impact on residents.
        - **Action:** By consensus, the committee agreed a water supply standard is not needed.
- **Water Distribution Standard.** Dave Padilla, City of Carlsbad Utilities Engineering Manager, provided a presentation on the existing Water Distribution Performance Standard. Staff recommended retaining the portion of the standard requiring line capacity concurrent with development. Staff recommended removing the minimum 10-day storage capacity requirement since it is not directly related to the provision of water supply related to growth within the city and the region maintains much larger storage capacity. The committee discussed the following:
    - The question was asked about the benefit of removing the 10-day storage capacity. What is the downside to keeping it?
    - Eliminate the 10-day storage capacity language from the standard since it's just a box to check and this will be achieved without inclusion in the performance standard
        - **Action:** By consensus, the committee agreed to move forward with the staff recommendation to maintain the requirement for line capacity and remove the 10-day storage capacity requirement from the performance standard
- **Recycled Water.** Dave Padilla, City of Carlsbad Utilities Engineering Manager, provided a presentation on the city's recycled water supply. Staff recommended not to establish a performance standard for recycled water.
    - Question on if there is an incentive for a new developer to connect to the city's recycled water system. Staff states there's a state mandate for developers with an irrigation need to connect to the city's recycled water system.
    - Question on the Pure Water San Diego Project and whether the city has considered turning recycled water into potable water. Staff indicated studies are being conducted, but it's a very expensive process.
    - Discussion on whether development is occurring where the recycled water system doesn't exist.

    - **Action:** By consensus, the committee agreed a recycled water performance standard is not needed.
- **Sewer Collection System Standard.** Dave Padilla, City of Carlsbad Utilities Engineering Manager, provided a presentation on the existing Sewer Collection System Standard. Staff recommended retaining this standard in the Growth Management Program in order to continue to require sewer line connection and capacity concurrent with development.
    - **Action:** By consensus, the committee moved to retain the standard as is to require sewer line capacity concurrent with development.
- **Wastewater Treatment Standard.** Dave Padilla, City of Carlsbad Utilities Engineering Manager, provided a presentation on the existing Wastewater Treatment Standard. Staff recommended removal of this standard from the Growth Management Program. Sufficient planning processes and efforts exist to maintain sewer system capacity through the involvement within the Joint Powers Authority and the city capacity.
    - **Action:** By consensus, the committee agreed to move forward with the staff recommendation to remove the Wastewater Treatment Standard from the Growth Management Program.
- **Drainage Standard.** Scott Lyle, City of Carlsbad Senior Engineer, provided a presentation on the existing Drainage Performance Standard. Staff recommended the drainage standard remain as is in the Growth Management Program because it has worked to support continued management of drainage facilities in the city.
    - Non-drainage question raised on whether or not the committee should be making any recommendations to City Council through the quality of life memo on standards that are being removed – such as a studies that need to be conducted, or fees evaluated on a cyclical basis.
    - Comment on education component for water conservation and if that could be a fee to developers in the Growth Management Program.
    - Question posed regarding relationship to water quality. Noted that staff and the committee would be discuss this topic in the next committee meeting.
        - **Action:** By consensus, the committee moved to retain the Drainage Standard as is in the Growth Management Program, requiring drainage facilities required by the city concurrent with development.

DISCUSSION ITEMS:

- **Committee meeting schedule and topics.** Facilitator Susan Harden reminded the committee that the next meeting will occur on Jan. 11, 2023 and will cover the open space and parks standards, and there will be presentations on the Climate Action Plan and water quality. The following meeting will take place two weeks later on Jan. 26, 2023 with the agenda dictated by outcomes of the Jan. 11 meeting.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- No future agenda items were brought forth by the committee.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:28 p.m.

Eric Lardy

Eric Lardy – Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Dec. 15, 2022
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Walkability.** Participate in a committee discussion to determine direction regarding establishing a new standard for walkability.
- **Circulation/Mobility Standard.** Participate in a committee discussion to determine direction regarding the Circulation/Mobility standard – keep as is, remove or update (Exhibit 1). Transportation staff will be available for questions.
- **Technology/Wi-Fi.** Participate in a committee discussion to determine direction regarding establishing a new standard for technology/Wi-Fi. Chief Innovation Officer will be available for questions.
- **Water Supply.** Participate in a committee discussion to determine direction regarding establishing a new standard for water supply. Public Works staff will be available for questions.
- **Water Distribution Standard.** Participate in a committee discussion to determine direction regarding the Water Distribution standard – keep as is, remove or update (Exhibit 2). Library staff will be available for questions. Public Works staff will be available for questions.
- **Recycled Water.** Participate in a committee discussion to determine direction regarding establishing a new standard for recycled water. Public Works staff will be available for questions.
- **Sewer Collection System Standard.** Participate in a committee discussion to determine direction regarding the Sewer Collection System standard – keep as is, remove or update (Exhibit 3). Public Works staff will be available for questions.
- **Wastewater Treatment Standard.** Participate in a committee discussion to determine direction regarding the Wastewater Treatment standard – keep as is, remove or update (Exhibit 4). Public Works staff will be available for questions.
- **Drainage Standard.** Participate in a committee discussion to determine direction regarding the Drainage standard – keep as is, remove or update (Exhibit 5). Public Works staff will be available for questions.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Circulation/Mobility Standard – Summary of Previous Committee Discussion and Options
2. Water Distribution Standard – Summary of Previous Committee Discussion and Options
3. Sewer Collection Standard – Summary of Previous Committee Discussion and Options
4. Wastewater Treatment Standard – Summary of Previous Committee Discussion and Options
5. Drainage Standard – Summary of Previous Committee Discussion and Options

Circulation - Discussed July 28, 2022, and August 25, 2022

Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS (Level of Service) D or better for all modes that are subject to this multi-modal level of service (MMLOS) standard, as identified in Table 3-1 of the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

Key Takeaways from Committee Discussion on Standard	Options for Consideration

• Identify reasons why a Multimodal Level of Service (MMLOS) hasn't been reported for monitoring purposes.
  o Consider that MMLOS is a new methodology unique to the city of Carlsbad and was adopted with the General Plan update and is being updated internally to meet the needs of our city.
• Develop a local level of service (LOS) standard for projects without Vehicle Miles Traveled (VMT) monitoring that are exempt from CEQA requirements.
• Keep MMLOS as the standard
• Consider methods or ways for the city or developer to measure or monitor Personal Miles Traveled (PMT) to understand how all users of the system utilize our transportation network versus only motorized vehicle drivers
• Consider concerns about timing and complexity; and whether the PMT model is flexible.
  o Solana Beach uses PMT and was briefly described. Committee would like to hear more about how this works in Solana Beach.
• Provide an opportunity for the Committee to learn more about Solana Beach PMT operations.
• Remain cognizant of the need for flexibility
• Consider the potential merits of developing a "shopping" list of custom standards instead of a single standard.
• New options presented tonight are exciting
• Conduct a study to determine whether the current LOS standards are being implemented appropriately.
• Review exemptions from the current vehicle LOS standard and determine whether there is a missing link between multimodal transportation and increased multimodal safety rather than simply number of cars on the road
	1. Keep standard in as exists Growth Management Program.
	
	2. Remove standard from Growth Management Program.
	
	3. Change standard (increase, decrease, modify metric, etc.).
	
	Staff recommends that the circulation standard be changed to use Personal Miles Traveled as the measurement and the Multimodal Transportation Impact Fee to fund future mobility projects and accommodate future growth.
	
	This means that by measuring all the ways people get around – walking, biking or driving – the city would be able to better prioritize existing projects with new development.
	
	Instead of charging developers a fee based solely on cars, the city would be able to collect development fees to help fund other mobility improvements for all the ways people travel around Carlsbad, like bike infrastructure and wider sidewalks.

• Develop a plan for the PMT model to be updated regularly to reflect future mobility options and advancements in technology • Identify funding and next steps for developing and a real and comprehensive nexus study. • Identify ways to target the standard to specific needs while also looking at the bigger multi-modal vision/system. • Consider using both direct mitigation and indirect mitigation.	

Notes or Resources

Approved minutes from the July 28, 2022 Growth Management Citizens Committee meeting.
Approved minutes from the August 25, 2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from July 28, 2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from August 25, 2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for Circulation item begins on page 13) from the July 28, 2022 Growth Management Citizens Committee meeting.

Sustainable Mobility Plan

Nexus/Funding Sources

- Community Facility District #1
- Bridge and Thoroughfare Districts
- Assessment districts, developer contributions
- Gas taxes
- Traffic Impact Fees
- County transportation taxes
- Federal and state grants
- Public Facility Impact Fees
- General fund

Water Distribution System - Discussed June 23, 2022

Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Consider the cost of storing water versus treating additional water. Discussion on if reservoir size is large enough for recycled water activity. • Consider what the maximum water consumption the city would be able to accommodate. • Evaluate if the performance standard assumes water will always be available. • Assess city's water sourcing criteria. Discussion that Carlsbad is an importer of water. • Consider a standard that maximizes use of recycled water, graywater, etc. The city can use while still conserving water. • Consider cost impacts of conservation-related standards. • This standard seeks to understand the purveyance of water, not the availability of water. • Provide standards and/or impacts of the other two water districts that serve the City of Carlsbad.	1. Keep standard as it exists in Growth Management Program. 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.). **Staff recommends retaining the portion of the standard requiring line capacity concurrent with development. Staff recommends removing the minimum 10-day storage capacity requirement; it is not directly related to the provision of water supply related to growth within the city.**

Notes or Resources

Approved minutes from the June 23, 2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from the June 23, 2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Water Distribution Facilities item begins on page 19) from the June 23, 2022 Growth Management Citizens Committee meeting.

Nexus/Funding Sources

- Developer fees
- Developer contributions
- User fees

Sewer Collection System - Discussed June 23, 2022

Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Consider how the influx in ADUs (accessory dwelling units) impacts pipes, the water treatment plant and water usage; need to be sure these units are captured • Consider adding ADUs into future land use master plans and overall city projections. • Consider effective ways to estimate how much capacity we need, and the type of infrastructure future facilities will need. Assess how to best estimate peak capacity in future. • Assess legal ramifications if the city cannot keep up sewer performance with housing demands imposed by the state. Assess if we are still legally required to grow. • Assess if climate change threatens any city assets or infrastructure. Climate change is a bigger threat to water supply. • Re-evaluate the fee structure for infill and sewer connections.	1. Keep standard as it exists in Growth Management Program. **Staff recommends retaining this standard in the Growth Management Program in order to continue to require sewer line connection and capacity concurrent with development.** 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the June 23,2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from the June 23,2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for Sewer Collection item begins on page 16) from the June 23, 2022 Growth Management Citizens Committee meeting.

Nexus/Funding Sources

- Developer fees
- Developer contributions
- User fees

Wastewater Treatment - Discussed June 23, 2022

Sewer plant capacity is adequate for at least a five-year period.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Determine if performance standards are the same as the Leucadia District and other water districts. Define how that process works. • Consider effects of housing growth on sewage – determine what happens when we are at capacity. • Evaluate how growth outside of Carlsbad affects plant capacity. • Assess connection between recycled water facilities and the water performance standards. Evaluate need for a new recycled water performance standard or other conservation activities. Make standard more than just capacity. • Evaluate potential for the city to sell extra capacity with facilities to nearby cities. • Evaluate if there is a potable reuse opportunity - turning tertiary treated recycled water into potable drinking water. Discuss expense of this option.	1. Keep standard as exists in Growth Management Program. 2. Remove standard from Growth Management Program. **Staff recommends removal of this standard from the Growth Management Program. Sufficient planning processes and efforts exist to maintain sewer system capacity through the involvement within the Joint Powers Authority and the city capacity.** 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the June 23, 2022, Growth Management Citizens Committee meeting.
PowerPoint presentation from the June 23, 2022, Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Wastewater Treatment item begins on page 14) from the June 23, 2022, Growth Management Citizens Committee meeting.

Nexus/Funding Sources

- Developer fees
- Developer contributions
- User fees

Drainage - Discussed June 23, 2022

Drainage facilities must be provided as required by the city concurrent with development.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Identify water quality considerations and develop them into an integrated standard. • Consider the percentage of graywater captured, as well as other environmental conservation measures. • Consider a feasibility study and quantifying the percent of graywater captured for reuse. • Determine how water quality measures are currently funded? Find out if there is an impact fee and whether this is managed by the city's Environmental Sustainability Department. • Consider updating the impact fee timeline more frequently, potentially every five to 10 years rather than 15. • Consider control of stormwater important for nearby beaches; and how to retrofit existing facilities to accommodate stormwater flow. • Consider ways to quantify the impacts of climate change and review existing drainage standards for 100-year flood events and sea level rise based on FEMA numbers. • Consider differences with infill and what drainage standards are necessary to account for the differences.	1. Keep standard as it exists in Growth Management Program. **Staff recommends that the drainage standard remain as is in the Growth Management Program because it has worked to support continued management of drainage facilities in the city.** 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the June 23, 2022, Growth Management Citizens Committee meeting.
PowerPoint presentation from the June 23, 2022, Growth Management Citizens Committee meeting.
Agenda packet (staff report for Drainage item begins on page 12) from the June 23, 2022, Growth Management Citizens Committee meeting.

Nexus/Funding Sources

- Drainage area impact fees
- Gas taxes
- General fund

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 10
Dec. 15, 2022

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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COMMITTEE CHARTER - MISSION

The mission of the Growth Management Plan Update Advisory Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

7

GROWTH MANAGEMENT PLAN - UPDATE

- The previous plan included standards, funding strategies to meet them and a unit cap/moratorium if the standards are not met
- Most other cities in the country that have growth management only focus on a unit cap or physical growth boundary as discussed in the April 28, 2022 meeting
- A unit cap, moratorium or growth boundary are not allowed under California law

8

11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

9

GROWTH MANAGEMENT PLAN - UPDATE

- Therefore, we are looking to "identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life"
- Items related to quality of life that are not part of "key elements to manage growth" are going to be sent in the separate "Quality of Life" Report to the City Council

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HOW IS THE PLAN IMPLEMENTED?

- Private Development Requirements
- Local Facility Management Zones
- Payments to Community Facility District #1
- Annual Reports to City Council
- Payment of other development fees, such as:
  - Park In-Lieu Fees
  - Drainage Fees
  - Traffic Impact Fees

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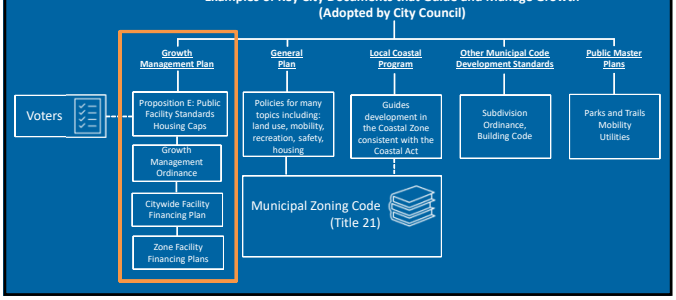
KEY CITY DOCUMENTS: GROWTH



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COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

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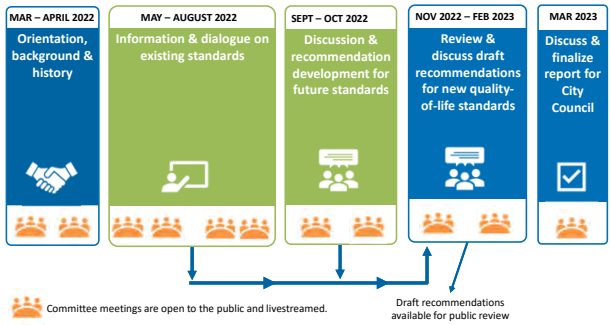
COMMITTEE PROCESS



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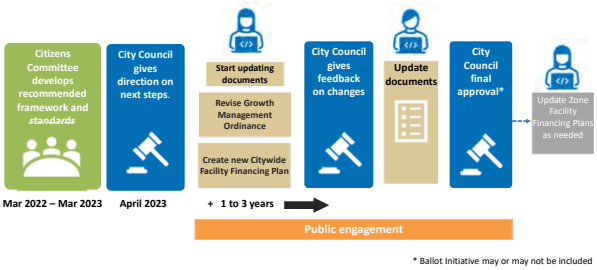
STEPS IN THE PROCESS

Growth Management Program Update



* Ballot Initiative may or may not be included

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GENERAL PLAN AND HOUSING

- State law precludes GM housing caps
- State law does not preclude General Plan
  - Housing and population growth is not unlimited in the future
  - Housing planned by General Plan can't be increased without amendment to plan or allowed density increases
  - Housing Element program to add 2,600 housing units

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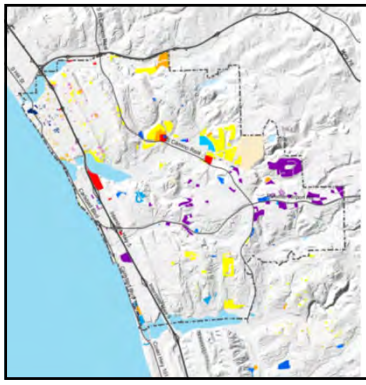

FUTURE INCREASED DEMAND FOR UTILITIES

Planned Land Use

- Rural Residential
- Single Family Residential
- Multi-Family Residential
- Mobile Home Park
- Group Quarters Facility
- Hotel/Motel
- Industrial
- Roads/ ROW/ Utilities
- Commercial
- Government/ Office
- Public Services
- Healthcare
- Schools
- Outdoor Recreation
- Park/ Open Space
- Agriculture
- Waterbody
- Mixed Use

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TODAY'S AGENDA

Discussion Items

- Committee Business
- Presentations
- Committee Member Requests for Future Agenda Items
- Public Comment (continued if needed)
- Adjourn

City of Carlsbad

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1. Committee Business

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Walkability

Nathan Schmidt, Transportation Planning & Mobility Manager

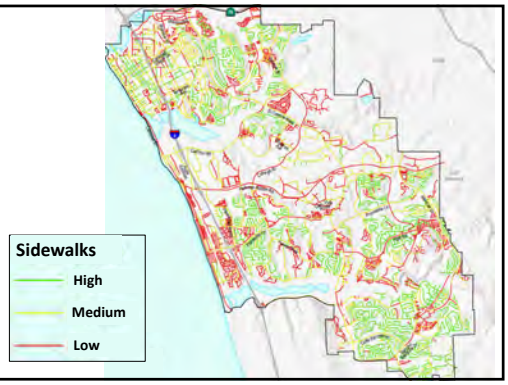
20

WHAT IS WALKABILITY?

- A transportation choice
- Good land use design
- Fosters economic health and physical wellbeing

21

WALKABILITY



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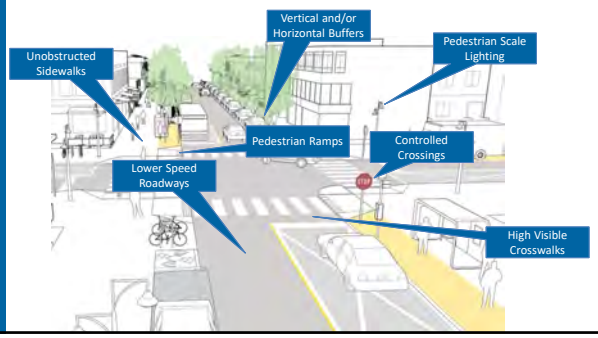
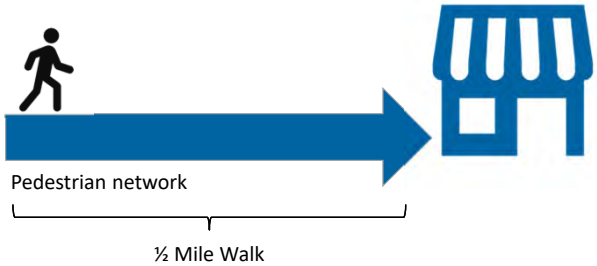
WHAT MAKES AN AREA WALKABLE?



23

WALKABLE DISTANCE TO AMENITIES



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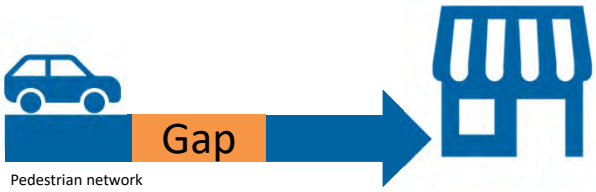
DISTANCE TO AMENITIES



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HOW IS CARLSBAD ADDRESSING WALKABILITY?

- Sustainable Mobility Plan
- General Plan Policies
- Multi-Modal Transportation Impact Fee Program

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Mobility and Circulation Performance Standard

Tom Frank, Transportation Director
Nathan Schmidt, Transportation Planning & Mobility Manager
Stephen Cook, Intersecting Metrics

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RECAP FROM LAST MEETING

- Limitations of the existing standard
- Evaluate all the ways people get around
- Evaluate walkability

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CURRENT STANDARD

Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

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CURRENT STANDARD

1. Level of Service, focused on cars
   - Volume, speed, road capacity
2. Multimodal Level of Service, focused on pedestrians, bicyclists, and transit users
   - Complete sidewalks, bike lanes, transit stop amenities, etc.
3. Developers pay to build out roads
4. When level of service dips, city may pass building moratorium until streets are improved

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WHAT'S CHANGED

1. City now focused on moving people, not just cars
   - General Plan policy
   - State law
   - Climate Action Plan requirement to reduce GHGs
2. Many roads cannot be expanded further
3. State no longer allows cities to pass building moratoriums

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LIMITATIONS OF CURRENT STANDARD

- Vehicle Level of Service only measured for roadway segments (not intersections)
- Overly conservative and unable to model irregular roadway geometries, roundabouts and closely spaced intersections
- Solutions limited to expanding traffic lanes or strategies like carpooling
- Multimodal Level of Service is based on streetscape amenities (bike lanes, pedestrian crossing, street lighting, etc.) which are addressed through development transportation analysis

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STAFF RECOMMENDATION

Change the standard to:

- Measure all the ways people get around (Person Miles Traveled) – biking, walking, driving, transit
- Use the Multimodal Transportation Impact Fee to fund future mobility projects and accommodate future growth

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BENEFITS

- Legally collects fees to help fund other mobility improvements for all the ways people travel around Carlsbad – not just by car
- Allows the city to better prioritize existing projects with new development
- Focuses on implementing projects that will improve citywide connectivity vs. isolated projects

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BENEFITS (CONT.)

- Ensures new growth pays their fair-share to implement the city's transportation infrastructure
- Ensures new growth implements the transportation infrastructure needed to safely access their site like bike lanes, transit stops and sidewalks

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BENEFITS OF EACH OPTION

Current Standard	Proposed Standard
• Consistent with the city's General Plan goals and policies	• Allows the transportation network to be developed as a system
• Ensures new infrastructure is built to a high quality	• Ensures new development pays their fair-share
• May be a more affordable option for new development	• Measures the full impact of new development on the transportation network
	• Prioritizes improvements with the highest benefit

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CONSTRAINTS OF EACH OPTION

Current Standard	Proposed Standard
• May result in only spot treatments creating a disjointed transportation network • Only gets implemented in areas around new development • Hard to quantify the direct impact of new development • Harder to impose off-site transportation improvements on new development	• Improvements may take longer to implement • May create a higher cost for new development

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Performance Measurement

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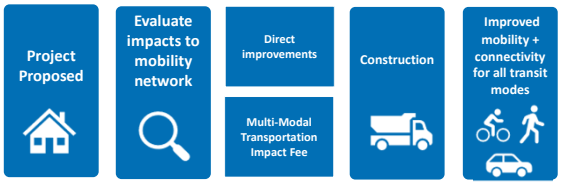
PROPOSED TRANSPORTATION EVALUATION PROCESS



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SUSTAINABLE MOBILITY PLAN

- Multimodal focus: Walking, biking and transit
- Will guide the development of the city's transportation network for the next 10+ years
- Prioritizes improvements so transportation network will be implemented as a system instead of spot treatments

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TRANSPORTATION SYSTEM ANALYSIS

1. Evaluation method for the city to determine that pedestrian and bicycle connections are provided
2. Measure how people get around and determine key connections
3. Determine if adequate facilities exist (Baseline Multimodal Level of Service)
4. Determine what is needed if deficient (Multimodal Level of Service mitigations)

41

LOCAL MOBILITY ANALYSIS

- Evaluates private developments for direct project impacts
- Measures all the ways people get around: driving, biking, walking, transit
- Update Traffic Impact Analysis guidelines currently in process which will reflect feedback from this committee and Traffic & Mobility Commission

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NEW - MULTIMODAL TRANSPORTATION IMPACT FEE

- Fee will ensure new development pays their fair share to construct the Sustainable Mobility Plan projects
- Conceptual plans, cost estimates and funding strategy

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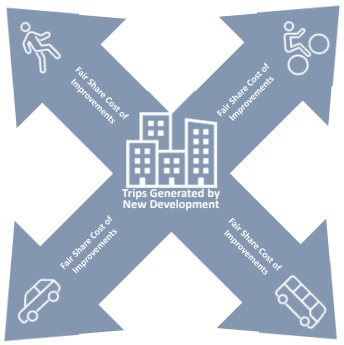

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NEW POTENTIAL FUNDING SOURCES

- Multimodal Transportation Impact Fees
- Infrastructure built by developers (via Local Mobility Assessment)
- Grant funding
- City funding sources

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STAFF RECOMMENDATION

Change the standard to:

- Measure all the ways people get around – biking, walking, driving, transit
- Use the Multimodal Transportation Impact Fee to fund future mobility projects and accommodate future growth

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DRAFT LANGUAGE

Circulation – Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles, and public transit. Utilize the Sustainable Mobility Plan and Multimodal Transportation Impact fee program to implement future multimodal transportation projects that provide the greatest benefit to the community.

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Discussion

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Technology/Wi-Fi

David Graham, Chief Innovation Officer

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Water Supply

Dave Padilla, Utilities Engineering Manager

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WATER DISTRIBUTION

CARLSBAD WATER SUPPLIES

(ACRE-FEET PER YEAR)

2020 Urban Water Management Plan — Water Supplies
Carlsbad Municipal Water District — Final

Table 6-1: Summary of Historical, Existing, and Planned Water Supplies (AFY)

Source	2015[1]	2020[1]	2025	2030	2035	2040	2045
SDCWA Imported Purchases	14,320	11,429	13,802	14,155	14,586	15,019	15,545
Seawater Desalination[2]	0	2,500	2,500	2,500	2,500	2,500	2,500
Recycled Water[3]	3,792	3,764	4,218	4,218	4,218	4,218	4,218
Total Water Supplies	**18,112**	**17,693**	**20,520**	**20,873**	**21,304**	**21,737**	**22,263**

[1] 2015 and 2020 show actual supplies produced.
[2] Purchases of desalinated seawater may increase after 2030, but have yet to be determined, so are kept constant for the purposes of the UWMP.
[3] Recycled Water supplies include the Carlsbad WRF deliveries plus recycled water purchased from VWD.

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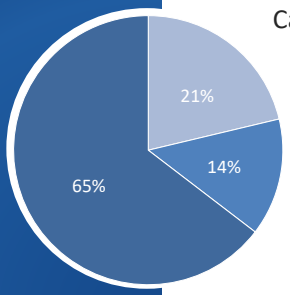
WATER DISTRIBUTION

Carlsbad Water Supplies

(2020)



- Purchased water from San Diego County Water Authority
- Recycled Water
- Purchased Desalinated Water

City of Carlsbad

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WATER DISTRIBUTION

WATER SUPPLY STAFF RECOMMENDATION

Do not establish a performance standard for water supply.

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Water Distribution Performance Standard

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WATER DISTRIBUTION

WATER DISTRIBUTION PERFORMANCE STANDARD

Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.

55

WATER DISTRIBUTION

WATER DISTRIBUTION STAFF RECOMMENDATION

- RETAIN the requirement to provide line capacity concurrent with development
- REMOVE the requirement for a minimum 10-day storage capacity; not directly related to providing water supply related to growth
- San Diego County Water Authority provides potable water via 6 connection points and desalination supply to adequately meet demand and storage requirements.

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WATER DISTRICTS SERVING CARLSBAD

Carlsbad Municipal Water District

Vallecitos Water District

Olivenhain Municipal Water District

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Recycled Water

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CARLSBAD RECYCLED WATER SUPPLY

(ACRE-FEET PER YEAR)

2020 Urban Water Management Plan — Water Supplies
Carlsbad Municipal Water District — Final

Table 6-6: Summary of CMWD's Recycled Water Supplies and Demands (AFY)

	2020[1]	2025	2030	2035	2040	2045
Recycled Water Supplies						
Carlsbad WRF[2]	2,118	2,318	2,318	2,318	2,318	2,318
Meadowlark WRF[3]	1,646	1,900	1,900	1,900	1,900	1,900
Total Recycled Water Supplies	**3,764**	**4,218**	**4,218**	**4,218**	**4,218**	**4,218**
Recycled Water Demands						
Projected Recycled Water Demands[4]	3,764	4,218	4,218	4,218	4,218	4,218
Potential Recycled Water Surplus	*0*	*0*	*0*	*0*	*0*	*0*

[1] Actual 2020 volume supplied.

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RECYCLED WATER

CARLSBAD RECYCLED WATER DISTRIBUTION SYSTEM

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WATER DISTRIBUTION

RECYCLED WATER STAFF RECOMMENDATION

Do not establish a performance standard for recycled water.

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Sewer Collection Performance Standard

62

SEWER COLLECTION

SEWER COLLECTION STANDARD

Trunk-line capacity to meet demand, as determined by the appropriate sewer districts, must be provided concurrent with development.

63

SEWER COLLECTION

SEWER COLLECTION STAFF RECOMMENDATION

Retain the standard to require sewer line capacity concurrent with development

64

SEWER COLLECTION SYSTEM

- 2021 average sewer flow = 6.3 million gallons per day
- Projected sewer flow = 8.3 million gallons per day (2040)

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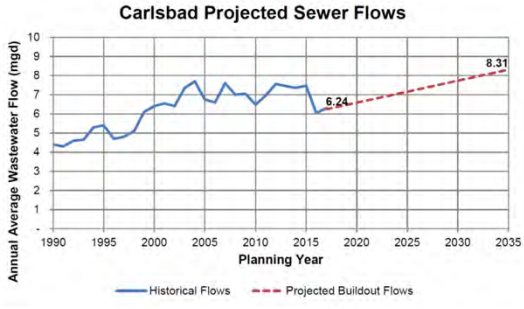
WASTEWATER TREATMENT



66

Wastewater Treatment Performance Standard

67

WASTEWATER TREATMENT STANDARD

Sewer plant capacity is adequate for at least a five-year period.

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WASTEWATER TREATMENT STAFF RECOMMENDATION

- Recommend **REMOVAL** of the standard from Growth Management Program.
- Encina Wastewater Authority, through Joint Powers Authority with all member agencies (including Carlsbad), provide ongoing capacity planning and treatment plant upgrades.

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WASTEWATER TREATMENT

- 2022 average sewer flow = 5.72 million gallons/day
- Carlsbad capacity rights at Encina Water Pollution Control Facility = 10.26 million gallons/day
- EWPCF total capacity = 40.5 million gallons/day

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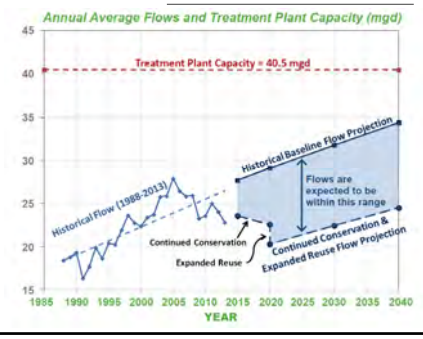
Encina Water Pollution Control Facility



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Drainage Performance Standard

Scott Lyle, Senior Engineer
Hossein Ajideh, Engineering Manager

Carlsbad TOMORROW

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DRAINAGE PERFORMANCE STANDARD

Drainage facilities must be provided as required by the city concurrent with development.

73

DRAINAGE STANDARD STAFF RECOMMENDATION

- RETAIN the standard to continue support of drainage facilities management.

City of Carlsbad

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Committee Member Requests for Future Agenda Items

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next Meeting: Jan. 11, 2023

Carlsbad TOMORROW

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From:	Harry Peacock
To:	Eric Lardy
Subject:	Memo on my thoughts so far in developing the new Carlsbad Tomorrow document
Date:	Tuesday, December 13, 2022 3:31:20 PM
Attachments:	Growth Management Issues to Address.docx

Please see the attached memo from me to the Committee. I would like to have this sent out in time for tomorrow's meeting rather than me having to read this entire document as a general statement of how I think we should address various issues.

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

December 13, 2022

From: Harry Peacock, District 4 Representative, Carlsbad Tomorrow.

To: Carlsbad Tomorrow Committee.

Subject: My Thoughts on Things to Consider in Developing the New Growth Management Plan.

1. Housing vs. jobs (job types vs. housing affordability and locations). City needs to establish a real balance which will reduce traffic demand problems which has major impact on air quality and global warming. For example, city has the 2nd the greatest number of hotel rooms in San Diego County which means there are a large number of low paying "hospitality" jobs in the city. Are we focusing on ways to provide appropriate housing in the vicinity of the hotels to meet needs of those workers so they don't have to commute to their jobs? Using some of the vacant parcels on Palomar Airport Road. Also the area north of the Porsche dealership and just across the street from Poinsettia Station for affordable/multi-family housing could help address this problem as it would be near the many jobs at the car dealers, the Kaiser clinic and the several hotels north of Poinsettia Road and the Poinsettia neighborhood shopping center.

2. Traffic management through housing/business locations (i.e., balanced land use). Change land use plan to bring jobs/housing into balance and housing and park access into balance. Adopt walkability system for all future traffic planning and Traffic Demand Management.

3. Parks. Even distribution and more, than at present. Ponto is most needed location and will also help address sea level rise problem and improve air quality be reducing vehicle travel to parks. Veteran's Park, as an example, is planned to provide neighborhood park needs for South Carlsbad (62% of the population) yet this park is between 3 and 6 miles away from that population requiring excessive VMT to connect to the park. This also requires that a significant portion of the park be devoted to providing a parking lot. The current focus on "community size" parks require a significant portion of the park land to be devoted to parking. Therefore, it is not unreasonable to subtract parking areas from being included as "park" acreage and should not be counted as parks for the standard of park acreage per 1,000 people. There are several parks north of Cannon Road and west of I-5 totaling some 35 acres. There are no parks at all south of Cannon Road and west of I-5. This puts more pressure on north city beaches and parks which could be mitigated by acquiring land for a park at Ponto. Currently, lack of a park in the Ponto area is part of litigation the city is already facing. Residents of the Ponto area, specifically the San Pacifico Community have been specifically DENIED their local needed park area. The rest of the city has benefited from the development of this area as it has provided its own recreation facilities, has private streets which the city does not have to sweep, maintain or repair and has still paid the same level of park-in-lieu fees as all other residential developments. In the future, city should factor in hotel rooms and air B and Bs into the park acreage to people ratio. Also need to accept that the city no longer has control over buildout.

4. Sea Level Rise (SLR) and need to replace and add facilities for beach access, public recreation, and visitor serving commercial uses must be addressed in the new Plan.

a. City's 2010 Ponto Vision Plan (rejected by the Coastal Commission) and 2015 General Plan update did not consider SLR and how it would impact Coastal Open Space Land Use & Coastal Act "High-Priority" Coastal Open Space Land Uses at Ponto. The 2017 Assessment shows Open Space land acreage and

Land Use impact in Carlsbad will occur almost exclusively at Ponto & South Coastal Carlsbad. How will the city manage the continued growth in population, both within the city and within surrounding areas if much of the land the beach-oriented activities now take place on are no longer useable? More demand-yet less space to accommodate that demand.

b. Carlsbad Blvd. Redesign it in a manner to provide for campground site relocation, increased day use parking, using the existing-abandoned Old South Carlsbad Blvd. right-of-way N & S of Poinsettia. Result would be that 177 parking spaces would remain and 273 additional single-loaded 90-degree parking spaces & a 2-way drive aisle of + 20' for multi-use pathway or 546 additional double-loaded 90-degree spaces & 2-way drive isle. Estimated cost for 273 to 546 new parking spaces and sidewalks on both sides of Carlsbad Blvd would range from between $5.3 million to $7.6 million. The City's current plan AECOM of 11/26/13 is estimated to cost $75 million per Mayor Hall. The current plan would net only 86 more parking spaces instead of between 273 and 546. With the $70 million savings, the city can acquire the 11-acre Ponto parcel for less than $10 million and provide much of the land needed to mitigate the loss of camp sites and beach access lost to SLR.

5. Population density should be determined by occupant capacity of any given dwelling unit. We know based on census data that this number will fluctuate over any given period of time, but the capacity that is built into each unit must be the basis for providing services and facilities. A standard to apply would appear to me to be 1.5 persons per bedroom rather than estimated population divided by estimated dwelling units. This is an obvious paradigm shift in thinking necessitated by the State mandating residential development requirements. To ignore it would be a major error in truly managing the impacts of growth. This would recognize that the term "build-out" is no longer valid for any purpose because of the State's removal of local control over develop.

6. Agree there are two different types of open space, those that are useable by people for recreation purposes and those that are unusable and undevelopable and reserved for protective habitat. Areas in various current parks are counted as park "acreage" when in fact they are unusable and are more appropriately defined as open space.

7. Open Space – habitat lands that can't be used by people should not be counted as park acreage (for example, 50% of Veteran's Park is unusable by people due to protected habitat constraints).

8. Open Space – provide addition open space when redesigning or redeveloping streetscapes into landscaped parkways that will qualify as "useable Open Space" per the GMP standard of Open Space.

9. Increase Park acreage per 1,000 population to 4-1 and add a 15-minute walk goal. Apply to city facilities only as others have use restrictions, like the golf courses and resort/hotel facilities where you have to pay to use the space and private neighborhood recreation facilities. For example, Lakeshore Gardens and San Pacifico in my part of town have private community swimming pools and San Pacifico has a basketball court, a volley ball court and two tennis courts which were paid for by the purchasers of the homes in those neighborhoods. Asking those citizens to also pay for, what is for them, redundant facilities, especially when they have no public park within over two miles of those neighborhoods is discriminatory, plain and simple.

10. Paths and trails and mobility improvements. Path and trails are not always just for recreation purposes. For example, the City failed to make a required pedestrian trail be constructed which

connects the trail system on the north side of Batiquitos Lagoon west of the freeway under the freeway connecting that trail to the trail system on the east side of the freeway. This trail could also be designed to be used by bicyclists. This would allow pedestrians and cyclists to avoid all the streets, intersections, etc. crossing I-5 at Poinsettia. In fact, the bike trail segment was supposed to be part of the current I-5 widening to the point that the design and engineering had already been done before SANDAG scaled back the I-5 widening so now the bike lane will not be built until 2050. City could build the path and SANDAG would have to eventually pay the city back for the cost-plus accrued interest until SANDAG pays back in 2050. This also begs the question of how do we make sure the city doesn't fail to live up to its regulatory role in making sure that what it is requiring is actually going to be done?

11. Have as our target that this is how we hope to see Carlsbad in the year 2050 and make assumptions on that basis.

12. Include a standard on communications. My part of the city (the far southwest corner) has poor cell phone service. Many times, workers coming to our neighborhood find they have no cell service from their cell phone provider.

13. Address how to provide adequate electric vehicle charging station access.

14. Declare that "parks" are part of "open space" and change the Parks Master Plan, etc. to so reflect what State Law states to remove the apparent current confusion over the intent of Measure C which exempts trails and open space acquisitions from the general fund voting requirement.

15. Add fire stations to the current five in the city. One to serve beaches better by being placed near the Carlsbad Blvd./Cannon Road intersection and the other in the southeast quadrant of the city which currently has the greatest number of residents who fall outside of the five-minute response standard.

16. Establish some solar power facilities to service the city so that new development does not increase demand on current fossil fuel electricity generation. Consider using developer fees to help pay for this if facilities are not mandated on site for new developments, both residential and commercial.

From:	Don Christiansen
To:	Growth Management Committee
Subject:	Colorado River users meet amid crisis concerns--Note the nexus with electric power
Date:	Wednesday, December 14, 2022 10:33:13 AM

G'Day fellow Growth Management Committee members!

I think the following article in today's UT was timely and relevant to tomorrow's meeting. Please note the following quote:
"Lake Powell's drop last March to historically low water levels raised worries about losing the ability---perhaps with the next few months---to produce hydropower that today serves about 5 million customers in seven states."

At next month's meeting we will be discussing ***Local electric power generation.***

http://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=e0c7dd45-2294-4e8e-b363-0a677405977c

All the best,

Don Christiansen
Carlsbad Tomorrow Committee member

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Colorado River users meet amid crisis concerns

Water recipients face dwindling resource as drought persists

Living with less water throughout the U.S. Southwest is the focus of a conference starting today in Las Vegas among Colorado River water users. (John Locher AP)

By KEN RITTER

LAS VEGAS

Living with less water in the U.S. Southwest is the focus this week for state and federal water administrators, tribal officials, farmers, academics and business representatives meeting about the drought-stricken and overpromised Colorado River.

The Colorado River Water Users Association conference, normally a largely academic three-day affair, comes at a time of growing concern about the river's future after

more than two decades of record drought attributed to climate change.

“The Colorado River system is in a very dire condition,” Dan Bunk, a U.S. Bureau of Reclamation water manager, declared during presentations streamed Nov. 29 and Dec. 2 that invited public comment about possible actions.

“Flows during the past 23-year period are the lowest in the past 120 years and (among) the lowest in more than 1,200 years,” Bunk told the webinar audience. The deadline for public submissions is Dec. 20 for a process expected to yield a final report by summer.

Bunk said the two largest reservoirs on the river — Lake Mead behind Hoover Dam on the Nevada-Arizona state line and Lake Powell formed by the Glen Canyon Dam on the Arizona-Utah line — are at unprecedented low levels. Lake Mead was at 100 percent capacity in mid-1999. Today it is 28 percent full. Lake Powell, last full in June 1980, is at 25 percent.

Scientists attribute extended drought to warmer and drier weather in the West to long-term, human-caused climate change. The effect has been dramatic on a vast river basin where the math never added up: The amount of water it receives doesn’t meet the amount that is promised.

Lake Powell’s drop last March to historically low water levels raised worries about losing the ability — perhaps within the next few months — to produce hydropower that today serves about 5 million customers in seven states. If power production ceases at Glen Canyon Dam, rural electric cooperatives, cities and tribal utilities would be forced to seek more expensive options.

Reclamation water managers responded with plans to hold back more water in Lake Powell but warned that Lake Mead water levels would drop.

The U.S. Bureau of Reclamation in June told the seven states that are part of the Colorado River Basin — Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming — to determine how to use at least 15 percent less water next year, or have restrictions imposed on them. Despite deadlines, discussions have not resulted in agreements.

This year’s meeting of water recipients begins today at Caesars Palace on the Las Vegas Strip. The event theme, “A New Century for the Colorado River Compact,” marks 100 years since a 1922 interstate agreement divvied water shares among interests in the seven states now home to 40 million people and millions of farmed acres.

Ritter writes for The Associated Press.

Date: December 14, 2022
To: Growth Management Citizens Committee (and members of the public)
From: Steve Linke, Traffic & Mobility Commission
Subject: Circulation performance standard

Summary

- Staff's proposed update to the Traffic Impact Fee (TIF) Program appears reasonable, and our committee should support the approach and recommend it be reviewed by the Traffic & Mobility Commission as soon as possible.
- However, the impact fee is only one component of the General Plan and Growth Management Plan (GMP) circulation requirements; it is not a "performance standard"; and it only addresses general, indirect impacts of developments.
- The other major component is the multimodal (pedestrian, bicycle, transit, and vehicle) level of service (LOS) framework, which works in parallel with the impact fee. The General Plan requires this approach, and our committee should recommend that it be fully implemented to address the direct, site-specific impacts of developments.
- To strengthen the LOS framework, our committee also should recommend that staff, in conjunction with the Traffic & Mobility Commission, completes the establishment of the pedestrian, bicycle, and transit LOS systems and requires the study of vehicle congestion mitigation at intersections.

Impact fee component of growth management

For the impact fee, a list is compiled of the larger improvement projects around the city that will complete the proposed mobility network in a general fashion. Then, the projected costs are divided up such that developers pay pre-determined fees based on the number and type residential units or commercial square footage they are adding.

The update, which is now finally in progress after promises back in 2015 when the General Plan was updated, will shift the focus from vehicle projects to pedestrian and bicycle projects. It also will shift the fee basis from the number of vehicle trips to person miles traveled (PMT), all of which is reasonable.

Looking at the Solana Beach program, on which our update is apparently based, the program is otherwise largely indistinguishable from Carlsbad's current TIF Program. For example, Solana Beach's PMT-based impact fee programs charges a one-time flat fee of $1,288 for each predicted residential person trip. And the number of predicted person trips is virtually identical to the predicted vehicle trips that Carlsbad currently uses.

The key point here, though, is that this is not a growth management "performance standard"

and only addresses **indirect** cumulative citywide effects of development. It does not necessarily account for specific needs in and around individual project sites. Also, this is a general fee that goes into a pooled fund that finances citywide projects, and the fund likely will be insufficient to finance the projects without city (taxpayer) involvement.

LOS component of growth management

As I have detailed in previous communications, under growth management, developers also must pay their fair shares to fund projects that mitigate their **direct** impacts to the areas in and around the project site. Based on the General Plan and GMP, these direct impacts are determined by assessing pedestrian, bicycle, transit, and/or vehicle **LOS** as the **performance standard**, depending on which modes are prioritized on the streets surrounding the project.

Some developments may be in areas that are not congested and have ample multimodal facilities, in which case they would only pay the standard impact fee to mitigate their cumulative indirect effects. Other developments that add significant new users of the various modes to localized areas that are congested or lack sufficient multimodal facilities would be required to fund additional local improvements to mitigate their direct impacts.

For example, developments could be required to make improvements like high-visibility crosswalks, painted bike lanes, transit shelters, etc. Vehicle-wise, developments in the College Boulevard extension area would be required to fund part of that project, and developments that add traffic to congested intersections may be required to fund turn-lane enhancements, as has been the practice in Carlsbad for the last 30+ years.

Further, given the 2015 General Plan update, developments that add vehicle traffic to streets that have been exempted from growth management due to over-congestion should be required to implement measures to reduce vehicle usage—Transportation Demand Management (TDM)—although that still has not been fully implemented.

Conclusion

The Solana Beach municipal code and impact fee program call the program a means of mitigating overall cumulative impacts that would be difficult to mitigate on a project-by-project basis, and they go on to say that the impact fee is not meant to replace exactions or other measures required to mitigate site-specific impacts of developments.

Thus, these parallel “impact fee” and “direct mitigation” approaches continue to be the standard to account for all development impacts.

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

January 11, 2023, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Review and approve minutes from the Nov. 30, 2022, meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & OPENING COMMENTS: *Open meeting and welcome attendees. Review and clarify purpose and charge for the committee. Review agenda and meeting format.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Open Space Standard.** Participate in a committee discussion to determine direction regarding the Open Space standard – keep as is, remove or update. (Eric Lardy, City Planner)
    - **Parks Standard.** Participate in a committee discussion to determine direction regarding the Parks standard – keep as is, remove or update. (Kyle Lancaster, Parks & Recreation Director)
    - **Climate Action Plan.** Receive a presentation on the Carlsbad Climate Action Plan and what the city is doing around renewable energy, power, environmental sustainability, etc. (Katie Hentrich, Climate Action Plan Administrator).
    - **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the preceding topics. (Katie Hentrich, Climate Action Plan Administrator)
    - **Water Quality/Stormwater.** Receive a brief presentation on stormwater capture and water quality in Carlsbad. Participate in a committee discussion to determine direction on the topic. (James Wood, Environmental Management Director)
    - **Senior Commission Committee Member.** Participate in a discussion on whether to recruit a new member from the Senior Commission. Per the Committee Charter, at the next scheduled meeting, the committee will consider whether to recommend that the Mayor and City Council fill the vacated position. Both the primary and alternate member have resigned so there is currently no Senior Commission representative.

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, Jan. 26, 2023, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

January 11, 2023

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Eric Larson, Stephen L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, John Nguyen-Cleary, William Sheffler, Amy Allemann, Joe Stine, Steve Linke
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Don Christiansen, Terence Green, Allen Manzano, Art Larson, William Fowler

Absent:
Primary – Scott White, Fred Briggs, Chad Majer
Alternate – Casey Carstairs, Theirry Ibri, Matthew Reese, Erin Nell, Angela O'Hara, Nora Jimenez George, Jamie Latiano Jacobs, Marissa Steketee, Kevin Sabellico

APPROVAL OF MINUTES:

Motion by Joe Stein, seconded by Stephen L'Heureux, to approve the Dec. 15, 2022 minutes. Mike Howes and John Nguyen-Cleary abstained.

PUBLIC COMMENTS:

Five public comments were received.

1. **Open Space and Parks–**
   Chris Ross stated support for the staff's recommendation of 15% open space for each Local Facility Management Zone, however, given the diversity and size of Carlsbad he believes the zone exemptions should be removed and a transition plan developed so open space in the city can be shared equitably. Ross requested that a coastal access park, specifically in the Ponto area, be added as a requirement in the Growth Management Program.
2. **Parking –**
   Gary Nessim expressed his concern regarding parking spaces for new housing given the state's mandates that parking can't be required for commercial or residential projects. Nessim would like to see a parking fee implemented based on square footage to provide municipal parking.
3. **Open Space and Parks –**
   Diane Nygaard stated there is a need for more open space and parks so that people can recreate in spaces designed for recreation rather than trampling native plants and animal habitats. Nygaard further states that Climate Change is a factor in needing to preserve more open space than was designated in the 1986 Growth Management Plan.
4. **Parks and Energy-**
   Paige DeCino would like to see the Parks standard metric increased to align with surrounding communities. DeCino further stated schools should not be included when counting park acreage since they are fenced and not accessible after school hours.

As a representative of the Clean Energy Alliance, DeCino expressed support for a local power distribution and storage project at Maerkle Reservoir.

5. **Parks –**

John Bottorff expressed concerns over synthetic turf and asks that it not be used in city parks. Bottorff explained the that chemicals in the synthetic turf rinse into waterways during storm events and are harmful to people and the environment.

WELCOME AND INTRODUCTIONS:

The meeting opened with a welcome to attendees from Committee Chair Eric Larson. City Planner Eric Lardy then briefly reviewed the committee's purpose and charter, with emphasis on the mission, the 11 existing performance standards, how the Growth Management Plan is implemented, the committee process, and the next steps in the Growth Management Program update process. Mr. Lardy briefly went over the role of the General Plan and the Housing Element and reminded the committee that SANDAG statistics related to projected population growth and demographics were redistributed in their committee packet. Facilitator Susan Harden reviewed the meeting agenda.

COMMITTEE BUSINESS:

- **Open Space Standard.** City of Carlsbad Planner Eric Lardy provided a recap of the Open Space Standard, including previous conversations held by the committee. Mr. Lardy reviewed the staff recommendation that the Open Space Standard remain as it is in the Growth Management Program. Because of the challenges in securing vacant available land for more open space than is currently planned, options for a different open space standard are limited and involve additional cost to the city. The committee discussed the following:
    - Set standard as a "goal", not a means to shut down development.
    - Question on the impact of undoing exempted zones.
    - Question on if the language for the standard could include a goal for exempt zones and a 15% requirement for others.
    - Fair share contributions should be mandatory for developers for all zones. The city could monitor/implement.
    - Concern expressed regarding fee impacts on housing affordability.
    - Zone by zone analysis needed.
    - Concern regarding removing all exemptions.
    - A 40% citywide standard was recommended.
    - There was a comment to add "or built out land" in the standard language.
    - Looking to future changes in land use, exclusion assumptions can't be guaranteed. (Making them arbitrary.)
    - City Council ultimately determines fee(s) based on ranges from various adopted plans.
    - Question on the impact if 25 years from now the land uses are changed.
    - Will a fee result in less developer dedicated land? i.e developer would rather pay fee than dedicate land for open space.
    - Request for staff to provide what the 15% is being measured against.
        - **Action:** By consensus, have staff to come back with alternative recommendations based on public concerns and committee discussion. Staff also to conduct additional research into zones currently exempt from the open space standard to better understand why and what the current status of open space is in those areas.
- **Parks Standard.** City of Carlsbad Parks & Recreation Director, Kyle Lancaster, provided a recap on the existing current Park Standard. Nancy Bragado of Bragado Planning recapped how the City of Carlsbad's Park Standard compares to other cities in the San Diego region. The staff recommendation that the Parks Standard remain as it is in the Growth Management Program was

discussed, as well as alternate recommendations if the committee wanted to pursue increasing the standard. The committee discussed the following:

- Interest expressed in having the Veterans Park designation reallocated to the quadrant it's actually in and then assessing the park space in each quadrant.
- Private parks should count only if open to public use.
- Interest expressed in a 10-minute walk goal with a 3-4 acre per 1,000 standard.
- Suggestion to increase standard to 4 acres, by quadrant, and citywide.
- Concern expressed regarding citywide no longer incentivizes neighborhood parks.
- Explore standard that is not population/acre based (e.g. San Diego)
- Recommendation to increase standard to 4 acres, per 1,000, per quadrant (4) and open up park definition to account for other resources.
- Comment that amenities and accessibility influence use of parks. A "layered" standard was suggested with the goal being a 10-minute walk.
  - Citywide standard – all city facilities if free to use.
  - Local access standard – 10-minute walk (to address disparities)
- It was noted that the dedication of land is more valuable than an in-lieu fee.
- There was a suggestion to change the definition of a park without an increase in acreage.
- Include schools in park acreage only if there is a joint use agreement in place.
- The impact regarding the provision for construction within 5 years was discussed.
  - Motion by John Nguyen-Cleary to increase the park standard to a citywide 4 acres per 1,000 population and to include additional recreational resources that have no fee basis for participation, and have staff bring back an accessibility standard based on distance to any park. (Motion was not seconded)
  - Chair Larson indicated he would rather achieve consensus before voting on a motion.)
  - Committee was then polled by a show of hands for consensus on keeping the current 3-acre standard. 10 primary members indicated "yes".
  - Committee was polled for consensus on raising the standard to 4 acres. 6 primary members indicated "yes".
  - Following the conversation, the committee requested staff return with options based on the committee discussion, including the issue regarding local accessibility.

- At this juncture in the meeting, due to the lateness of the hour, Chair Larson moves to the Senior Commission Committee Member item on the agenda.
- **Senior Commission Committee Member.** Chair Eric Larson asks for consensus on replacing the open member and alternate positions from the Senior Commission.
  - **Action:** By consensus, the committee moves to not ask the City Council to fill the open positions this late in the Growth Management Program Update process.
- At this point in the meeting, City of Carlsbad Planner Eric Lardy recommended moving ahead with the Water Quality/Stormwater item on the agenda and deferring the Climate Action Plan and Energy topics to the Jan. 26 meeting.
- **Water Quality/Stormwater.** Environmental Sustainability Director James Wood provided a presentation on Watershed Protection. The committee discussed the following:
  - Question on if stormwater capture for reuse is required under the city's NPDES permit.
  - Question regarding if stormwater treatment is taking place before the stormwater enters the ocean.

DISCUSSION ITEMS:

- **Committee meeting schedule and topics.** Eric Larson informs the committee that the next meeting will occur on Jan. 26, 2023. Comment received that additional meetings should be put on the calendar for the committee members to plan accordingly.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- No future agenda items were brought forth by the committee.

PUBLIC COMMENT: None

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:28 p.m.

Eric Lardy – Minutes Clerk

CA Review _____

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Jan. 11, 2023
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Open Space Standard.** Participate in a committee discussion to determine direction regarding the Open Space standard – keep as is, remove or update. See Exhibit 1 for a summary of the committee's previous discussion on the open space standard and staff's recommendation.
- **Parks Standard.** Participate in a committee discussion to determine direction regarding the Parks standard – keep as is, remove or update. See Exhibit 2 for a summary of the committee's previous discussion on the parks standard and staff's recommendation.
- **Climate Action Plan.** Receive a presentation from city staff on the Carlsbad Climate Action Plan - what the city is doing around renewable energy, power, environmental sustainability, etc.
- **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the following topics: local electric power generation, renewable energy, and environmental sustainability/climate change.
- **Water Quality/Stormwater.** Receive a brief presentation from city staff on stormwater capture and water quality in Carlsbad. Participate in a committee discussion to determine direction on the topic.
- **Senior Commission Committee Member.** Participate in a discussion on whether to recruit a new member from the Senior Commission. Per the Committee Charter, at the next scheduled meeting, the committee will consider whether to recommend that the Mayor and City Council fill the vacated position. Both the primary and alternate member have resigned so there is currently no Senior Commission representative.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Open Space Standard – Summary of Previous Committee Discussion and Options
2. Parks Standard – Summary of Previous Committee Discussion and Options

Open Space - Discussed September 22, 2022

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Perception of unequal distribution of open space throughout the city • Seems arbitrary that standard isn't applicable in LFMZs 1-10 and 16. • An equitable assessment of access to open space across the whole city is important • Update of Proposition C property list may be warranted; new proposition for additional funding could be proposed/passed • The 15% standard doesn't solve all open space needs (trails, etc.) • Suggestion to recommend another ballot initiative to increase City Council's spending limit without a vote (update Prop H to reflect high cost of land) • Some members commented requesting acknowledgement of impact of sea level rise on the loss of beaches • City's Sea Level Rise Vulnerability Analysis identifies coastal areas vulnerable to sea level rise hazards, such as state beaches. State beaches are designated as open space but are not part of the open space required by the 15% Growth Management Open Space Standard.	1. Keep standard in as exists Growth Management Program. **Staff recommends that the Open Space Standard remain as it is in the Growth Management Program. Because of the challenges in securing vacant available land for more open space than is currently planned, options for a different open space standard are limited and involve additional cost to the city.** 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.).

Notes or Resources

Approved minutes from the September 22, 2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from the September 22, 2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Open Space Standard item begins on page 6) from the September 22, 2022 Growth Management Citizens Committee meeting.

The Mar. 13, 2007, City Council staff report and final committee report can be viewed here:
City Council Staff Report
Final Committee Report (part 1)
Final Committee Report (part 2)
Final Committee Report (part 3)

Annual Open Space Status Report for Fiscal Year 2021-22

General Plan Open Space, Conservation and Recreation Element

Nexus/Funding Sources

- Developer Contributions
- General Fund

Parks - Discussed September 22, 2022

3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District [i.e., city quadrant]. must be scheduled for construction within a five-year period beginning at the time the need is first identified [when it is first identified that a park district has a deficit of park acres]. The five-year period shall not commence prior to August 22, 2017.

Key Takeaways from Committee Discussion on Standard	Options for Consideration
• Investigate idea of citywide fee to get money up front, as in-lieu fees paid into the accounts over time • Consider prioritizing park projects based on 10-minute walk to serve residents that don't have parks nearby to help address issues of equity • Consider prioritizing areas without parks within a 10-minute walk • Questions asked if Park standard was exempt from some areas, like the Open Space standard. Although parks are a form of open space, the park standard is applicable in all areas of the city on a quadrant (i.e., park district) basis. The Open Space standard applies in Local Facility Management Zones 11-15 and 17-25, but not zones 1-10 and 16; this exemption is only to the Open Space standard. • Question asked if park in-lieu fees could be used to fund park projects. Park in-lieu fees can be used for new parks per Carlsbad Municipal Code Section 20.44.090. As of Sept. 30, 2022, the amount of collected park fees available to use in each quadrant is: NW $2.5 Million, NE $4.3 Million, SW $584,000, and SE $1.7 Million. The amount of available collected fees in each quadrant is currently not sufficient to acquire land, plan and construct a new city park, in addition to the existing developed and planned parks. • Environmental justice was briefly discussed and how it applies to the city; currently no areas in the city designated as environmental justice areas • Are we addressing what people want out of parks? In planning for parks do we also look at what people need? (this is the focus of the Parks & Recreation Dept. Master Plan, which is currently being updated) • Concern when passive open spaces are counted as park space	1. Keep standard in as exists Growth Management Program. **Staff recommends that the Parks Standard remain as it is in the Growth Management Program. Providing substantially more acres of park land per 1,000 population cannot be guaranteed due to the challenges in securing vacant land available for parks (i.e., land which is not already otherwise designated for natural open space, requisite housing, or allowable commercial/industrial uses) as the city matures.** 2. Remove standard from Growth Management Program. 3. Change standard (increase, decrease, modify metric, etc.). **If the committee wants to pursue recommending an increase to the park standard, the following is an option for consideration:** **Increase the park standard to 4 acres per 1000 population, with added flexibility on how the standard is met:** • **Apply the standard on a citywide, non-quadrant basis (most cities surveyed – Oceanside, Encinitas, Vista, San Marcos, Poway, Chula Vista, San Diego – apply the park standard on a citywide basis)** • **Count the acreage of other recreational resources toward a "Park and Recreation" standard, such as The Crossings at Carlsbad Municipal Golf Course, city-controlled trails, city-controlled beaches, the city-leased Agua Hedionda Lagoon inner basin, and the recreation facilities constructed as a condition of the city's approval for private developments.**

• The impact of the homeless on parks needs to be addressed • Equal spread of large Veterans Memorial Park across four quadrants seems to inflate quadrant acreage total beyond the NW • Counting golf courses as recreation area raises equity issues • Explore an increase in standard (look at adjacent cities) • Consider moving away from only measuring community parks and special use areas • Broaden concept of a park (e.g., community park, neighborhood park) for all • Breakdown standards per thousand based on park type • Take macro approach – citywide • Interest in "Tier 2" standard shared as part of presentation that could be applied to certain types of projects (such as General Plan Amendments) • Look into using density transfers to create park space (and proactively address state mandates/new policies for housing) • Concern that lagoon trails are not counted as park recreation • Impact of new parks on transportation standards should be consistently applied (Veterans Memorial Park downplayed transportation impacts while overemphasizing new park access)	

Notes or Resources

Approved minutes from the September 22,2022 Growth Management Citizens Committee meeting.
PowerPoint presentation from the September 22,2022 Growth Management Citizens Committee meeting.
Agenda packet (staff report for the Parks item begins on page 24) from the September 22, 2022 Growth Management Citizens Committee meeting.

Carlsbad Parks & Recreation Department Master Plan Update: City of Carlsbad (carlsbadparksplan.com)

The Carlsbad Tourism Business Improvement District Annual Report for FY 2018-19 indicates that there were 3.59 million visitors to Carlsbad during the reporting period.

Parkscore for Carlsbad, CA – TPL

Nexus/Funding Sources

- CFD #1
- Public Facility Impact Fees
- Park Development Impact Fees
- Developer Contributions
- General Fund

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 11
Jan. 11, 2023

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Approval of Minutes

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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COMMITTEE CHARTER - MISSION

The mission of the Growth Management Plan Update Advisory Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

7

GROWTH MANAGEMENT PLAN - UPDATE

- The previous plan included standards, funding strategies to meet them and a unit cap/moratorium if the standards are not met
- Most other cities in the country that have growth management only focus on a unit cap or physical growth boundary as discussed in the April 28, 2022 meeting
- A unit cap, moratorium or growth boundary are not allowed under California law

8

11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

9

GROWTH MANAGEMENT PLAN - UPDATE

- Therefore, we are looking to "identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life"
- Items related to quality of life that are not part of "key elements to manage growth" are going to be sent in the separate "Quality of Life" Report to the City Council

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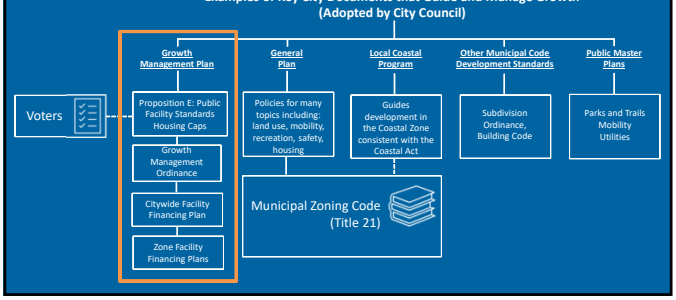
HOW IS THE PLAN IMPLEMENTED?

- Private Development Requirements
- Local Facility Management Zones
- Payments to Community Facility District #1
- Annual Reports to City Council
- Payment of other development fees, such as:
  - Park In-Lieu Fees
  - Drainage Fees
  - Traffic Impact Fees

11

KEY CITY DOCUMENTS: GROWTH



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COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

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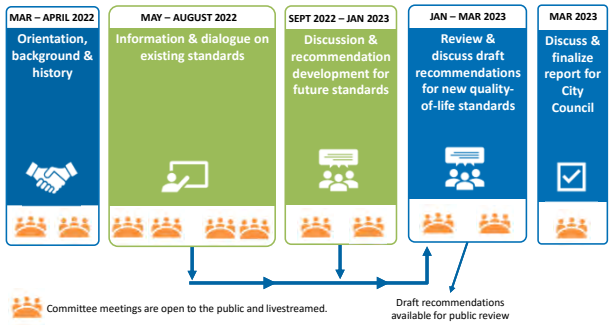
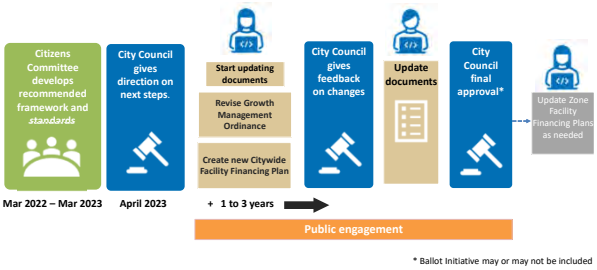
COMMITTEE PROCESS



14

STEPS IN THE PROCESS

Growth Management Program Update



* Ballot Initiative may or may not be included

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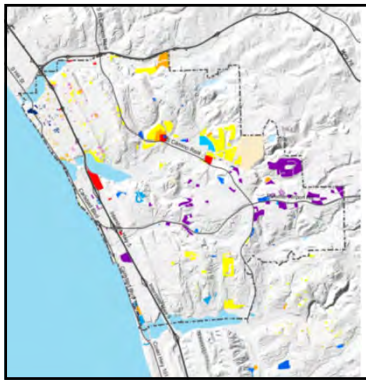
GENERAL PLAN AND HOUSING

- State law precludes GM housing caps
- State law does not preclude General Plan
  - Housing and population growth is not unlimited in the future
  - Housing planned by General Plan can't be increased without amendment to plan or allowed density increases
  - Housing Element allocation from 2021-2029 is 3,873
  - Housing Element program to add 2,600 housing units

16



FUTURE INCREASED DEMAND FOR UTILITIES

Planned Land Use

- Rural Residential
- Single Family Residential
- Multi-Family Residential
- Mobile Home Park
- Group Quarters Facility
- Hotel/Motel
- Industrial
- Roads/ ROW/ Utilities
- Commercial
- Government/ Office
- Public Services
- Healthcare
- Schools
- Outdoor Recreation
- Park/ Open Space
- Agriculture
- Waterbody
- Mixed Use

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TODAY'S AGENDA

Discussion items

- Committee Business
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

City of Carlsbad

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1. Committee Business

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Open Space Performance Standard

Eric Lardy, City Planner

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CURRENT STANDARD

Fifteen percent of the total land area in the zone [Local Facility Management Zone] exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

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OPEN SPACE STANDARD BACKGROUND

- Standard established "in addition" to biological open space
- Does not represent all open space
- Intended to apply where no development was approved in 1986
- Did not apply to all zones within the city
- Implemented through requirements on developments within applicable zones

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OTHER OPEN SPACE WITHIN THE CITY

- There is not a 40% requirement for open space
- In the 1980s, it was estimated that with the Growth Management standard and existing open space, approximately 40% of the city's land would be open space
- Biological open space, state lands and private recreational areas are summarized and reported separately

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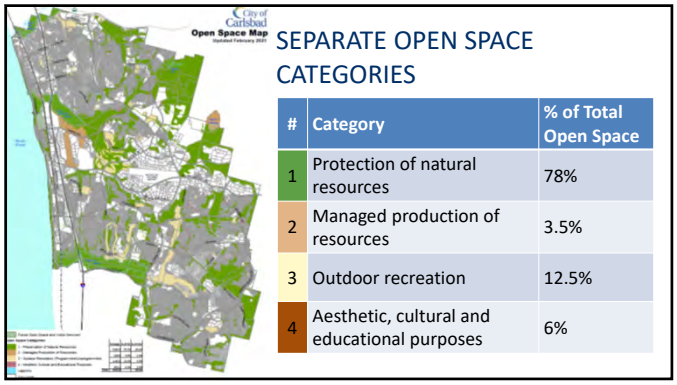
SEPARATE OPEN SPACE CATEGORIES

#	Category
1	Protection of natural resources
2	Managed production of resources
3	Outdoor recreation
4	Aesthetic, cultural and educational purposes

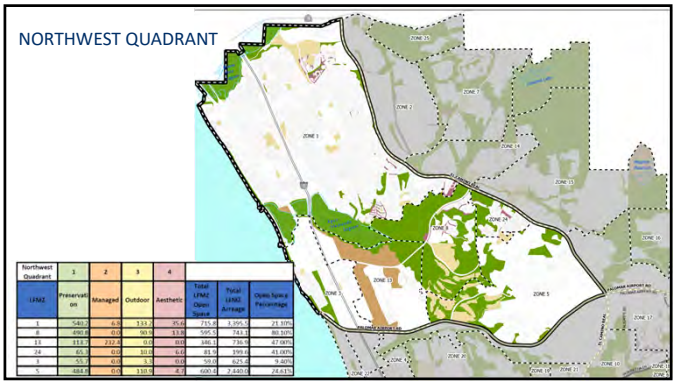
24



SEPARATE OPEN SPACE CATEGORIES

#	Category	% of Total Open Space
1	Protection of natural resources	78%
2	Managed production of resources	3.5%
3	Outdoor recreation	12.5%
4	Aesthetic, cultural and educational purposes	6%

25



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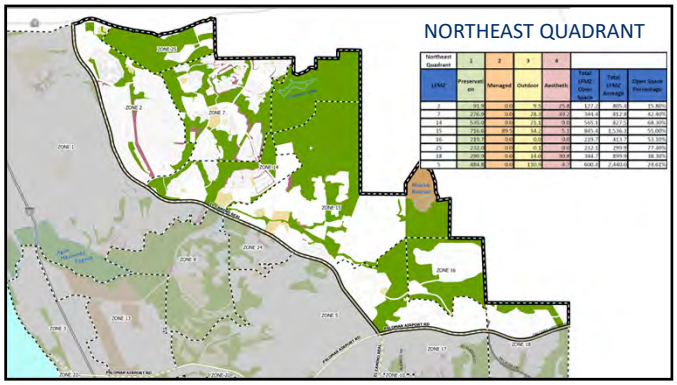

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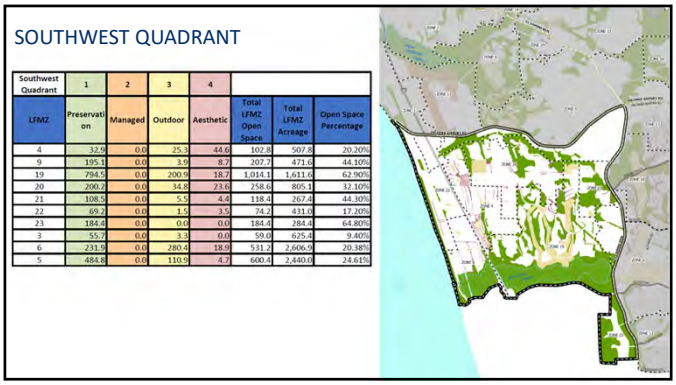

Southwest Quadrant	1	2	3	4			
LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
4	32.9	0.0	25.3	44.6	102.8	507.8	20.20%
9	195.1	0.0	3.9	8.7	207.7	471.6	44.10%
19	794.5	0.0	200.9	18.7	1,014.1	1,611.6	62.90%
20	200.2	0.0	34.8	23.6	258.6	805.1	32.10%
21	108.5	0.0	5.5	4.4	118.4	267.4	44.30%
22	69.2	0.0	1.5	3.5	74.2	431.0	17.20%
23	184.4	0.0	0.0	0.0	184.4	284.4	64.80%
3	55.7	0.0	3.3	0.0	59.0	625.4	9.40%
6	231.9	0.0	280.4	18.9	531.2	2,606.9	20.38%
5	484.8	0.0	110.9	4.7	600.4	2,440.0	24.61%

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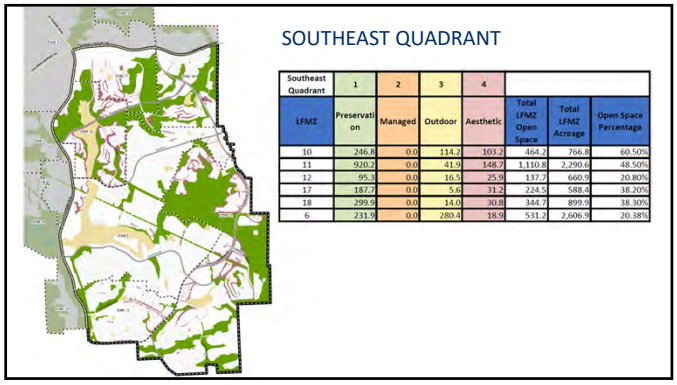

SOUTHEAST QUADRANT

Southeast Quadrant	1	2	3	4			
LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
10	246.8	0.0	114.2	103.2	464.2	766.8	60.50%
11	920.2	0.0	41.9	148.7	1,110.8	2,290.6	48.50%
12	95.3	0.0	16.5	25.9	137.7	660.9	20.80%
17	187.7	0.0	5.6	31.2	224.5	588.4	38.20%
18	299.9	0.0	14.0	30.8	344.7	899.9	38.30%
6	231.9	0.0	280.4	18.9	531.2	2,606.9	20.38%

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OPEN SPACE "GOAL"

#	Category	% of Total City Land
1	Protection of natural Resources	29.5%
2	Managed production of resources	1.3%
3	Outdoor recreation	4.7%
4	Aesthetic, cultural and educational purposes	2.4%
	CURRENT OPEN SPACE TOTAL	38 %

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FUNDING OTHER OPEN SPACE

Proposition C

2002 Ballot Initiative allows acquisition for open space (among with other projects) in excess of $1 million

Proposition H is the 1982 measure that requires projects over $1 million go to the voters (CMC 1.24)

Open Space Ad Hoc Citizens Committee

Continues to look for opportunities to acquire open space

Biggest challenge is finding willing sellers at fair market value

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SUMMARY

- Current standard of 15% applies to zones determined in the 1980s
- Open space standard is not intended to represent all open space
- Open Space is only acquired through development requirements or acquisition
- Current total open space citywide is estimated to be 38%

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CHALLENGES

- Securing vacant available land at market rate from willing sellers has been difficult
- State housing laws limit changes to density or adding new development restrictions
- Future development of Carlsbad building out existing master plans or in-fill development

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STAFF RECOMMENDATION

Keep the Open Space Standard as is in the Growth Management Program.

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Parks Performance Standard

Kyle Lancaster, Parks & Recreation Director
Nancy Bragado, Bragado Consulting

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PARKS STANDARD

3.0 acres of community park or special use area per 1,000 population within the park district (city quadrant).

If a district falls into deficit, a community park or special use area must be scheduled for construction within a five-year period, beginning at the time the need is first identified.

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RECREATION AREAS NOT COUNTED TOWARD PARKS STANDARD

- Over 67 miles of trails
- Beaches
- Natural resource areas
- Lagoons
- Golf courses
- Private recreation areas

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PARKS & RECREATION MASTER PLAN SURVEY

- Citywide survey completed in 2021-22 to gather feedback about parks and recreation priorities and investments
- 400 responses
- Residents randomly selected to complete survey by mail
- Complete results will be shared with City Council in coming weeks

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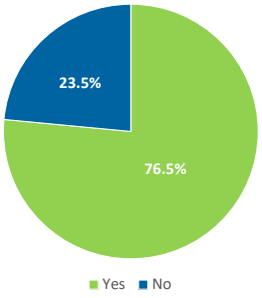
DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR COMMUNITY PARKS IN CARLSBAD?



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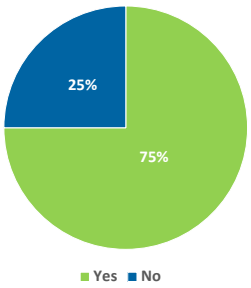
DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR NEIGHBORHOOD PARKS IN CARLSBAD?



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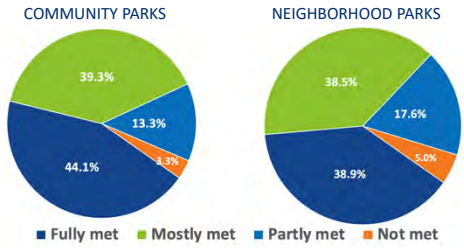
HOW WELL ARE YOUR NEEDS MET?*



**Asked only of those who said they had a need.*

41

City	Standard (acres per 1,000 residents)
City of Carlsbad	**3 acres** applied in each park district (i.e., city quadrant)
City of Encinitas	**0.25 - 0.5 acres** for Mini Parks **1 - 2 acres** for Neighborhood Parks **5 - 8 acres** for Community Parks and Special Use Parks
City of Oceanside	**5 acres** as a planning goal - 40% public schoolground acreage credit - 40% acreage credit for Guajome Regional Park
City of San Marcos	**5 acres** - Provide opportunities for passive and active recreation - **Includes parks, trails and recreational facilities** - New infill development to provide mini parks or other civic spaces

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City	Standard (acres per 1,000 residents)
City of Vista	**2 acres** for Neighborhood Parks **3 acres** for Community Parks **4 - 4.9 acres** overall average park standard
City of Poway	**2.5 acres** for Neighborhood Parks **5 acres** for Community Parks
City of Chula Vista	**3 acres** Includes community, neighborhood, special purpose, mini &urban parks. Strategy varies for eastern (new growth) and western (infill) Chula Vista.
City of San Diego	**"Value-based" standard of 100 points per 1,000 people** In place of its prior standard of 2.8 acres. Points are awarded based on land, experience and equity and access.

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STAFF RECOMMENDATION

Standard should remain as it is in the Growth Management Program.

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RATIONALE

Providing substantially more acres of park land per 1,000 population cannot be guaranteed due to the challenges in securing vacant land available for parks (i.e., land which is not already designated for natural open space, housing or commercial / industrial uses).

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ADDITIONAL OPTIONS

Increase standard to 4 acres/1,000 population, with the following potential adjustments:

- Apply the standard on a citywide basis (like most other cities surveyed)
- Count other recreational resources toward a "Park and Recreation" standard such as:
  - City-owned golf course
  - City-maintained trails
  - City-controlled beaches
  - City-leased Agua Hedionda Lagoon inner basin
  - City-conditioned private recreation areas

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Climate Action Planning

Katie Hentrich, Senior Program Manager
Environmental Sustainability Department

City of Carlsbad

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TODAY'S PRESENTATION

- Sustainability in Carlsbad
- What is the Climate Action Plan?
- Annual reporting
- Climate Action Plan Update
- Next steps
- Questions

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SUSTAINABILITY IN CARLSBAD

- Identified as Community Vision core value and guiding principle
- City considers sustainability in policies and programs
- For example, the Climate Action Plan (CAP)

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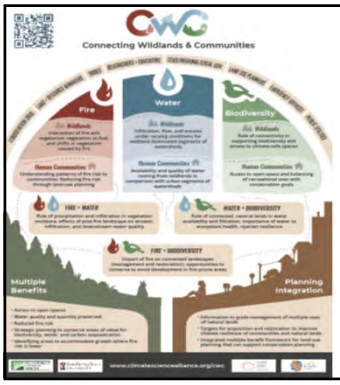

- Sustainability connected to habitat, open space, preservation and more

City of Carlsbad

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WHAT THE CLIMATE ACTION PLAN IS / ISN'T

IS	ISN'T
• List of actions for city to take to reduce climate impacts in the future	• List of ways for city to adapt to climate change now
• Certified by State environmental laws	• Required by government regulations
• A way to monitor and report on steps taken	• Air quality plan

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CLIMATE ACTION PLANNING PROCESS

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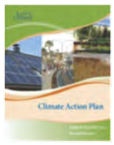
CLIMATE ACTION PLAN TIMELINE

SEPT. 22, 2015
CAP approved

NOW
CAP Update underway



JULY 14, 2020
CAP Amendment No. 1 approved

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WHAT'S IN THE PLAN?

- Greenhouse gas inventory
  - 2012 baseline: 977,000 metric tons of carbon dioxide equivalent
  - Equal to 1 car driving for 212,392 years!
- GHG emissions forecasts
- GHG reduction targets
  - 52% reduction by 2035
- GHG reduction measures to meet targets

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WHERE DO EMISSIONS COME FROM?

TRANSPORTATION

ENERGY

WATER

WASTE+WASTEWATER

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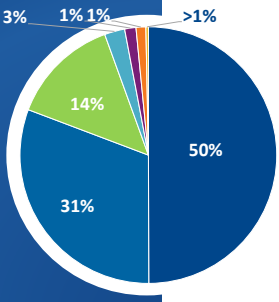

GREENHOUSE GAS INVENTORY

- On-road transportation
- Electricity
- Natural gas
- Solid waste
- Off-road transportation
- Water
- Wastewater

City of Carlsbad

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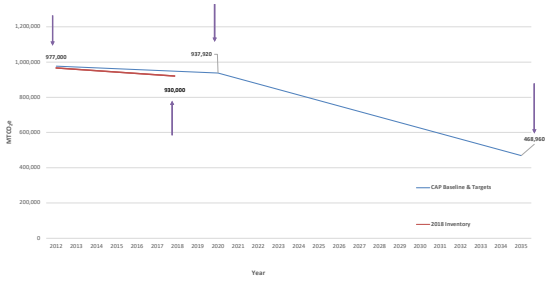
FORECASTS, TARGETS & REDUCTIONS



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CLIMATE ACTION PLAN MEASURES

- Energy efficiency
- Renewable energy
- Transportation
- Water conservation
- City-specific and communitywide activities

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CITY ACTIVITIES

- Energy efficiency
  - Facility retrofits (e.g., lighting)
- Renewable energy
  - Solar PV on facilities
  - Clean Energy Alliance
- Electric vehicles
  - EV chargers for public and city fleet
  - City fleet conversion

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CAP ORDINANCES

ENERGY EFFICIENCY AND SOLAR

ALTERNATIVE WATER HEATING

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

TRANSPORTATION DEMAND MANAGEMENT

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LOCAL AND REGIONAL COLLABORATION

CARLSBAD CHAMBER OF COMMERCE
SANDAG
SAN DIEGO GREEN BUILDING COUNCIL
SDGE
Climate Collaborative SAN DIEGO REGION
cleantech SAN DIEGO
CLEAN ENERGY ALLIANCE

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ANNUAL REPORTING

- Present to City Council once a year
- Five annual reports prepared to date
- Includes:
  - % of measures on schedule
  - Updated GHG emissions data, as available
  - Updates related to implementation by measure

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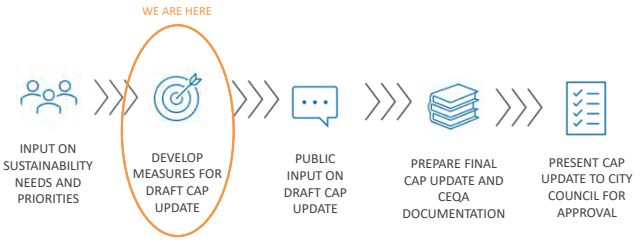
CLIMATE ACTION PLAN UPDATE



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CLIMATE ACTION PLAN UPDATE IMPROVEMENTS

- Better reflect updated State targets
- Further pursue community's vision
- Include new measures
- Make CAP easy to understand
- Build consensus

City of Carlsbad

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NEXT STEPS

- Receive remaining CAP data
- Present CAP measure options to City Council
- Present building electrification information requested to City Council
- Receive public input on CAP measure options
- Prepare and release Draft CAP Update

City of Carlsbad

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Questions?

Thank you!

Katie.Hentrich@carlsbadca.gov
442-339-2623

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Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change

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Watershed Protection

Jamie Wood, Environmental Sustainability Director
Environmental Sustainability Department

City of Carlsbad

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WATER QUALITY REGULATIONS

Porter Cologne Act (1969)

- To protect water quality and beneficial uses
- Created the State Water Resources Control Board and 9 regional boards

Clean Water Act (1972)

- Established basic structure for regulating pollution
- Covers waters of the US
- Required NPDES permits

City of Carlsbad

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WATER QUALITY PERMITS AND PLANS

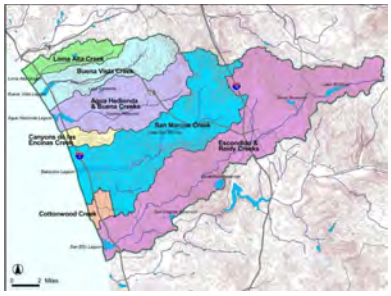
NPDES Permit
Issued to the city by the San Diego Regional Water Quality Control Board

Water Quality Improvement Plan
Watershed planning

Jurisdictional Runoff Management Program/Plan
City planning and policy

70

CARLSBAD WATERSHED MANAGEMENT AREA



- Watershed = an area of land that drains all water to creeks, lagoons and the ocean.
- The Carlsbad area encompasses 7 individual watersheds across 8 different jurisdictions.

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CITY OF CARLSBAD

- 3 lagoons
- 5 “major” creeks
- Many other sub-drainages such as tributaries, canyons, gullies and washes

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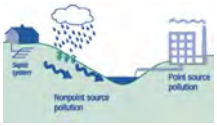
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

- Includes requirements related to development planning, construction and existing development
- Establishes discharge prohibitions
- Establishes requirements for water quality monitoring of the storm drain system and receiving waters
- Requires investigation of illegal discharges
- Requires outreach to residents and businesses



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JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM

- Purpose: to implement a program to control the contribution of pollutants to and from the storm drain system in Carlsbad
- Requires the use of Best Management Practices to prevent or reduce the discharge of pollutants from the storm drain system
- Sets stormwater standards for development planning in accordance with the WQIP and NPDES permit
- Establishes legal authority to enforce compliance with NPDES permit requirements

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DEVELOPMENT PLANNING PROGRAM

Requires Best Management Practices implementation for both new and re-development projects to control pollution

- Structural and non-structural BMPs
- Prevention of prohibited discharges

Low Impact Development required

- Minimization of impervious surface, conservation of natural areas, buffer zones from receiving water, etc.

Priority Development Projects have even more stringent requirements

Inspections required to ensure compliance with these requirements

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CONCLUSIONS

- Stormwater requirements are currently integrated into the planning process for new and re-development to control pollution from the projects
- Planned projects not meeting these standards are rejected
- Legal authority has been established to enforce non-compliance of these standards once plans are approved

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Senior Commission Vacancy

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COMMITTEE CHARTER - MISSION

- Both the Primary and Alternate Senior Commission Members have now resigned
- The Charter requires the committee consider whether to recommend that the Mayor and City Council fill the vacated position

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Committee Member Requests for Future Agenda Items

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Public Comment

80

Adjournment

Next Meeting: January 26, 2023

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From:	Don Christiansen
To:	Growth Management Committee
Cc:	Katie Hentrich; Jason Haber
Subject:	LOCAL Electric Generation
Date:	Wednesday, January 11, 2023 1:20:16 PM

Good Day Fellow ***Carlsbad Tomorrow*** Growth Management Committee Members!

Since ***LOCAL*** Electric Generation is on today's agenda I thought I'd share a few headlines:

U.S. Safety Agency To Consider Ban On Gas Stoves Amid Fears Of Pollution
"Gas stoves are bad for our health, and the strongest evidence is on children and ***children***'s ***asthma"***

California is "the first U.S. state to phase out all new gas-fueled furnaces and water heaters in homes."

Carlsbad Mulls Requiring All-Electric Construction
"The ordinances require water heaters, clothes dryers, space heaters and other appliances in all new construction to be electric instead of natural gas"

S.D. Battery Research Gets $16M
"The University of California San Diego will receive $10 million to develop and scale up technology that recycles lithium-ion batteries. ***Smartville Inc. of Carlsbad*** has been awarded a $6 million grant to extend battery use for energy storage systems."

The focus is to repurpose used EV batteries for renewable energy storage applications. California will ban the sale of new gas powered cars by 2035.

The need for electricity will increase significantly in the future. As I wrote in a previous email to our committee:
"***The question is who is going to generate the electricity?*** An option is to do what makes ***sustainable sense*** and generate as much local electricity ***as feasible*** by turning rooftops, parking lots, and underutilized land that have been considered ***liabilities into assets*** by installing solar panels. ***LOCAL jobs and LOCAL business opportunities are created in the process."***

Our ***Clean Energy Alliance*** is charged with buying renewable energy. Carlsbad is moving forward with the proposed development of a 50 acre parcel of City owned land (Maerkle Reservoir) as a solar farm. ***Very significant Federal Funding is now available*** via the Inflation Reduction Act and other programs. ***RMI***.org (formerly Rocky Mountain Institute) provides Cities guidance on how to access those funds via their ***LEAF*** and ***FFOLD*** programs.

France has mandated that all parking lots over a certain size shall have solar electric canopies. Would the City of Carlsbad have the political will to enact a similar ordinance?

Our ***Community Vision*** statement reads: ***Sustainability:*** Build on the city's sustainability initiatives to emerge as a ***leader*** in green development sustainability. Pursue public/private partnerships, particularly on sustainable water, ***energy,*** recycling and foods.

Don Christiansen
Carlsbad Tomorrow Growth Management Committee Member

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

Date: January 11, 2022
To: Growth Management Citizens Committee (and members of the public)
From: Steve Linke, Traffic & Mobility Commission representative
Subject: Open space and parks

After considering feedback from staff, the committee, and the public, below are my proposed committee recommendations on "open space" and "parks."

Note first that growth management as envisioned when it was first adopted in 1986 is no longer possible, because the main enforcement mechanism (a development moratorium) is no longer allowed. Therefore, I would suggest that the proposed open space and parks standards are not really **minimum standards** that **must** be met **immediately**, but rather **goals** to which **best efforts** should be applied **over time**.

In addition, while **developers** should continue to be required to **dedicate a portion of their property** and/or **pay their fair shares in fees**, it is evident that the limited resources available solely from them through growth management will typically be insufficient. Accordingly, the **city** needs to **help fund** achievement of the goals with an emphasis on deficient areas.

Given these paradigm shifts in growth management, I think our committee can recommend more meaningful open space and parks standards/goals and ignore much of the noise about the inability to guarantee compliance and the other naysaying regarding the ability to pay for and build these important projects. We also can recommend strategies to help prioritize the projects.

Open Space

Proposed Goal: "Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land <u>for all LFMZs, including the previously exempted LFMZs 1-10 and 16</u>."

- Developers in the deficient zones shall make fair-share contributions toward the 15% open space goal by dedicating property (either unilaterally or through a developer agreement) and/or paying an open-space in-lieu fee.
- As part of ongoing growth management monitoring, the City shall:
    1. keep the open space in-lieu fee updated to reflect current needs and costs;
    2. identify deficient LFMZs;
    3. maintain an inventory of candidate parcels (undeveloped or underutilized) within the deficient LFMZs and proximal LFMZs that could be acquired to help address identified deficiencies;
    4. prioritize projects based on the magnitude of the deficiencies; and
    5. account for projected future loss of open space due to sea-level rise.

Parks

Note that 3 acres of parkland per 1,000 residents is apparently a State of California minimum, that multiple adjacent cities seem to have a goal of 5 acres of parkland per 1,000 residents, and that cities including Oceanside have conducted "parkshed analyses" to identify and prioritize areas that lack sufficient parks.

Proposed Goal: "4 acres of dedicated parkland per 1,000 population with all residences within a 10-minute walk of a park." [The **4-acre** goal number could be flexible up or down based on what is counted as parkland (see below), and the **10-minute** walk number could be flexible.]

- Developers shall make fair-share contributions toward the 4 acre per 1,000 residents parkland goal by dedicating property (either unilaterally or through a developer agreement) and/or paying a park in-lieu fee.
- As part of ongoing growth management monitoring, the City shall:
    1. keep the park in-lieu fee updated to reflect current needs and costs;
    2. identify deficient areas (i.e., quadrants with less than 4 acres per 1,000 residents and LFMZs with residences greater than a 10-minute walk from a park);
    3. maintain an inventory of candidate parcels (undeveloped or underutilized) within the deficient areas that could be acquired and developed to help address the deficiencies;
    4. prioritize projects based on the magnitude of the deficiencies; and
    5. account for projected future loss or parkland due to sea-level rise.

What should be counted as parkland?

- **Areas inaccessible to people:** Such acreage (e.g., protected habitat) should not count as city parkland, even if it is contiguous with a park (e.g., Poinsettia, La Costa Canyon, Carillo, Hidden Valley, and Veterans Memorial Parks).
- **Veterans Memorial Park:** Even the accessible acreage of Veterans Memorial Park should apply only to the northwest quadrant where it is located—not all four quadrants—because, despite its size, the city modified its role from a regional park to a neighborhood park.
- **Private development parks:** This acreage is meant to compensate for developments that do not provide adequate yard space for their individual dwelling units and is restricted to members only, so it likely should not count as city parkland.
- **Schoolyards:** Those that are inaccessible for major parts of the day or are subject to being withdrawn from public use by schools likely should not be counted as city parkland, or only a portion of the acreage should be counted.
- **Golf courses and trails:** These are counted as parkland in Oceanside, but Oceanside has a goal of 5 acres per 1,000 residents. Also, it could be argued that golf courses are really not accessible to all people. These are debatable.
- **Beaches; Agua Hedionda lagoon inner basin:** These types of areas do not seem to be routinely considered parkland in other jurisdictions, but these also are debatable.

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

January 26, 2023, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Minutes from the Jan. 11 meeting will come to the committee for approval during February's meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & OPENING COMMENTS: *Open meeting and welcome attendees. Review and clarify purpose and charge for the committee. Review agenda and meeting format.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Circulation Standard.** Receive recommended options from staff. Discuss and make committee recommendation.
    - **Fire and Police Standard.** Receive recommended options from staff. Discuss and make committee recommendation.
    - **Arts and Culture.** Receive recommendation from staff. Discuss and make committee recommendation. (Suzanne Smithson, Library & Cultural Arts Department Director)
    - **Parks Standard.** Receive staff recommendations. Discuss and make committee recommendation.
    - **Climate Action Plan.** Receive a presentation on the Carlsbad Climate Action Plan and what the city is doing around renewable energy, power, environmental sustainability, etc. (Katie Hentrich, Climate Action Plan Administrator).
    - **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the preceding topics. (Katie Hentrich, Climate Action Plan Administrator)

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, Feb. 23, 2023, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

January 26, 2023

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Chad Majer, John Nguyen-Cleary, William Sheffler, Amy Allemann, Joe Stine, Steve Linke
Alternate – Ron Withall, Jan Neff-Sinclair, Don Christiansen, Jamie Jacobs, Allen Manzano, William Fowler, Angela O'Hara, Nora Jimenez George, Lisa Stark

Absent:
Primary –
Alternate – Patrick Goyarts, Casey Carstairs, Terence Green, Thierry Ibri, Matthew Reese, Erin Nell, Art Larson, Marissa Steketee, Kevin Sabellico

APPROVAL OF MINUTES:

Eric Larson noted that the minutes from the Jan. 11 meeting would be approved at the Feb. 23 meeting.

PUBLIC COMMENTS:

6 individual public comments, and one group comment, were received.

1. **Climate Action/Local Electric –**
   Mary Oren stated her support for installing more solar panels at public facilities, electric power generation and storage in the city.
2. **Ponto –**
   Hope Nelson recommended land at Ponto be acquired for a park and open space.
3. **Local power generation– Group presentation**
   Robert Gilleskie spoke on behalf of Cathy Asker and Mercedes Marlin to ask that the city utilize micro grids as they are renewable energy (solar), less expensive and more secure than public utilities.
4. **Local Power**
   Evan Bierman discussed his company's mission to repurpose electric vehicle batteries as storage and how this supports not only the city's Climate Action Plan but also creates local jobs and supports local facilities to export the technology nationwide.

5. **Parks -**
   Lance Schulte expressed concerns with the fiscal impacts of not having a park at Ponto. Schulte recommended the committee increase the park standard, require a park at Ponto and asks for a 10-minute walking distance metric to be used.
6. **Energy -**
   Paige DeCino would like the city's power generation to be local and expressed support for a Maerkle Reservoir solar power facility.
7. **Climate Action Plan and Parks -**
   Diane Nygaard suggested the committee recommend the city update the Climate Action Plan as soon as possible, to make it as strong as possible, and to encourage every level of government to do the same.

   Nygaard expressed support for the 3-acre park standard but recommended the committee add an additional half acre per thousand residents citywide for accessible parks with the goal that every neighborhood including Ponto has access to a park within a half mile or 10-minute walk.

WELCOME AND INTRODUCTIONS:

The meeting opened with a welcome to attendees from Committee Chair Eric Larson. Facilitator Susan Harden briefly reviewed the process and decisions made by the committee up to this meeting and highlighted an updated work plan provided to the committee that outlines the remainder of the committee's work needed through April 2023. Susan reviewed the committee's charter, next steps and the agenda. Chair Eric Larson reminded the committee that they are supposed to work towards reaching consensus. Absence consensus, the chair will entertain motions and take votes.

COMMITTEE BUSINESS

- **Circulation Standard.** Facilitator Susan Harden recapped the committee's previous discussion regarding the Circulation Standard. Susan reviewed the new recommendations brought back by staff after the Dec. 15, 2023 meeting and committee discussion. City of Carlsbad Transportation Planning and Mobility Manager Nathan Schmidt and City of Carlsbad Transportation Director Tom Frank answered questions on the recommendations. The committee discussed the following:
  - Motion by Steve Linke to maintain the current circulation standard as is with Level of Service D. Harry Peacock seconded the motion.
    - Suggested language "Maintain the current standard Level of Service D and staff shall work to establish an equivalent standard for the other modes of transportation that aren't currently covered."
    - Concern expressed regarding the language in the current standard regarding exempt intersections and streets.
    - Concern expressed that the current standard only accounts for vehicular mobility.
  - **Action:** After discussion on the motion, the motion passed by a vote of 12 in favor and 6 opposed.

Members	Vote	
	YES	NO
Jeff Segall, At Large		X
Scott White, At Large	X	
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1	X	
Mike Howes, District 2	X	
Mary Ryan, District 2	X	
Frank Caraglio, District 3	X	

Members	Vote	
	YES	NO
Frances Schnall, District 3		X
Harry Peacock, District 4	X	
Annika Jimenez, District 4		X
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission	X	
Chad Majer, Historic Preservation Commission	X	
John Nguyen-Cleary, Housing Commission		X
William Sheffler, Library Board of Trustees	X	
Amy Allemann, Parks & Recreation Commission	X	
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	

        - It was noted that other thoughts and concerns noted by other committee members would be included in the report when consensus is not achieved, and the committee would be able to advise if they do not feel their opinion was correctly captured.
    - Motion by Annika Jimenez to include staff recommendations Options A and B in the quality-of-life report. Harry Peacock seconds the motion.
        - Concern expressed that there is no threshold for project size stated in Option B to trigger the Level of Service and Multimodal Level-of-Service analysis.
        - Clarification provided that the Local Mobility Analysis has a threshold.
    - **Action:** By consensus, the committee agreed to include language from Options A and B regarding Multimodal Level of Service in the quality-of-life report.
- **Fire and Police Standard.** Facilitator Susan Harden recapped the committee's previous discussion regarding the Fire Standard and reviewed the revisited recommendation from City of Carlsbad Fire Chief Michael Calderwood, noting that City of Carlsbad Police Chief Mickey Williams is not recommending creating a Police performance standard. The committee discussed the following:
    - The revised Fire standard option is not a true performance standard, but rather best practices.
    - The Fire Department has its own performance metrics and the metrics do not apply to future development.
        - **Action:** By consensus, the committee moved to remove the Fire Standard from the Growth Management Program.
        - **Action:** By consensus, the committee agreed to recommend in the quality-of-life memo that City Council set aside funding for a future fire station and exempt the project from Proposition H -- a city law that requires projects costing more than $1 million to be approved by voters.
    - Discussion regarding adding a performance standard with a fee to the Growth Management Program for Police.
        - **Action:** By consensus, the committee moved to not add a Police Standard to the Growth Management Program.
- **Arts and Culture.** City of Carlsbad Library & Cultural Arts Director Suzanne Smithson recapped the last committee discussion regarding arts and culture and how best to support them in the Growth Management Program. Suzanne discusses current funding and policies for arts and culture, and presents the staff recommendation that an arts and culture standard not be included in the Growth Management Program. The committee discussed the following:
    - Comment by one committee member who disagreed with leaving arts and culture out of the Growth Management Program.

- Request to delay a decision on arts and culture in the Growth Management Program until the Arts and Culture Commission can review the recommendation, which they did not have the opportunity to do prior to it being presented at the Growth Management Program committee.
    - Suggestion to include arts and culture as a fee-based performance standard does not achieve consensus.
- Comment that the committee should accept and respect the recommendation of the Library & Cultural Arts staff providing the recommendation as they are experts in their field.
- Suggestion that arts and culture be included in the quality-of-life report.
- Suggestion that staff bring back the suggested language to the Arts Commission for review for inclusion in the quality-of-life report.
- Comment that it doesn't feel right to add a developer fee for arts and culture when there hasn't been one before.
- Comment that the community should fund arts and culture programs and not developers.
    - **Action:** Motion from Gita Nassiri, seconded by Steve Linke, to table the arts and culture topic to a future meeting. Motion failed by a vote of 4 in favor and 14 opposed.

Members	Vote	
	YES	NO
Jeff Segall, At Large		X
Scott White, At Large		X
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1		X
Mike Howes, District 2		X
Mary Ryan, District 2		X
Frank Caraglio, District 3		X
Frances Schnall, District 3		X
Harry Peacock, District 4		X
Annika Jimenez, District 4		X
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission	X	
Chad Majer, Historic Preservation Commission		X
John Nguyen-Cleary, Housing Commission	X	
William Sheffler, Library Board of Trustees		X
Amy Allemann, Parks & Recreation Commission		X
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	

- Comment that the Imagine the Possibilities document includes text regarding developer fees for new development.
    - **Action:** Motion by Gita Nassiri, seconded by Fred Briggs, to include an arts and culture performance standard in the Growth Management Program, with a fee ranging between $100 for single family and $1,000 for commercial and multi-family developments. Motion failed by a vote of 2 in favor and 16 opposed.

Members	Vote	
	YES	NO
Jeff Segall, At Large		X
Scott White, At Large		X
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1		X
Mike Howes, District 2		X
Mary Ryan, District 2		X
Frank Caraglio, District 3		X
Frances Schnall, District 3		X
Harry Peacock, District 4		X
Annika Jimenez, District 4		X
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission	X	
Chad Majer, Historic Preservation Commission		X
John Nguyen-Cleary, Housing Commission		X
William Sheffler, Library Board of Trustees		X
Amy Allemann, Parks & Recreation Commission		X
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission		X

    - **Action:** By consensus, the committee agreed to include arts and culture in the quality-of-life memo.

- **Parks Standard.** City of Carlsbad Parks & Recreation Director, Kyle Lancaster, provided a recap on the previous discussion regarding the existing Park Standard. Lancaster reviewed the results of the Parks & Recreation Master Plan Survey of City of Carlsbad residents. Facilitator Susan Harden discusses the newest recommendations brought to the committee based on previous committee meetings and discussions. The committee discussed the following:
    - Discussion regarding how the 10-minute/half-mile walk became part of the metric being considered and if this metric is used in other cities.
    - Discussion on how parks are currently funded and how increasing the acreage in the performance standard metric would affect current funding.
    - Comment that a distance measure metric could help solve the pockets of the city that have a perceived unmet need as measuring by quadrant seems to have created an issue.
    - Comment that perhaps a recommendation can be made int the quality-of-life report that a portion of the Transient Occupancy Tax could go towards public facilities at beaches.
    - Comment on the survey results discussed in the presentation indicating 20-30 percent of residents feeling their park needs are unmet is a high number.
    - Discussion on setting an acreage metric in the performance standard given city staff has indicated they're unable to acquire land for parks and open space at market value.
        - Motion by Jeff Segall, seconded by Joe Stine, to keep the existing Park Standard of three acres per 1,000 residents and consider the accessibility item separately.
        - Motion to amend by Harry Peacock to include the language "Retain existing standard of three acres per 1,000 residents, calculated by each of the city's existing quadrants, located within each quadrant of the city and within one half-mile of each neighborhood either existing or planned". Motion to amend died without a second.

- Motion to amend by Steve Linke, seconded by Harry Peacock, to retain the three acres per 1,000 residents, but exclude property inaccessible to humans, and counting the parks in the quadrant they're located in. (Veteran's Park would be only counted in the quadrant in which it is located.) Motion to amend failed by a vote of 4 in favor, 2 abstentions, and 12 opposed. Alternate Angela O'Hara voting in Member Annika Jimenez' absence.

Members	**Vote**	
	YES	**NO**
Jeff Segall, At Large		X
Scott White, At Large	X	
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1		X
Mike Howes, District 2		X
Mary Ryan, District 2	X	
Frank Caraglio, District 3		X
Frances Schnall, District 3		X
Harry Peacock, District 4	X	
Gita Nassiri, Arts Commission	Abstain	
Fred Briggs, Beach Preservation Commission		X
Chad Majer, Historic Preservation Commission		X
John Nguyen-Cleary, Housing Commission	Abstain	
William Sheffler, Library Board of Trustees		X
Amy Allemann, Parks & Recreation Commission		X
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	
Alternate	**Vote**	
	YES	**NO**
Angela O'Hara, District 4		X

- **Action:** Original motion to retain existing park performance standard passed by a vote of 15 in favor and 3 opposed. Alternate Angela O'Hara voting in Member Annika Jimenez' absence.

Members	**Vote**	
	YES	**NO**
Jeff Segall, At Large	X	
Scott White, At Large	X	
Eric Larson, District 1	X	
Stephen "Hap" L'Heureux, District 1	X	
Mike Howes, District 2	X	
Mary Ryan, District 2	X	
Frank Caraglio, District 3	X	
Frances Schnall, District 3	X	

Members	Vote	
	YES	NO
Harry Peacock, District 4		X
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission		X
Chad Majer, Historic Preservation Commission	X	
John Nguyen-Cleary, Housing Commission	X	
William Sheffler, Library Board of Trustees	X	
Amy Allemann, Parks & Recreation Commission	X	
Joe Stine, Planning Commission	X	
Steve Linke, Traffic & Mobility Commission		X
Alternate	**Vote**	
	YES	**NO**
Angela O'Hara, District 4	X	

- **Action:** Motion by John Nguyen-Cleary, seconded by Amy Allemann, to adopt Option A: *"Request that the City Council direct staff to evaluate the feasibility of creating and implementing a distance based standard to any public accessible park."*. Motion passes by a vote of 13 in favor and 5 opposed. Alternate Angela O'Hara voting in Member Annika Jimenez' absence.

Members	Vote	
	YES	NO
Jeff Segall, At Large	X	
Scott White, At Large	X	
Eric Larson, District 1	X	
Stephen "Hap" L'Heureux, District 1	X	
Mike Howes, District 2	X	
Mary Ryan, District 2	X	
Frank Caraglio, District 3		X
Frances Schnall, District 3		X
Harry Peacock, District 4	X	
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission		X
Chad Majer, Historic Preservation Commission		X
John Nguyen-Cleary, Housing Commission	X	
William Sheffler, Library Board of Trustees	X	
Amy Allemann, Parks & Recreation Commission	X	
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	
Alternate	**Vote**	
	YES	**NO**
Angela O'Hara, District 4	X	

- **Action:** By consensus the committee moves to adjourn the meeting with the two remaining items on the agenda, Climate Action Plan and Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change, to be presented first at the Feb. 23 meeting.
- Facilitator Susan Harden went through a work plan showing the previous schedule and future path for concluding the committee's work. She notes that committee meetings on March 23 and a tentative date for April 20 have been added to the calendar and reviewed projected topics for each meeting, including the Feb. 23 meeting.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

There was a request to develop a name for what has been called the quality-of-life memo or report at a future meeting.

PUBLIC COMMENT:

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:45 p.m.

Eric Lardy - Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Jan. 26, 2023
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Circulation Standard.** Receive recommended options from staff. Discuss and make committee recommendation. See Exhibit 1.
- **Fire and Police Standard.** Receive recommended options from staff. Discuss and make committee recommendation. See Exhibit 1.
- **Arts and Culture.** Receive recommended options from staff. Discuss and make committee recommendation. See Exhibit 2.
- **Parks Standard.** Receive staff recommendations. Discuss and make committee recommendation. See Exhibit 1.
- **Climate Action Plan.** Receive a presentation on the Carlsbad Climate Action Plan and what the city is doing around renewable energy, power, environmental sustainability, etc.
- **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the preceding topics.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Potential Growth Management Plan or Quality of Life Statements
2. Memorandum – Recommendations for Arts and Culture and Growth Management

PUBLIC WORKS – TRANSPORTATION/CIRCULATION

Proposed Circulation Standard (at December 15, 2023 meeting) – Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles, and public transit. Utilize the Sustainable Mobility Plan and Multimodal Transportation Impact fee program to implement future multimodal transportation projects that provide the greatest benefit to the community. Require development projects to conduct intersection Level of Service (LOS) and Multimodal Level of Service (MMLOS) analysis to determine direct project impacts in accordance with the city's Local Mobility Analysis Guidelines.

Based on feedback at that meeting, additional recommendations language options (either or both could be chosen):

[ ] Utilize the Sustainable Mobility Plan (SMP) and Multimodal Transportation Impact Fee (MTIF) to implement future multimodal transportation projects that provide the greatest benefit to the community;

- Review of current facilities,
- Relationship between existing traffic operations, changing commute patterns, regional traffic volume growth, traffic safety and new disruptive trends in mobility technologies, and
- Development of standards and a fee structure for private development to provide a fair share to partially fund the buildout of the city's multimodal transportation network.

[ ] Require new development to conduct intersection Level of Service (LOS) and Multimodal Level-of-Service (MMLOS) analysis to determine direct project impacts in accordance with the city's Local Mobility Analysis Guidelines

Should the statements be located within the (one should be chosen):

[ ] Growth Management Plan or [ ] Quality of Life Memo

PUBLIC SAFETY

This is the recommendation from the Fire Department on a standard that could be recommended by the Carlsbad Tomorrow: Growth Management Citizen's Committee:

As community growth takes place, annually measure and report fire department performance according to indicators of quality and effectiveness that are established for the emergency response system. Appropriate measures shall be consistent with industry standards, and will include, but are not limited to, the following criteria:

- Call processing Time
- Turn-out time
- Travel Time
- Total Responses Time
- Effective Response Force

City Staff recommends that Law Enforcement not be included in this annual reporting standard, as the measures for Law Enforcement directly responsive to specific items not directly correlated to growth. Does the Committee agree?

[ ] Yes or [ ] No

PARKS

Based in the conversations at the January 11, 2023 Growth Management Committee, the following options were developed for the Committee.

Acres per population standard (one of the two options, or a modification of the second option)

[ ] Retain existing standard of 3 acres per 1,000, calculated by each of the city's existing quadrants. (No change)

[ ] Change the standard from 3 acres per 1,000 in population to 4 acres per 1,000 in population; and,

- Apply the standard on a citywide, non-quadrant basis
- Count other city (i.e., owned or controlled) recreational resource acreage such as trails, golf course, beaches, Agua Hedionda Lagoon inner basin

Access to Park lands (One can be chosen)

[ ] Request that the City Council direct staff to evaluate the feasibility of creating and implementing a standard based upon a one-half-mile (10-minute travel time) distance to any public accessible park

[ ] Include in the Quality of Life Memo a request that the City Council direct staff to evaluate the accessibility of parks based one-half-mile (10-minute travel time) distance to any public accessible park and report on the current metrics

[ ] Take no action on this topic

City of Carlsbad

Memorandum

January 26, 2023

To:	Growth Management Citizens Committee
From:	Suzanne Smithson, Library & Cultural Arts Department Director
	Richard Schultz, Cultural Arts Manager
Via:	Eric Lardy, City Planner
Re:	**Recommendations for Arts and Culture and Growth Management (Districts - All)**

This memorandum provides a recommendation from Library & Cultural Arts Department staff regarding arts and culture and the Growth Management Plan.

On Nov. 30, 2022, city staff provided background to the Growth Management Citizens Committee regarding the role of arts in Carlsbad's quality of life and opportunities to enhance arts in the future. Since that time, staff has further considered whether arts could be a feasible performance standard in Carlsbad's next growth management program and, if so, what that standard could be.

Existing policy direction

The City Council has already provided significant policy direction on options for support and increased funding for arts and culture, via the following documents:

- Cultural Facilities Needs Assessment (City Council Resolution 2019-214)
- Arts & Culture Master Plan (City Council Resolution 2018-118)
- Imagine the Possibilities (City Council Resolution 2016-013)
- General Plan - Arts History & Education (2015)
- Envision Carlsbad (2010)
- Strategic Cultural Plan (City Council Resolution 2001-366)
- Art in Public Places (1995, rev. via City Council Resolution 2015-049)
- A Cultural Plan (City Council Resolution 1990-356)

Resources to support arts and culture

The City Council has also made increasingly significant and consistent financial commitments to arts and culture since 1986 when the Cultural Arts office was established:

- Annual Cultural Arts office budget has increased by 165% in 10 years, from $738,623 in FY 2012-13 to $1,958,910 in FY 2022-23
- Ongoing 1% allocation of every Capital Project for public art, as well as special funding opportunities. Some examples include:
    - New Village Arts mural, 2022, $50,000
    - Fire Station 2, 2023, $127,000

  - Cole Library mural, 2020, $35,000
  - Aviara Park bronze sculptures, 2020, $63,000
  - Cultural Arts office mural, 2018, $25,000
  - Pine Avenue Park, 2018, $133,000
  - Coastal Helix, 2016, $100,000
  - Fire Station 3, 2015, $50,340
  - First Responder sculptures at Public Safety Center, 2011, $153,000
- Planned 1% CIP investments in future public art as well as special funding opportunities, including:
  - Chestnut Interstate 5 Underpass - $250,000
  - Veterans Memorial Park - $350,000
  - Village & Barrio Roundabout at Pine/Harding - $100,000
  - Library Learning Center Mural - $50,000
- Funding and development of existing arts and culture facilities, including:
  - Schulman Auditorium at Dove Library, built in 1999, renovated in 2016
  - Cannon Gallery at Dove Library, built in 1999
  - Mobile Stage, utilized at TGIF concerts and other city events, purchased in 2016 for $147,744
  - A 20-year lease of the Bauer Lumber building to New Village Arts at a significantly below market lease rate of $1 per year (estimated rent subsidy of over $7 million over the 20-year lease period)
  - Past and current funding for renovations to the New Village Arts building totaling $865,633
  - Award of 27 art grants to New Village Arts since 2013 totaling $156,638, along with an additional $50,000 for a new, recently completed mural on the west wall of the building

<u>Conclusion and Recommendations</u>

Based on the above background information, Library & Cultural Arts staff make the following recommendations to the Growth Management Committee:

- Document the importance of arts and culture to Carlsbad's quality of life in the quality of life memo that will accompany the committee's recommended performance standard.
- Do not establish a new Growth Management performance standard or fee related to arts and culture.
- Policy recommendations regarding additional funding for arts and culture, beyond those already provided by the City Council through the adoption of previous plans (i.e., Arts & Culture Master Plan, etc.), are not needed at this time.

The Library & Cultural Arts Department staff appreciates the committee's willingness to explore arts and culture in the context of the Growth Management Program.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 12
Jan. 26, 2023

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Public Comment

Carlsbad TOMORROW

3

Welcome & Introductions

Carlsbad TOMORROW

4

COMMITTEE PURPOSE

1. Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad **and**
2. Identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

5

11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

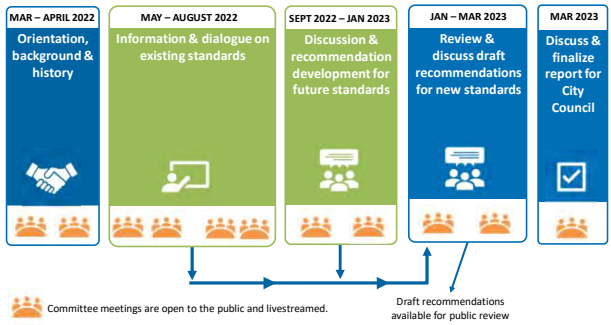
6

COMMITTEE CHARTER - MISSION

The mission of the Growth Management Plan Update Advisory Committee is:
To promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad **and** to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

7

COMMITTEE PROCESS



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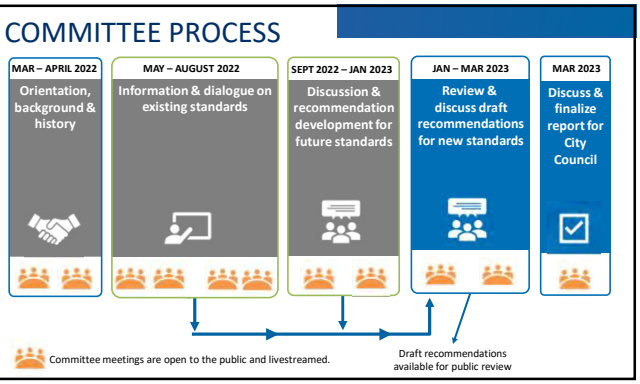
COMMITTEE PROCESS



9

COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

10

DECISIONS

- ✓ City Administrative Facilities
- ✓ Schools
- ✓ Wastewater Treatment
- ✓ Sewer Collection System
- ✓ Water Distribution System
- ✓ Drainage
- ✓ Libraries

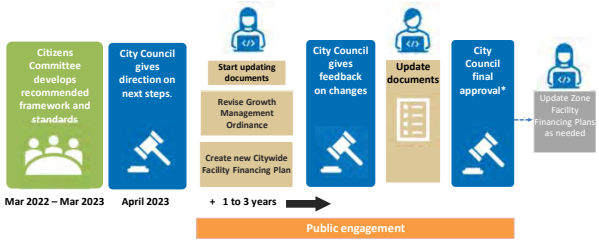
1/26 Fire Response
1/26 Mobility/Circulation
1/26 Parks
1/26 Arts & Culture
1/26 Public Safety
2/23 Open Space

11

STANDARD	RECOMMENDATION STATUS
City Administrative Facilities	Remove from growth management
Schools	Remove from growth management
Wastewater Treatment	Remove from growth management
Sewer Collection System	Retain standard as is
Water Distribution System	Retain standard, but remove storage capacity requirement
Drainage	Retain standard as is
Libraries	Retain standard as is
Fire Response	Make recommendation Jan. 26
Mobility/Circulation	Make recommendation Jan. 26
Parks	Make recommendation Jan. 26
Open Space	Make recommendation Feb. 23
Arts & Culture	*Make recommendation Jan. 26*
Public Safety	*Make recommendation Jan. 26*

12

STEPS IN THE PROCESS
Growth Management Program Update



* Ballot Initiative may or may not be included

13

TODAY'S AGENDA

Discussion Items

- Committee Business
- Committee Member Requests for Future Agenda Items
- Public Comment (continued if needed)
- Adjourn

14

1. Committee Business

15

Mobility/Circulation Standard

16

CURRENT STANDARD

Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain LOS D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding LOS exempt intersections and streets approved by the City Council.

17

CIRCULATION STANDARD- OPTIONS

Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit…[ADD ONE OR BOTH BELOW].

OPTION A		OPTION B
Utilize the Sustainable Mobility Plan and Multimodal Transportation Impact Fee program to implement future multimodal transportation projects that provide the greatest benefit to the community: ○ Review of current facilities, ○ Relationship between existing traffic operations, changing commute patterns, regional traffic volume growth, traffic safety and new disruptive trends in mobility technologies, and ○ Development of standards and a fee structure for private development to provide a fair share to partially fund the buildout of the city's multimodal transportation network.	AND OR	Require new development to conduct intersection Level of Service (LOS) and Multimodal Level-of-Service (MMLOS) analysis to determine direct project impacts in accordance with the city's Local Mobility Analysis Guidelines.

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Fire & Police

19

CURRENT FIRE STANDARD

No more than 1,500 dwelling units outside of a five-minute response time.

20

FIRE STANDARD - OPTION

As community growth takes place, annually measure and report fire department performance according to indicators of quality and effectiveness that are established for the emergency response system. Appropriate measures shall be consistent with industry standards, and will include, but are not limited to, the following criteria:

- Call processing Time
- Turn-out time
- Travel Time
- Total Responses Time
- Effective Response Force

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POLICE

No current Growth Management standard

Recommendation:

- Do not include as part of Growth Management Program.
- Measures for law enforcement are not directly correlated to growth

22

The Arts and Growth Management – Part II

Suzanne Smithson
Library & Cultural Arts Director

23

CARLSBAD THRIVES WITH THE ARTS

- The expression of the arts and culture contributes to Carlsbad as a vibrant place to live
- Investment in the arts and culture impacts the economic and social welfare of the community
- The arts reinforce Carlsbad as a city that is livable and dynamic with its distinct identity

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EXISTING POLICY DIRECTION

- City has established significant policy direction for options for support and increased funding for arts and culture
  - General fund annual budget
  - Qualifying CIP projects – 1% for public art
  - Arts & Culture Master Plan initiatives
  - Special project requests

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CITY FINANCIAL SUPPORT FOR CULTURAL ARTS

Annual Cultural Arts Office budget has increased by 165% in ten years:

FY 2012-13 - $738,623
FY 2022-23 - $1,958,910

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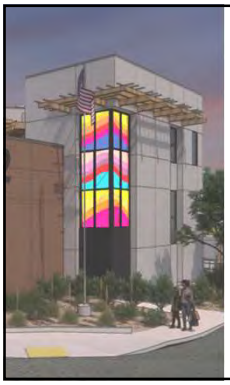

RECENT SUPPORT FOR PUBLIC ART

2023 Fire Station 2 - $127,000
2022 New Village Arts mural - $50,000
2020 Cole Library mural - $35,000
Aviara Park bronze sculptures - $63,000
2018 Cultural Arts office mural - $25,000
Pine Avenue Park - $133,000
2016 Coastal Helix - $100,000
2015 Fire Station 3 - $50,340
2011 First Responder sculptures at Safety Center - $153,000

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UPCOMING PUBLIC ART PROJECTS

- Library Learning Center Mural - $50K
- Chestnut/Interstate 5 underpass - $250K
- Veterans Memorial Park - $350K
- Village & Barrio Roundabout - $100K

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FUNDING OF EXISTING ARTS AND CULTURE FACILITIES

2016 Mobile Stage for TGIF Concerts and other events - $150K
1999 William D. Cannon Gallery
Ruby G. Schulman Auditorium
(renovated in 2016 plus upcoming audio-visual upgrades)
1996 Sculpture Garden

Support of New Village Arts

- Carlsbad non-profit arts organization
- Renovations of Bauer Lumber building - $865K
- 20-year lease at $1 per year, valued more than $7M
- Community Arts Grants – NVA has received more than $156K over past ten years
- New mural on west wall - $50K

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City of Carlsbad
Cultural Arts

RECOMMENDATION

- Support inclusion of arts and culture in the committee's "Quality of Life" memo
- Do not establish a new growth management performance standard or fee related to the arts
- New policy recommendations or additional funding for arts and culture are not needed at this time (beyond those already provided through previous actions and plans adopted by City Council)

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Parks Standard

Carlsbad TOMORROW

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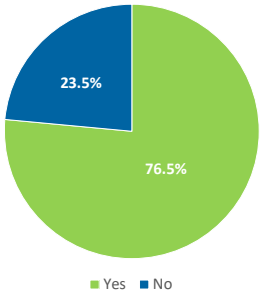
PARKS & RECREATION MASTER PLAN SURVEY

- Citywide survey completed in 2021-22 to gather feedback about parks and recreation priorities and investments
- 400 responses
- Residents randomly selected to complete survey by mail
- Complete results will be shared with City Council in coming weeks

32

DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR COMMUNITY PARKS IN CARLSBAD?



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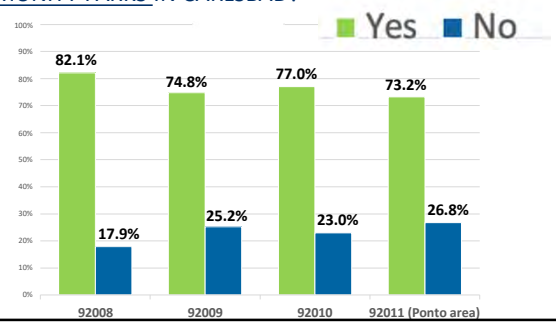
DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR COMMUNITY PARKS IN CARLSBAD?



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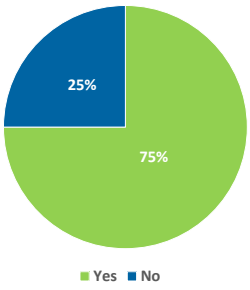
DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR NEIGHBORHOOD PARKS IN CARLSBAD?



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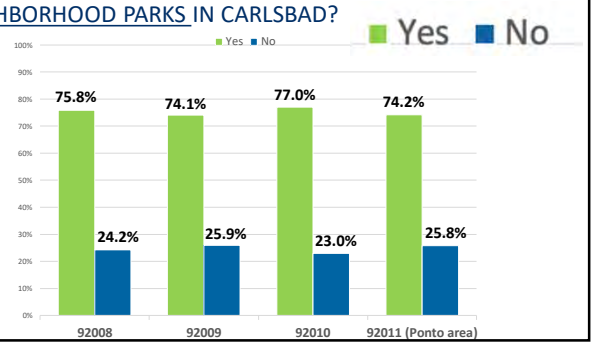
DO YOU OR YOUR HOUSEHOLD HAVE A NEED FOR NEIGHBORHOOD PARKS IN CARLSBAD?



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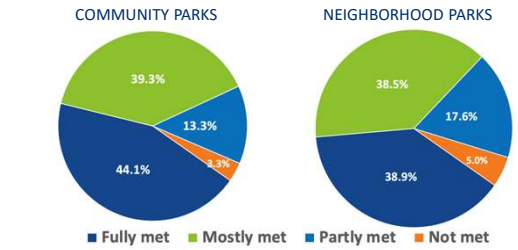
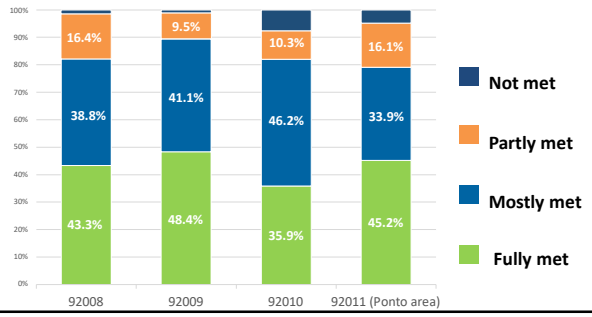
HOW WELL ARE YOUR NEEDS MET?*



*Asked only of those who said they had a need.

37

HOW WELL ARE YOUR NEEDS CURRENTLY MET FOR COMMUNITY PARKS? *Asked only of those who said they had a need.



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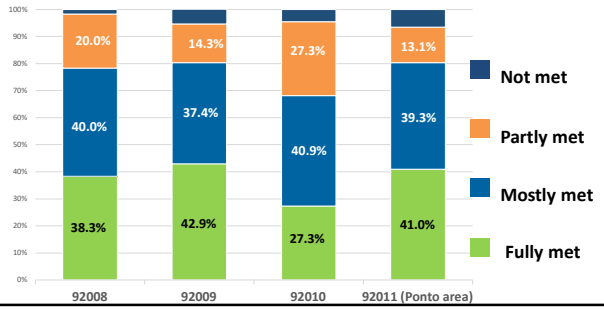
HOW WELL ARE YOUR NEEDS CURRENTLY MET FOR NEIGHBORHOOD PARKS? *Asked only of those who said they had a need.



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CURRENT PARKS STANDARD

3.0 acres of community park or special use area per 1,000 population within the park district (city quadrant).

If a district falls into deficit, a community park or special use area must be scheduled for construction within a five-year period, beginning at the time the need is first identified.

40

PARK STANDARD OPTIONS

PARK ACRES/POPULATION STANDARD – CHOOSE ONE OPTION	
OPTION A	OPTION B
3 acres per 1,000 population, calculated by each of the city's existing quadrants. (No change)	4 acres per 1,000 population; and: • Apply the standard on a citywide, non-quadrant basis • Count other city (i.e., owned or controlled) recreational resource acreage such as trails, golf course, beaches, Agua Hedionda Lagoon inner basin [Can be modified per Committee direction]

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OPTIONS TO ADDRESS ACCESS TO PARKS

CHOOSE ONE OPTION		
OPTION A	OPTION B	OPTION C
Request that City Council direct staff to evaluate the feasibility of creating and implementing a standard based upon a one-half-mile (10-min walk) distance to any public accessible park	Include in the Quality-of-Life Memo a request that the City Council direct staff to evaluate the accessibility of parks based one-half-mile (10-min walk) distance to any public accessible park and report on the current metrics	Take no action on this topic

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Climate Action Planning

Katie Hentrich, Senior Program Manager
Environmental Sustainability Department

City of Carlsbad

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TODAY'S PRESENTATION

- Sustainability in Carlsbad
- What is the Climate Action Plan?
- Annual reporting
- Climate Action Plan Update
- Next steps
- Questions

44

SUSTAINABILITY IN CARLSBAD

- Identified as Community Vision core value and guiding principle
- City considers sustainability in policies and programs
- For example, the Climate Action Plan (CAP)

Carlsbad TOMORROW

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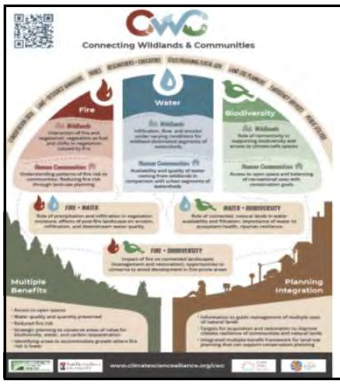

- Sustainability connected to habitat, open space, preservation and more

City of Carlsbad

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WHAT THE CLIMATE ACTION PLAN IS / ISN'T

IS	ISN'T
• List of actions for city to take to reduce climate impacts in the future	• List of ways for city to adapt to climate change now
• Certified by State environmental laws	• Required by government regulations
• A way to monitor and report on steps taken	• Air quality plan

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CLIMATE ACTION PLANNING PROCESS

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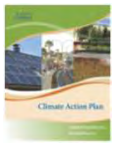
CLIMATE ACTION PLAN TIMELINE

SEPT. 22, 2015
CAP approved

NOW
CAP Update underway



JULY 14, 2020
CAP Amendment No. 1 approved

49

WHAT'S IN THE PLAN?

- Greenhouse gas inventory
  - 2012 baseline: 977,000 metric tons of carbon dioxide equivalent
  - Equal to 1 car driving for 212,392 years!
- GHG emissions forecasts
- GHG reduction targets
  - 52% reduction by 2035
- GHG reduction measures to meet targets

50

WHERE DO EMISSIONS COME FROM?

TRANSPORTATION

ENERGY

WATER

WASTE+WASTEWATER

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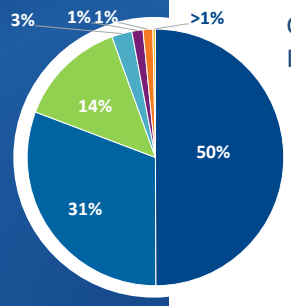

GREENHOUSE GAS INVENTORY

- On-road transportation
- Electricity
- Natural gas
- Solid waste
- Off-road transportation
- Water
- Wastewater

City of Carlsbad

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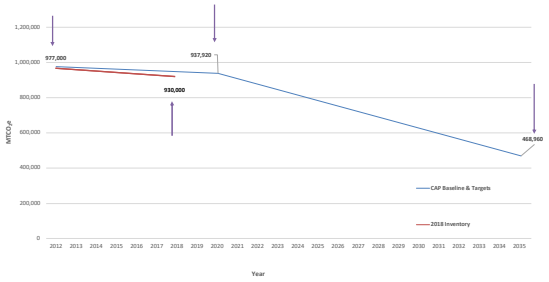
FORECASTS, TARGETS & REDUCTIONS



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CLIMATE ACTION PLAN MEASURES

- Energy efficiency
- Renewable energy
- Transportation
- Water conservation
- City-specific and communitywide activities

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CITY ACTIVITIES

- Energy efficiency
  - Facility retrofits (e.g., lighting)
- Renewable energy
  - Solar PV on facilities
  - Clean Energy Alliance
- Electric vehicles
  - EV chargers for public and city fleet
  - City fleet conversion

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CAP ORDINANCES

- ENERGY EFFICIENCY AND SOLAR
- ALTERNATIVE WATER HEATING
- ELECTRIC VEHICLE CHARGING INFRASTRUCTURE
- TRANSPORTATION DEMAND MANAGEMENT

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LOCAL AND REGIONAL COLLABORATION

CARLSBAD CHAMBER OF COMMERCE
SANDAG
SAN DIEGO GREEN BUILDING COUNCIL
SDGE
Climate Collaborative SAN DIEGO REGION
cleantech SAN DIEGO
CLEAN ENERGY ALLIANCE

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ANNUAL REPORTING

- Present to City Council once a year
- Five annual reports prepared to date
- Includes:
  - % of measures on schedule
  - Updated GHG emissions data, as available
  - Updates related to implementation by measure

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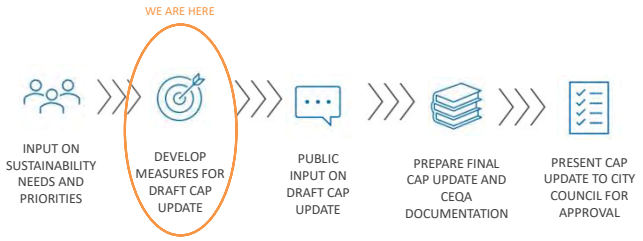
CLIMATE ACTION PLAN UPDATE



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CLIMATE ACTION PLAN UPDATE IMPROVEMENTS

- Better reflect updated State targets
- Further pursue community's vision
- Include new measures
- Make CAP easy to understand
- Build consensus

City of Carlsbad

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NEXT STEPS

- Receive remaining CAP data
- Present CAP measure options to City Council
- Present building electrification information requested to City Council
- Receive public input on CAP measure options
- Prepare and release Draft CAP Update

City of Carlsbad

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Questions?

Thank you!

Katie.Hentrich@carlsbadca.gov
442-339-2623

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Local Electric Power Generation & Renewable Energy

Carlsbad TOMORROW

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DISCUSSION QUESTIONS

- Are these topics that should be a standard in the Growth Management Plan?
- Are these topics important to quality of life in Carlsbad and should be included in the quality of life memo?

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Schedule

Carlsbad TOMORROW

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WORK PLAN

	Feb. 23, 2023 Committee Meeting ▶ Receives presentation on open space zones, discusses options and decides on a recommendation regarding an open space standard. ▶ Provides feedback to staff on quality of life memo outline. ▶ Provides feedback to staff on draft standard recommendation pages.
	March 14 – March 23, 2023 ▶ Committee and public review draft documents (report and memo).
	March 23, 2023 Committee Meeting ▶ Committee members share feedback on draft final committee report and draft quality of life memo. ▶ Committee decides which changes to make to documents (by consensus and/or voting). ▶ Committee votes to finalize document (noting changes, if any). ▶ Committee work concludes.

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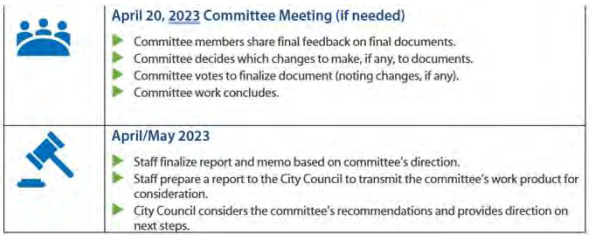
WORK PLAN



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Committee Member Requests for Future Agenda Items

Carlsbad TOMORROW

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next meeting: Feb. 23, 2023

Carlsbad TOMORROW

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From:	Don Christiansen
To:	Growth Management Committee
Cc:	Katie Hentrich; Jason Haber
Subject:	LOCAL Electric Generation
Date:	Wednesday, January 11, 2023 1:20:16 PM

Good Day Fellow ***Carlsbad Tomorrow*** Growth Management Committee Members!

Since ***LOCAL*** Electric Generation is on today's agenda I thought I'd share a few headlines:

U.S. Safety Agency To Consider Ban On Gas Stoves Amid Fears Of Pollution
"Gas stoves are bad for our health, and the strongest evidence is on children and ***children***'s ***asthma"***

California is "the first U.S. state to phase out all new gas-fueled furnaces and water heaters in homes."

Carlsbad Mulls Requiring All-Electric Construction
"The ordinances require water heaters, clothes dryers, space heaters and other appliances in all new construction to be electric instead of natural gas"

S.D. Battery Research Gets $16M
"The University of California San Diego will receive $10 million to develop and scale up technology that recycles lithium-ion batteries. ***Smartville Inc. of Carlsbad*** has been awarded a $6 million grant to extend battery use for energy storage systems."

The focus is to repurpose used EV batteries for renewable energy storage applications. California will ban the sale of new gas powered cars by 2035.

The need for electricity will increase significantly in the future. As I wrote in a previous email to our committee:
"***The question is who is going to generate the electricity?*** An option is to do what makes ***sustainable sense*** and generate as much local electricity ***as feasible*** by turning rooftops, parking lots, and underutilized land that have been considered ***liabilities into assets*** by installing solar panels. ***LOCAL jobs and LOCAL business opportunities are created in the process."***

Our ***Clean Energy Alliance*** is charged with buying renewable energy. Carlsbad is moving forward with the proposed development of a 50 acre parcel of City owned land (Maerkle Reservoir) as a solar farm. ***Very significant Federal Funding is now available*** via the Inflation Reduction Act and other programs. ***RMI***.org (formerly Rocky Mountain Institute) provides Cities guidance on how to access those funds via their ***LEAF*** and ***FFOLD*** programs.

France has mandated that all parking lots over a certain size shall have solar electric canopies. Would the City of Carlsbad have the political will to enact a similar ordinance?

Our ***Community Vision*** statement reads: ***Sustainability:*** Build on the city's sustainability initiatives to emerge as a ***leader*** in green development sustainability. Pursue public/private partnerships, particularly on sustainable water, ***energy,*** recycling and foods.

Don Christiansen
Carlsbad Tomorrow Growth Management Committee Member

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

From:	Don Christiansen
To:	Growth Management Committee
Cc:	Jason Haber; Katie Hentrich
Subject:	Fwd: Who Needs Transmission Wires Anyway? — Episode 175 of Local Energy Rules
Date:	Wednesday, January 25, 2023 2:21:50 PM

G'Day Fellow ***Carlsbad Tomorrow*** Growth Management Committee members!

I'm a long time advocate for ***LOCAL solar electric energy***. It makes sustainable sense, supporting the economic, social, and environmental legs of the sustainability stool. The following are two paragraphs that I took from this link: https://ilsr.org/who-needs-transmission-wires-ler175/

"The Case for Generating Power Where It Is Consumed"

"Juhl explains how building smaller-scale, distributed energy generation systems that blend into the community is a win-win. When the project is close to the electricity consumers, it does not require an updated transmission line. Avoiding transmission also makes better use of the electricity, as transforming and carrying electricity incurs losses."

"Projects located within the distribution network act more as a reduction of electricity load than as a generator, says Juhl. They free up space on existing transmission lines, as the community no longer needs to import the electricity they generate. Juhl stresses the importance of combating load as consumers electrify their cars and buildings. When it comes to solar's often-raised intermittency issue, Juhl believes that pairing wind and solar together is especially effective."

Increased electrification of our cars, buildings, and communication ***IS*** happening now, climate change with rising sea levels ***IS*** happening now. We do need more electric energy. ***The question is: "who is going to generate the electricity"***. I think our ***Clean Energy Alliance*** is well positioned to show the geographic boundaries of the ***community*** referenced by Juhl. They could be the off-taker, or buyer of solar electricity generated by ***community*** rooftops, parking lot solar canopies, and suitable land.

Carlsbad's ***Community*** Vision statement reads: ***Sustainability*****:** Build on the city's sustainability initiatives to emerge as a ***leader*** in green development and sustainability. Pursue public/private partnerships, particularly on sustainable water, ***energy***, recycling and foods.

Think Globally, Act Locally!

Don Christiansen
Carlsbad Tomorrow Growth Management Committee

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

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

February 23, 2023, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Minutes from the January 11th and January 26th meetings.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & OPENING COMMENTS: *Open meeting and welcome attendees. Review and clarify purpose and charge for the committee. Review agenda and meeting format.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
   - **Climate Action Plan.** Receive a presentation on the Carlsbad Climate Action Plan and what the city is doing around renewable energy, power, environmental sustainability, etc. (Katie Hentrich, Climate Action Plan Administrator).
   - **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the preceding topics. (Katie Hentrich, Climate Action Plan Administrator)
   - **Open Space Standard.** Receive presentation on history and status open space in exempt zones. Discuss and make committee recommendation. (Eric Lardy, City Planner)
   - **Quality of Life Report Outline.** Review and confirm outline and items to be addressed.
   - **Draft Standards Pages.** Review and confirm draft language to be included in final report.

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, March 20, 2023, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

February 23, 2023

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen L'Heureux, Mike Howes, Mary Ryan, Frances Schnall, Harry Peacock, Gita Nassiri, Fred Briggs, John Nguyen-Cleary, William Scheffler, Joe Stine, Steve Linke
Alternate – Ron Withall, Patrick Goyarts, Jan Neff-Sinclair, Casey Carstairs, Terrence Green, Thierry Ibri, Angela O'Hara, Jamie Latiano Jacobs, Art Larson, William Fowler

Absent:
Primary – Frank Caraglio, Annika Jimenez, Chad Majer, Amy Allemann
Alternate – Don Christiansen, Matthew Reese, Erin Nell, Nora Jimenez George, Lisa Stark, Allen Manzano, Marissa Steketee, Kevin Sabellico

APPROVAL OF MINUTES:
Motion by Joe Stein, seconded by Harry Peacock, to approve the Jan. 11, 2023 minutes. Motion by William Scheffler, seconded by Jeff Segall, to approve the Jan. 26, 2023 minutes as amended.

PUBLIC COMMENTS:

8 individual public comments were received.

1. **Carlsbad Tomorrow Plan/Climate Action/Solar Energy –**
   Mary Oren stated support for installing more solar panels at public facilities, utilizing microgrid technology, electric power generation and storage in the city.
2. **Open Space/Parks/ Quality of Life -**
   Diane Lech expressed concern regarding state land zoning mandates and the loss of open space in the city due to increasing density.
3. **Open Space -**
   Michael Sebahar asked the committee to recommend the city fix the lack of open space and park land in southwest Carlsbad with a park at Ponto.
4. **Open Space and Parks -**
   Lance Schulte asked the committee to look at the City of Encinitas' detailed park evaluation report and consider how something similar could be implemented in Carlsbad, specifically to address the lack of park space at Ponto.

5. **Community Microgrid Initiative – Clean Coalition -**
   Jay Klopfenstein stated support for installing more solar panels at public facilities and utilizing microgrid technology in the city. They are a proponent of the Clean Coalition Initiative and described the benefits of implementing locally generated power.
6. **Open Space -**
   Howard Krausz recommended that the Growth Management Program Open Space standard remain as it is written but asked that the standard be applied as written without further exemptions. Recommended continuous monitoring in the unexempted Local Facility Management Zones and stated the exempted zones need to become more compliant with the standard.
7. **Open Space Performance Standard-**
   Diane Nygaard stated the committee must address the inequity in the city's open space caused by the exempted zones. Recommended keeping the 15% performance standard for all the zones that weren't exempted and require 15% open space for all new development in the zones that were exempted. Additionally, Nygaard asked the committee to include a request in the quality-of-life memo for the City Council to examine the 11 exempted zones and direct staff to identify existing unconstrained open space and develop an action plan to address short falls, recognizing that climate change and sea level rise will play a part in open space in the years to come.
8. **Local Electric Power Generation and Microgrids –**
   Sam Ward stated support for local production of electricity and the adoption of microgrids in the city to reduce dependency on out of state transmission lines and to help move Carlsbad towards a carbon neutral future.

WELCOME AND INTRODUCTIONS:

The meeting opened with a welcome to attendees from Committee Chair Eric Larson. Facilitator Susan Harden reviewed the meeting agenda and the process and decisions made by the committee up to this meeting. Susan reviewed the committee's purpose, charter and next steps. Chair Eric Larson reminded the committee that they are to work towards reaching consensus. Absence consensus, motions will be entertained, and votes will be recorded.

COMMITTEE BUSINESS

- **Climate Action Plan.** City of Carlsbad Senior Program Manager, Environmental Sustainability Department, Katie Hentrich presented on sustainability in the city, the current Climate Action Plan, annual reporting, the Climate Action Plan update, and answered questions from the committee. Chair Larson reminded the committee that the Climate Action Plan topic is not presently a standard, nor was it recommended for standard consideration or inclusion in the quality –of life report. The presentation was requested by at least one committee member. The committee discussed the following:
  - Clarification was requested and provided on how vehicle travel is calculated for the Climate Action Plan.
  - How the target reductions and dates are established.
  - Potential consequences of not meeting the goals set forth in the Climate Action Plan.
  - Whether local energy production is included in the Climate Action Plan.
  - Recommendation regarding a stronger transportation demand management program as 50% of greenhouses gas emissions are vehicle related.
  - Traffic signal synchronization and how it would have a positive impact on greenhouse gas emissions.
  - Opinion expressed that the committee should support inclusion of traffic signal synchronization in the Climate Action Plan.

- **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** The committee discussed whether to include these topics as a standard(s) in the Growth Management Program or as items in the quality –of life report. The following was discussed with all recommendations being made for the quality –of life report:
    - Support the inclusion of local power generation and microgrids in the quality –of –life report and request support of such from the City Council.
    - Include renewable energy storage in the quality-of-life report; support strongly urging the City Council to further consider these topics.
    - Request that the City Council creates a "Carlsbad Energy Advisory Commission" of 5-7 citizens and charge them with providing the Mayor and City Council with an annual summary of all energy-related activities impacting the city's residents and businesses.
- **Open Space.** City Planner Eric Lardy, and Nancy Bragado of Bragado Planning provided a presentation on Open Space in the city, with individual zone maps of existing open space, and provided comparisons to other cities in California. Eric Lardy reviewed the three Open Space Standard options provided by staff. The committee discussed the following:
    - Clarifying questions around the options presented by staff were asked – such as if Option C could be combined with Options A and/or B.
    - Discussion surrounding exempted zones and what could be done to ensure future development in exempted zones would have an open space requirement.
    - Opinion presented that, similar to the committee being suggested for renewable energy, the citizens open space committee could be re-engaged to reevaluate the parcels of land considered 10 years ago that could be converted to open space, also looking in the exempted zones.
    - Suggestion to have no exempt zones but require the currently exempted zones to maintain their current percentage of open space, and the currently non-exempted zones maintain 15% open space.
    - Opinion presented that the city has the capacity to reevaluate the exempted zones and create a mechanism to acquire land for zones with a shortfall in open space and parks.
    - Discussion on revamping zone system to focus on no net loss and planned developments.
    - Comment that the exemptions are applied to zones, not individual projects.
    - Suggestion to maintain the Open Space standard as is in non-exempt zones. In exempt zones, apply a 15% open space by project requirement or a to be determined in-lieu fee.
    - Motion by Steve Linke, seconded by Jeff Segall, to maintain the Open Space standard as is in non-exempt zones. For projects in Local Facility Management Zones exempted from the standard, 15% of their developable land must be set aside for permanent open space on a project basis or a linkage (in-lieu) fee applied.
        - **Action:** Motion failed by a vote of 6 in favor and 11 opposed. The Alternates for Members Frank Caraglio, Annika Jimenez, and Chad Majer voted in their absence.

Members	**Vote**	
	YES	**NO**
Jeff Segall, At Large		X
Scott White, At Large		X
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1		X
Mike Howes, District 2		X
Mary Ryan, District 2		X
Frances Schnall, District 3		X
Harry Peacock, District 4	X	
Gita Nassiri, Arts Commission	X	

Members	Vote	
	YES	NO
Fred Briggs, Beach Preservation Commission	X	
John Nguyen-Cleary, Housing Commission		X
William Sheffler, Library Board of Trustees		X
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	
Alternate	**Vote**	
	YES	**NO**
Thierry Ibri	X	
Angela O'Hara	X	
Jamie Latiano Jacobs		X

- Motion by Mary Ryan, seconded by Joe Stine, to adopt Option B: In all Local Facility Management Zones, open space shall be provided consistent with city policies and regulations, including for protection of natural resources, provision of outdoor recreation, production of resources, and for aesthetic, cultural and educational purposes.
  In Local Facilities Management Zones 11 - 15 and 17 - 25, 15% of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.
- Motion to amend by Steve Linke, seconded by Harry Peacock, to adopt Option B, maintaining the Open Space standard as is in non-exempt zones. For projects in Local Facility Management Zones exempted from the standard, 15% of their developable land must be set aside for permanent open space.
  - **Action:** Motion to amend failed by a vote of 5 in favor and 12 opposed. The Alternates for Members Frank Caraglio, Annika Jimenez, and Chad Majer voted in their absence.

Members	Vote	
	YES	NO
Jeff Segall, At Large		X
Scott White, At Large		X
Eric Larson, District 1		X
Stephen "Hap" L'Heureux, District 1		X
Mike Howes, District 2		X
Mary Ryan, District 2		X
Frances Schnall, District 3		X
Harry Peacock, District 4	X	
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission	X	
John Nguyen-Cleary, Housing Commission		X
William Sheffler, Library Board of Trustees		X
Joe Stine, Planning Commission		X
Steve Linke, Traffic & Mobility Commission	X	

Alternate	Vote	
	YES	NO
Thierry Ibri	X	
Angela O'Hara		X
Jamie Latiano Jacobs		X

- **Action:** Motion to adopt Option B passed by a vote of 13 in favor and 4 opposed. The Alternates for Members Frank Caraglio, Annika Jimenez, and Chad Majer voted in their absence.

Members	Vote	
	YES	NO
Jeff Segall, At Large	X	
Scott White, At Large	X	
Eric Larson, District 1	X	
Stephen "Hap" L'Heureux, District 1	X	
Mike Howes, District 2	X	
Mary Ryan, District 2	X	
Frances Schnall, District 3	X	
Harry Peacock, District 4	X	
Gita Nassiri, Arts Commission	X	
Fred Briggs, Beach Preservation Commission	X	
John Nguyen-Cleary, Housing Commission		X
William Sheffler, Library Board of Trustees		X
Joe Stine, Planning Commission	X	
Steve Linke, Traffic & Mobility Commission		X
Alternate	**Vote**	
	YES	**NO**
Thierry Ibri		X
Angela O'Hara	X	
Jamie Latiano Jacobs	X	

  - Suggestion to include a request in the quality –of life report for the City Council to form a citizens committee to evaluate open space on an ongoing basis as properties may become available in the future that aren't available presently. Charge could include updating list of properties available, developing a plan to prioritize zones that have a deficit of unconstrained open space, evaluating sea level rise as it applies to open space, etc.
  - Committee consensus to instead include a recommendation in the quality-of-life report to expand the scope of the current Parks & Recreation Commission to include open space.

- **Quality of Life Report.** The committee discussed the following regarding the outline and items to be addressed in the report.
  - Question on if the table presented was the actual report or if there would be more substance to the topics.
  - Add text to the homelessness topic regarding support for the continuation of the Homeless Outreach Team.

- Regarding the Proposition H city law
  - The carve out recommendation was not just for a new fire station; it would be for any capital improvement project.
  - Call out the $1 million threshold in the first paragraph that would require approval by voters.
  - Increased and indexed over time.
- Mobility
  - Add that the Multimodal Transportation Impact Fee be updated regularly (for example every 3 years)
  - Encourage the City Council to complete the updates to the Multimodal Level-of-Service and Local Mobility Analysis Guidelines
- Add additional rationale/vision language to committee's recommendations on homelessness, aging community, and arts and culture topics.
- Add a request for a review and update of the existing Age-Friendly Action Plan to the recommendations related to the aging community.
- Make the language in the arts and culture topic consistent with the Community Vision.
- New topics suggested to include in the quality –of life report:
  - Review of all public facility fees at defined intervals (3 or 5 years, for example) to ensure the fees are appropriate.
  - Impacts from tourists and visitors on all city facilities.
    - Chair Larson asked the committee to submit draft language for consideration.
  - There's a request for public safety to be included in the quality –of life report.
    - It was noted that the committee had already decided on that topic.
    - Chair Larson asked the committee to submit draft language for consideration.

- **Draft Standard Pages.** Committee Chair Eric Larson reviewed the draft standard pages, and the committee discussed the following:
  - Comment that the standards removed from the program should be documented in a similar way to the standards recommended for inclusion.
  - Comment that the draft parks standard should include the minority opinion (other considerations), similar to how the Mobility draft standard is presented.

DISCUSSION ITEMS:

- **Committee meeting schedule and topics.** Eric Larson informed the committee that the next meeting will occur on March 23, 2023. It is noted that the intention is to provide the full draft report and quality –of life report two weeks before the March meeting for the committee's review. It's noted the final meeting (if needed) is scheduled for April 20, 2023.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- Information on the realignment of Carlsbad Boulevard was requested. City Planner Eric Lardy reviewed the potential realignment of Carlsbad Boulevard and the subsequent impact on open space in Zone 9. The committee discussed the following:
  - Discussion on the linear park concept in the Ponto area.
  - Comment that the committee should have a better understanding of the proposed linear park/realignment given the significant public interest in having a park at Ponto and because it ties in with the committee's considerations for both open space and parks.
  - The committee was reminded that both parks and open space standards had been voted on and decided by the committee.
  - There was a suggestion that staff provide information about the South Carlsbad Coastline project to the committee before the next meeting so a concise discussion could be had if needed.

- Suggestion to include the Carlsbad Boulevard Park/Ponto Park in the quality –of life memo. It was noted that the committee had previously decided not to make recommendations on specific projects as the committee's charge is citywide.
- Comment that there is no statement in the quality –of life table about future recreation needs.
- Another request for existing information be provided to the committee on the South Carlsbad Coastline project, not necessarily a formal presentation at a committee meeting.
- Committee agreed to have staff share information about the South Carlsbad Coastline project to the committee. The committee could then let staff know if they feel the topic needs to be placed on a future agenda.

PUBLIC COMMENT:
None.

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 8:29 p.m.

Eric Lardy - Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	Jan. 26, 2023
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Receive presentations and discuss the following topics:

- **Climate Action Plan.** Receive a presentation on the Carlsbad Climate Action Plan and what the city is doing around renewable energy, power, environmental sustainability, etc.
- **Local Electric Power Generation and Renewable Energy and Environmental Sustainability/Climate Change.** Participate in a committee discussion to determine direction for the preceding topics.
- **Open Space Standard.** Receive presentation on history and status open space in exempt zones. Discuss and make committee recommendation. See Exhibit 1.
- **Quality of Life Report Outline.** Review and confirm outline and items to be addressed. See Exhibit 2.
- **Draft Standards Pages.** Review and confirm draft language to be included in final report. See Exhibit 3.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Exhibits

1. Open Space Standard Background and Benchmarking
2. Memorandum – Recommendations for Arts and Culture and Growth Management

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT – Exhibit 1
February 22, 2023

CURRENT OPEN SPACE STANDARD

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

Applicability of the standard: the Citywide Facilities and Improvements Plan specifies that the open space standard applies in Local Facilities Management Zones 11 – 15 and 17 – 25. The standard does not apply in Zones 1 – 10 and 16. See **Attachment 1** for a history of why the standard does not apply to all zones and see **Attachment 2** for a breakdown of open space citywide and by Local Facility Management Zone.

BENCHMARKING

Research was conducted to learn how Carlsbad's open space standards compare to those of other jurisdictions. Our literature search surveyed national databases, urban and park planning publications, and websites of twelve Southern California jurisdictions. We selected a mix of San Diego-area and Orange County jurisdictions that, like Carlsbad, have a history of master planned communities as well as infill development, participate in habitat planning efforts, and are committed to maintaining a high quality of life. We focused on coastal communities that have natural open space amenities in addition to developed active parks. Our research of other cities included a review of their general plan policies, park master plans (when available), municipal code development regulations, and a sampling of specific plans. Direct comparisons were difficult as cities define and secure open space in different ways, but all cities surveyed placed a high value on open space and considered it as an important component of their character and quality of life. See **Attachment 3** for the full results of the benchmarking research. Highlights from the data is discussed below. Data was not found for all categories in every city surveyed.

OVERALL FINDINGS

Key points

- Most project-based open space requirements are a factor of zoning, and most are related to habitat conservation
- Most open space preserve efforts are related to habitat conservation, with acquisition through a mix of developer exactions, environmental mitigation, and public funding.
- Carlsbad has stringent lot coverage and open space requirements for development in all zones that continues to be implemented regardless of the growth management open space standard.
- Carlsbad is doing well over the State of California's 30% target for open space
- The growth management open space standard was based on the development conditions in 1986, including the existing (urbanized) and planned development patterns. The 1986 challenge

of acquiring open space in urbanized areas remains the same challenge today when most of the developable areas of the city are now developed.

- Although the growth management open space standard is not applicable in all areas of the city, open space is provided in all Local Facility Management Zones, some in excess of the standard (see **Attachment 2**).
- City of Carlsbad continues to allocate funds for acquisition of open space; however, opportunities for available land are limited.

How do Carlsbad's growth management open space requirements compare to other cities open space requirements?

Carlsbad's requirements differ from most other jurisdictions. No directly comparable examples were found of cities requiring recreational open space/project amenity space as a percentage of land area either citywide or by sector and excluding biological resource lands from consideration. However, some jurisdictions include requirements for project open space as a percentage of a project's site area. In addition, it is not unusual to exclude biological or other sensitive resources lands from active common open space areas or private (per unit) open space requirements.

Carlsbad's growth management open space standard is most comparable to other cities' zoning code requirements related to private or common area open space requirements. It should be noted that Carlsbad also has zoning code requirements for lot coverage, private and public open space for planned developments, and other zoning regulations similar to what is contained in other jurisdictions.

Private and common open space requirements

In Carlsbad, as in other cities, private and common open space may be required through the development review process. This may apply to large or small projects, including incremental infill development. Examples include:

Carlsbad	Various development standards require open space, recreation areas and landscaped buffers/setbacks within development projects. For example, residential planned development projects must provide private recreation area (200 – 400 square feet per unit) and common recreation areas (150 – 200 square feet per unit); also, residential zoning standards limit lot coverage to no more than 40% to 60%.
Encinitas	Higher density single-family and multi-family residential must have a minimum of 10% private open space. The R-30 Overlay zone requires private and common open space.
San Marcos	Private open space of 50 to 250 square feet and common open space requirements equal to 30% of livable ground floor area of all units required for residential projects. Mixed Use Zone open space requirements vary, from 5% to 20% of development depending on unit count, lot size, etc.
San Diego City	Private exterior open space of at least 60 square feet per dwelling unit. May be in required front yards. Common open space required for more than 4 units. At least 300 square feet, or 25 square feet per dwelling.
San Diego County	Requires 100 to 800 square feet of usable open space per multi-family dwelling.
Mission Viejo	Residential Planned Development Zones: 50-60% coverage; Private outdoor living space: 50-500 square feet.

Open space required for planned developments and master planned communities

Carlsbad and other cities require master planned communities to provide open space set asides and amenities, which may supplement the public park or contribute to an open space preserve. Examples of how jurisdictions secure open space from planned development projects including lands for sensitive resource preservation include:

Carlsbad	Planned Community (PC) Zone requires 15% of the total area of a master plan to be open space. This applies to all areas in the city zoned PC.
Chula Vista	Master planning/specific plans. For example, the Otay Ranch General Development Plan states that "approximately 60% of Otay Ranch will be set aside as open space, including a park system, a greenbelt system and an open space preserve." At full build out, the open space provisions are required to be at least: 342 acres of local parks; 1,172 acres of open space (excluding regional parks); and 1,590 acres of regional parks.
San Diego County	In addition to site planning, supports mitigation banking, conservation subdivisions and easements, diverse funding sources for acquisition, and developer exactions.
San Marcos	For planned residential developments, required open space shall comprise at least 40% of the total area of the planned development project. Of the required open space, 50% of the required open space shall be suitably improved and 50% may be improved or left in its natural state. Floodway and drainage easement areas as well as land occupied by recreational buildings and structures may be counted.
Irvine	Conservation and Open Space Phased Dedication Districts establishes a “phased dedication program” to implement open space goals identified in the General Plan. Open space acreage requirements are listed by “implementation district.” Open Space Management and Conservation Plans (OSMCP) are required for each implementation district. The designation of specific preservation areas and development opportunities are reflected in the Conservation and Open Space Element and Land Use Element, and identified by lettered “districts” as described in Chapter 8 of the Zoning Ordinance. Preservation areas are designated primarily for their biotic and cultural resources and open space values. The amount of open space and development potential varies within each district. Open space lands have been conveyed to the city in exchange for development rights in other areas.
Mission Viejo	Per the General Plan Conservation/Open Space Element (amended in 2021) “Mission Viejo is different from many Orange County communities in that the privately-owned parkland in the city contributes greatly to the City's overall recreational picture. The largest privately-owned recreational assets are Lake Mission Viejo, Mission Viejo Country Club golf course, and Arroyo Trabuco Golf Club…. There are also numerous recreational facilities and areas owned and maintained by homeowner associations.”

How does Carlsbad's overall open space (all types) compare to other cites?

Carlsbad's growth management standard for open space represents one component of a broader Carlsbad open space system that is comprised of four categories of open space, the majority (78%) of which is conserved for protection of natural resources, and another 12.5% is outdoor recreation areas (see **Attachment 2**).

Some cities identified the total acreage of various types of open spaces within their boundaries. It should be noted that the cities surveyed do not use a common methodology or definition of what is included as open space, so the examples below are provided for general information purposes only and should not be viewed as direct comparisons. In addition, some of the calculations for open space percentages were calculated using general plan land use acreages without taking into account additional considerations or refinements that would occur as a part of a more precise assessment.

Carlsbad	Open space to meet the growth management standard is just a part of all the open space in Carlsbad. Of all land in Carlsbad (25,021 acres), 38% is designated as open space (see **Attachment 2**).
Chula Vista	The Chula Vista Greenbelt is a 28-mile open space system. General Plan Land Use in 2030 identifies Parks and Recreation (978 acres), Open Space (7,306 acres), Open Space Preserve (16,926 acres) and Open Space Active Recreation (375 acres). These planned land uses total 25,585 acres (43.6%) out of a city total of 58,700 acres (2005).
Oceanside	The Oceanside Subarea Plan of the Natural Community Conservation Plan (2010) reports on existing city land uses including: 3,429.7 acres of "agriculture," 334.5 acres of "parks" and 2,864.1 acres of "preserves and open space" which together comprise 25.3% of the total city acres.
San Diego	28.6% of city comprised of Park, Open Space and Recreation land use designations (2015).
San Diego County	Encompasses approximately 2.3 million acres, or 3,570 square miles. More than 67% is either open space or held by public agencies or tribal governments. Open space preserves total 159,400 acres or 7% of the total land area in the unincorporated County (2011).
San Marcos	About 25% of the city is currently undeveloped and provides natural habitat areas. The city has 2,499 acres of dedicated open space, which is approximately 12% of the city's acreage." (2012)
Irvine	The Land Use Element Table A-2 provides land use acreage by planning area, and a citywide total acreage of 45,388. It identifies: 709 acres of agriculture open space, 11,022 acres of preservation open space, 2,959 acres of recreation open space, and 206 acres of water bodies which together total 14,896 acres. The Great Park (former Marine Corp Air Station El Toro) is identified separately with 4,519 acres (however, another city web page states that the Great Park spans 1,300 acres). These categories together total 19,415 acres or 42.8% of total city acreage. Without the Great Park, general plan designated open space comprises 14,896 acres of 40,869 acres, or 36.4%.

Laguna Niguel	Over one-third of Laguna Niguel is designated for Open Space use (1992). Open Space is categorized into three typologies – regional open space, local open space (open space corridors, greenbelts, hillsides, and landscaping), and landscaped corridors along scenic highways.
Lake Forest	Table LU-1 "Land Use Development Potential Summary" identifies 3,153 gross acres (or 29.4%) of the city total 10,742 acres in Community Park/Open Space Regional Park Open Space, Open Space, Lake, and Transportation Corridor with open space uses land use designations (2020).
Mission Viejo	General Plan designated open space makes up 2,727.4 gross acres of the city's total 11,646 gross acres (23.4%), per the Land Use Element Table LU-3 (2021).

Typical categories of open space

Typical categories of open space are summarized in the table below.

Table 1 – Typical Open Space Classifications and Carlsbad Applicability

Typical Open Space Classification	Typical Application	Carlsbad Approach
Natural Habitat Preserves/ Biologically Sensitive areas	Regional habitat plans with local participation. Some contribute to General Plan parks standards. CEQA process. Private developer set asides	• Carlsbad Habitat Management Plan • Regional Multiple Habitat Conservation Program • Private developer set asides
Neighborhood Park	General Plan Population-Based Standard	• Private development with home-owner association maintenance • Some Special Use Areas
Community Park	General Plan Population-Based Standard	• Growth management parks standard (also found in General Plan)
Special Use Area	Varies	• Growth management parks standard (also found in General Plan)
Parkways/Greenways	Varies	• Private project design • Street design standards • Public investments/capital improvement projects
Landscaped setbacks/yards Lot coverage	Zoning regulations	• Growth management open space standard • Zoning regulations
Private development per unit or common recreational open space	Zoning regulations	• Growth management open space standard • Zoning regulations
Significant landforms/ steep slopes Cultural resources	Zoning regulations, planned development permit conditions. CEQA process.	May be a part of habitat plans, designated open spaces or parks, or project open spaces that may or may not be counted toward the growth management open space standard. Development permit conditions. CEQA process.

What are common tools/processes for open space preservation?

Open space preservation is opportunity based and case-by-case, depending on a jurisdiction's natural features and availability of undeveloped land. Active parks can be created, but natural open space preserves are usually valued for their intrinsic features and location, such as a beach, river, canyon or lagoon. Open space is often acquired through developer exactions, but there is also a typically a publicly funded component.

- Resource-based land acquisition may be secured through development project exactions/subdivision dedications, environmental avoidance of impacts and mitigation through the CEQA process, zoning requirements to protect sensitive resources, development impact fees and transfer of development rights, and other tools.
- Public funding, including state and federal grants are used to acquire and protect open space. Voters have shown a willingness to approve initiatives and bond measures for open space and parks acquisition at the local, regional and state levels. Favorable tax policies have also played a role in land conservation.
- Open space that also is considered parkland may be secured through general plan park standards, and parks master plans or trails master plans may include implementation measures.
- Land trusts, non-profits, and philanthropists may be partners in preservation.

BACKGROUND

The City of Carlsbad implements its growth management open space standard through the approval of Local Facility Management Plans and development projects. In the Local Facility Management Zones where the standard applies, the Local Facility Management Plan identifies how the open space standard will be met in the zone; and development proposals within those zones must provide open space consistent with the standard and Local Facility Management Plan. An example of open space provided to meet the growth management open space standard is private open space, such as recreation areas and landscape buffers, within a development that is paid for and maintained by the developer and community (HOA). A thorough analysis of the history and application of Carlsbad's growth management open space standard is provided in **Attachment 4.**

As also discussed in the Sept. 22, 2022, staff report, the growth management open space standard is not the only method the city uses to acquire and protect open space. In general, Carlsbad and other cities can obtain open space through dedications or fees from developers for public facilities and can require a certain amount of land in a development be left in open space. When requiring open space on privately owned land, cities must ensure the owner is not denied a reasonable use of their land and that the owner is not denied the right to develop their property, unless the owner is willing to sell their land and is compensated. **Attachment 4** describes the tools Carlsbad has used to obtain, provide, and protect open space. In addition to the open space standard, Carlsbad has zoning regulations that apply in all areas of the city, including lot coverage requirements, private and public open space requirements for planned residential developments, and other zoning regulations that meet the same intent to provide open spaces for residents.

Open space to meet the growth management standard is just a part of all the open space in Carlsbad. Of all land in Carlsbad (25,021 acres), 38% is designated as open space. About 78% of this open space is comprised of natural open space such as native habitats, lagoons, and streams. The city's open space

network boasts three lagoons, over 67 miles of trails, and almost seven miles of coastline. **Attachment 2** includes a map of all dedicated open space in Carlsbad, of which some is open space dedicated to meet the open space standard. Open space overall has been designated throughout Carlsbad in four categories: preservation of natural resources, managed production of resources, outdoor recreation, and aesthetic, cultural and educational purposes.

LEGAL BASIS

Federal law has had a large impact on open space protection through legislation including the Endangered Species Act and the Clean Water Act. The Endangered Species Act provides opportunities for coordinated habitat protection planning through the preparation of habitat conservation plans. California Government Code section 65302(e) requires cities to adopt an open space element as part of their general plans. Open space is defined as any parcel or area of land or water that is essentially unimproved and devoted to open-space use, and that is designated on a local, regional or state open-space plan, including open space for the preservation of natural resources and open space for outdoor recreation (Gov. Code § 65560(b)). Such lands or waters may provide value related to, among other things, recreation, health, habitat, biodiversity, wildlife conservation aesthetics, economy, climate change mitigation and adaptation, flood risk reduction, managed natural resources production, agricultural production, and protection from hazardous conditions.

California has enacted many laws that have resulted in or provided tools for open space conservation. To name a few, the California Endangered Species Act allows for the preparation of Natural Community Conservation Plans to promote a broad-based ecosystem approach to planning for the protection of biological diversity, the Coastal Act has requirements for coastal resource preservation and public access to the coast, and the California Environmental Quality Act (CEQA) calls for avoidance and mitigation of environmental impacts. CEQA has played an important role in preserving open space as projects may be designed to avoid or mitigate environmental impacts. Mitigation can include contributing to regional open space systems through offsite acquisition, thus supporting regional open space systems.

Acknowledgement of the importance of open space preservation is growing in California and globally. On Oct. 7, 2020, Governor Newsome signed Executive Order N-82-20 establishing a goal to conserve at least 30% of California's land and coastal waters by 2030 (note: Carlsbad has met this goal by conserving 38% of the total city area, including land, lagoons and wetlands). The goal is to support the global effort to combat the biodiversity and climate crisis. California's "Pathways to 30x30" strategy to achieve this goal was released in April 2022. Implementation of the strategy will be led by the California Natural Resources Agency through the 30x30 Partnership (an alliance of groups and leaders) and others.

RELATIONSHIP TO GROWTH MANAGEMENT AND LAND DEVELOPMENT

Open space is valued for many reasons, including habitat protection, landform preservation, scenic views, local heritage/culture, tourism, shaping urban form, rural character and farmland preservation, public access and recreation, and green infrastructure/ecosystem services. As such, open space is often an important part of city and regional growth management or smart growth plans. Using tools such as open space standards, transfer of development rights, zoning, conservation easements, and subdivision dedications jurisdictions are able to preserve open space through regulations, exactions and incentives. In addition to what is secured through the development review process on a case-by-case basis, jurisdictions will also typically allocate funding for land acquisition to add important parcels to

preserves. Locally and statewide, citizens have shown a willingness to tax themselves to provide funding for parks and open spaces. From 2000 to 2022, voters approved nearly $66.8 billion in funding for land conservation in local and state referenda (see the Trust for Public Land's LandVote database).

Zoning is an important tool to secure project-level open space. Zoning may limit development potential through land use and density/intensity regulations, and may have standards for site coverage, yards and setbacks, per unit open space or other recreational amenities, and pedestrian pathways. As described by Alexander Garvin in Planners Advisory Service (PAS) Report Number 497/498,[1] there is a long history of mandating minimum private open space in developments. When first required in the nineteenth century, the regulations were in response to public health concerns as millions of immigrants were living in cramped, poorly ventilated apartments. Garvin reports that the idea of requiring open space has been "universally accepted in the form of zoning and subdivision yard and setback regulations" to ensure access to air and sunlight, and to reflect design preferences. Garvin further states that in the 1960s cities used planned unit developments as a tool to secure more usable common open space areas. Growing environmental concerns also led to new legislation and open space protections.

The value of a systems-based approach to parks and open space planning is described by the authors of "From Recreation to Re-creation: New Directions in Parks and Open Space System Planning" in PAS Report Number 551.[2] This report recommends treating open space lands as important components of modern park systems due to their many contributions to quality of life, including recreational value. Chapter Four of this report analyzed park plans from across the United States including a review of level of service measurements. The author found that many jurisdictions based their standards on a combination of benchmarks from other cities plus local level of service goals based on accessibility. This report did not cite examples of distinct open space standards that were separate from park standards. Overall report recommendations found in Chapter Six of this PAS Report include to "consider how the park system is integrated in the community and how it is linked to the various resources in the community, including the community's natural systems, infrastructure, and land use." Identified management tools include creating "subdivision regulations that identify land to be preserved as open space based on certain qualities and values …." The PAS Report also notes that partnerships with other public, private, and nonprofit organizations can play an important role in park provision and maintenance.

In California, climate change, public health, social equity and environmental justice legislation and initiatives have provided additional impetus to expanding parks and open space systems and access. Many California jurisdictions pursue open space through the planning of master planned communities in addition to implementing subdivision and zoning regulations. Project-based open space may include land for recreation as well as natural resource preservation, storm water management and landscaped features or other amenities. Master planning tools such as specific plans are frequently used to guide the development of large projects built on vacant "greenfields" land. Land trusts also play an important

[1] Garvin, Alexander. "Parks, Recreation, and Open Space: A Twenty-First Century Agenda." Planners Advisory Service (PAS) Report Number 497/498, 2000.
[2] Barth, David, Mary Eysenbach, Peter Harnik, Megan Lewis, and Lee Springgate. "From Recreation to Re-creation: New Directions in Parks and Open Space System Planning." PAS Report Number 551, 2008.

role in supporting collaborative conservation efforts in California.[3] Regarding the role of nonprofits, the Greenbelt Alliance in the San Francisco Bay Area provides an example of a group that has contributed to open space preservation and climate resiliency through policy advocacy and regional collaboration across nine counties.[4]

Attachments

1. Jan. 24, 2023, Memo from Mike Howes on History of Open Space and Local Facility Management Zones
2. Open Space Citywide and by Local Facility Management Zones
3. Benchmarking Table
4. Carlsbad Tomorrow – Growth Management Citizens Committee Staff Report, Sept. 22, 2022, Open Space Standard

[3] California Council of Land Trusts website https://www.calandtrusts.org/ accessed on 2/6/2023.
[4] Greenbelt Alliance website https://www.greenbelt.org accessed on 2/6/2023.

MEMO

Date: January 24, 2023
To: Growth Management Committee
From: Mike Howes
Subject: Local Facilities Management Zones

INTRODUCTION

At the January 11th meeting the committee asked staff to provide a detailed explanation of why some of the zones were exempted from the 15% open space requirement while others had to provide the 15%. I realize that this can be confusing for the Committee since very few of the members were around Carlsbad when the Growth Management Plan was created, and the boundaries of the Local Facilities Management Plans (LFMZs) were drawn. Committee members must remember that 40 years ago Carlsbad was a much different City than it is now. When the Growth Management Plan and LFMZs were drawn up most of Carlsbad was undeveloped. The recent addition of the Carlsbad Magazine included several historical photos, most of which accurately represent what Carlsbad looked like when the Growth Management Plan was prepared.

In addition, it will be very difficult for staff to attempt to find detailed records of how the Local Facility Management Zones were formed and why some were exempted. The City did not have computers at that time, we had to handwrite our staff reports and then give them to secretaries to type up and format. Any detailed records will probably be on micro-fiche if they exist, and staff could go blind attempting to go through those records. Finally, most of the staff were in elementary school when the City prepared the Growth Management Plan.

At that last Committee meeting I mentioned that I drew up the boundaries of the 25 LFMZs that are shown on the attached exhibit. After I drew up a draft exhibit of these boundaries it was reviewed and approved by the Planning Director and Community Development Director. The boundaries of the various zones were based on existing development, existing or pending Master Plans and ownership boundaries during the early 1980's.

I did NOT single handedly create the Growth Management Plan; I was just a part of the team. However, I am one of the few people still around that was involved in the process and I will attempt to provide an explanation of what occurred to counter the misleading information that has been provided by some of the City's critics and no growthers.

URBANIZED, URBANIZING OR FUTURE URBANIZING

After the Citywide Growth Management Plan was created staff realized that there were different levels of development throughout the City, so the City was divided into 25 Local Facility Management Zones. These Zones were divided into three categories, Urbanized, Urbanizing and Future Urbanizing. Zones 1-6 were classified as Urbanized because at that time 95% of the existing development in Carlsbad was in these zones, while most of the rest of the City consisted of undeveloped, vacant land. In addition, almost all the public facilities to serve these six zones were already in place. The 15% open space requirement was not placed on these zones because there were relatively few vacant parcels that could be utilized for open space. It could have been considered at taking if the City attempted to down zone those few vacant parcels for open space to create 15% open space in these zones.

Zones 7-10 were classified as Urbanizing because there was some level of master planning for these portions of the City. Zones 7,8,9, and 10 were exempted from the 15% requirement because they either had approved Master Plans or were in the process of approving a Master Plan. The City did not believe it was reasonable to require an approved Master Plan or a Master Plan that had been in process for several years to be revised to comply with the 15% open space requirement of the recently approved Growth Management Plan.

Zone 16 was exempted because it was designated for non-residential development. At that time the City did not require non-residential LFMZs to provide 15% open space.

Zones 13-25 were classified as Future Urbanizing since there was no level of planning for the development of these areas other than their General Plan designations. For those that are interested, in the following paragraphs I will provide a description of how the boundaries were created for each zone and why they were or were not required to provide 15% open space.

LOCAL FACILITIES MANAGEMENT ZONES

Zone 1 – This is the heart of Old Carlsbad bounded on the north by Buena Vista Lagoon, south by Agua Hedionda Lagoon and El Camino Real to the east. This area was pretty much built out when the Growth Management Plan was created. There were a few vacant lots, but not enough to create 15% open space and the City did not have the funds to purchase developable property and turn it into open space.

Zone 2 – This area is bounded by Highway 78 to the north, Tamarack to the south and El Camino Real to the west and the Calavera Hills Master Plan to the east. This was the developed portion of Carlsbad east of El Camino Real at that time. Like Zone 1 there were no large undeveloped parcels in this zone.

Zone 3 – This LFMZ basically included the power station, Terramar area, Car Country, and non-residential parcels south of Palomar Airport Road. Like Zones 1 & 2 there were no large vacant parcels in this zone that could be used for the 15% open space requirement.

Zone 4 – This LFMZ included Alta Mira and existing residential development south of Alta Mira. Similar to the previously discussed zones there were few vacant parcels in Zone 4.

Zone 5 – The boundaries of this LFMZ basically covered the area around the airport that was designated for office/industrial development. A substantial portion of this zone was developed or had development plans when the Growth Management Plan was created. This LFMP was exempted from the 15% Open Space requirement because the City did not require non-residential development to provide 15% OS.

Zone 6 – This was the developed portion of La Costa at the time of the creation of the LFMZ, sometimes referred to as Old La Costa. Like Zones 1, 2,3 and 4 there were relatively few vacant parcels in this Zone.

Zone 7 – The boundaries of this zone correspond with the boundaries of the Calavera Hills Master Plan. The Calavera Hills Master Plan was in effect when the Growth Management Plan was developed and some of the earliest neighborhoods in the Master Plan were under construction. The City did not believe it was reasonable to mandate that an approved Master Plan be required to provide 15% open space after it had been previously approved and some of the first neighborhoods were under construction.

Zone 8 – The boundaries of this LFMZ included the Agua Hedionda Lagoon wetlands, the Kelly Ranch Master Plan, and the future Veterans Memorial Park. Again, since there was a recently approved Master on the Kelly Ranch the City did not require the LFMP to provide 15% open space. However, when Veteran's Memorial park is developed, I believe that this Zone will provide more than 15% open space.

Zone 9 – This zone included Lake Shore Gardens Mobile Home Park, the future Ralph's shopping center and the approved Batiquitos Lagoon Educational Park Master Plan. Again, this LFMZ was not required to provide 15% open space because it had a recently approved Master Plan and was starting to develop.

Zone 10 – The boundaries of this Zone correspond with the boundaries of the undeveloped portion of the La Costa Master Plan and included the northern extension of the La Costa Golf Course. I do not know why this LFMP was exempted from the 15% open space requirement. However, when the LFMZ was prepared for this Zone, it is likely that the 15% was provided.

Zones 11 & 12 – All of the land in Zone 12 and most of the land in Zone 11 consisted of the undeveloped portions of the La Costa Master Plan and these Zones were required to provide the 15% open space.

Zone 13 – This Zone includes the SDG&E properties on the south side of the Lagoon and the area of the Carlsbad Ranch/LEGOLAND Specific Plan. This Zone was required to provide the 15% open space.

Zone 14 – The boundaries of this zone include the Robertson Ranch Master Plan and the open space area around Calavera Lake. This area was totally undeveloped in the 1980's and the future Robertson Ranch Master Plan along with earlier open space dedications ensured that this zone provided the 15% Open Space requirement.

Zone 15 – Zone 15 includes the Rancho Carlsbad Mobile Home Park and a number of undeveloped parcels between Zone 15 and the non-residential development in Zone 5. This is the last large undeveloped portion of Carlsbad. There is an approved Local Facilities Management Plan for Zone 15 which shows how the 15% open space requirement will be complied with. If any future changes are made to the densities on parcels within Zone 15 it will require an amendment to the existing LFMP.

Zone 16 – This Zone consists of the non-residential Palomar Oaks office/Industrial Park. Since there was no residential development in this zone it was exempted from complying with the 15% open space requirement.

Zone 17 – The boundaries of this zone correspond with the boundaries of the Bressi Ranch, which later became the Bressi Ranch Master Plan. The Local Facilities Management Plan that allowed for the development of the Bressi Ranch Master Plan provided for the 15% open space requirement.

Zone 18 – The boundaries of this zone included the Rancho Carrillo Master Plan and the Carlsbad Raceway properties to the north of Palomar Airport Road. The LFMP for this Zone complied with the 15% open space requirement.

Zone 19 – The boundaries of this zone correspond with the boundaries of the Aviara Master Plan. The LFMP for this zone met the 15% open space requirement.

Zones 20 &21- The boundaries of these zones were determined by the creation of the zones that have previously been discussed. Both zones had multiple ownerships which made it more challenging the complete the LFMPs and ensure the 15% open space requirement was met.

Zone 22 – The boundaries of this zone were formed by the boundaries of Zones 3, 4 & 9. The area within this zone consists of the State Park, non-residential development along Avenida Encinas and the Poinsettia Properties Specific Plan. The LFMP for the development of this zone complied with the 15% open space requirement.

Zone 23 – Again the boundaries of this zone were formed by the boundaries of other zones. This is one of the smaller Zones and includes the large retirement community and some commercial development and complies with the 15% open space requirement.

Zone 24 - This small zone is occupied by the Evans Point development, a small mobile home project and a recent single-family development along El Camino Real. The LFMP for this zone complied with the 15% open space requirement.

Zone 25 – The boundaries of this zone include the Quarry Creek Master Plan as well as a large parcel to the west of the Master Plan that has been purchased for habitat preservation. This area is one of the most recent developments in Carlsbad and the LFMP complied with the 15% OS requirement.

LOCAL FACILITES MANAGEMENT PLAN (LFMP)

After the boundaries were created for the 25 Local Facilities Management Zones (LFMZs) Local Facilities Management Plans (LFMPs) had to be prepared for each zone to show how future development in each zone would contribute to the provision of the public facilities shown in the overall Public Facilities Plan for the City of Carlsbad. Since Zones 1-6 were basically built out at that time City staff prepared the LFMPs for those zones. Developers and property owners in the remaining 19 zones were required to prepare the LFMPs for future development in those zones.

CONCLUSION

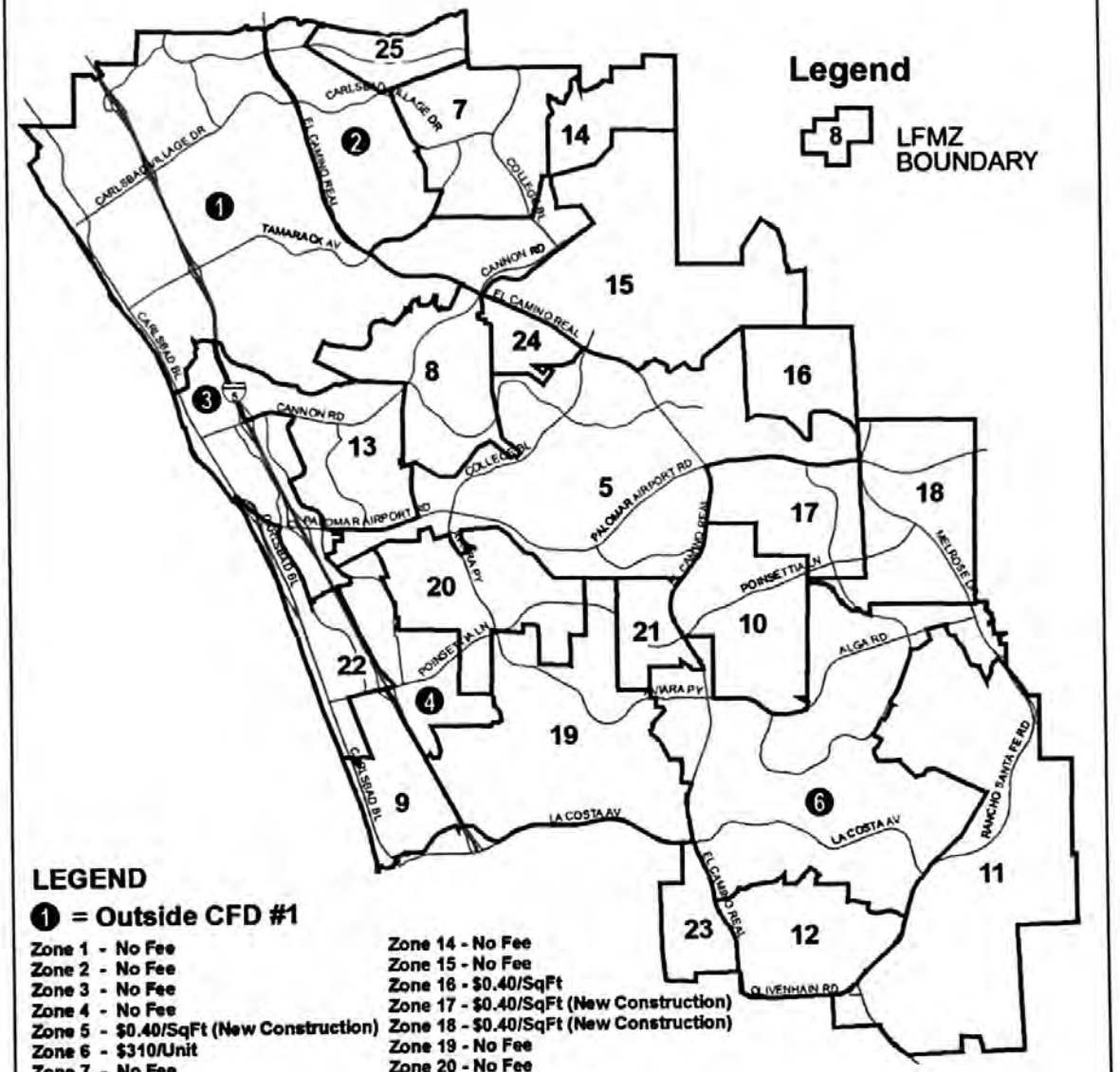
Hopefully this memo provides the information the Committee was requesting at our last meeting. I believe that the information provided is accurate and will eliminate some of the confusion. I have done my best to accurately remember events that occurred nearly 40 years ago.

The Committee needs to remember that the 15% Open Space requirement was a Local Facilities Management Zone requirement, not an individual project requirement. Although the 40% open space figure is sometimes mentioned by politicians and often mentioned by City critics it was never legally a part of the City's Growth Management Program.

The City's Growth Management Plan is not perfect and few planning documents are. However, I believe it has provided Carlsbad with the best public facilities for a City its size in San Diego County. All I know is whenever I am travelling, and I tell people I live in Carlsbad I often hear how lucky I am to live there and how they wish they could afford to live in Carlsbad. The Growth Management Plan along with the foresight of the previous City Council members has helped to make this happen.

Attachments

City of Carlsbad Local Facilities Management Zones (LFMZ)



LEGEND

1 = Outside CFD #1

Zone 1 - No Fee
Zone 2 - No Fee
Zone 3 - No Fee
Zone 4 - No Fee
Zone 5 - $0.40/SqFt (New Construction)
Zone 6 - $310/Unit
Zone 7 - No Fee
Zone 8 - No Fee
Zone 9 - No Fee
Zone 10 - No Fee
Zone 11 - No Fee
Zone 12 - No Fee
Zone 13 - $0.40/SqFt
Zone 14 - No Fee
Zone 15 - No Fee
Zone 16 - $0.40/SqFt
Zone 17 - $0.40/SqFt (New Construction)
Zone 18 - $0.40/SqFt (New Construction)
Zone 19 - No Fee
Zone 20 - No Fee
Zone 21 - No Fee
Zone 22 - No Fee
Zone 23 - No Fee
Zone 24 - No Fee
Zone 25 - No Fee

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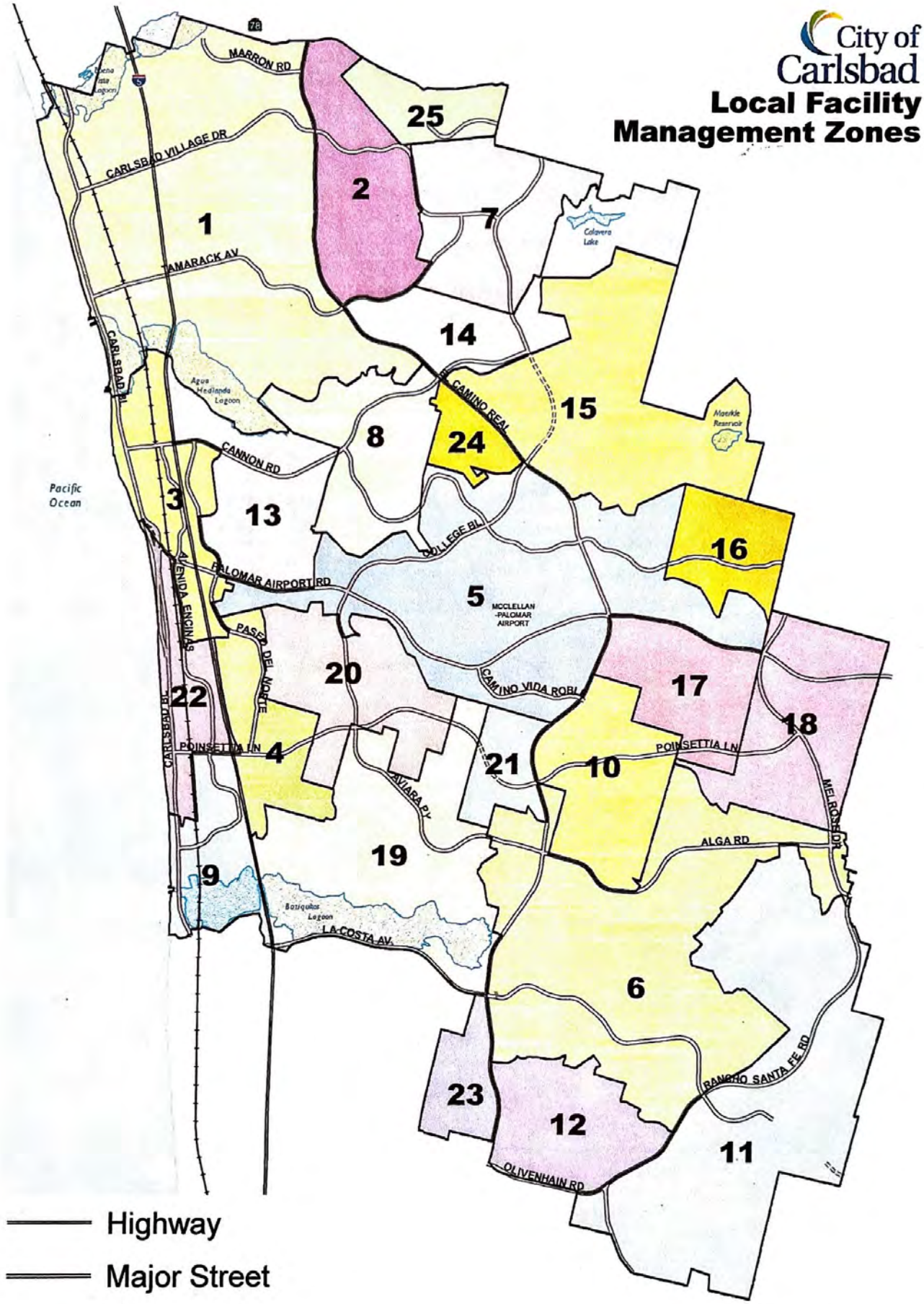
City of Carlsbad
Local Facility Management Zones
MARRON RD
CARLSBAD VILLAGE DR
TAMARACK AV
CARLSBAD BL
CANNON RD
PALOMAR AIRPORT RD
AVENIDA ENCINAS
PASEO DEL NORTE
POINSETTIA LN
AVIARA PY
LA COSTA AV
COLLEGE BL
CAMINO REAL
CAMINO VIDA ROBLE
ALGA RD
MELROSE DR
RANCHO SANTA FE RD
OLIVENHAIN RD
MCCLELLAN -PALOMAR AIRPORT
Pacific Ocean
Agua Hedionda Lagoon
Batiquitos Lagoon
Calavera Lake
Maerkle Reservoir
1
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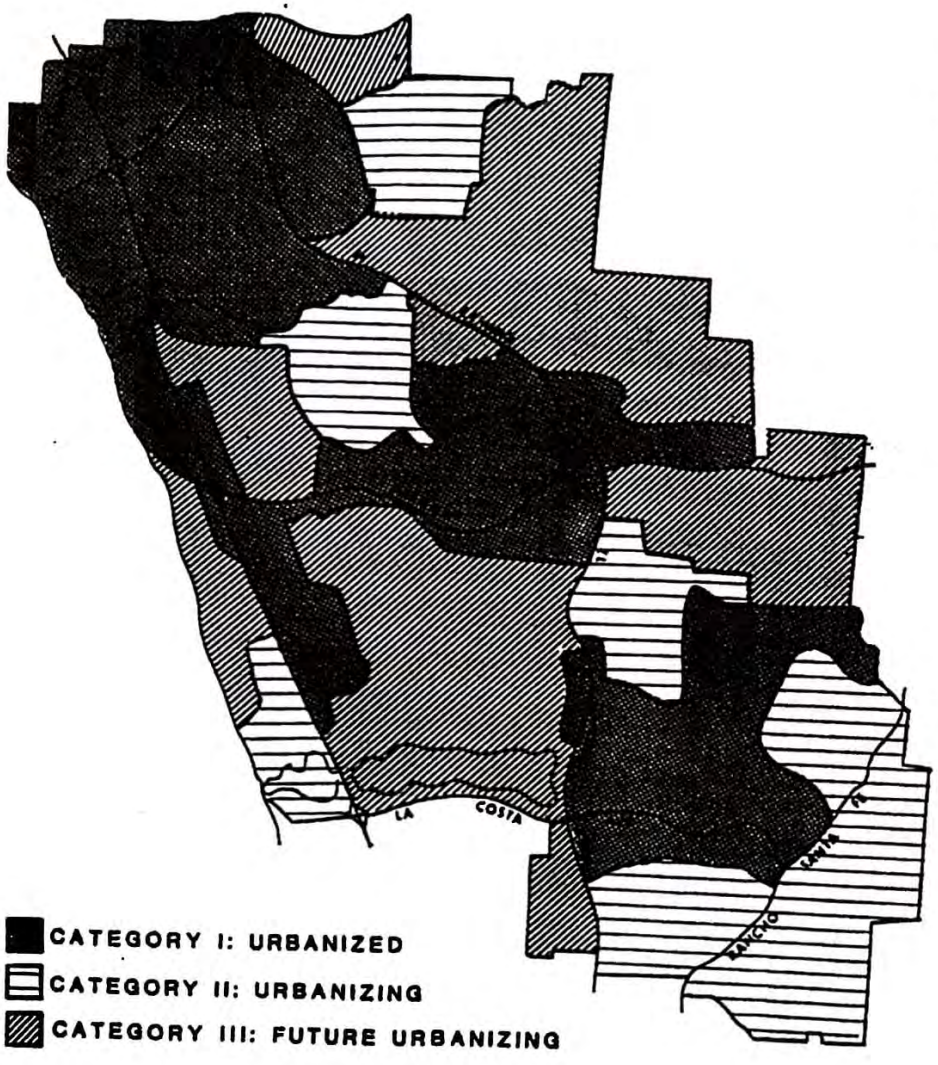
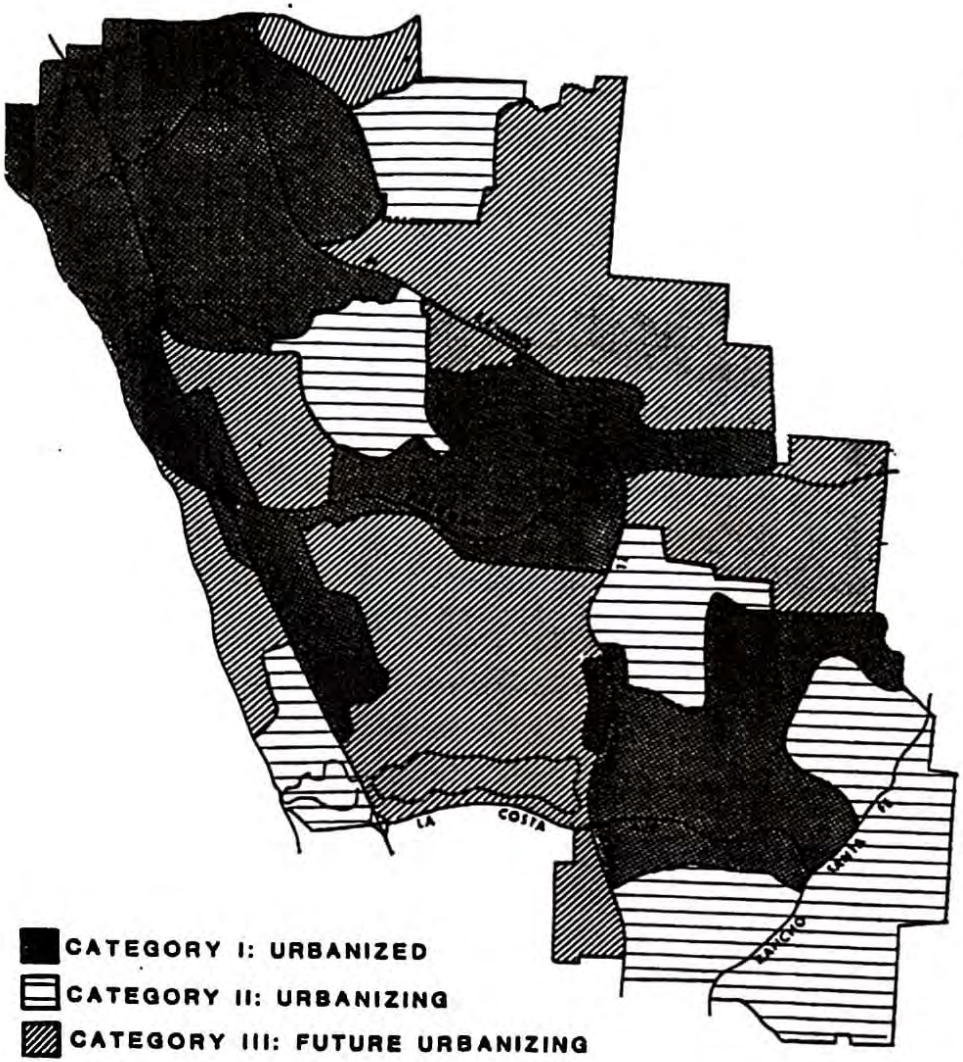


MAY 1986
DEVELOPMENT STATUS MAP

- Urbanized (developed)
- Urbanizing
  (approved development/master plan)
- Future Urbanizing
  (little or no development)



MAY 1986
DEVELOPMENT STATUS MAP

- Urbanized (developed)
- Urbanizing
  (approved development/master plan)
- Future Urbanizing
  (little or no development)

CARLSBAD OPEN SPACE BY LOCAL FACILITY MANAGEMENT ZONE

LOCAL FACILITY MANAGEMENT ZONE #	IS ZONE EXEMPT FROM OPEN SPACE STANDARD AND WHY?[1]	OPEN SPACE[2] IS WHAT % OF TOTAL ACRES IN ZONE?	% OF CITYWIDE OPEN SPACE
1	Yes – Urbanized	21.1%	2.9%
2	Yes – Urbanized	15.8%	.5%
3	Yes – Urbanized	9.4%	.2%
4	Yes – Urbanized	20.2%	.4%
5	Yes – Urbanized	24.6%	2.4%
6	Yes – Urbanized	20.4%	2.1%
7	Yes – Urbanizing	42.4%	1.4%
8	Yes – Urbanizing	80.1%	2.4%
9	Yes – Urbanizing	44.1%	.8%
10	Yes – Urbanizing	60.5%	1.9%
11	No – Future Urbanizing	48.5%	4.4%
12	No – Future Urbanizing	20.8%	.6%
13	No – Future Urbanizing	47.0%	1.4%
14	No – Future Urbanizing	68.3%	2.3%
15	No – Future Urbanizing	55.0%	3.4%
16	Yes – Not residential	53.1%	.9%
17	No – Future Urbanizing	38.2%	.9%
18	No – Future Urbanizing	38.3%	1.4%
19	No – Future Urbanizing	62.9%	4.1%
20	No – Future Urbanizing	32.1%	1%
21	No – Future Urbanizing	44.3%	.5%
22	No – Future Urbanizing	17.2%	.3%
23	No – Future Urbanizing	64.8%	.7%
24	No – Future Urbanizing	41.0%	.3%
25	No – Future Urbanizing	77.4%	.9%
			38% OF TOTAL CITY ACRES

[1] See Jan. 24, 2023, memo from Mike Howes for more information

[2] Includes all four General Plan categories of open space (1. Natural resource protection; 2. Managed production of resources; 3. Outdoor recreation; and 4. Aesthetic, cultural and educational)

City of Carlsbad

Open Space Map

Updated February 2021

Future Open Space and Visitor Services*

Open Space Categories:

- 1 - Preservation of Natural Resources
- 2 - Managed Production of Resources
- 3 - Outdoor Recreation (Programmed\Unprogrammed)
- 4 - Aesthetic Cultural and Educational Purposes
- Lagoons
- City Limits
- Highway
- Major Street
- Planned Street
- Railroad

	Acreage	% of OS	% of City*
	7387.9	77.7%	29.5%
	328.8	3.5%	1.3%
	1185.8	12.5%	4.7%
	602.1	6.3%	2.4%
Total	9504.6		38.0%

* Future open space area is not counted in the open space acreage table on this map. For more information, see General Plan Land Use and Community Design Element, 'Special Planning Considerations: Carlsbad Boulevard/Agua Hedionda Center.'

PLEASE NOTE: Open space areas on this map are derived from the San Diego County assessor parcel map from SanGIS.org, which is the best mapping base currently available for a city-wide perspective. However, the parcel lines and the open space areas within them must be considered as approximations only, and are not to be used to establish definitive lines of ownership or land status.

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

GIS parcel data is derived from SanGIS/SANDAG downloadable data - www.sangis.org.
Copyright SanGIS 2019.

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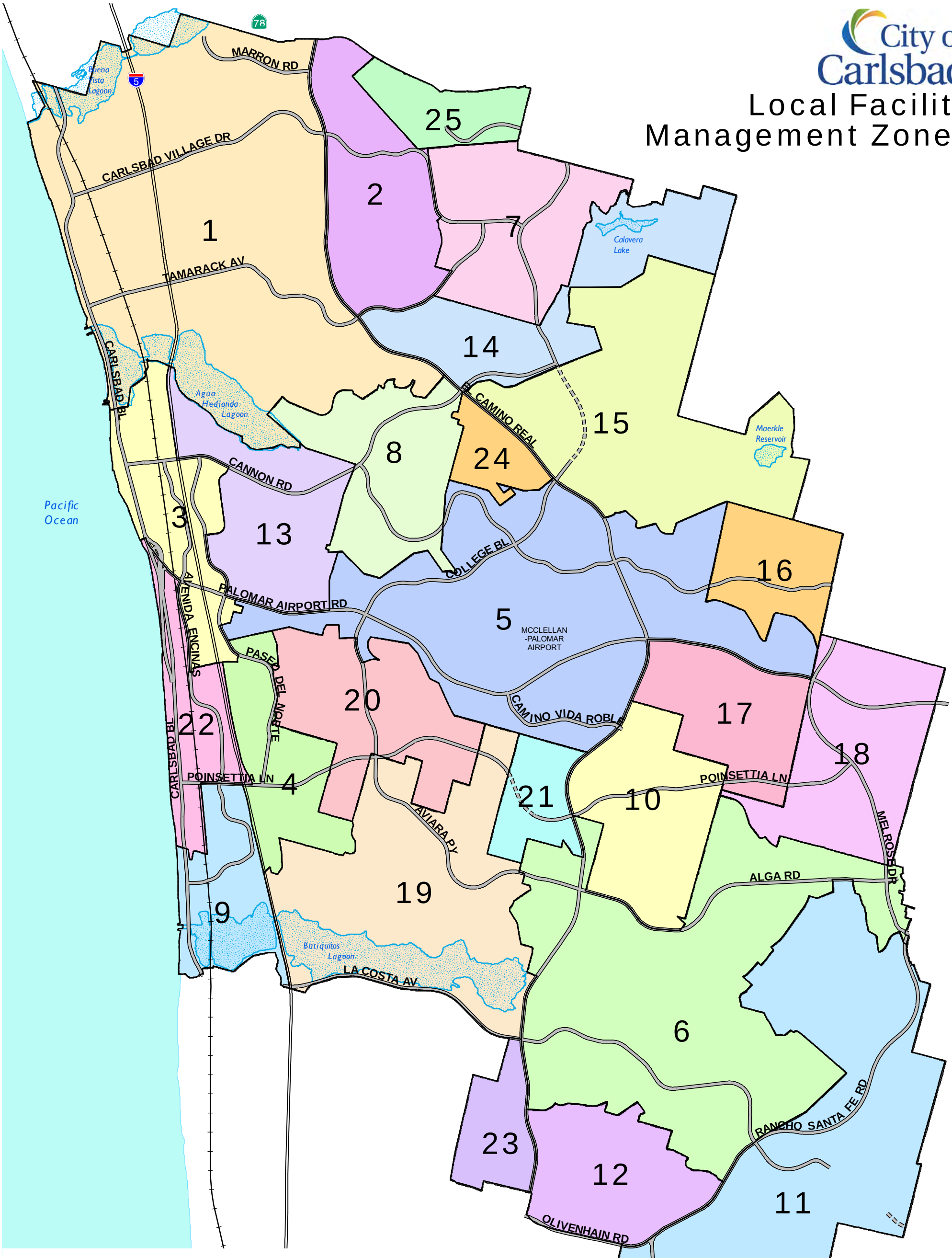
City of Carlsbad

Local Facility Management Zones



- Highway
- Major Street
- Planned Street
- Railroad
- Lagoon (701)

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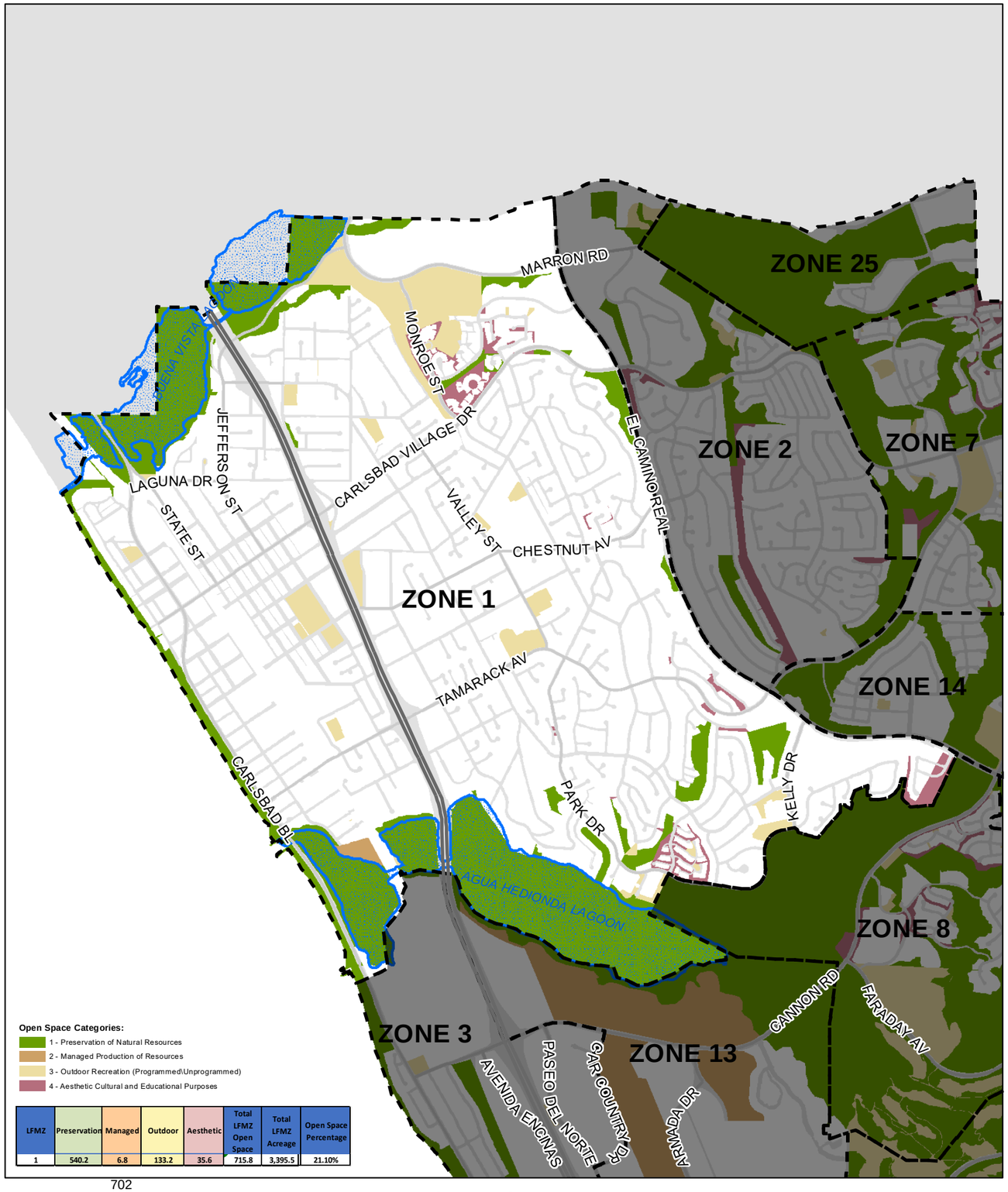
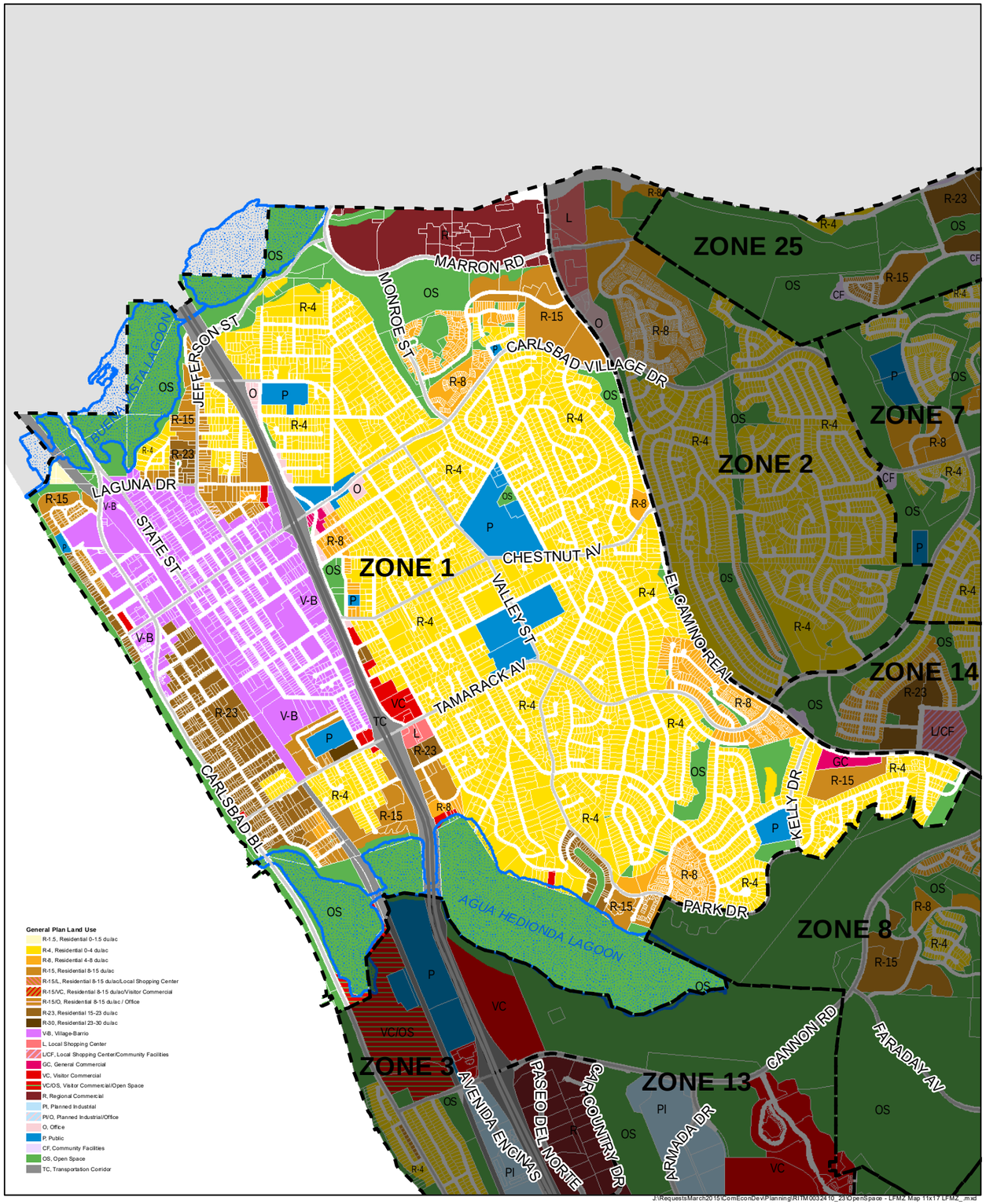
Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
1	540.2	6.8	133.2	35.6	715.8	3,395.5	21.10%



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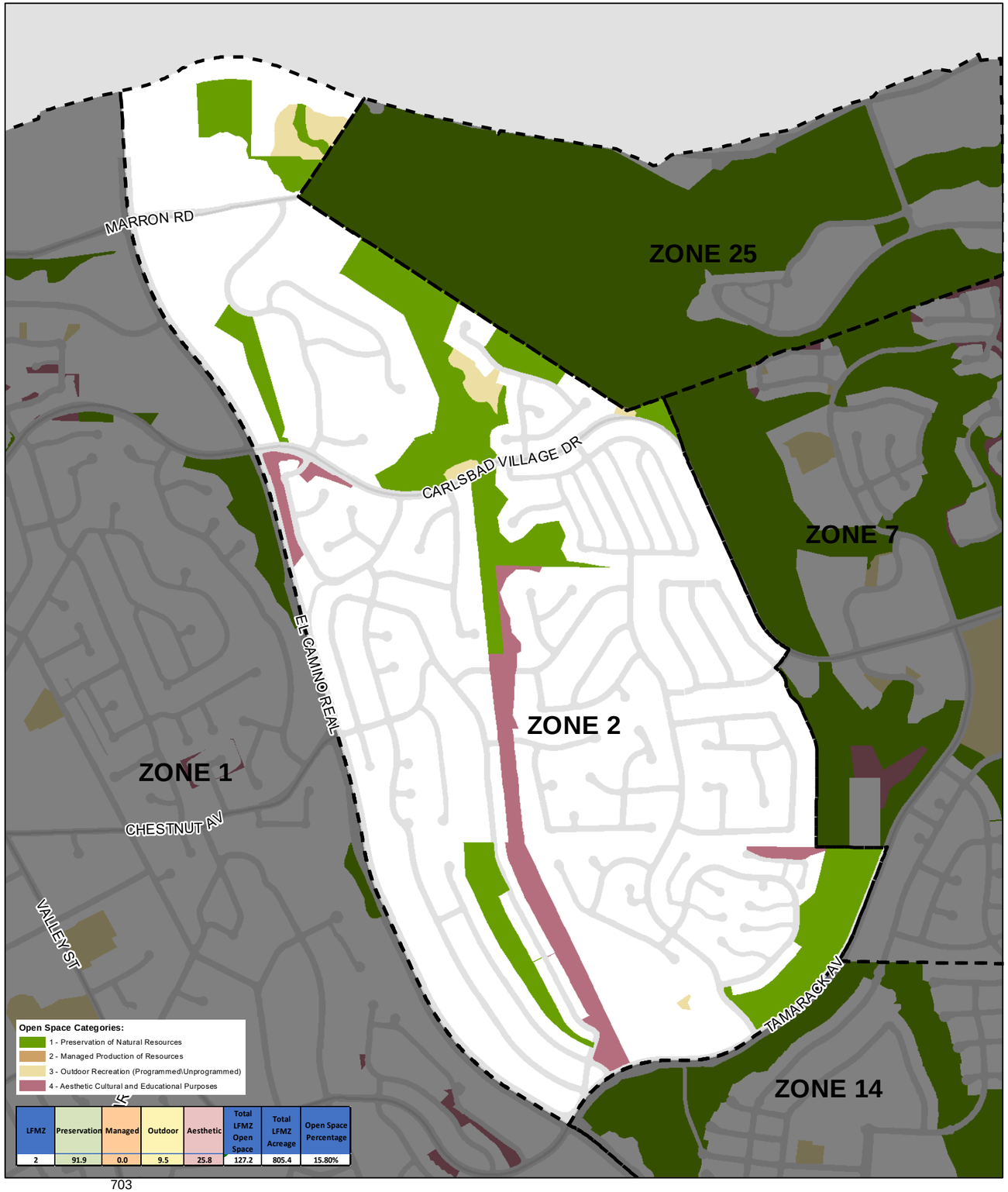
Open Space

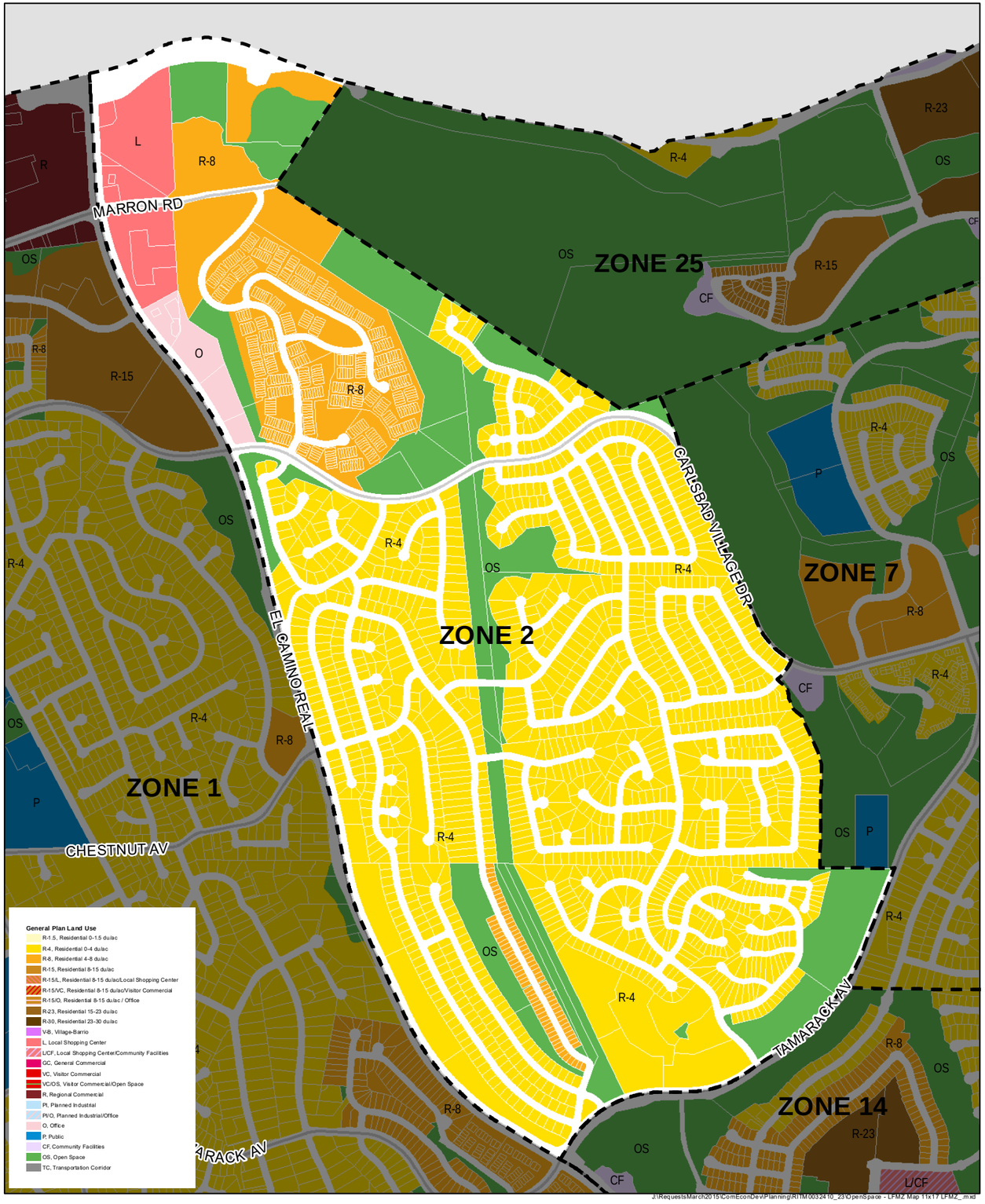
LFMZ 1

General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
2	91.9	0.0	9.5	25.8	127.2	805.4	15.80%



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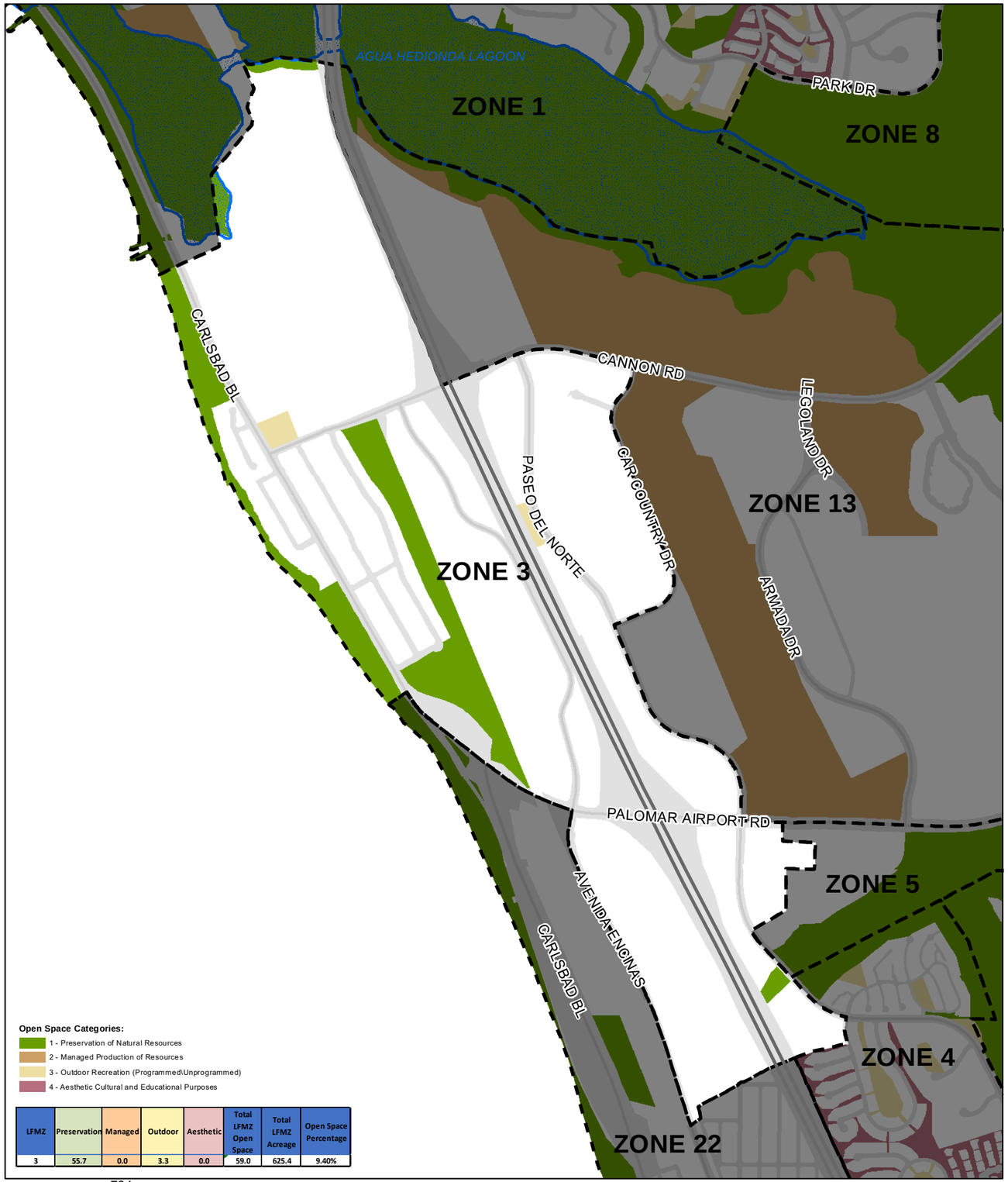
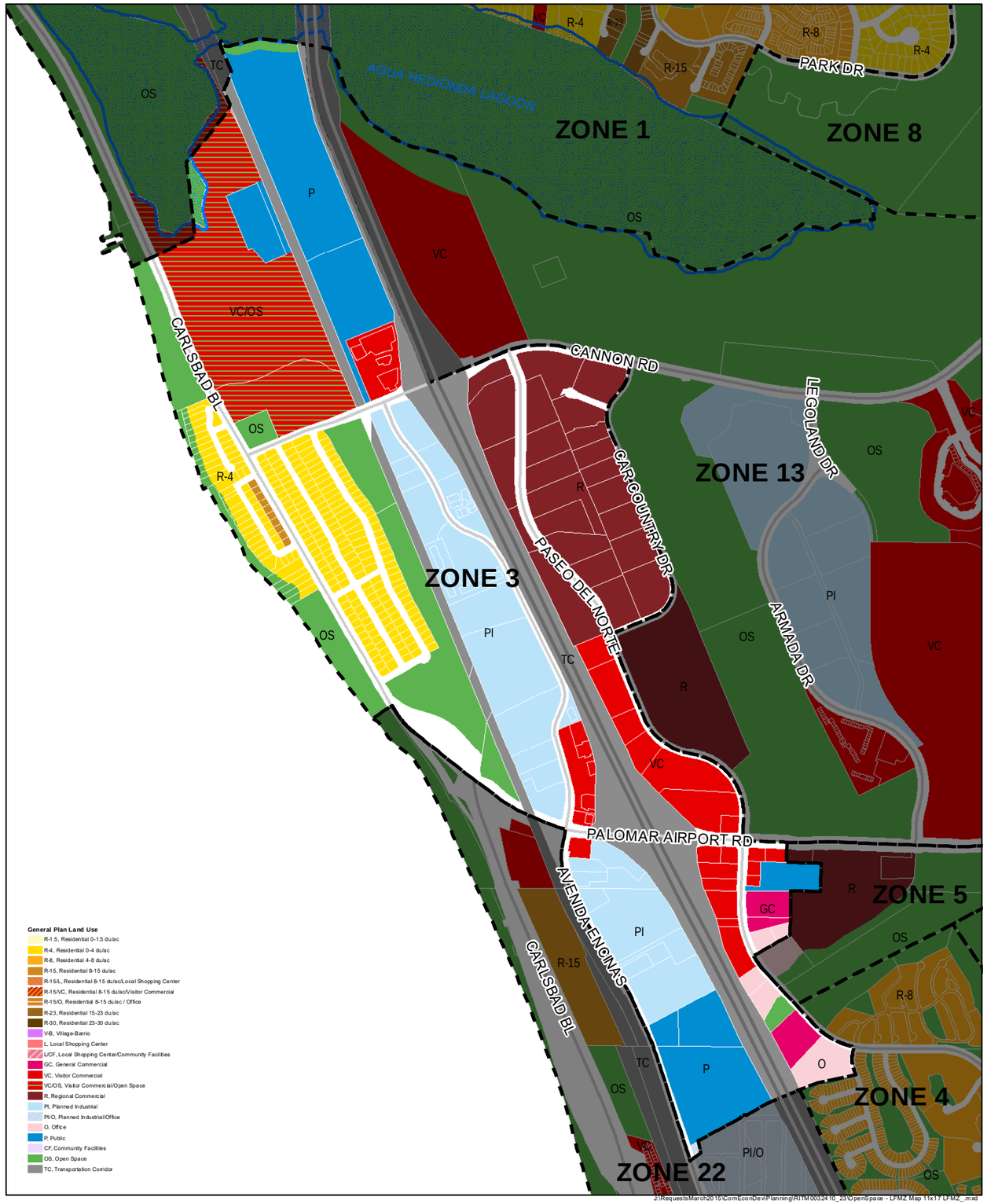
Open Space **LFMZ 2** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
3	55.7	0.0	3.3	0.0	59.0	625.4	9.40%



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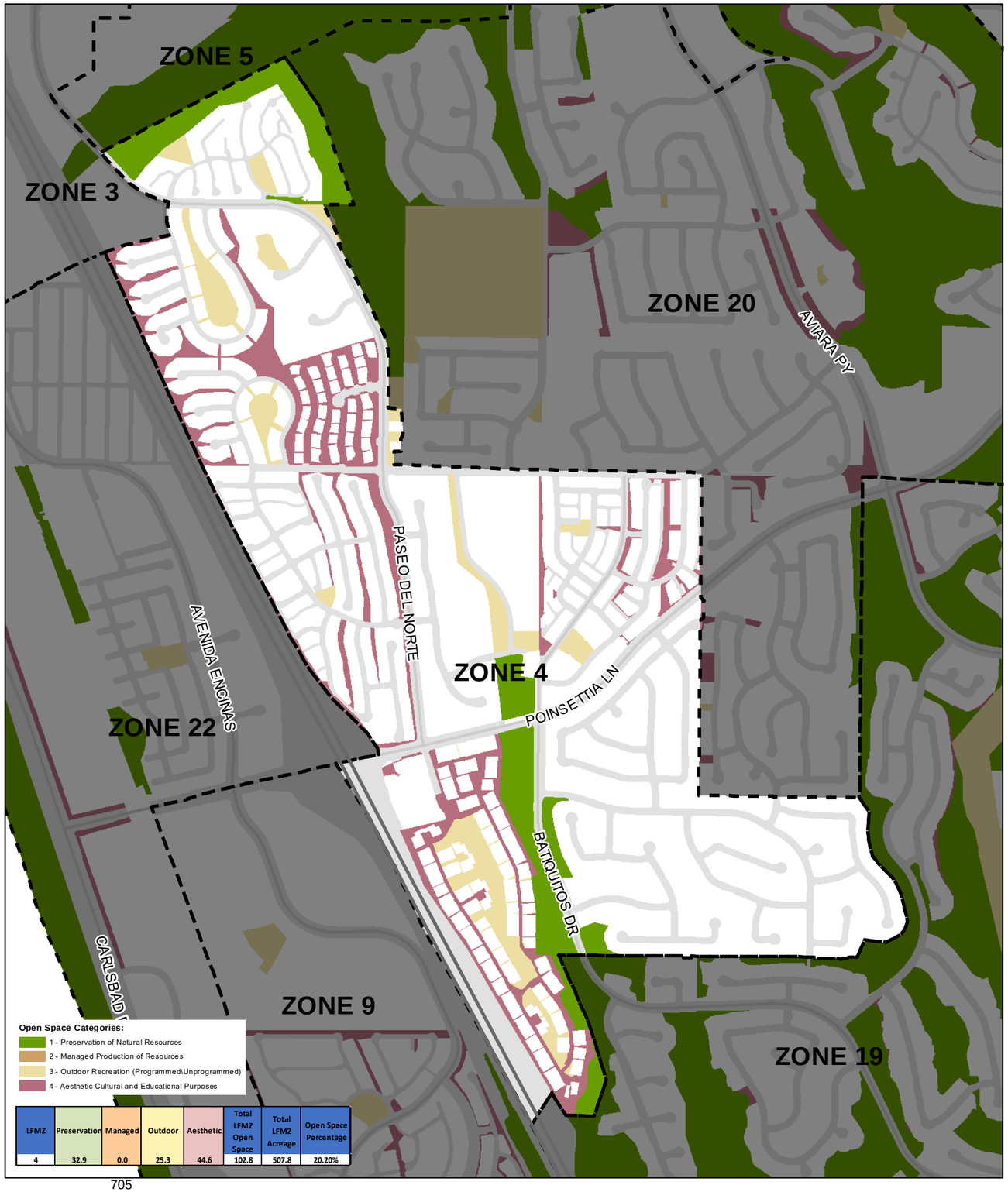
Open Space

LFMZ 3

General Plan

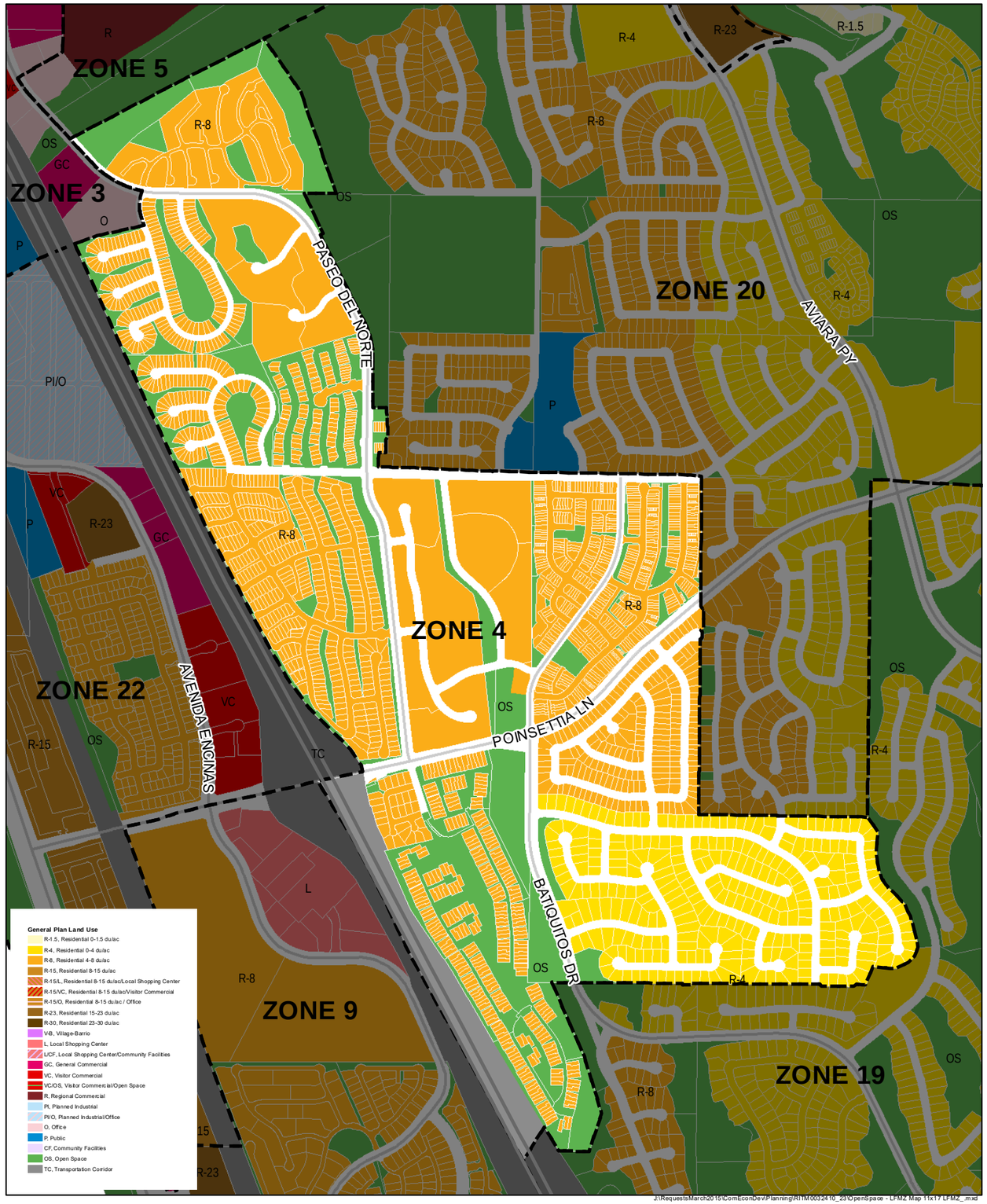
Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
4	32.9	0.0	25.3	44.6	102.8	507.8	20.20%

Open Space

LFMZ 4



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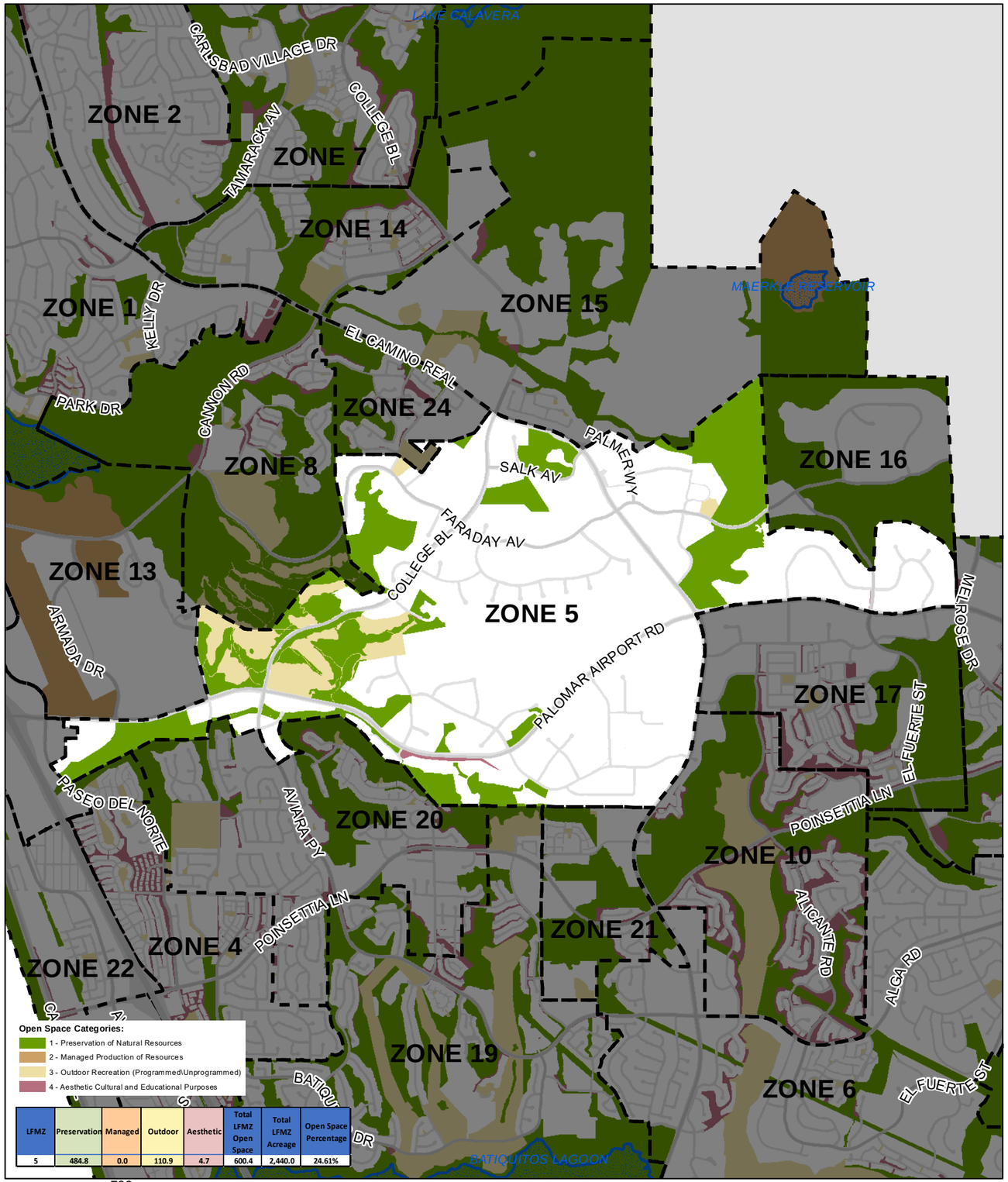
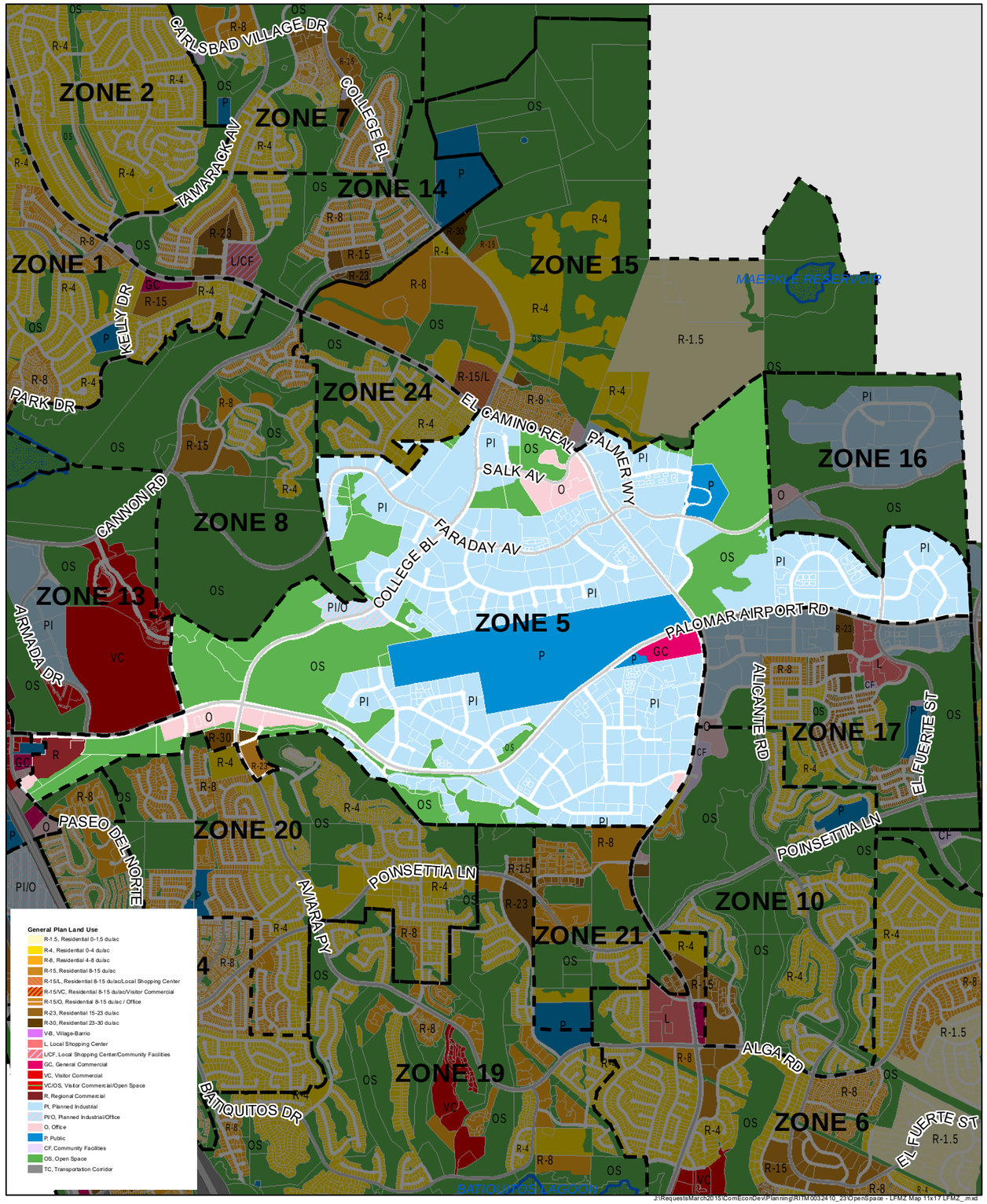
General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
5	484.8	0.0	110.9	4.7	600.4	2,440.0	24.61%



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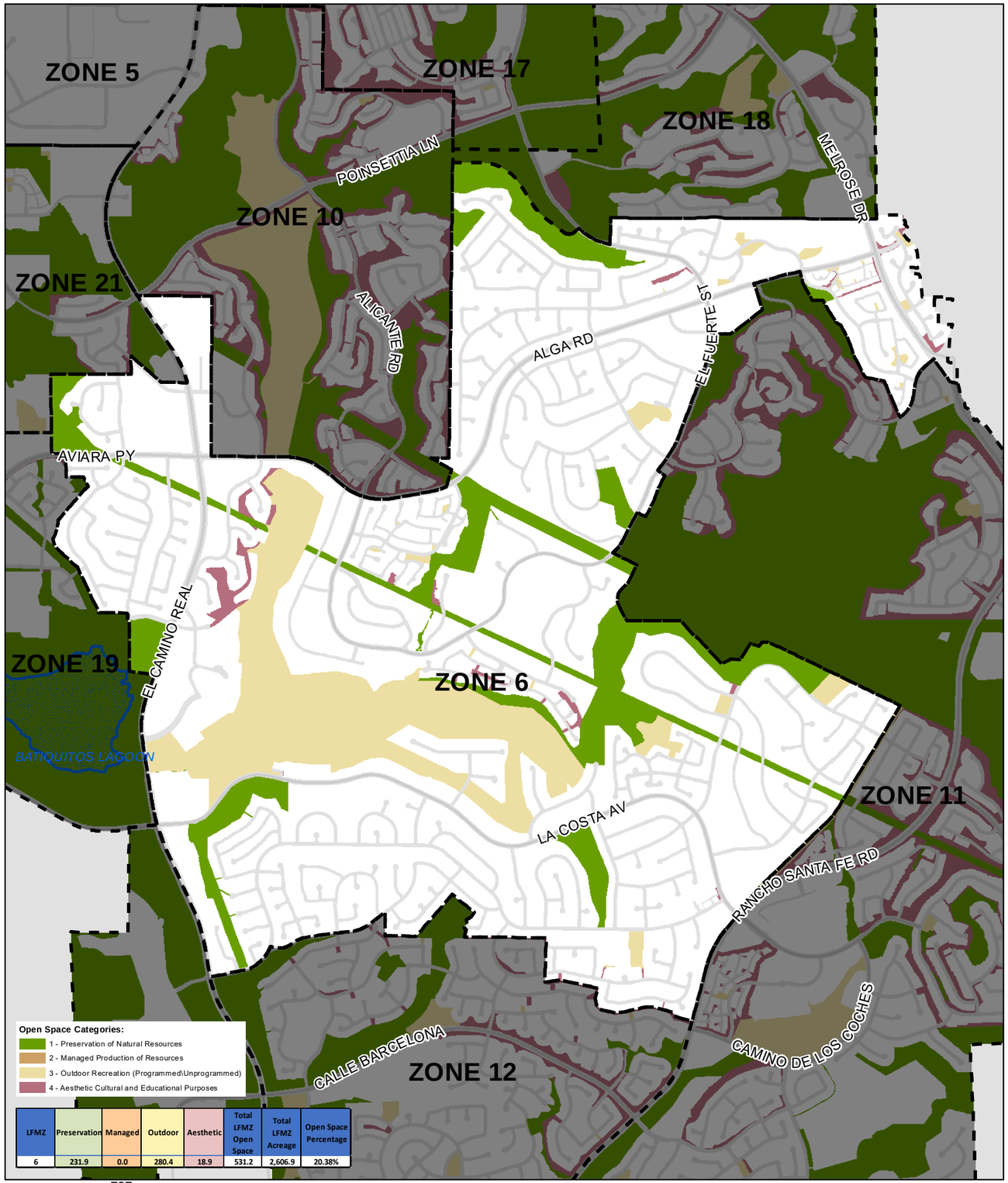
Open Space

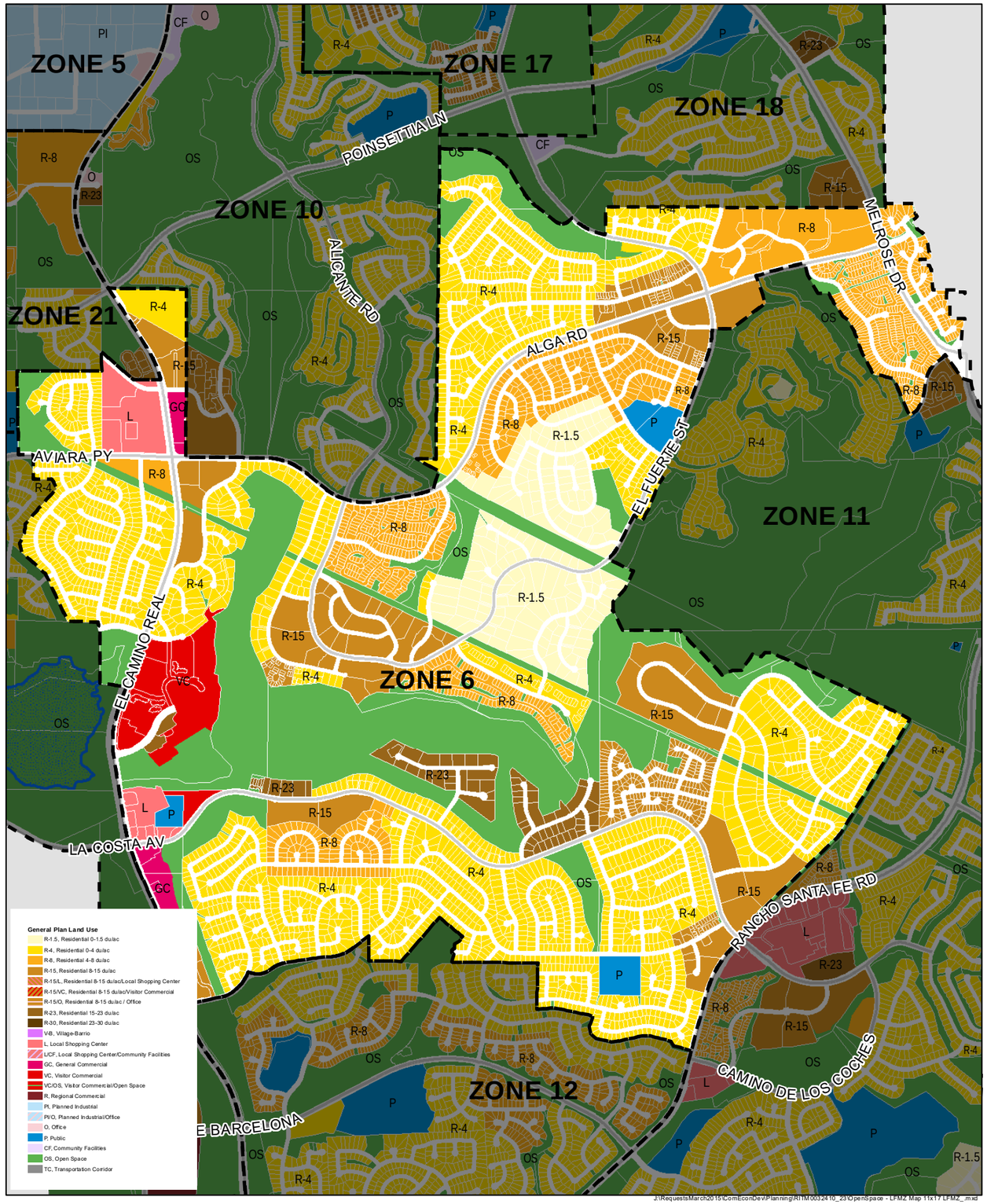
LFMZ 5

General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
6	231.9	0.0	280.4	18.9	531.2	2,606.9	20.38%



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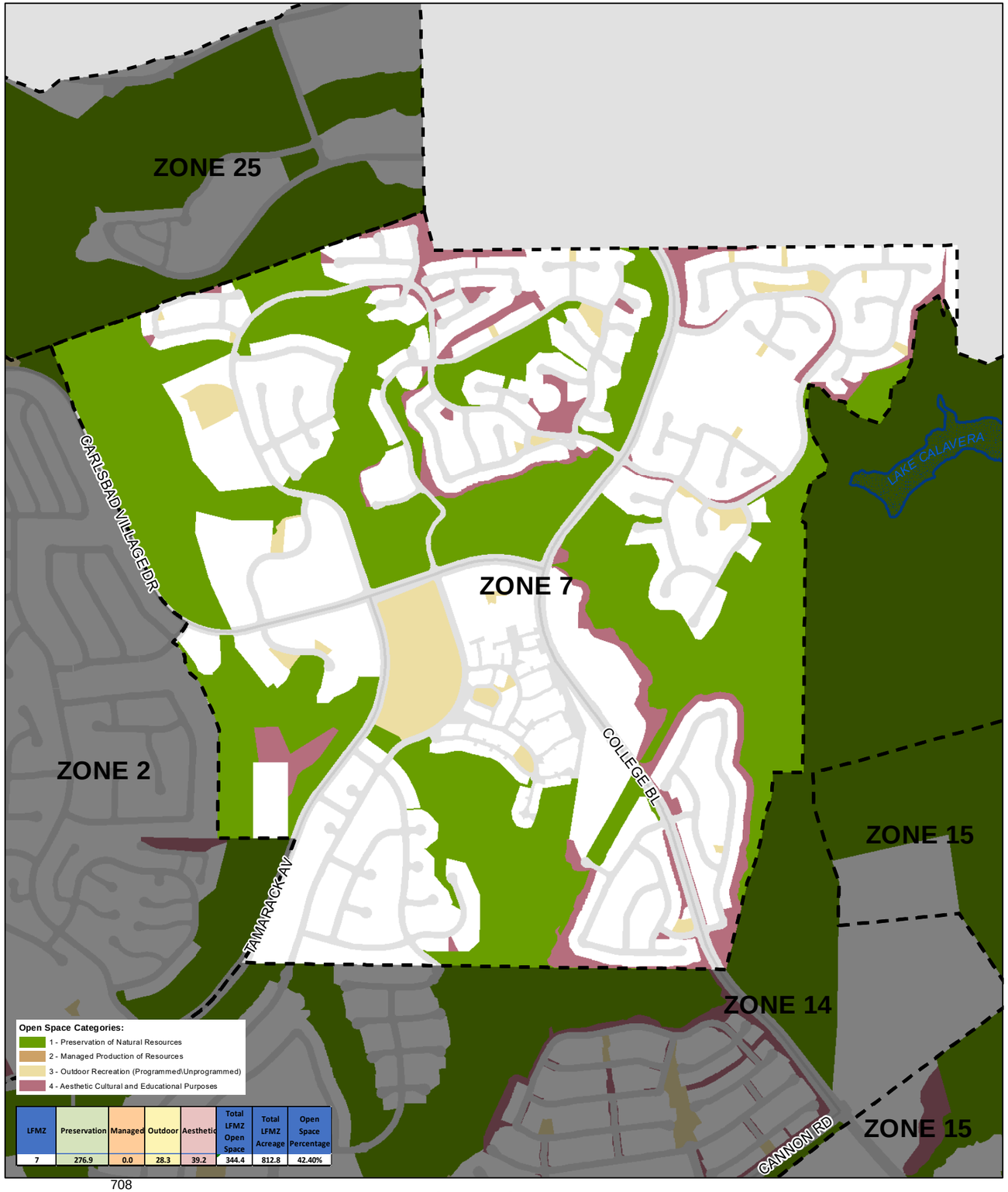
Open Space

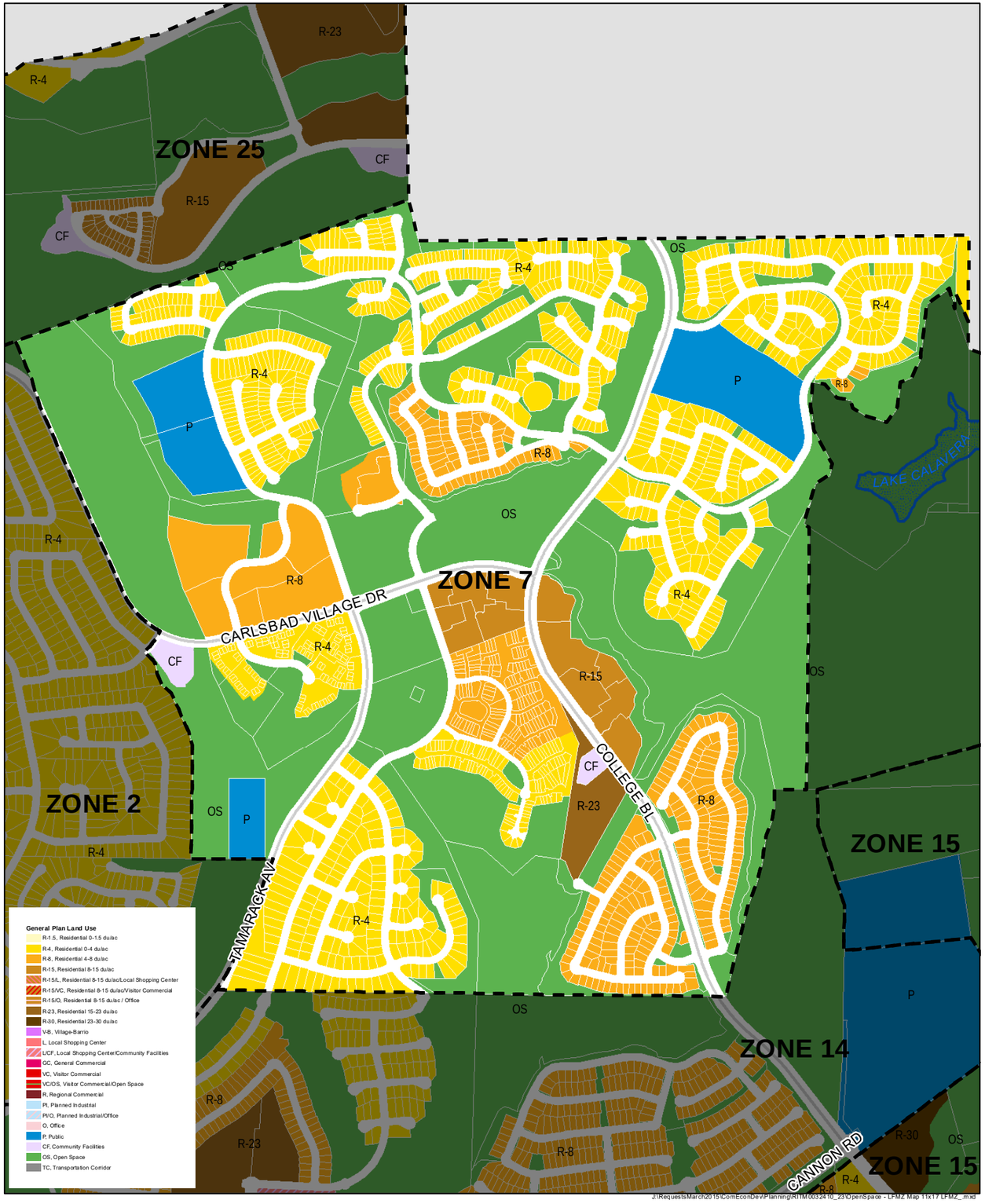
LFMZ 6

General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
7	276.9	0.0	28.3	39.2	344.4	812.8	42.40%



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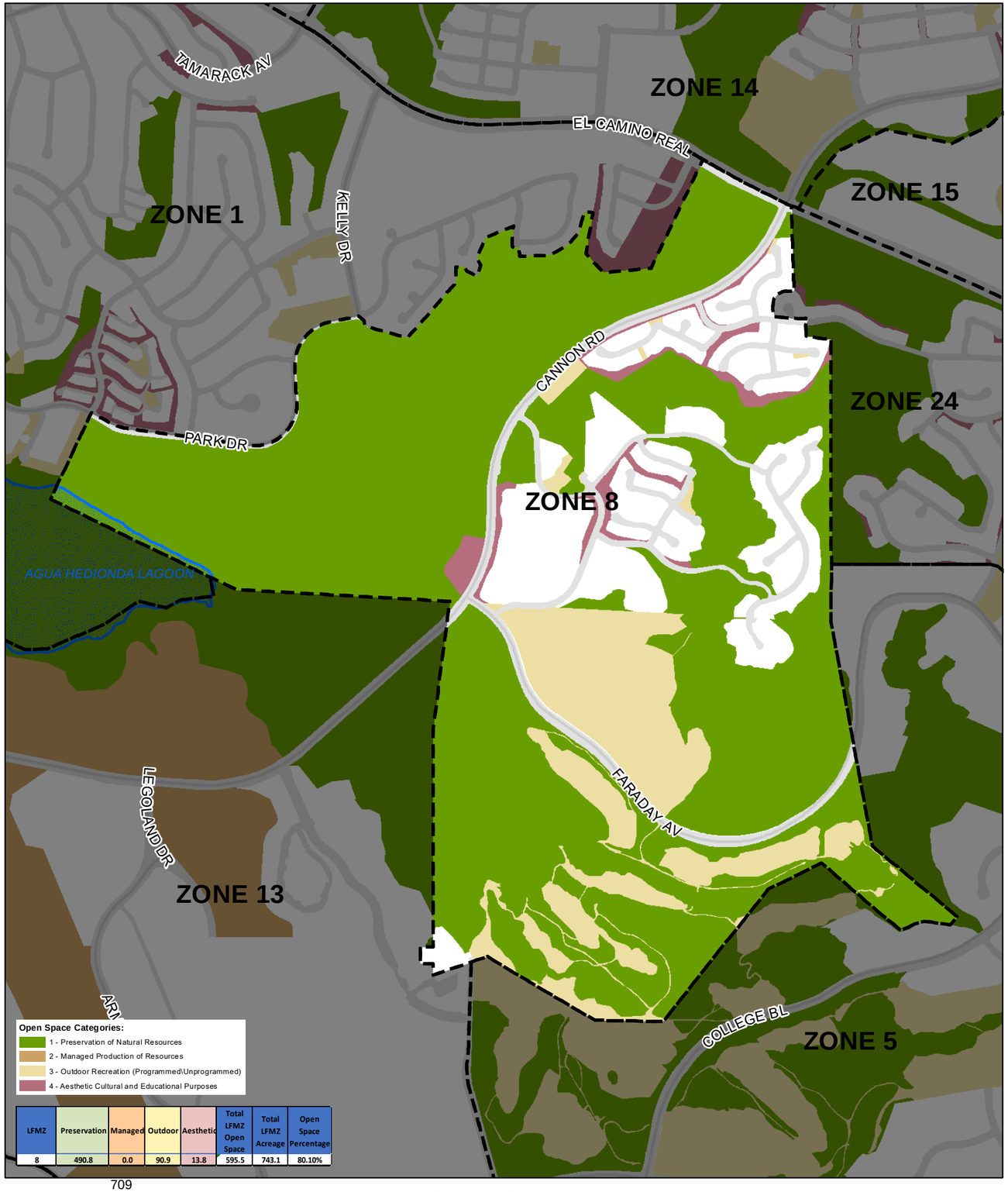
Open Space

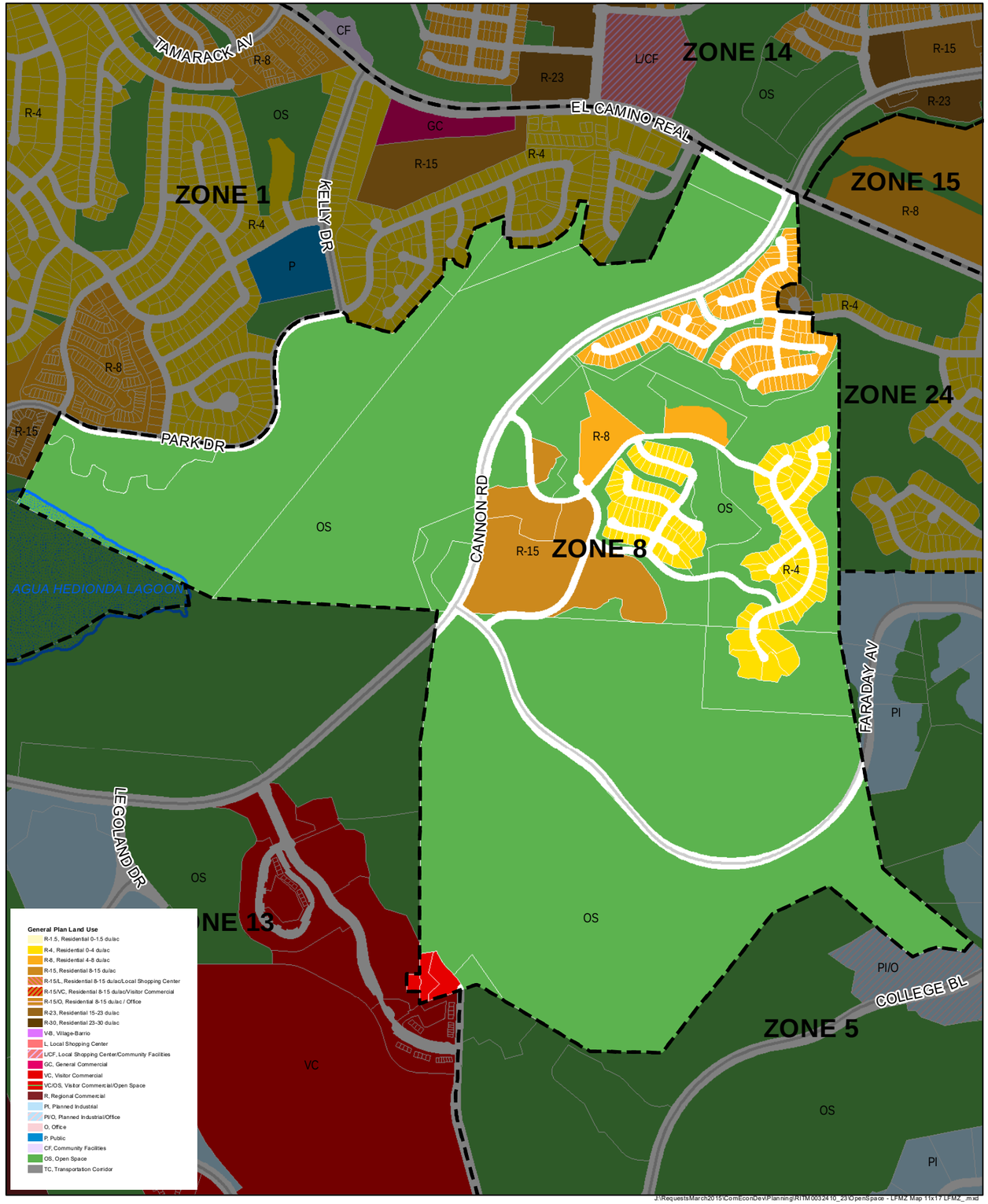
LFMZ 7

General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
8	490.8	0.0	90.9	13.8	595.5	743.1	80.10%



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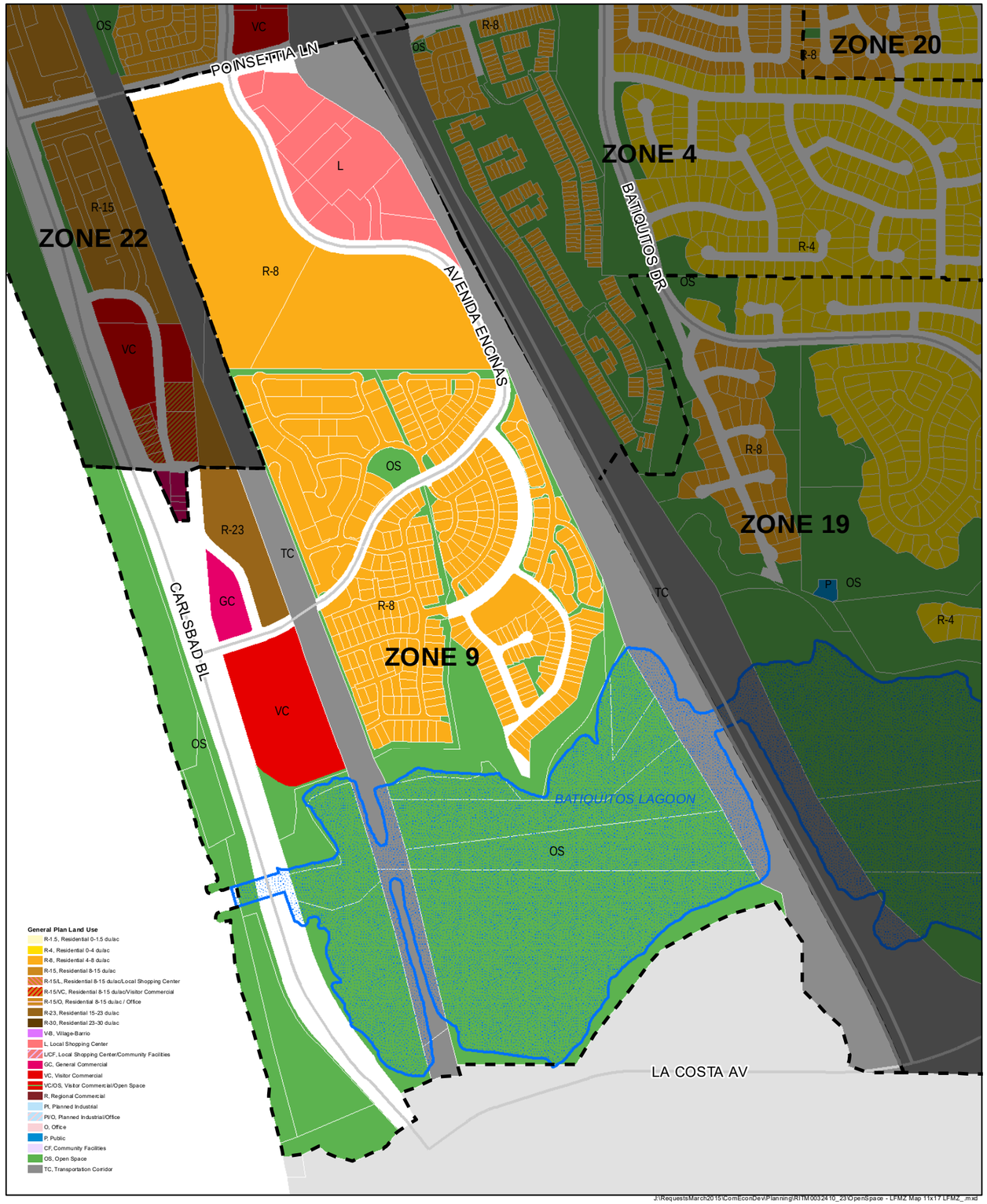
Open Space **LFMZ 8** **General Plan**

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
9	195.1	0.0	3.9	8.7	207.7	471.6	44.10%



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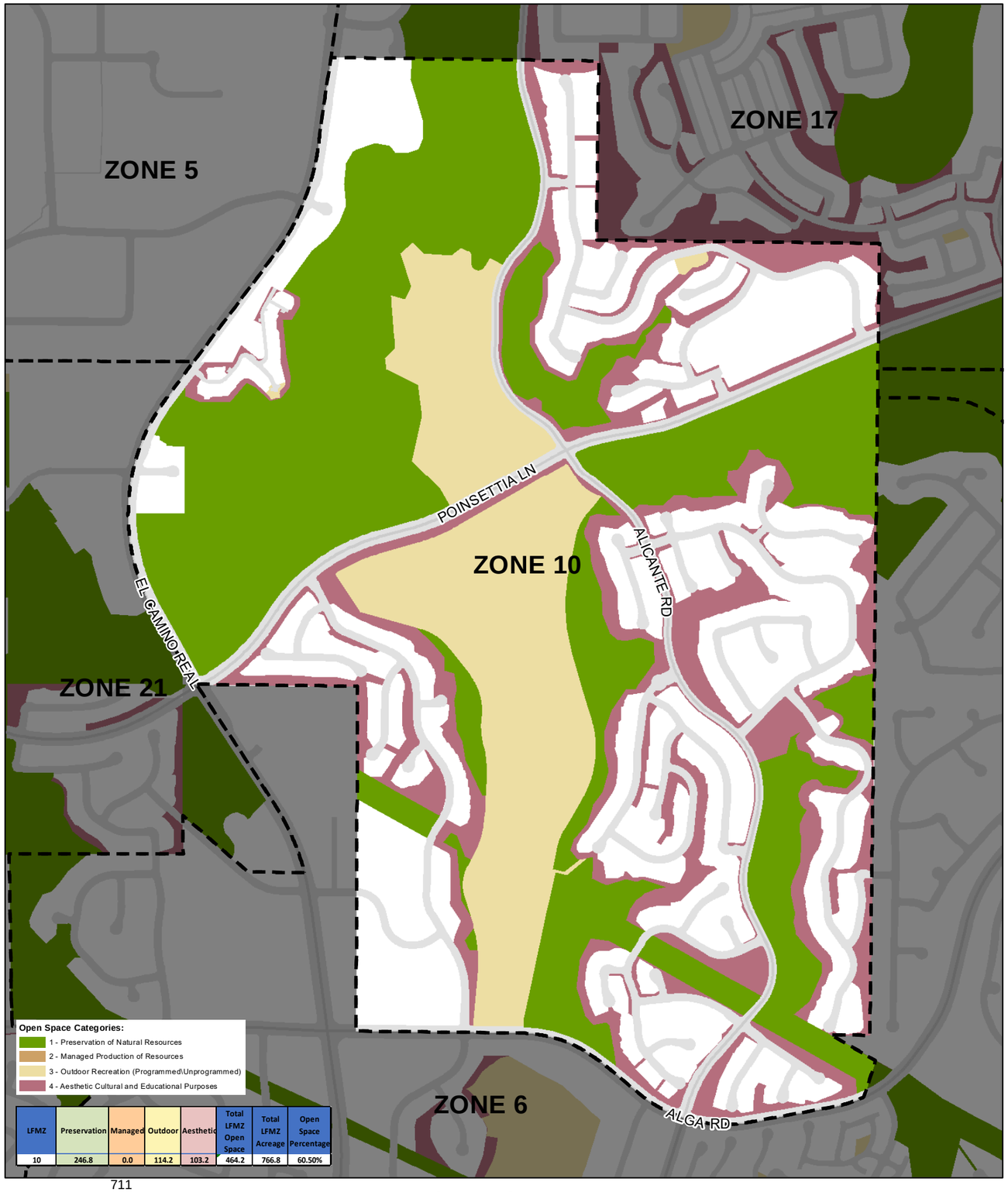
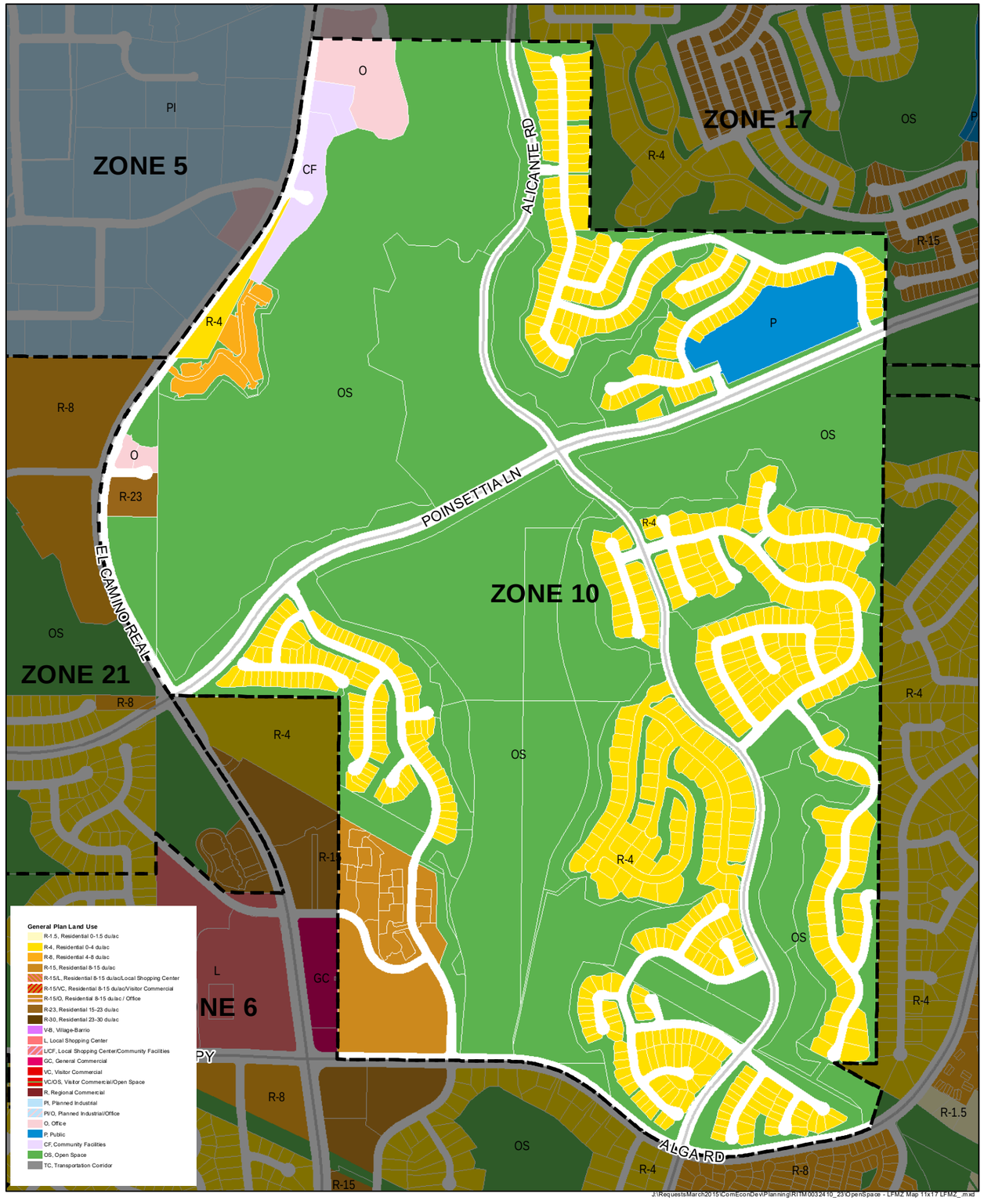
Open Space **LFMZ 9** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
10	246.8	0.0	114.2	103.2	464.2	766.8	60.50%



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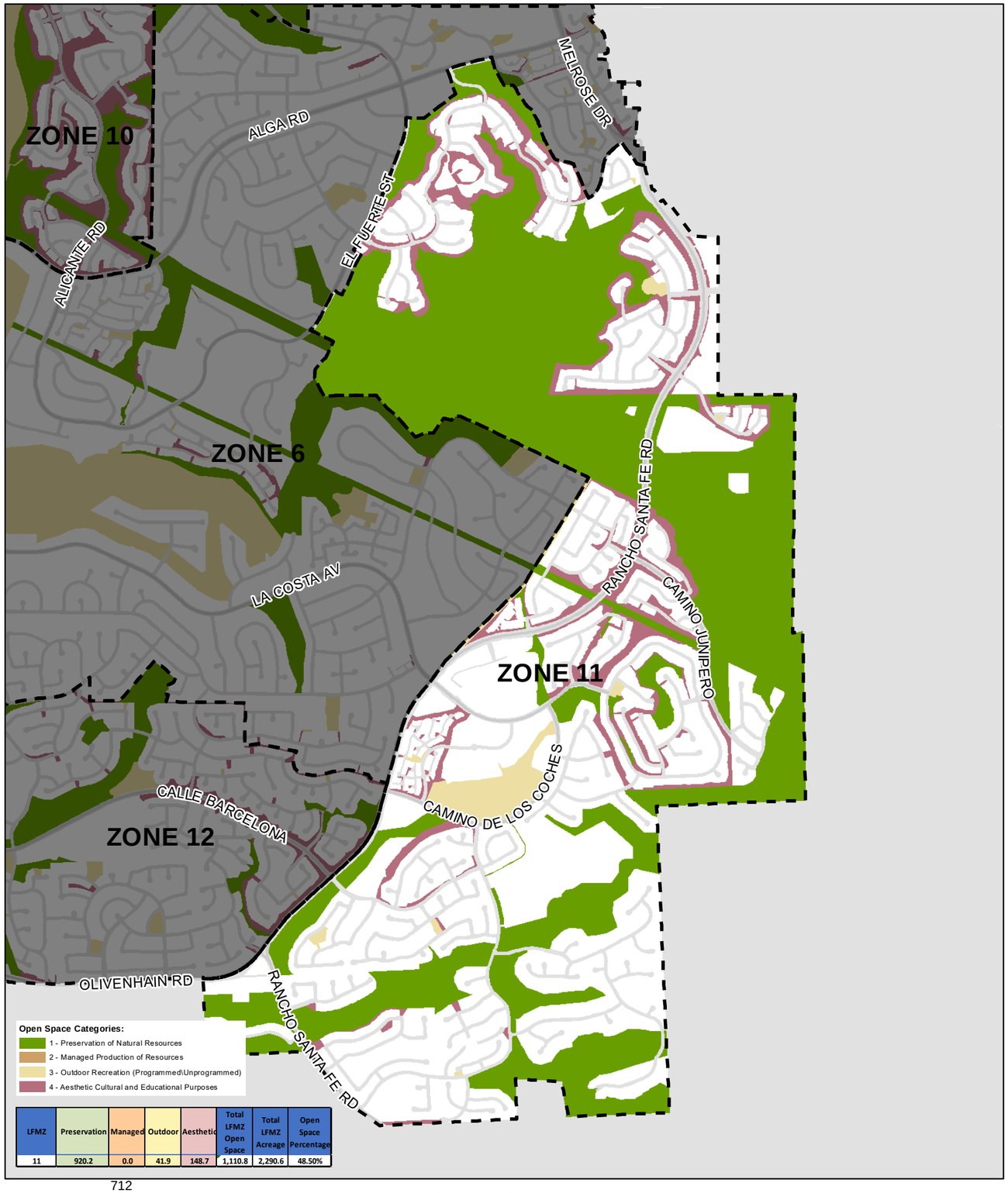
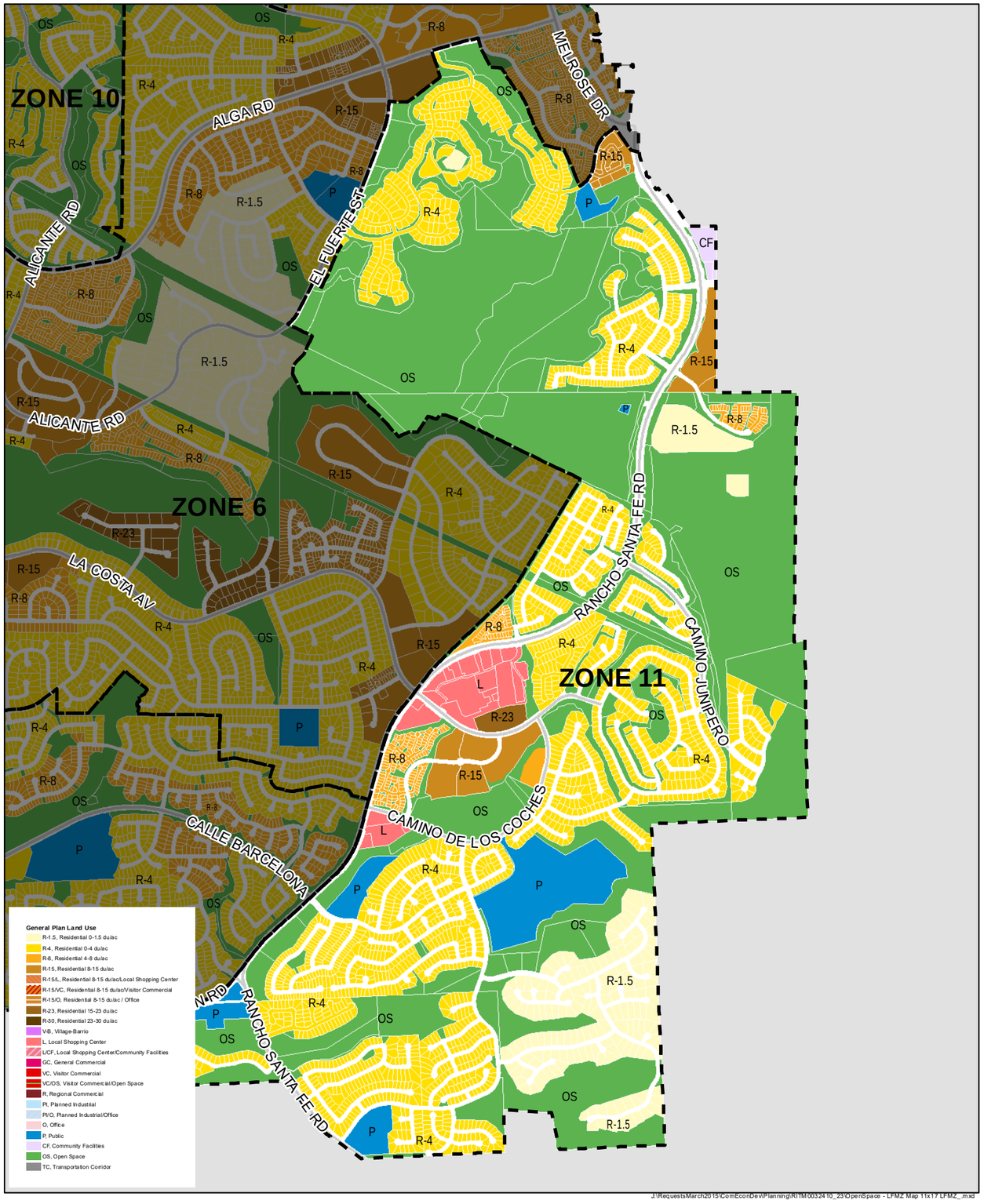
Open Space | LFMZ 10 | General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
11	920.2	0.0	41.9	148.7	1,110.8	2,290.6	48.50%



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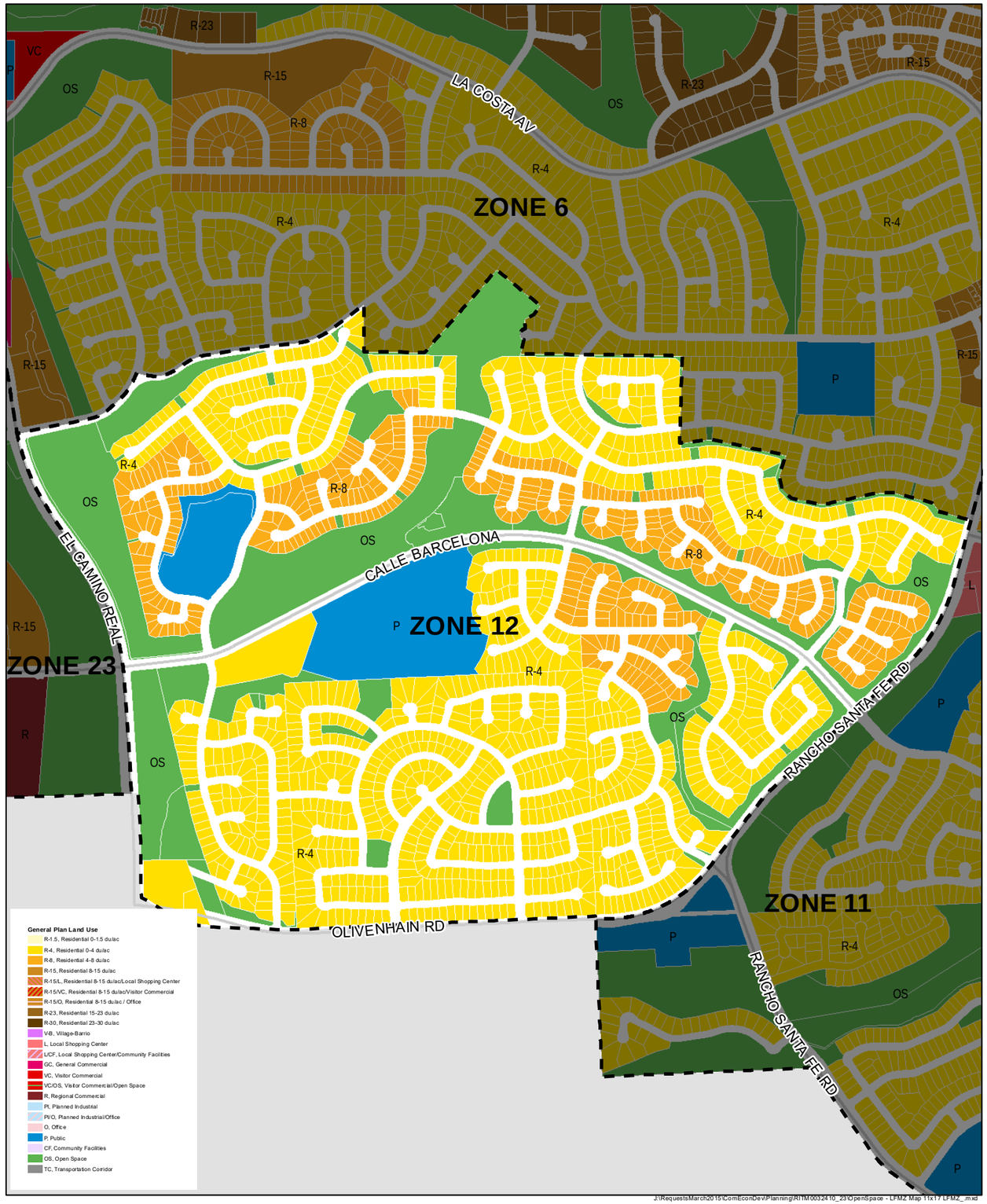
Open Space | LFMZ 11 | General Plan

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
12	95.3	0.0	16.5	25.9	137.7	660.9	20.80%



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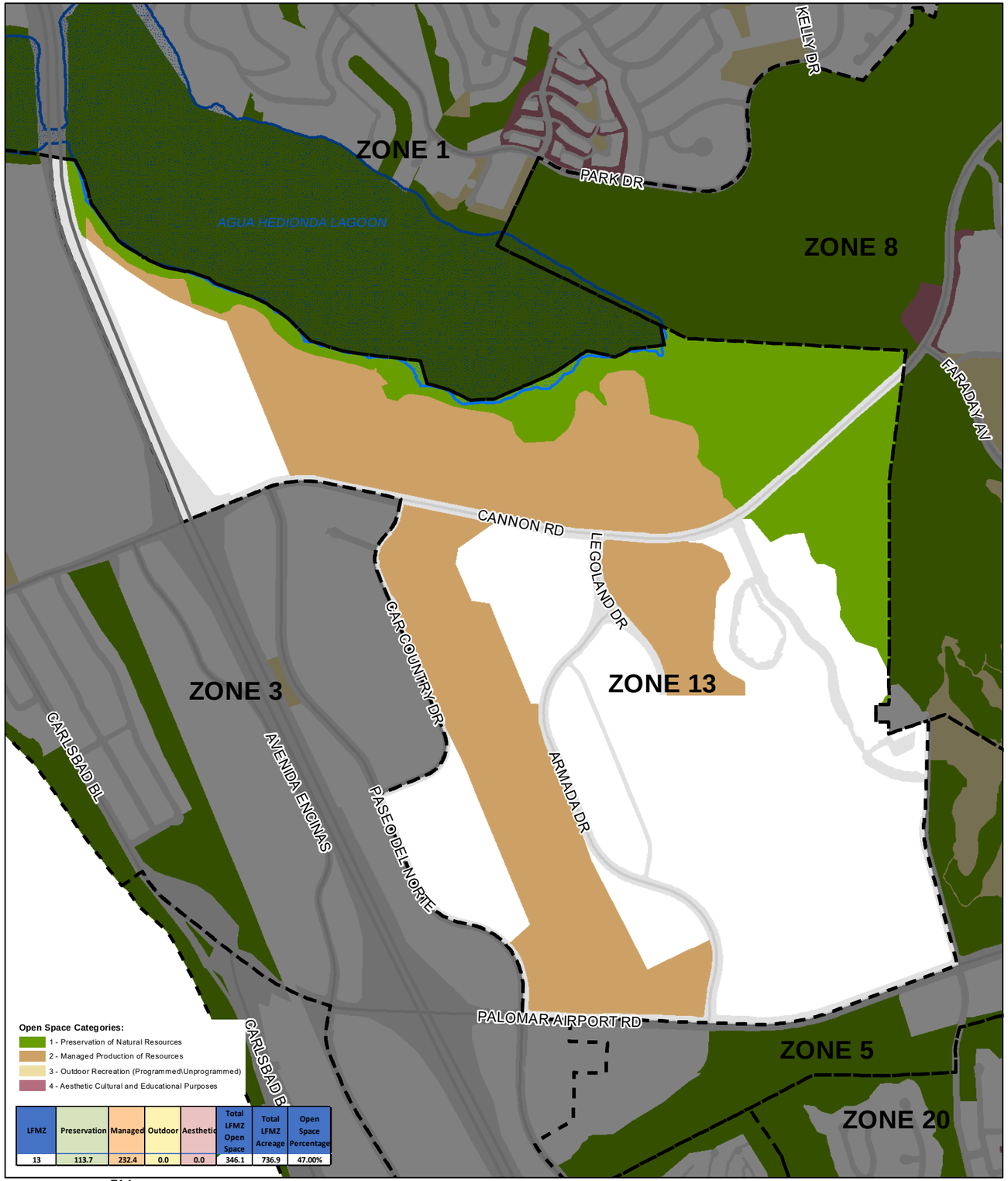
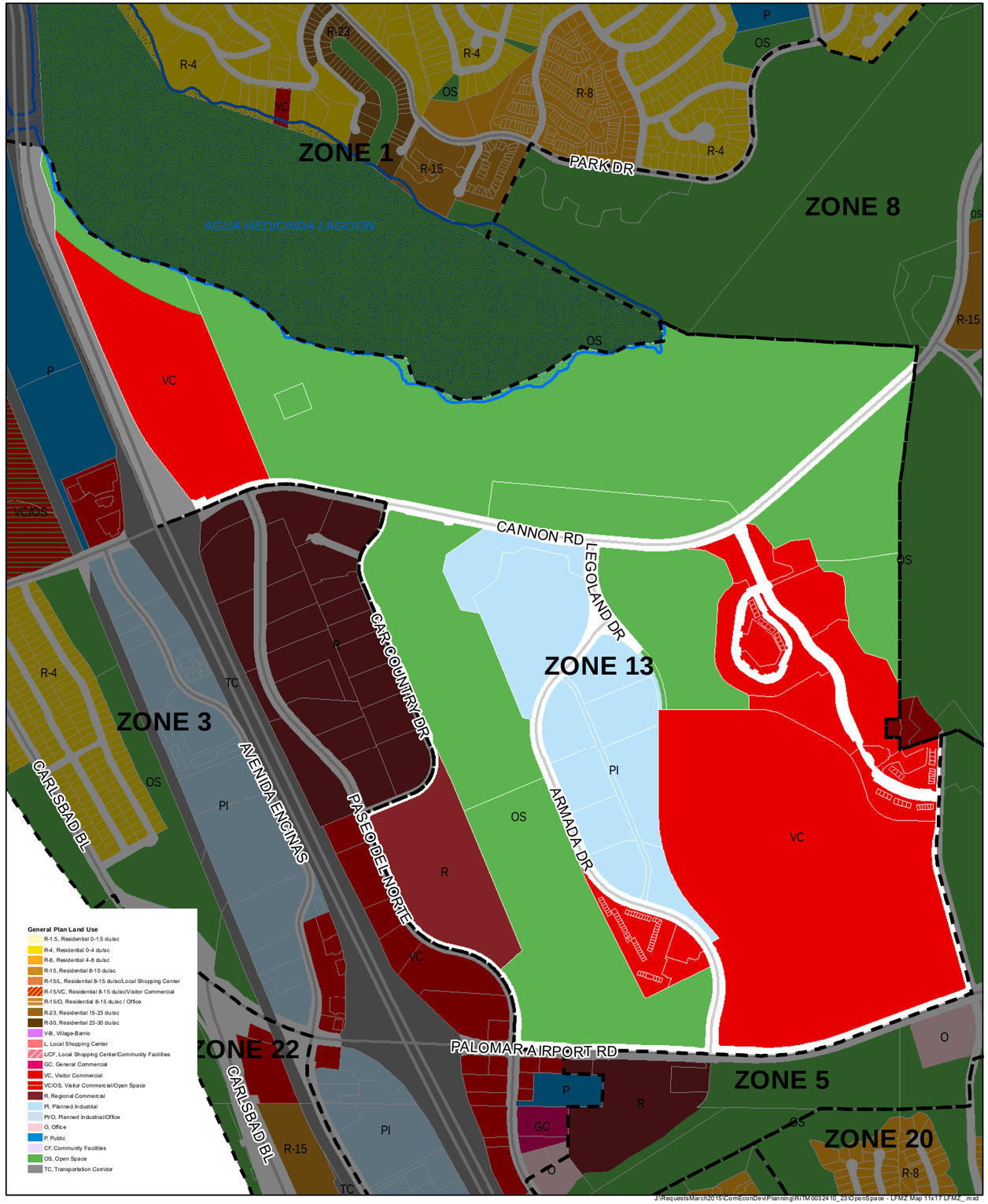
Open Space | LFMZ 12 | General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
13	113.7	232.4	0.0	0.0	346.1	736.9	47.00%



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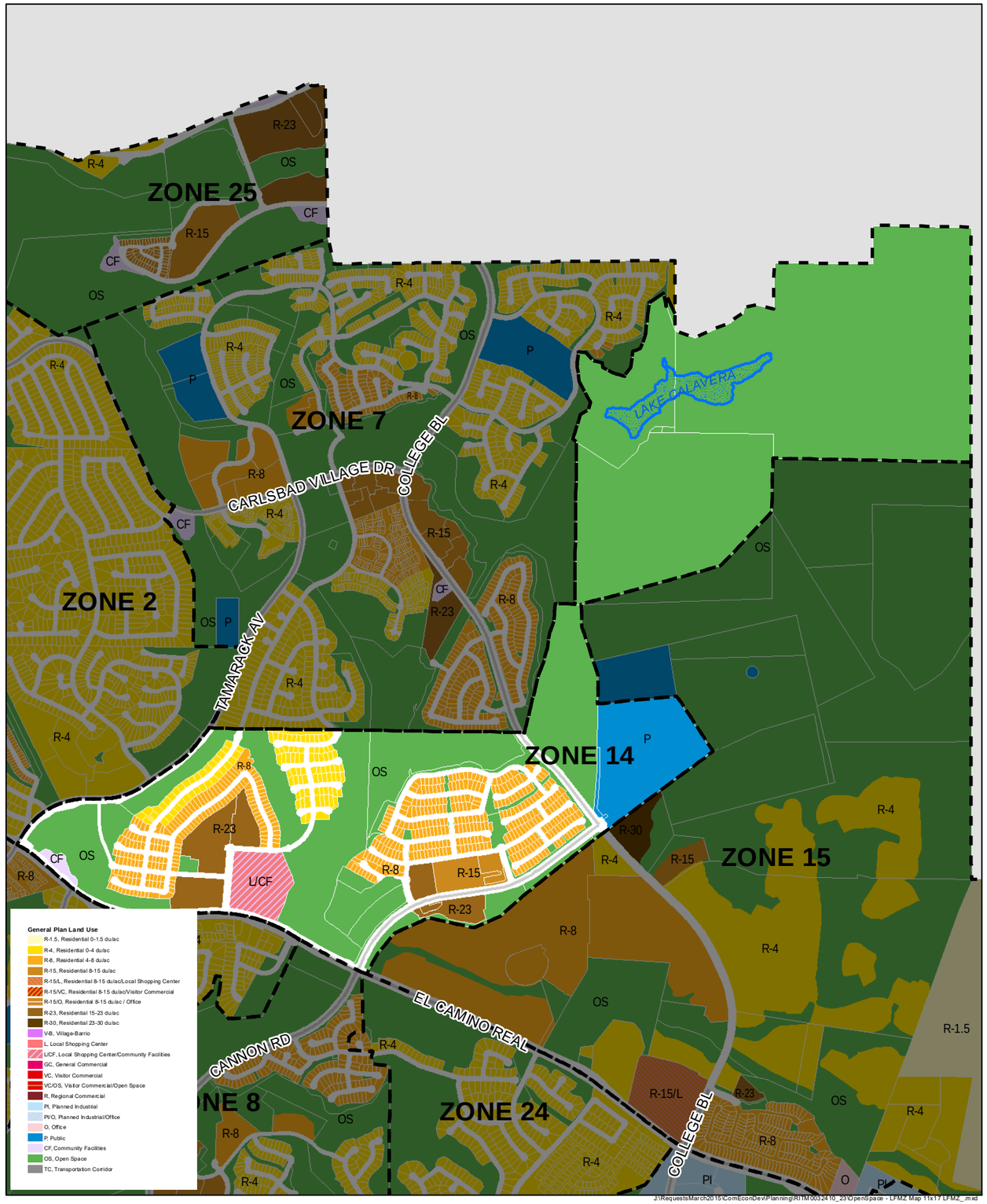
Open Space | LFMZ 13 | General Plan

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
14	535.0	0.0	21.1	9.0	565.1	827.5	68.30%



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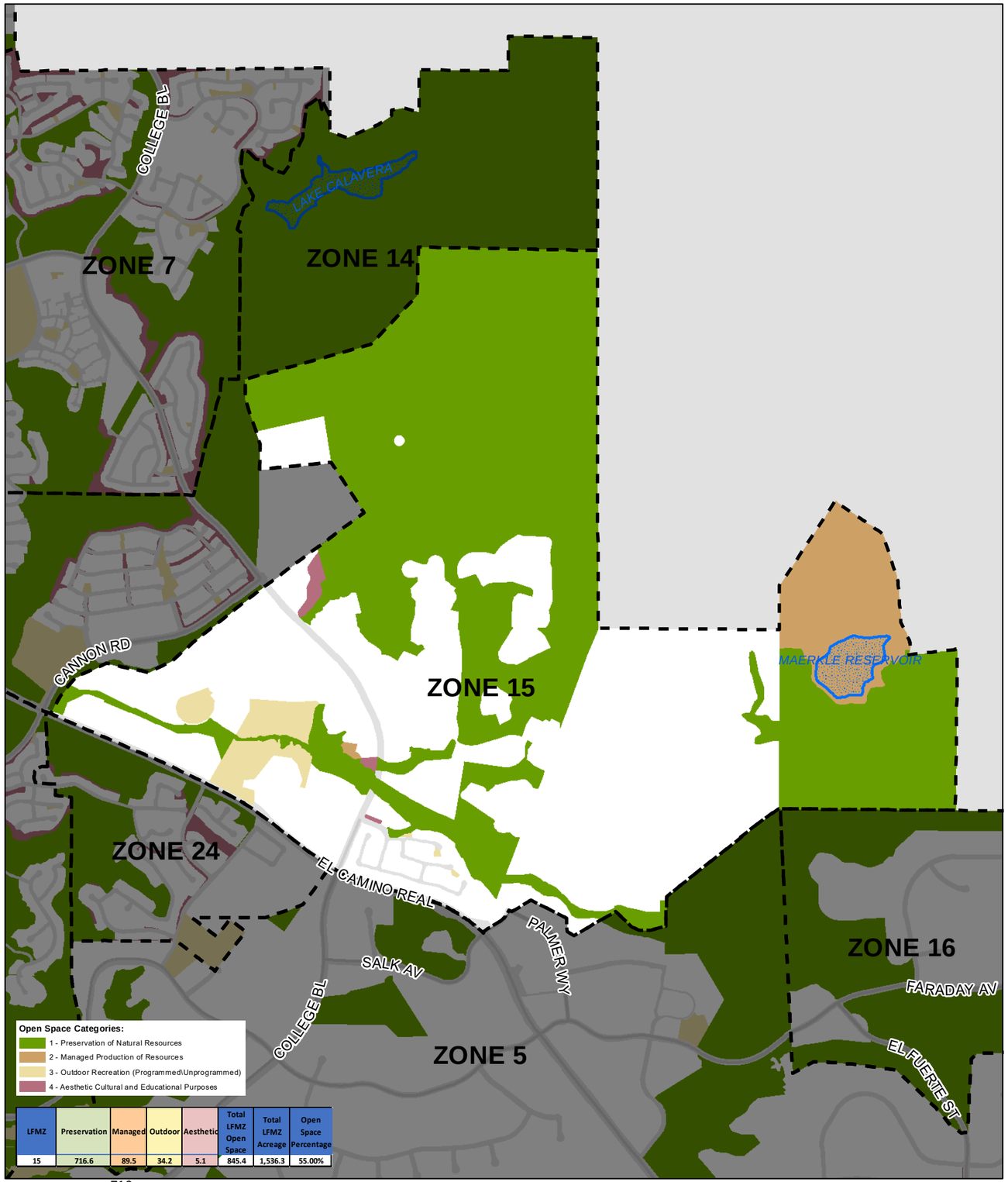
Open Space

LFMZ 14

General Plan

Open Space Map (FY2021-2022)

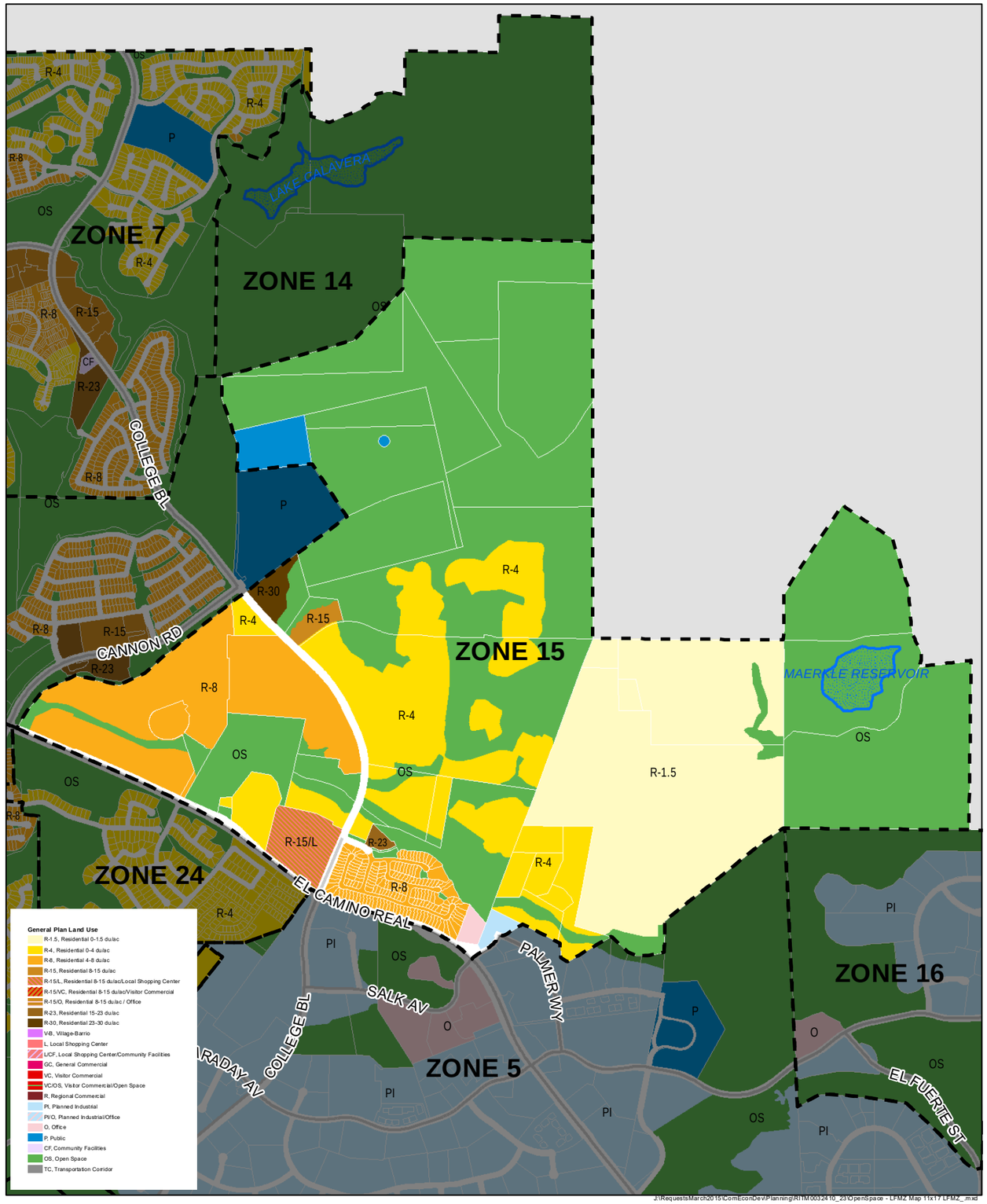


LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
15	716.6	89.5	34.2	5.1	845.4	1,536.3	55.00%

716

Open Space

LFMZ 15



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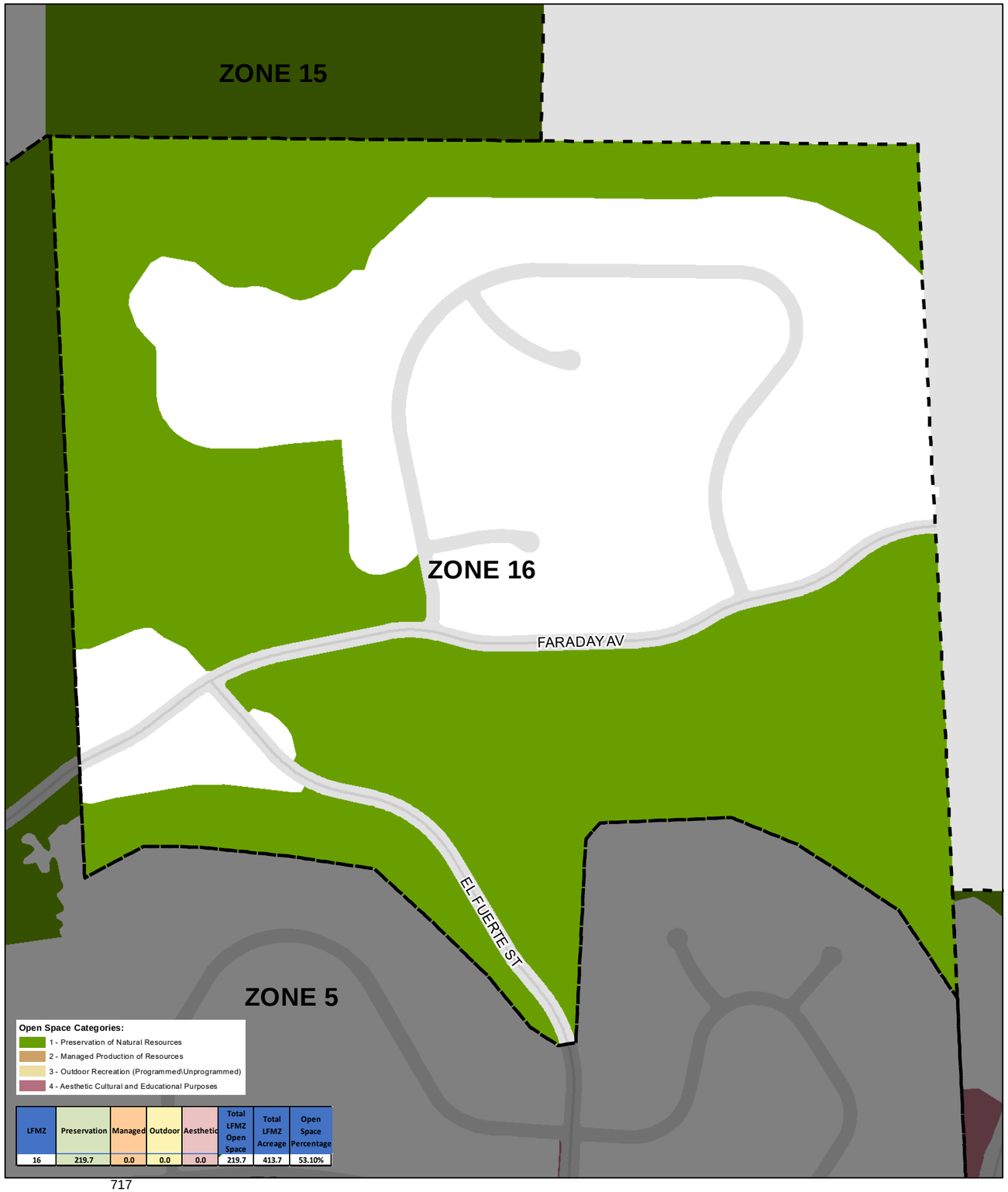
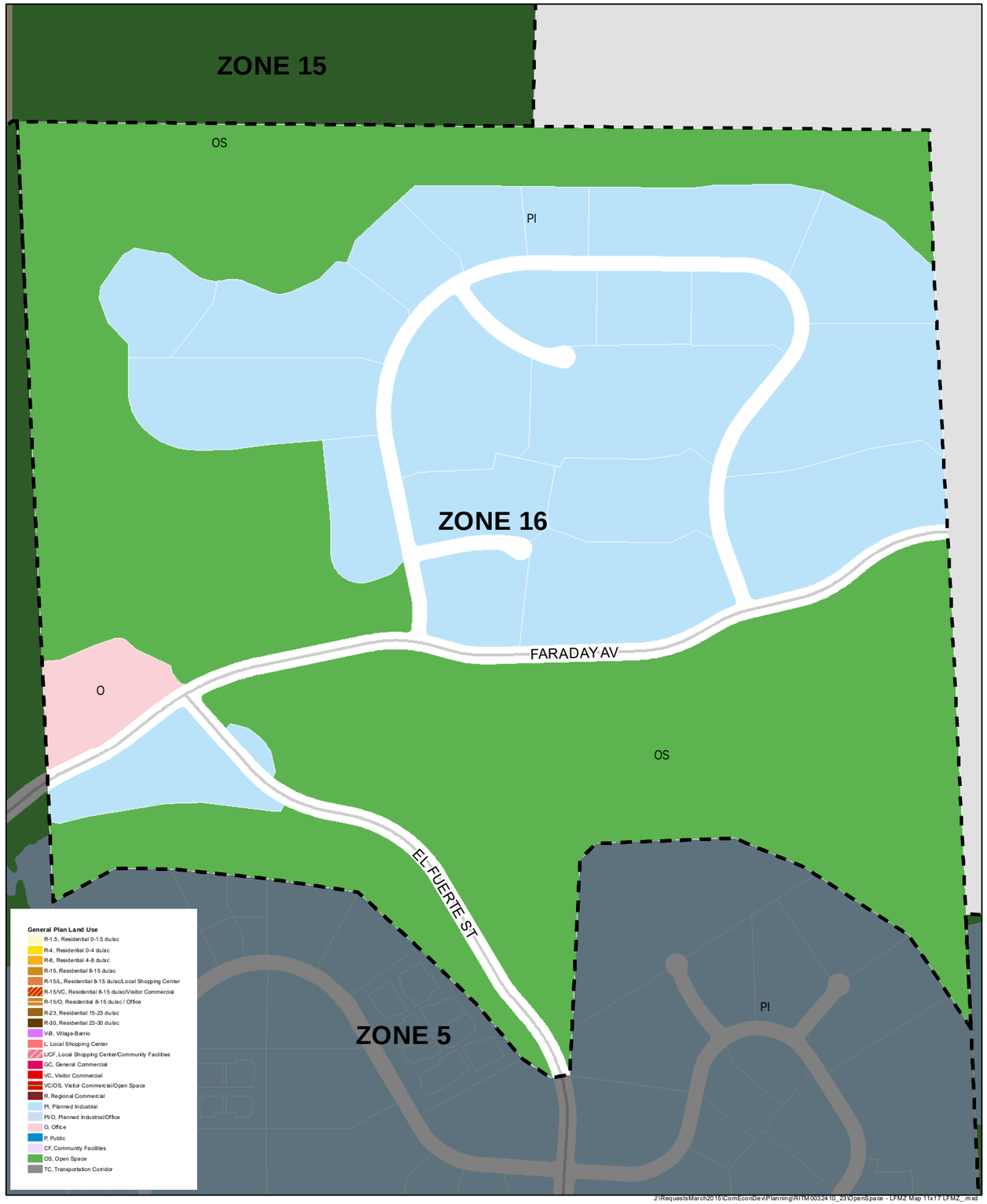
General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
16	219.7	0.0	0.0	0.0	219.7	413.7	53.10%



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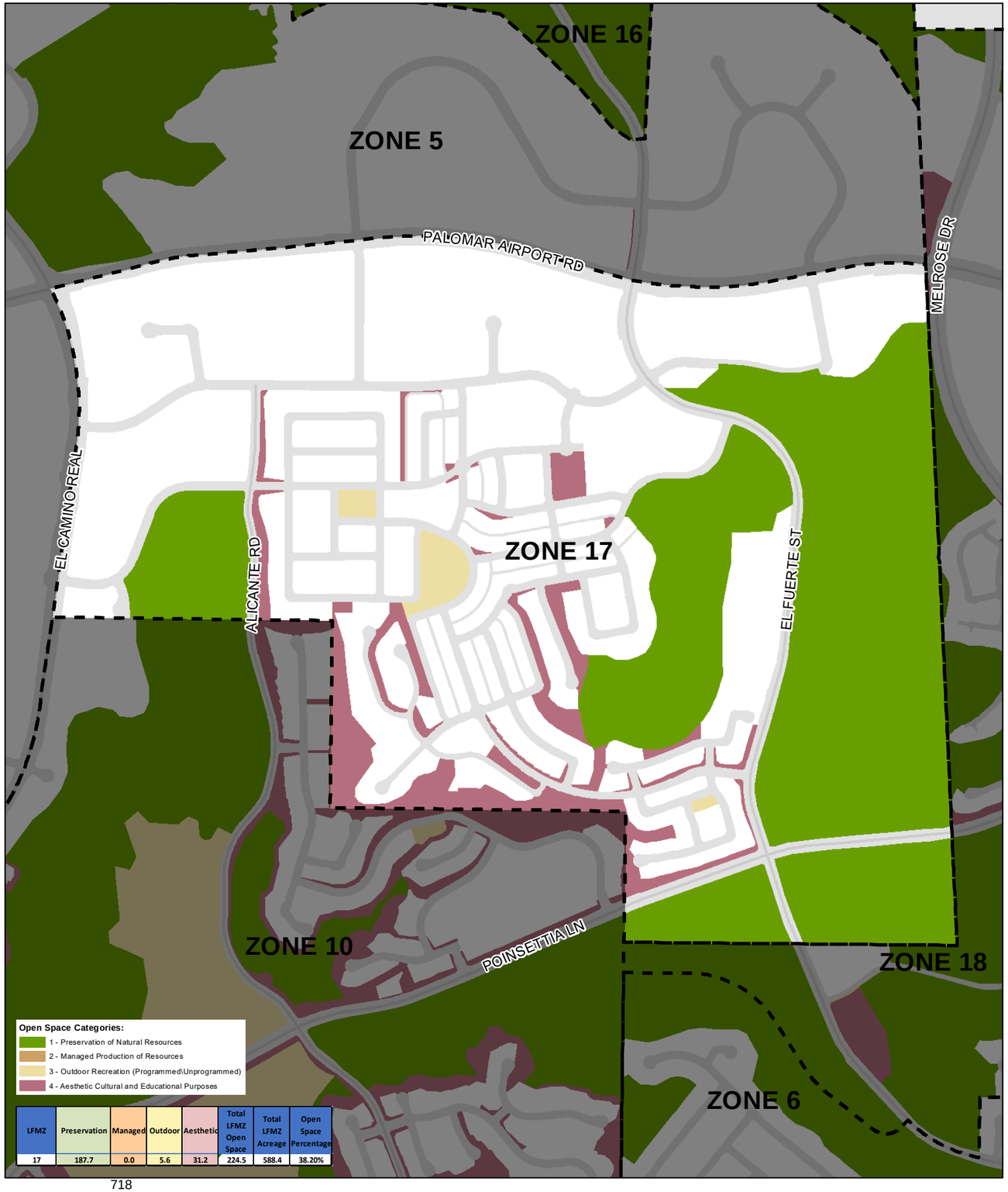
Open Space

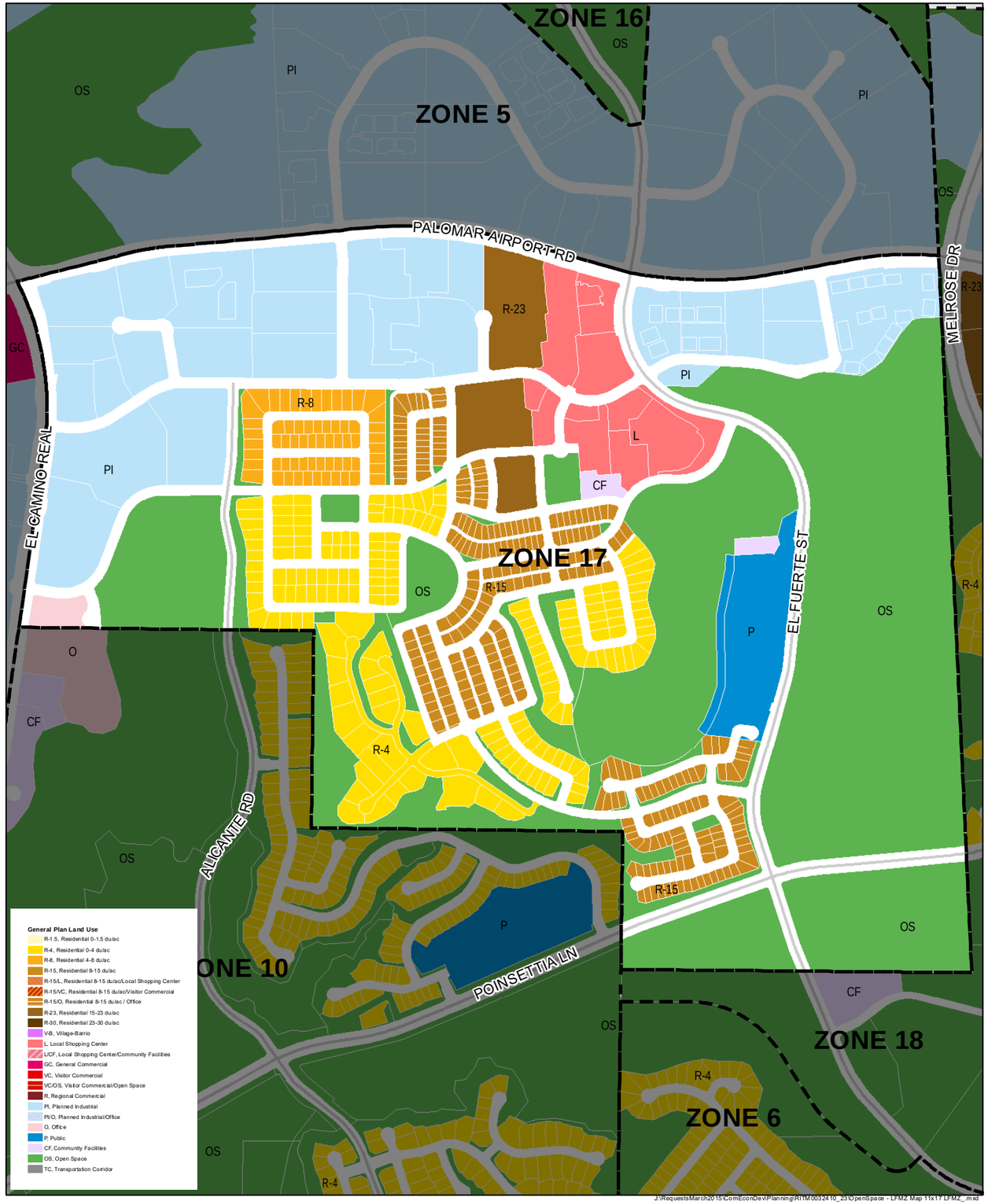
LFMZ 16

General Plan

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
17	187.7	0.0	5.6	31.2	224.5	588.4	38.20%



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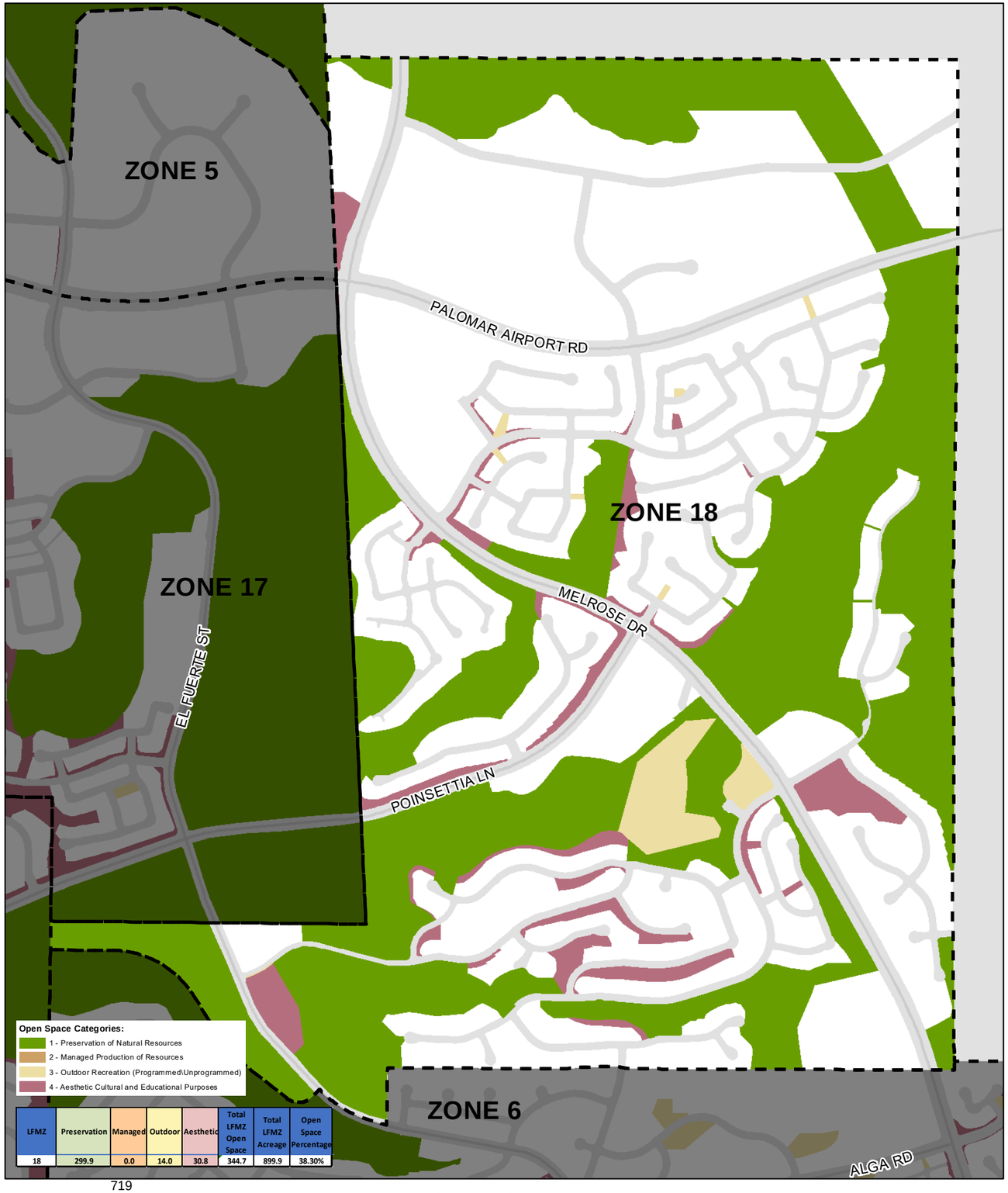
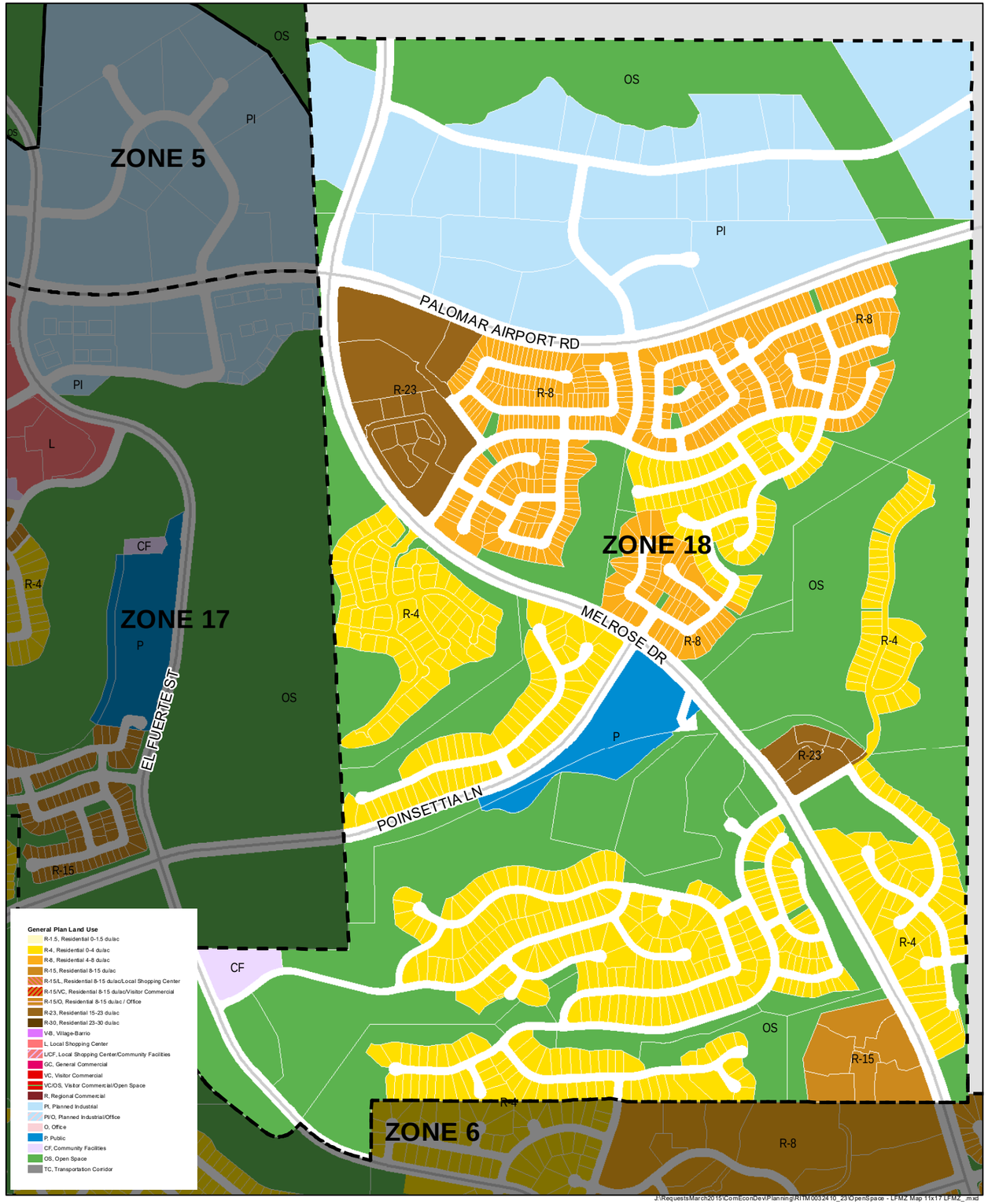
Open Space **LFMZ 17** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
18	299.9	0.0	14.0	30.8	344.7	899.9	38.30%



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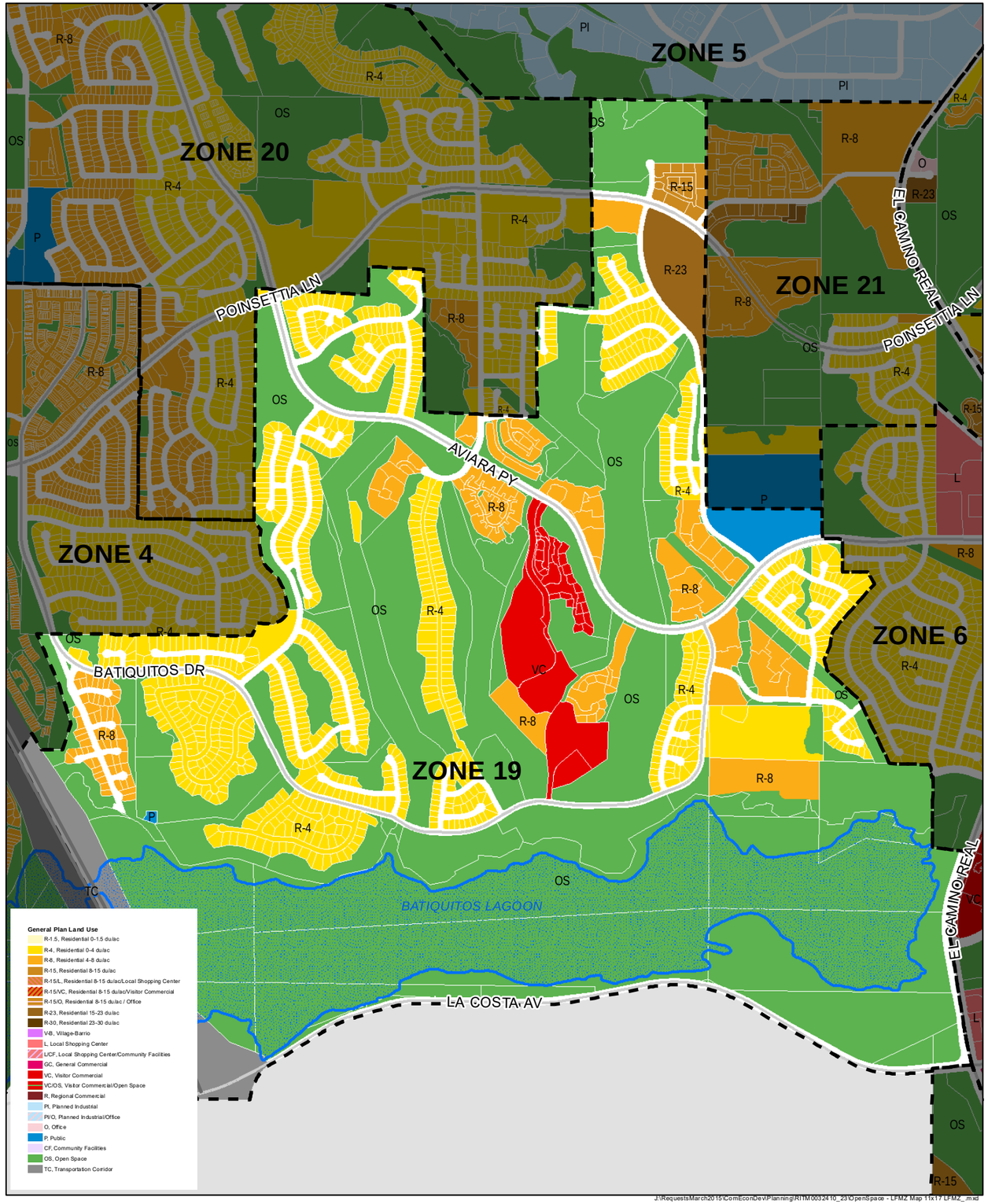
Open Space

LFMZ 18

General Plan

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
19	794.5	0.0	200.9	18.7	1,014.1	1,611.6	62.90%



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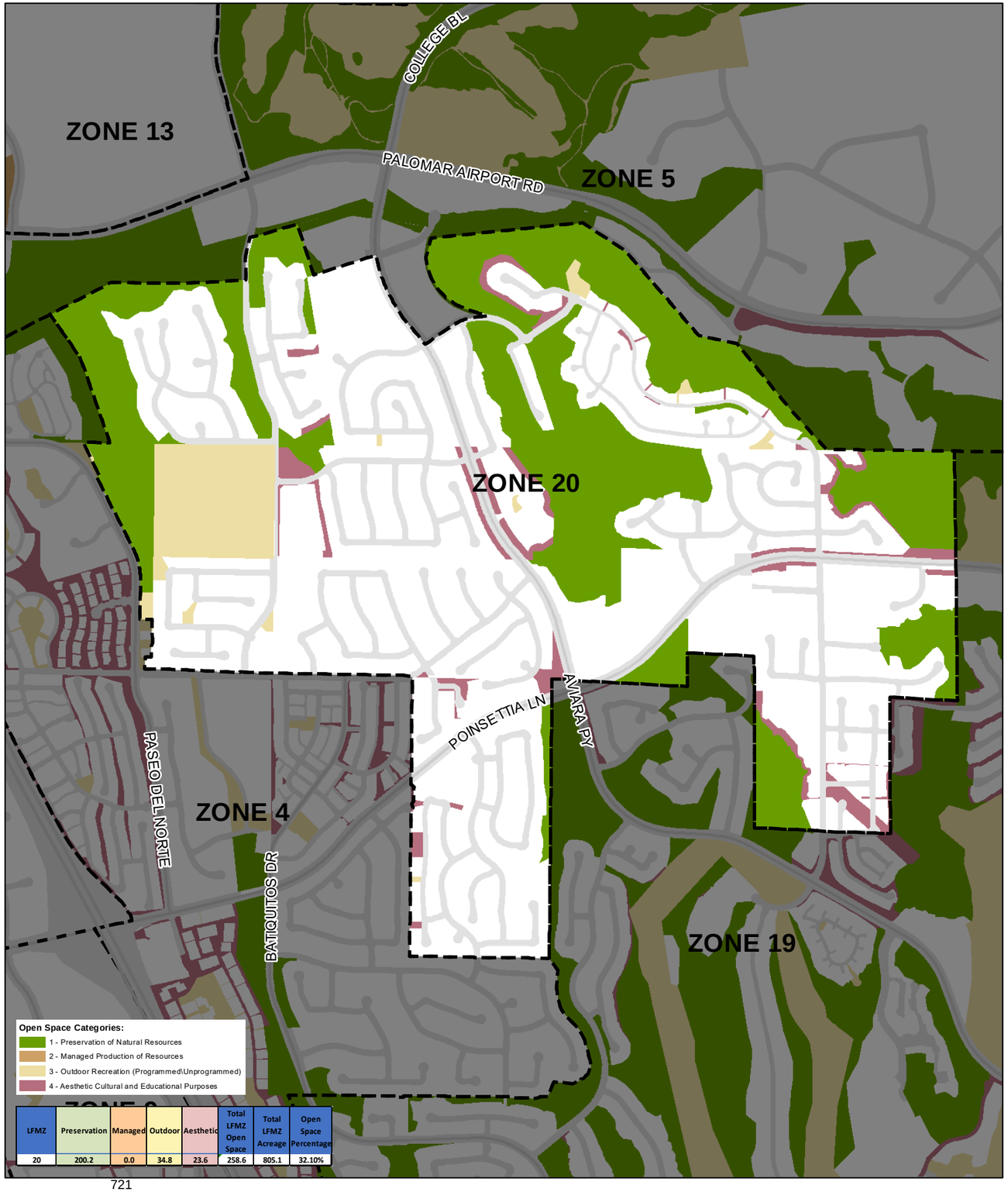
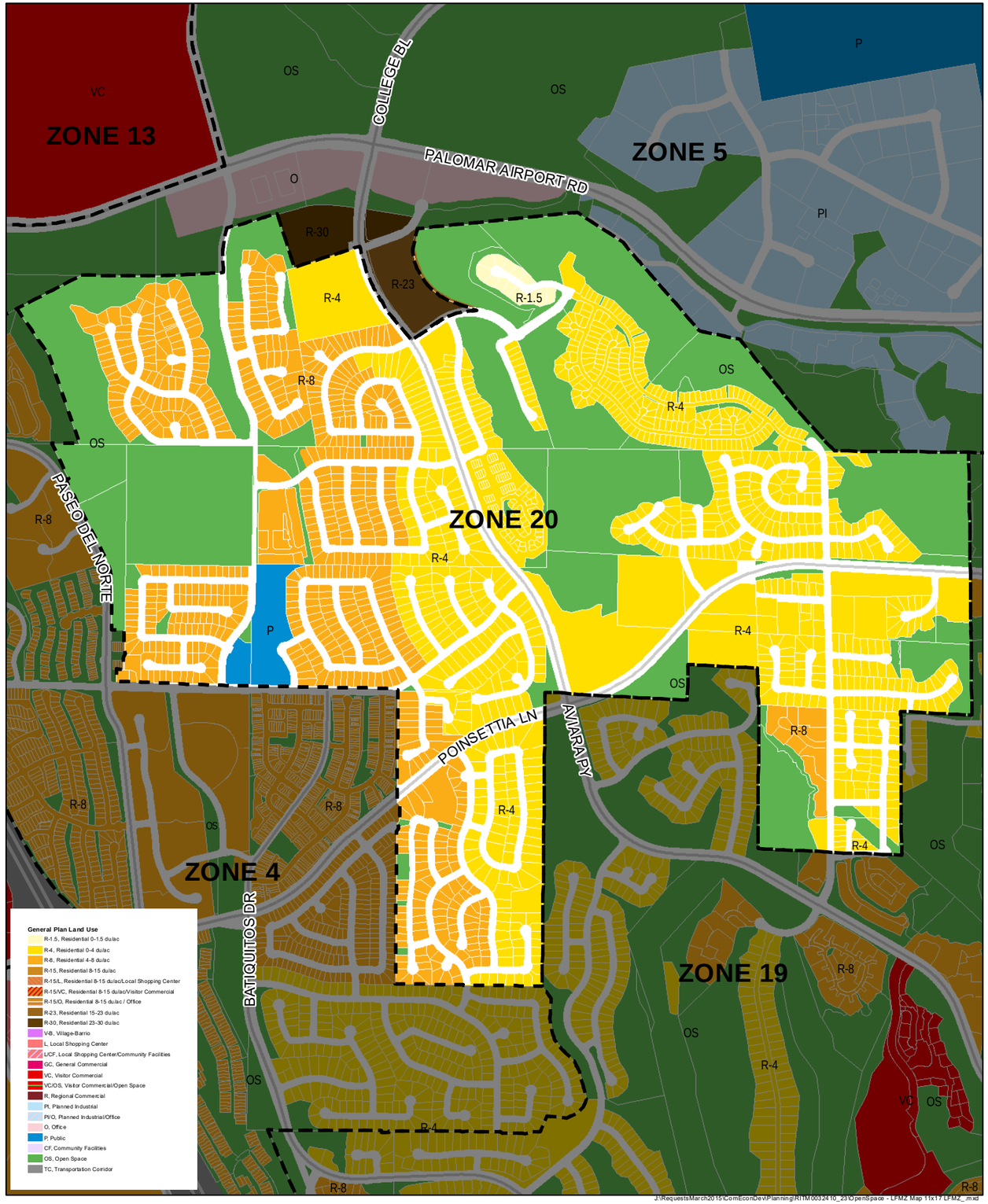
Open Space **LFMZ 19** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
20	200.2	0.0	34.8	23.6	258.6	805.1	32.10%



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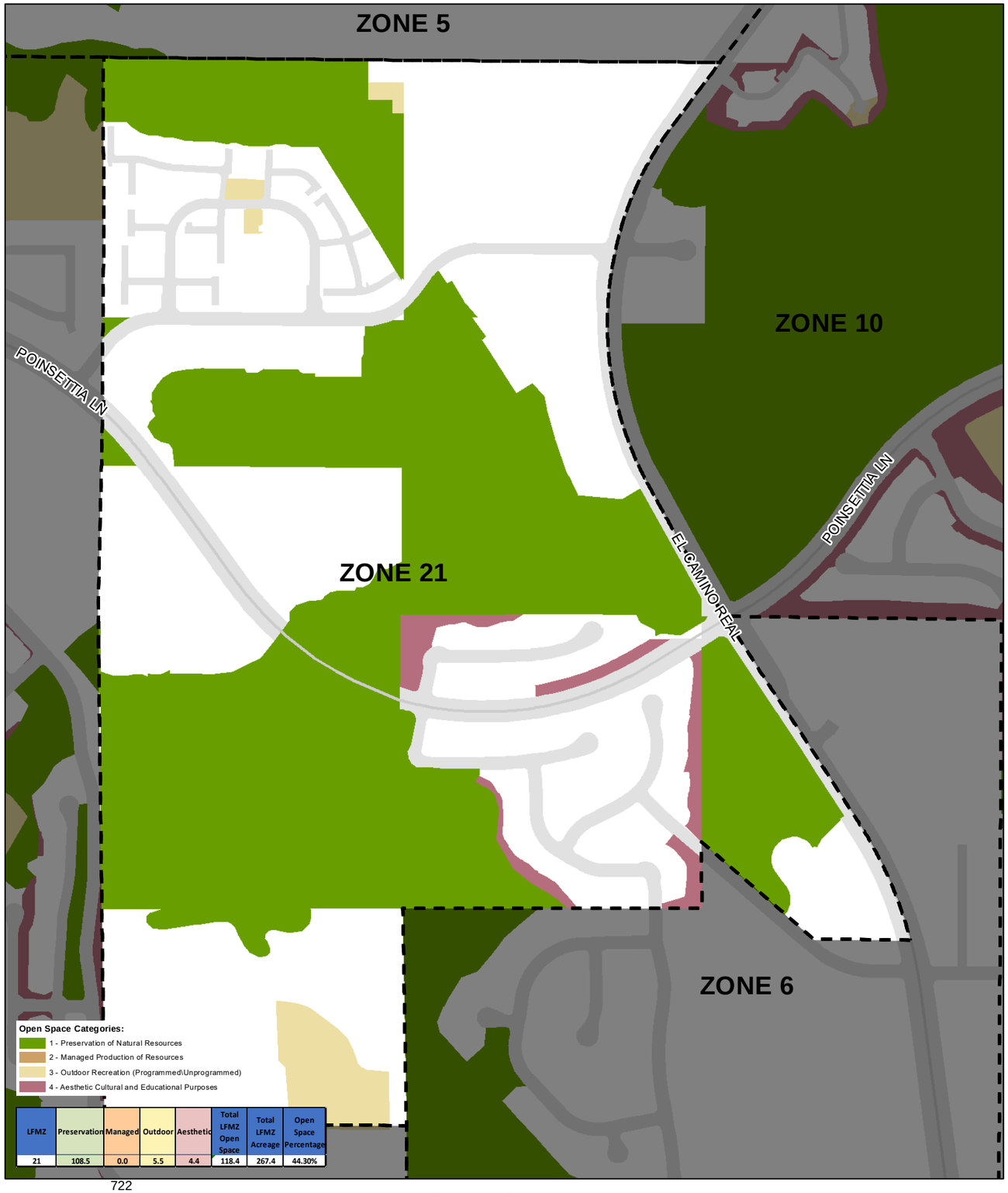
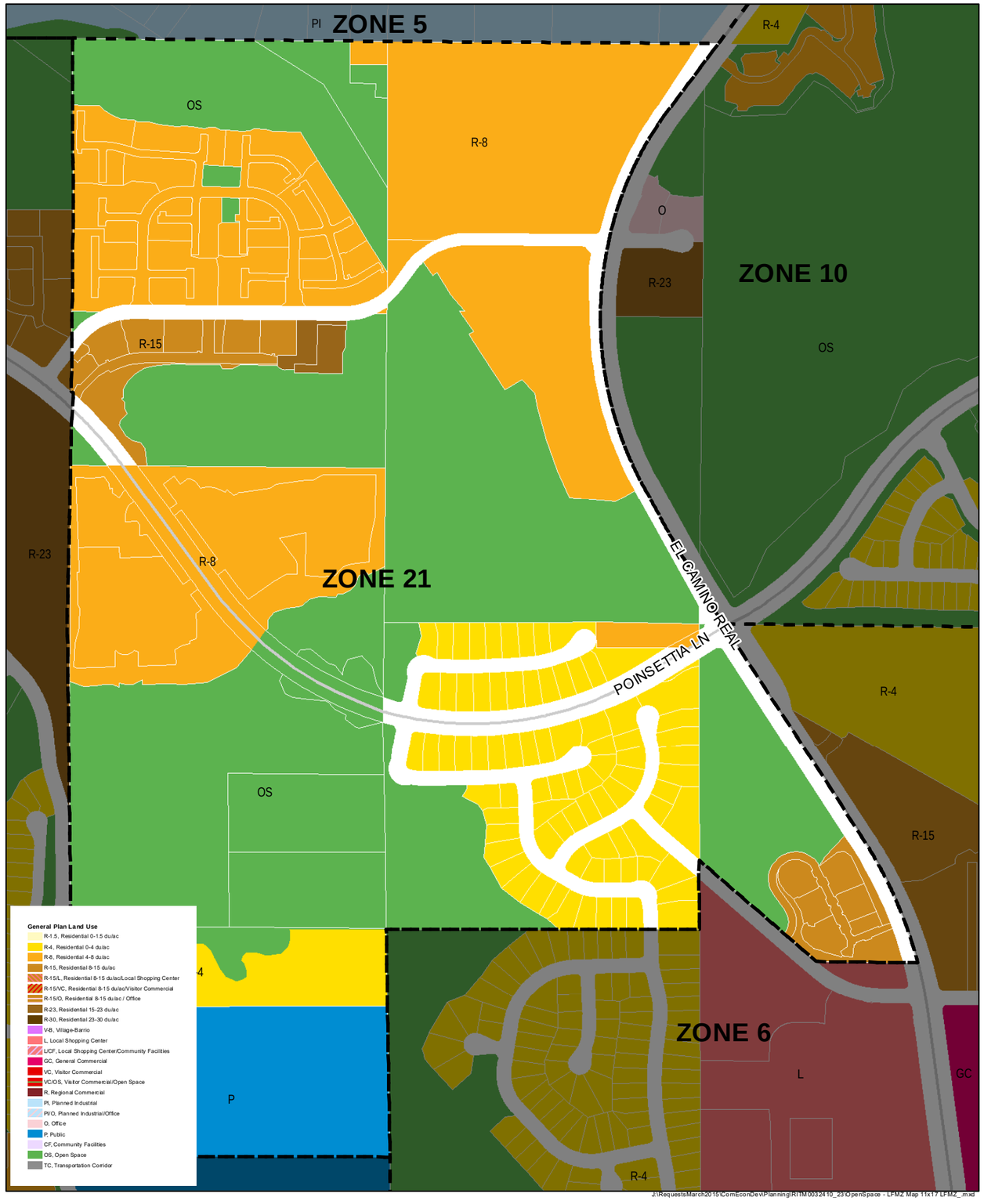
Open Space **LFMZ 20** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
21	108.5	0.0	5.5	4.4	118.4	267.4	44.30%



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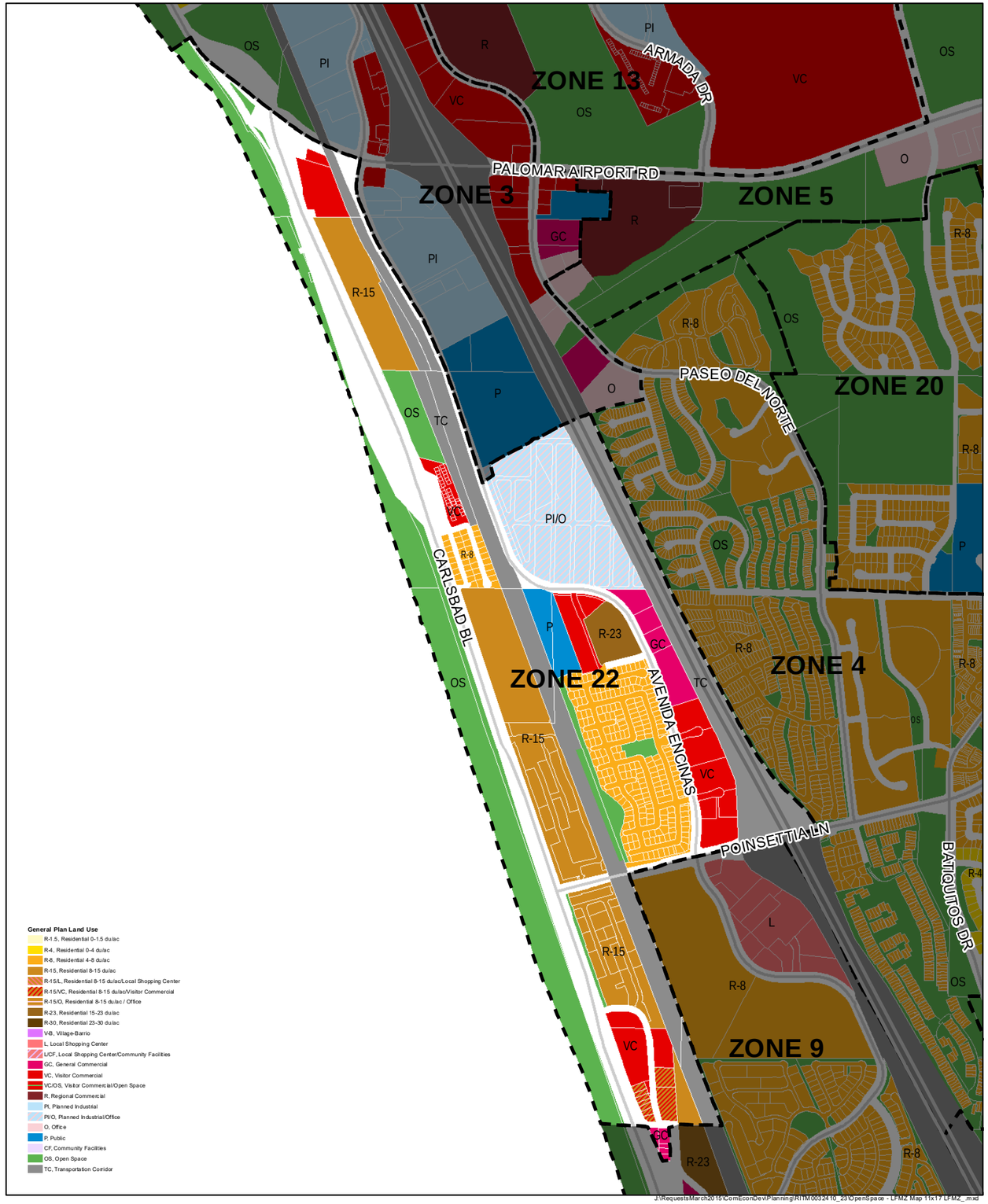
Open Space **LFMZ 21** **General Plan**

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
22	69.2	0.0	1.5	3.5	74.2	431.0	17.20%



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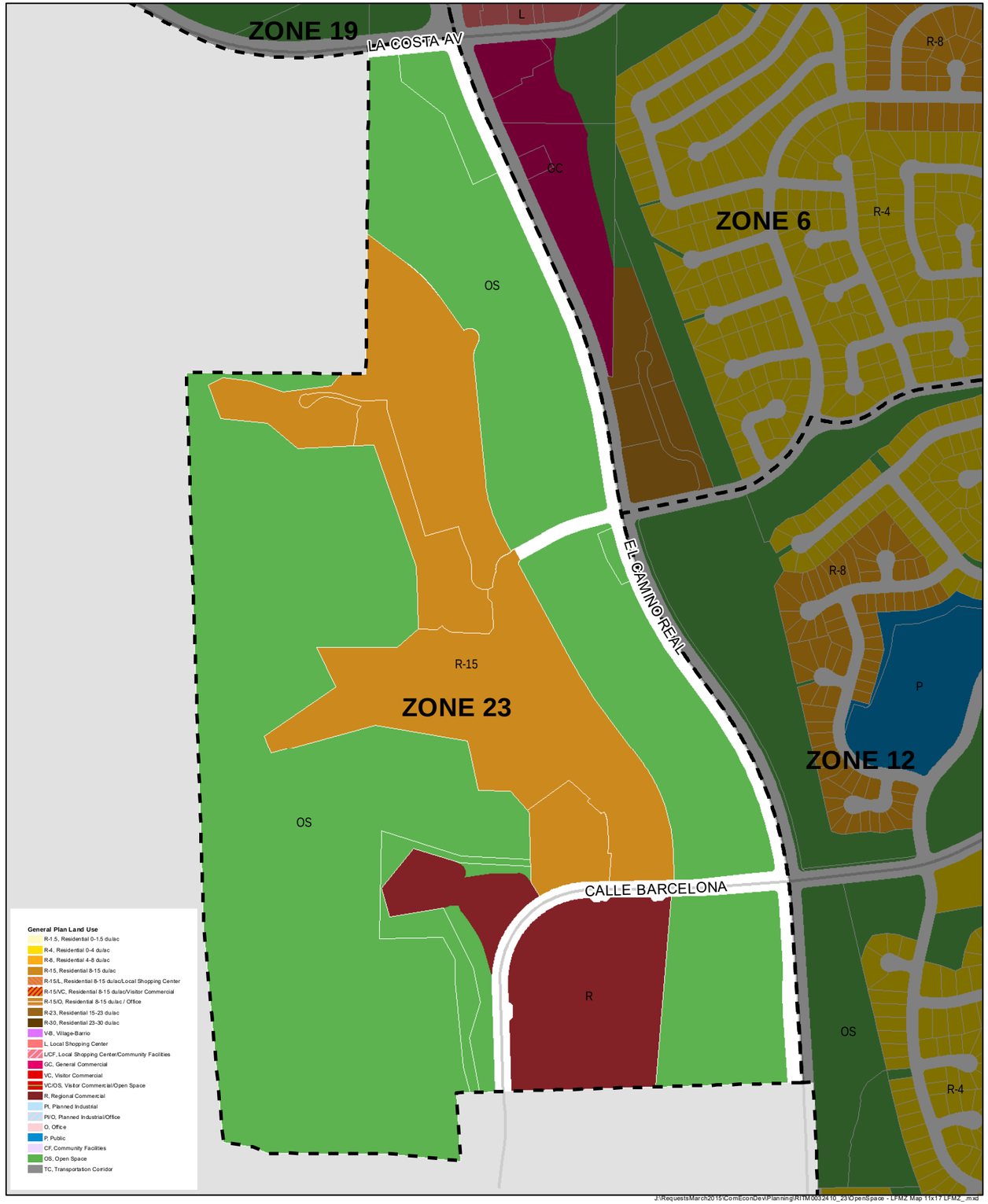
Open Space | LFMZ 22 | General Plan

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
23	184.4	0.0	0.0	0.0	184.4	284.4	64.80%



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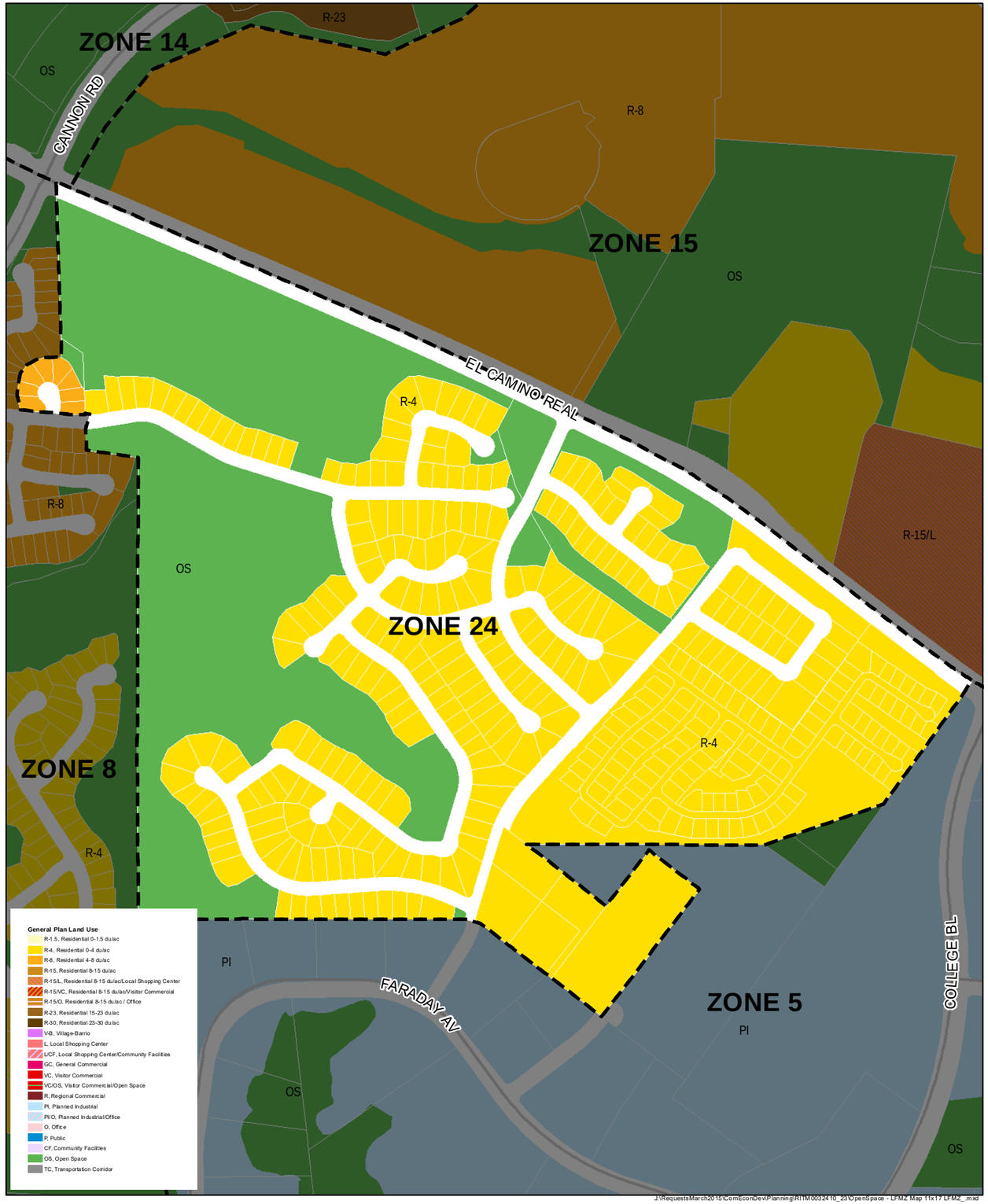
Open Space **LFMZ 23** **General Plan**

Open Space Map (FY2021-2022)

LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
24	65.3	0.0	10.0	6.6	81.9	199.6	41.00%



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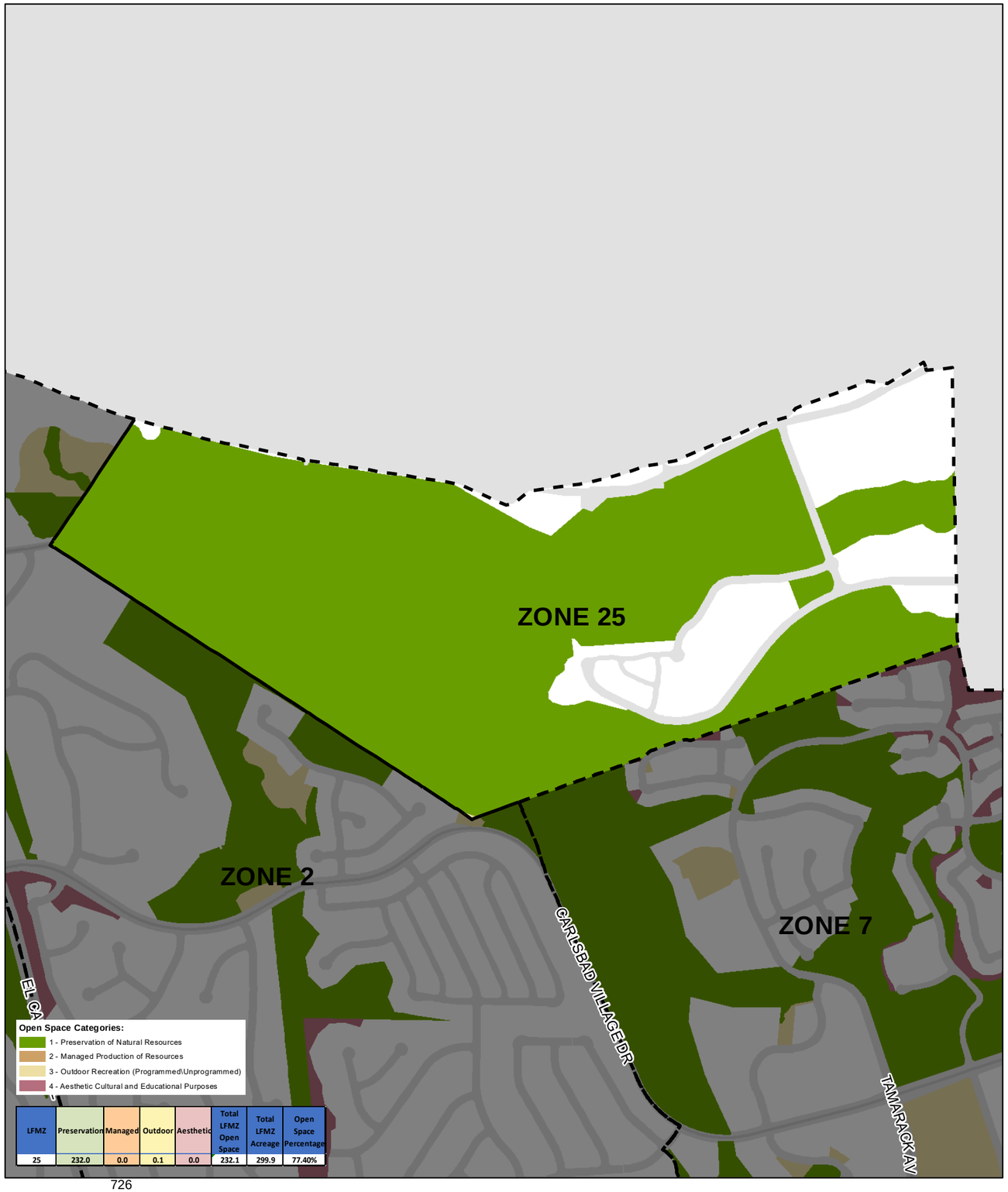
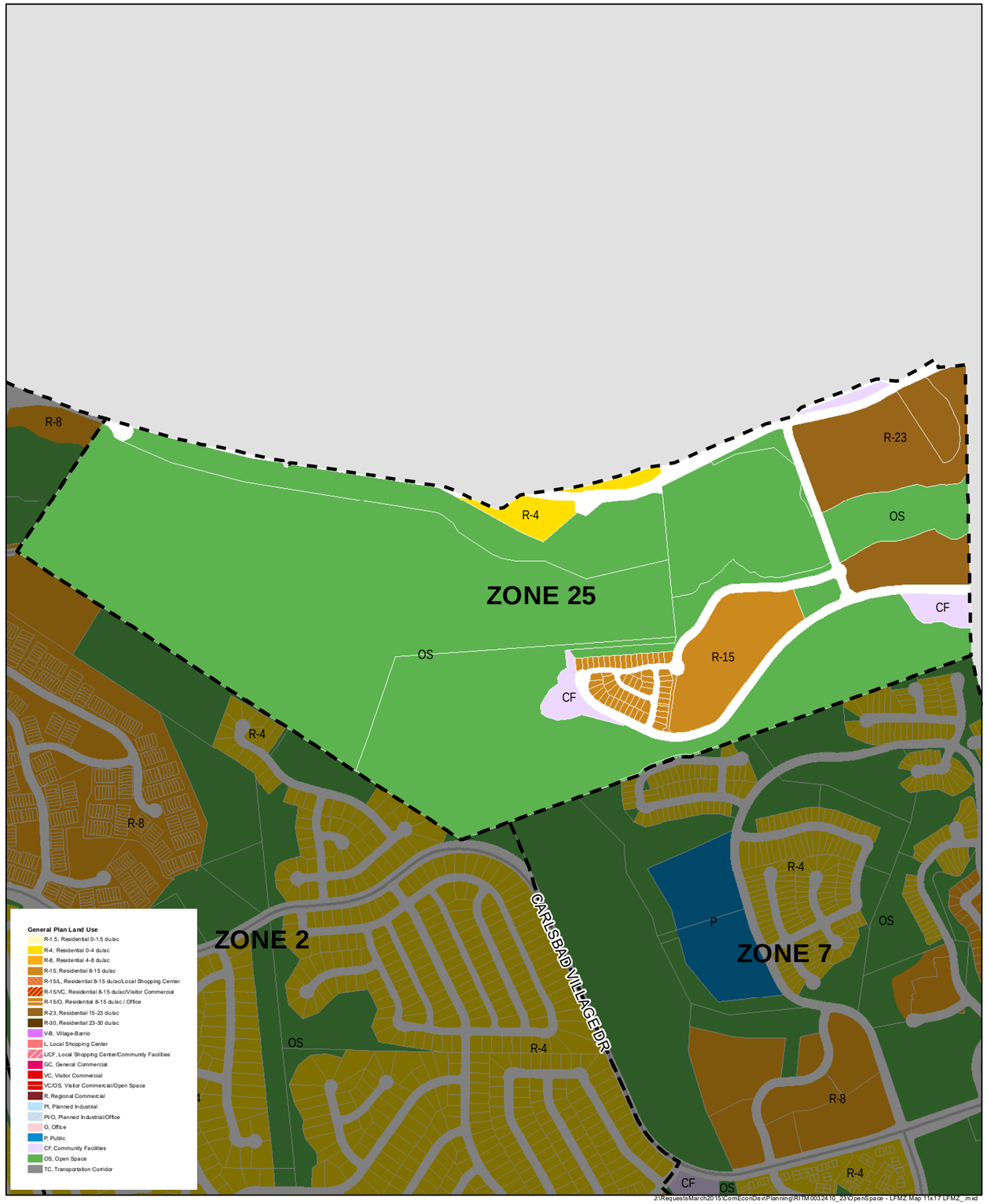
Open Space **LFMZ 24** **General Plan**

Open Space Map (FY2021-2022)



LFMZ	Preservation	Managed	Outdoor	Aesthetic	Total LFMZ Open Space	Total LFMZ Acreage	Open Space Percentage
25	232.0	0.0	0.1	0.0	232.1	299.9	77.40%



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Open Space

LFMZ 25

General Plan

Open Space Standards Benchmarking

Jurisdiction	Document	Topic
San Diego County		
Carlsbad	General Plan (2015)	Open Space, Conservation and Recreation Element describes four categories of open space: 1) natural resources, 2) managed production of resources, 3) outdoor recreation, and 4) aesthetic, cultural and educational. https://www.carlsbadca.gov/departments/community-development/planning/general-plan Policies require compliance with the Growth Management open space standard and guide protection of natural resources, the provision of parks, trails and high-quality beaches, and support for the continuation of agriculture. Today, 38% of the city's total land area is designated as open space.
	Growth management Standard	15% in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development. Proposition C (2001) provides voter approved funding for park and open space acquisition.
	Zoning Regulations	Open Space Zone and Cannon Road Agricultural/Open Space Zone specify regulations to limit development on land designated as open space by the General Plan. Planned Community Zone requires 15% of the total area of a master plan to be open space. Various other development standards require open space, recreation areas and landscaped buffers/setbacks within development projects. For example, residential planned development projects must provide private recreation area (200 – 400 square feet per unit) and common recreation areas (150 – 200 square feet per unit); also, residential zoning standards limit lot coverage to no more than 40% to 60%.
	Habitat	Carlsbad Habitat Management Plan guides the design, management, monitoring, and public use of the city's natural open space preserve system. About 78 percent of Carlsbad's open space is natural resources. Carlsbad also participates in the North County Multiple Habitat Conservation Program.
	Other:	Trails Master Plan – identifies where trails will be constructed; trails are open space. Proposition C (2002) – authorized the City Council to spend more than $1 million to acquire open space and build trails. As of 2022, the city has spent $4.2 million on open space and trails projects, including South Shore Agua Hedionda Lagoon Trail Improvements, Arroyo Vista Trail Extension, Lake Calavera Trails, 6125 Paseo del Norte open space purchase and Aura Circle open space purchase.
Percentage of city that is open space		38% of the city's total land area is designated as open space (Carlsbad Open Space Map)

Jurisdiction	Document	Topic
Chula Vista	General Plan (2021)	Land Use Element describes an open space network (Chula Vista Greenbelt), a 28-mile open space system for conservation and to help physically define the city. The Open Space designation is intended for lands to be protected from urban development, including floodplains; canyon; mountain; and agricultural uses. Table 5-7 -General Plan Land Use in 2030 - identifies Parks and Recreation (978 acres), Open Space (7,306 acres) , Open Space Preserve (16,926 acres) and Open Space Active Recreation (375 acres) out of a total 58,700 acres. Environmental Element describes four categories of open space. https://www.chulavistaca.gov/departments/development-services/planning/planning-digital-library/general-plan
	Regulations	Open space is required based on dwelling unit size in the R-3 (apartment residential) zone and Bayfront Specific Plan. Open Space District is included in municipal code. https://chulavista.municipal.codes/
	Habitat	Participates in the regional Multiple Species Conservation Program (MSCP); adopted a MSCP subarea plan in 2003. https://www.chulavistaca.gov/home/showpublisheddocument/7106/635653719615470000
	Other	Otay Ranch GDP states that "approximately 60% of Otay Ranch will be set aside as open space, including a park system, a greenbelt system and an open space preserve." At full build out, the open space provisions are required to be at least: • 342 acres of local parks • 1,172 acres of open space (excluding regional parks) • 1,590 acres of regional parks
Percentage of city that is open space		43.6% of the city's total land area is designated as open space (General Plan Land Use). Percentage (43.6%) includes open space on county land that may not be incorporated.

Jurisdiction	Document	Topic
Encinitas	General Plan (2005)	Recreation Element policies generally support the acquisition and maintenance of land for open space and parks; public access to those lands; maintenance of parks and open space Goal 3 related to balancing commercial goals of Coastal Areas with open space goals.
	Regulations	30.16.010 Residential Zones – Development Standards Higher Density SF and MF residential must have a minimum of 10% private open space. R-30 Overlay requires private and common open space. 30.32.010 Ecological Resource/Open Space/Parks Zone
	Habitat	Encinitas is a participant in the MHCP. https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/environment/regional-habitat-conservation/habitat-management-draft-encinitas-subarea-plan-2001-06-01.pdf
Percentage of city that is open space		Information not available.
Oceanside	General Plan	Currently going through a General Plan update process. Specific open space reference in Land Use Element (Goal 2.6) but does not include development standard or metric. Development Standards and standards for preservation of Open Space Lands are listed in Environmental Resource Management Element. The city includes more than 3,000 acres of farmland, and preserves open space within its principal watersheds (the San Luis Rey River, Loma Alta Creek, and Buena Vista Lagoon). (2019 Economic Development Element)
	Regulations	Article 15: Open Space Districts does not include an open space standard.
	Habitat	Participates in the North County Multiple Habitat Conservation Program.
Percentage of city that is open space		25.3% of the total city acres is designated for open space (agriculture, parks, preserves) (Oceanside Subarea Plan of the Natural Community Conservation Plan).

Jurisdiction	Document	Topic
San Diego City	General Plan (2008) (Recreation Element amended in 2021)	Three use categories of parks and recreation: population-based, resource-based, and open space. Resource-based parks are located at, or centered on, notable natural or man-made features (beaches, canyons, habitat systems, lakes, historic sites, and cultural facilities). Open space lands are City-owned lands consisting of canyons, mesas, and other natural landforms. Intended to preserve and protect native plants and animals, while providing public access and enjoyment by the use of hiking, biking, and equestrian trails. Land Use Element (2015) 28.6% of city comprised of Park, Open Space and Recreation land use designations.
	Regulations	Open Space Zone for open space designated land. Lot coverage requirements Residential: Private exterior open space of at least 60 square feet (SF) per dwelling unit (DU). May be in required front yards. Common open space required for more than 4 units. At least 300 square feet, or 25 SF per DU.
	Habitat	Adopted the Multiple Species Conservation Program in 1997 as a part of the regional Multi-Habitat Planning Area. Continues to work on assembling the preserve.
	Other	Approved bond measure in 1978 for sale of bonds to purchase open space
Percentage of city that is open space		28.6% of city comprised of Park, Open Space and Recreation land use designations.

Jurisdiction	Document	Topic
San Diego County	General Plan (2011)	Open space is defined as any parcel or area of land or water that is essentially unimproved and devoted to open space use. Policies are to identify and preserve an inter-connected preserve system. Regional preserves and open space lands are a part of the Parks and Recreation system. The General Plan does not have standards for open space. Includes policies to protect natural habitat and steep hillsides, and support agriculture preservation. The unincorporated portion of San Diego County encompasses approximately 2.3 million acres, or 3,570 square miles. A majority of the unincorporated County's land, in excess of 90 percent, is either open space or undeveloped. Four designations—Specific Plan Areas, Public and Semi-Public Facilities, Open Space—Conservation, and Open Space—Recreation—generally relate to areas where the County or some other agency controls land under County jurisdiction to provide public facilities, such as schools, protect open space resources, or to serve recreational needs. Open space preserves total 159,400 acres or 7 percent of the total land area in the unincorporated County.
	Regulations	Requires 100 to 800 square feet of usable open space per multi-family dwelling unit. **Zoning Ordinance Summary** Planned Development Area Regulations (5800) are to insure "1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in Rural areas."
	Habitat	There are Multiple Species Conservation Plans (MSCP) for **South County** (approved), **North County** (in development) and **East County** (in development). The County also has Resource Management Plans for Parks and Preserves.
	Other	Existing sources of funding for park acquisition and development include federal, state, and local funds, donations, and through developer exactions. The Park Lands Dedication Ordinance provides funding for local park active recreation. Existing sources of funding for open space land acquisition that will ultimately build out the MSCP preserve include local, state and federal funds and donations. The Purchase of Agricultural Conservation Easement Program promotes the long term preservation of agriculture in the County of San Diego.
Percentage of county that is open space		More than 67% is either open space or held by public agencies or tribal governments. Open space preserves total 7% of the total land area in the unincorporated county.

Jurisdiction	Document	Topic
San Marcos	General Plan (2012)	Conservation and Open Space Element (2012) "About 25 percent of the City is currently undeveloped and provides habitat for a range of vegetation communities." "The City contains 2,499 acres of dedicated open space, which is approximately 12 percent of the City's acreage" Policies promote access to parks and open space, provision of parkland, and ensures protection of natural resources and dedicated open space.
	Regulations	Multifamily Open Space Standards - Private open space for individual DUs are required: 250 SF for ground floor unit, and 50 SF for 2nd-Story unit. Common open space is also required equal to 30% of livable ground floor area of all units. Common open space can be natural or improved and shall include at least three on-site recreational amenities. (Municipal Code Table 20.215-4) Planned Residential Development – Used where site planning flexibility is desired. Required open space shall comprise at least forty percent (40%) of the total area of the planned development. 50% of the required open space shall be suitably improved. 50% may be improved or left in its natural state. Floodway and drainage easement areas as well as land occupied by recreational buildings and structures may be counted. Mixed Use Zone open space requirements vary, from 5% to 20% of development depending on unit count, lot size, etc.
	Habitat	The city, working with other federal, state, regional, and local agencies, has contributed to SANDAG's North County Multiple Habitat Conservation Program, and County of San Diego's North County Multiple Species Conservation Program in an effort to better protect these habitats and species.
Percentage of city that is open space		About 25% of the city is currently undeveloped and provides natural habitat areas. The city has 2,499 acres of dedicated open space, which is approximately 12% of the city's acreage.

Jurisdiction	Document	Topic
Orange County		
Irvine	General Plan (2015)	Identifies Conservation/Open Space category in Land Use Element. Does not include open space metric. The Land Use Element Table A-2 provides land use acreage by planning area, and a citywide total acreage of 45,388. It identifies: 709 acres of agriculture open space, 11,022 acres of preservation open space, 2,959 acres of recreation open space, and 206 acres of water bodies. The Great Park (former Marine Corp Air Station El Toro) is identified separately with 4,519 acres (however, another city web page states that the Great Park spans 1,300 acres). These categories together total 19,415 acres or 42.8% of total city acreage. Without the Great Park, general plan designated open space comprises 14,896 acres of 40,869 acres, or 36.4%.
	Regulations	Division 8 – Conservation and Open Space Phased Dedication Districts establishes a "phased dedication program" to implement open space goals identified in the General Plan. Open space acreage requirements are listed by "implementation district." The designation of specific preservation areas and development opportunities are reflected in the Conservation and Open Space Element and Land Use Element and identified by lettered "districts" as described in Chapter 8 of the Zoning Ordinance. Preservation areas are designated primarily for their biotic and cultural resources and open space values. The amount of open space and development potential varies within each district. Open space lands have been conveyed to the city in exchange for development rights. Open Space Management and Conservation Plans (OSMCP) are required for each implementation district. To date, approximately 5,200 acres of the 8,000+ originally envisioned in the Open Space Initiative, which focused on undeveloped lands owned by the Irvine Company, have been transferred to the City by the Irvine Company. https://library.municode.com/ca/irvine/codes/zoning/298553?nodeId=ZONING_ORDINANCE_DIV8COOPSPPHDEDI Zoning development standards for multifamily development generally include: unlimited maximum site coverage, 30% minimum site landscaping, "2.3F:5% minimum open space area", and various setback requirements.
	Habitat	The City has committed to protect and manage the Irvine Open Space Preserve consistent with the California Natural Community Conservation Planning (NCCP) Act of 1991.
Percentage of city that is open space		With the Great Park (former Marine Corp Air Station El Toro) 42.8% of total city acreage is open space. Without the Great Park, general plan designated open space comprises 36.4% of the city's acreage.

Jurisdiction	Document	Topic
Laguna Niguel	General Plan (1992)	Open Space and Parks Element: Over one-third of Laguna Niguel is designated for Open Space use. Open Space is categorized into three typologies —Regional Open Space, Local Open Space (open space corridors, greenbelts, hillsides, and landscaping), and Landscaped Corridors along scenic highways.
	Regulations	Implements standards set forth in open space and parks element of general plan. Zoning regulations for Planned Residential and RM Multifamily require 25% minimum common open area (% of net site area). Required common open area shall consist of passive landscaped and active recreation areas. https://library.municode.com/ca/laguna_niguel/codes/code_of_ordinances?nodeId=TIT9PLZO_DIV1PL_ART2COZOCO_SUBARTICLE_3REDI_S9-1-35.13LAOPAR
	Habitat	The City contributes to MHCP and MSCP.
Percentage of city that is open space		Over one-third is designated for open space.
Lake Forest	General Plan (2020)	Land Use Element: Community Park/Open Space; Regional Park Open Space, Open Space, Lake, and Transportation Corridor with open space uses land use designations. Table LU-1 "Land Use Development Potential Summary" identifies 3,153 gross acres (or 29.4%) of the city total 10,742 acres of the above-mentioned land uses. This is not the same as park and open space holdings. Recreation and Resources Element policies promote park and open space connectivity, preservation of existing open space, and protection of natural resources.
	Regulations	The City of Lake Forest has general zoning districts that are included in the City's Zoning Code, and nine different Planned Communities that are separate individual planning documents. There are parks and open spaces in each community. For example, the Baker Ranch plan has open space use regulations and site development standards. Open space areas consist primarily of creek corridors, riding and hiking trails, manufactured slopes, and natural open space.
	Habitat	General Plan Action RR-5 - Require new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the Orange County Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) to ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed.
Percentage of city that is open space		29.4% of the city total acres are designated with open space and transportation corridor land use designations

Jurisdiction	Document	Topic
Mission Viejo	General Plan (2013)	General Plan designated open space makes up 2,727.4 gross acres of the city's total 11,646 gross acres (23.4%), per the Land Use Element Table LU-3 (2021) Conservation/Open Space Element (2021) states that the City's recreational components consist of public and private parks, golf courses, regional trails, greenbelts, utility easements, recreational centers, Lake Mission Viejo, and O'Neill Regional Park. Also states that "Mission Viejo is different from many Orange County communities in that the privately-owned parkland in the city contributes greatly to the City's overall recreational picture. The largest privately-owned recreational assets are Lake Mission Viejo, Mission Viejo Country Club golf course, and Arroyo Trabuco Golf Club as shown in Figure COS-5. There are also numerous recreational facilities and areas owned and maintained by homeowner associations." Standards – Open space linkages are regional parks are identified as types of parkland without associated numerical standards. Open space opportunities - relate to the linkage of existing parkland to establish an open space system.
	Regulations	Chpt. 91.13 Open Space Zone and Recreation Zone. FAR of 0.5. Lot Coverage: 50% Residential Planned Development Zones: 50-60% coverage; Private outdoor living space: 50-500 sq. feet
	Habitat	County of Orange Natural Community Conservation Plan and Habitat Conservation Plan
	Other	County of Orange Master Plan of Local Parks referenced
Percentage of city that is open space		General Plan designated open space makes up 23.4% of the city's total acres

CARLSBAD TOMORROW - GROWTH MANAGEMENT CITIZENS COMMITTEE
STAFF REPORT
SEPT. 22, 2022

OPEN SPACE STANDARD

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

PURPOSE OF THIS REPORT

This report is informational only and is intended to help guide the Carlsbad Tomorrow – Growth Management Citizens Committee's discussion on the Growth Management open space standard, as well as open space in Carlsbad more generally.

APPLICABILITY OF THE OPEN SPACE STANDARD

Open space to meet the standard is provided concurrent with approval of development projects within the Local Facility Management Zones where the standard applies, which is Local Facilities Management Zones 11 – 15 and 17 – 25. The standard does not apply in Zones 1 – 10 and 16. A map of the facility zones is provided in **Attachment 1 – Local Facilities Management Zones Map**.

BACKGROUND

The history of the open space standard is helpful in understanding its applicability today. Below is a summary of the standard's history. It should be noted that the open space provided to meet the open space standard does not represent all of the open space in Carlsbad (see section titled Open Space Categories for more information).

- Report of the Citizens Committee for the Review of the Land Use Element (July 1985)
  The committee delivered its report in July 1985 and its recommendations were used as the basis for developing the growth management facility standards. On the topic of open space, the committee did not recommend a growth management standard for open space; instead:
  - The committee determined that the amount of open space designated in the Land Use Element was an adequate amount (a minority of the committee thought there wasn't enough open space). Information provided to the 1985 committee indicated that approximately 25 percent of the city's total land area at that time was designated open space.

    Note: today, 38 percent of the city's total land area is designated as open space (**Attachment 2 – Open Space Map**).
  - The committee recommended the General Plan Land Use Element define four categories of open space for: 1. preservation of natural resources; 2. managed production of resources; 3. outdoor recreation; and 4. public health and safety.

    Note: today's General Plan Open Space and Conservation Element defines four categories of open space for: 1. Preservation of natural resources; 2. Managed production of resources; 3. Outdoor recreation; and 4. Aesthetic, cultural and educational purposes.

The committee recommended:

- All four categories of open space be addressed in future master plans.
- Future development be prohibited from designated open space areas
- The city ensure public access and maintenance of accesses to lagoons and beaches
- The city encourage maximum parking accommodations to enhance use of the beach

Note: the city implemented these recommendations through various policies and regulations.

- Public Facility Standards (July 1986) and Citywide Facilities and Improvements Plan (Sept. 1986)

  In July 1986, the City Council adopted the Growth Management Ordinance (Carlsbad Municipal Code Title 21, Chapter 21.90) and the public facility standards for the Growth Management Program. In September 1986 the standards were incorporated in the Citywide Facilities and Improvements Plan. The adopted open space standard was "Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development."

  The Citywide Facilities and Improvements Plan specified that the open space standard applies in some Local Facility Management Zones (Zones 11 – 15 and 17 – 25), but not others (Zones 1 – 10 and 16) because those zones were determined to have already been developed or to have already met the standard (**Attachment 1 – Local Facilities Management Zones Map**). This methodology is consistent with traditional land use methodology which applies new standards prospectively. (See 2020/2021 Growth Management Program Monitoring Report p. 27; *Friends of H Street v. City of Sacramento* (1993) 20 Cal.App.4th 152, 169 [California's planning statutes "address future growth, and do not require local governments to bring existing neighborhoods and streets into compliance with the general plan."].)

  The following are some key facts during the development of the open space standard.

  - Following the 1985 committee report, as part of the development of the Growth Management Program, the city identified areas that were, at the time, "urbanized" (developed areas) "urbanizing" (some development or some level of planning completed, such as an existing master plan) and "future urbanizing" (very little to no development and no existing master plan). See **Attachment 3 – 1986 Development Status Map and Information**.

    - A comparison of the Local Facilities Management Zones map (**Attachment 1**) and the 1986 Development Status Map (**Attachment 3**) shows that the zones where the open space standard is applicable (Zones 11 – 15 and 17 – 25) align, for the most part, with the areas identified in 1986 as "future urbanizing," which is where future master plans would be required (e.g., Aviara, Bressi Ranch and Quarry Creek master plans) and is consistent with the 1985 committee recommendation for master plans to provide additional future open space.

    - The "urbanized" areas were already developed, and the "urbanizing" areas had previously approved development or master plans. Although the open space standard was not applied to the "urbanizing" areas, the existing approved master plans within these areas provided open space as required by city regulations in place at the time. Prior to the Growth Management Program and the open space standard, the city's

zoning ordinance required 15 percent of the total area of any master plan to be designated as open space. This 15 percent standard differs from the Growth Management open space standard because it applies to the total land area of a master plan and does not exclude environmentally constrained non-developable land.

Following the adoption of the Growth Management Program, the city continued efforts to prioritize the protection of open space in Carlsbad. A summary of those efforts is provided in **Attachment 4 – Summary of Carlsbad's Open Space Preservation History**.

FACILITY PERFORMANCE ANALYSIS

As stated above, open space to meet the standard is provided concurrent with the approval of development projects within the Local Facility Management Zones where the standard applies.

As development projects are processed through the city's review process, they are evaluated to verify that all regulations and standards are satisfied, including the growth management open space standard, if applicable. The decision-making body (Planning Commission or City Council) makes a finding that all requirements are met.

To date, approved development projects and dedication of open space has been found to satisfy the open space standard in Local Facility Management Zones 11-15, 17-21, and 23-25. In Local Facility Management Zone 22, the approved development to date has not yet met the open space standard; however, as future development occurs in this zone, additional open space will be required.

FUNDING AND OBTAINING OPEN SPACE

Open space provided to meet the Growth Management open space standard is provided concurrent with new development, and is typically private open space (e.g., recreation areas and landscape buffers) within a development that is paid for and maintained by the developer and community (HOA).

In general, cities can obtain open space through dedications or fees from developers for public facilities and can require a certain amount of land in a development be left in open space. When requiring open space on privately owned land, the city must ensure the owner is not denied a reasonable use of their land and that the owner is not denied the right to develop their property, unless the owner is willing to sell their land and is compensated.

In addition to developer dedication of open space to meet the Growth Management open space standard, there are other methods the city can use to acquire open space, including:

Acquisition in Fee

The city purchases property at fair market value. Fund sources could include:

- The General Fund ($1 million spend limit without vote)
- Voter approved bond measure or special tax. An example of voter approved funding in Carlsbad is Proposition C, which was passed by the voters in 2001 and authorized the City Council to spend up to $35 million on four projects of community interest, one of which was open space and trail linkages. See Attachment X, which includes a description of Proposition C and related open space acquisition.
- Require developers to pay into a fund that could be used for future purchase of open space.

- As discussed below, to comport with the original intent that open space can be achieved "without having to buy it," the expenditure of open space funds would be limited by the amount received from private development projects.

Negotiated Open Space

The city requires open space as part of approval of a development project, such as:

- Require dedication of park land or payment of a fee in-lieu of dedication. The city currently collects park fees in-lieu of dedication.
- Allow a property owner to transfer the permitted density for the whole site to a smaller portion of the site in exchange for retaining the other portion in open space. The city currently allows this.
- Require a percentage of development projects to be open space. In Local Facility Management Zones where the Growth Management open space standard is applicable, the city already requires 15 percent of development projects, excluding constrained lands, to be open space.
- Require a development project to dedicate nondevelopable areas (e.g., steep slopes, wetlands, floodways, sensitive habitat) as open space (note: this is not Growth Management open space). While the city has identified most nondevelopable areas and has dedicated them as open space, new development projects throughout the city are evaluated to determine if any land area should be retained in open space due to environmental constraints.

In 1988, the city formed a citizens committee to review the city's open space programs; the committee's report was completed in July 1989). As part of the committee's work, city staff provided information on the open space standard and stated: "that the amount of open space now required under the Growth Management Plan can be achieved without having to buy it, but also that the city has pushed to the limit what can be achieved without a monetary acquisition program." This remains true today.

Examples of How the City Provides and Protects Open Space Overall

The examples below (not a complete list) show that the Growth Management open space standard is not the only method the city uses to provide and protect open space.

- General Plan – designates all dedicated open space areas as "open space" on the Land Use and Open Space Maps and includes policies that protect these areas from development.
- Habitat Management Plan – guides the design, management, monitoring, and public use of the city's natural open space preserve system.
- Growth Management Open Space standard – in Local Facility Management Zones where the standard applies (Zones 11-15 and 17-25).
- Growth Management Parks standard – parks are also considered open space.
- Trails Master Plan – identifies where trails will be constructed; trails are open space.
- Zoning Ordinance
    - Open Space Zone applied to all areas designated by the General Plan as "open space" and specifies regulations that protect these areas from development.

- Chapter 21.210 Habitat Preservation and Management Requirements – assures compliance with the Habitat Management Plan.
- Chapter 21.38 Planned Community Zone – requires 15 percent of the total area of a master plan to be open space (primarily aligns with the areas subject to the Growth Management open space standard).
- Chapter 21.209 – Cannon Road Agricultural/Open Space Zone – supports continued agriculture and identifies authorized open space uses on agriculture areas south of Cannon Road and east of Paseo Del Norte.
- Various other development standards that require open space, recreation areas and landscaped buffers/setbacks within development projects.

OPEN SPACE CATEGORIES

Open space is one of Carlsbad's defining features and serves several different purposes. Open space to meet the growth management standard is just a part of all the open space in Carlsbad. Many open space areas are conserved as natural habitat. Other open space areas fulfill both habitat conservation and recreational needs or are specifically designated for recreational use.

Land within the Carlsbad covers about 39 square miles (25,021 acres), 38 percent of which is designated as open space. About 78 percent of this open space is comprised of natural open space such as native habitats, lagoons, and streams. The city's open space network boasts three lagoons, over 67 miles of trails, and almost seven miles of coastline. **Attachment 2 – Open Space Map** is a map of all dedicated open space in Carlsbad, of which some is open space dedicated to meet the open space standard in Local Facility Management Zones 11 – 15 and 17 – 25. Open space overall has been designated throughout Carlsbad in the following four categories:

Table 1: Categories of Open Space

#	Category	Description	Percentage of Total Open Space
1	Protection of natural resources	Plant and animal habitat, nature preserves, beaches and bluffs, wetland and riparian areas, canyons and hillsides, and water features such as lagoons and streams. Note: the Carlsbad Habitat Management Plan (2004) is the city's primary guide on the natural habitat areas of the city that should be protected and dedicated as open space.	78%
2	Managed production of resources	Agriculture areas north and south of Cannon Road, aquaculture (Hubbs SeaWorld Research Institute), water management (Maerkle Reservoir), and could include commercial fisheries, and mineral resources.	3.5%
3	Outdoor recreation	Public parks and recreation areas, school playfields, golf courses, and private recreation areas in development projects.	12.5%
4	Aesthetic, cultural and educational purposes	In Carlsbad this type of open space primarily consists of land use buffers and ornamental landscaping around and within development projects; other examples could include greenbelts providing separation from surrounding communities, arboreta, and botanical gardens.	6%

QUESTIONS ABOUT THE OPEN SPACE STANDARD

There have been a number of questions about the existing standards and history of them. This section summarizes the some of those questions and the information available.

Applicability of the standard

Questions have been raised on why the open space standard does not apply to Local Facilities Management Zones 1 – 10 and 16. That was a determination made by the City Council when they adopted the Citywide Facilities and Improvements Plan and the open space standard in 1986.

Furthermore, the 1985 committee determined that open space was adequate and that future master plans should provide more open space, which would occur in the areas identified as "future urbanizing areas" (**Attachment 3 – 1986 Development Status Map and Information**). Zones 1 – 10 and 16 were in areas where no new master plans were anticipated ("urbanized" areas) or in areas where there was approved development or master plans ("urbanizing" areas). The approved master plans within the "urbanizing" areas did provide open space to meet the standard applicable to them (Zoning Ordinance requirement for master plans to provide 15 percent of the master plan area as open space).

Is there a 40 percent open space requirement?

There have also been some misconceptions that there is a standard that requires 40 percent open space. There is no requirement or standard that requires 40 percent open space per individual projects or on a citywide basis.

As explained in the 2015 General Plan Environmental Impact Report Master Response MR1-2, neither Proposition E nor the Citywide Facilities and Improvements Plan (CFIP) performance standards required 40 percent open space. Proposition E states "emphasis shall be given to ensuring good traffic circulation, schools, parks, libraries, open space, and recreational amenities." The CFIP open space standard states "Fifteen percent of the total land area in the zone, exclusive of environmentally constrained non-developable land…concurrent with development." The CFIP also states that LMFZ Zones 1-10 and 16 "are already developed or meet or exceed the requirement" and are not required to comply with the open space standard. Generic references to 40 percent open space, are a shorthand estimate derived by adding the 25 percent estimated constrained lands to the 15 percent CFIP open space standard. However, this shorthand estimate does not take into account that the CFIP exemption; i.e. 15 percent open space standard applied to only 14 of the 25 Local Facility Management Zones, rather than the entire city.

A July 8, 1986, City Council staff report on the facility standards states: "compliance with this [open space] standard should result in approximately 35 to 40% of the total land area in the city being open space when the city is fully built out." A couple years later, a June 27, 1988, staff report to an open space committee, stated that "staff has estimated that approximately 10,000 acres or 38.5% of the total land area in the city is projected to be set aside for open space uses.

The reference to 40 percent open space was an estimate, not a standard or goal. Today, 38 percent of Carlsbad is dedicated as open space; it seems the estimate was fairly accurate.

Open Space in Local Facilities Management Zone 9

As noted previously, the open space standard does not apply to Local Facilities Management Zone 9 (**Attachment 1 – Local Facilities Management Zones Map)**, which includes part of the Ponto area and the majority of the zone is subject to the Poinsettia Shores Master Plan. This is an area where the city has received community comments stating that the zone does not meet the open space standard and more open space is needed. In 1986 the City Council determined that the open space needs for Zone 9 had been met and therefore the open space standard does not apply to Zone 9.

Zone 9 was an "urbanizing" area when the Growth Management Program was being developed. A master plan was approved for the area (Batiquitos Lagoon Educational Park Master Plan). The master plan met the open space standard required at the time (Zoning Ordinance), which is 15 percent of the total area of the master plan.

The following is a summary of actions related to Zone 9 that relate to the open space planned in that area:

- Oct. 1, 1985 – Batiquitos Lagoon Educational Park Master Plan approved by City Council and, as required by the zoning ordinance at the time, was required to provide a minimum 15 percent of the total master plan area as open space.
- May 6, 1986 – City Council staff report on development of the Growth Management Program:
    - City council directed staff, working in conjunction with the developer of Zone 9, to finalize a pilot local facility management program to serve as a format model for programs for the other zones. The Batiquitos Lagoon Educational Park Master Plan for Zone 9 had been approved the year before and it was a recent development plan to use as a model.
- June 24, 1986 – Growth Management Ordinance approved (Zoning Ordinance Chapter 21.90):
    - Section 21.90.030(g) allowed development of phase I of the Batiquitos Lagoon Educational Park Master Plan to proceed prior to approval of a Local Facility Management Plan for Zone 9, subject to certain conditions including that the developer agree to participate in the restoration of a significant lagoon and wetland resource area and make any dedications of property necessary to accomplish the restoration. The master plan developer did make the open space land dedications that were needed for the restoration of Batiquitos Lagoon.
- Sept. 16, 1986 – City Council approves the Citywide Facilities and Improvements Plan, including the open space standard with the clarification that the standard is not applicable in Zones 1-10 and 16.
- July 11, 1989 – City Council approves the Local Facilities Management Plan for Zone 9. Other than noting the existing open space within the zone, open space was not further analyzed in the plan, as the open space standard does not apply to Zone 9.
- Jan. 18, 1994 – City Council adopts an ordinance approving Poinsettia Shores Master Plan, which replaced the Batiquitos Lagoon Educational Park Master Plan. The related Planning Commission staff report (Oct. 20, 1993) evaluates open space in the master plan as follows:

    "The Poinsettia Shores Master Plan will not adjust or modify any existing General Plan designated open space areas or boundaries. Of the project's 162.8 total acres, approximately 34.8 acres are natural lagoon/wetland habitat which have Open Space General Plan designations (planning areas "I", "K", and "L") and have already been dedicated in fee title to the State of California, State Lands

> Commissions in accordance with previous BLEP [Batiquitos Lagoon Educational Park] approvals. The master plan has additional open space totaling approximately 11 acres comprised of a community recreation center (planning area "M") and open space areas consisting of blufftop and roadway setbacks. The total master plan open space (approximately 46 acres) represents 28% of the entire master plan area. This exceeds the [Zoning Ordinance] requirement of at least 15% of the master plan area (24.4 acres) to be set aside as open space. As outlined in the Citywide Facilities Improvement Plan and the Zone 9 LFMP, this master plan has complied with all open space requirements. The project is also consistent with the Open Space and Conservation Resource Management Plan and incorporates master plan trails and links with the Citywide Trails System as required. The master plan's frontage on the east side of Carlsbad Boulevard (planning areas "G" and "H") is the location for linkage with the Citywide Trails System. These planning areas will be required to provide for the trail link within the required 40-foot structural setback from Carlsbad Boulevard. … On August 26, 1993, the master plan's open space program was reviewed by the City's Open Space Advisory Committee and unanimously supported…"

While the open space standard is not applicable to Zone 9, open space has been provided for the area, including private recreation areas, trail linkages and a significant natural open space dedication that helped in the restoration of Batiquitos Lagoon, which is a significant natural resource to the community.

Options for Future Open Space

As described in this report, the Growth Management open space standard is only a part of the open space system in Carlsbad. The applicability of the standard was focused on "undeveloped" areas (in 1986) where large development projects and master planned communities would be built. Most of these previously "undeveloped" areas are now developed or have approved development plans. The existing open space standard has limited applicability in the future.

As the city matures, the city must consider how to continue to protect and provide open space when facing the challenges in securing vacant land available for open space; including the limitations set by new state housing laws that limit the city's ability to reduce residential densities or change residential land to a different use.

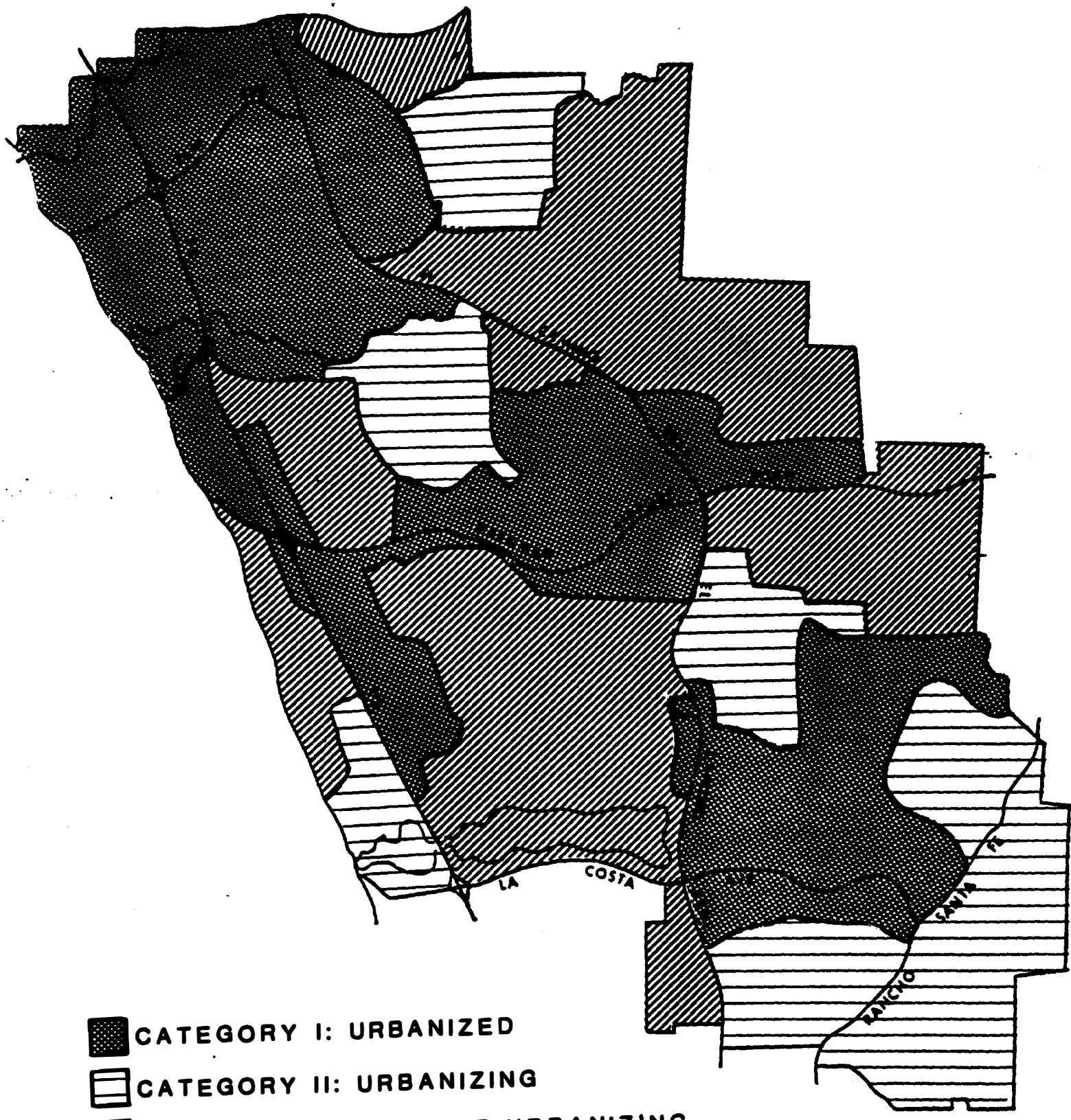
Because of the challenges in securing vacant available land for more open space than is currently planned, options for a different open space standard are limited and involve additional cost to the city. As stated above under "funding and obtaining open space," during the city's evaluation of its open space programs in 1988, city staff provided a report that concluded "the amount of open space now required under the Growth Management Plan can be achieved without having to buy it, but also that the city has pushed to the limit what can be achieved without a monetary acquisition program."

As a result of Proposition C (see **Attachment 4 – Summary of Carlsbad's Open Space Preservation History)**, the city does have an acquisition program in place. However, the city has faced challenges in acquiring lands for open space, as recommended by the Proposition C open space committee. The city actively looks for properties that could be purchased with this funding; however, a primary challenge is finding a landowner willing to sell their property at a fair market value, which is a requirement for the city.

Attachments

Attachment 1 – Local Facilities Management Zones Map [PREVIOUSLY DISTRIBUTED]
Attachment 2 – Open Space Map [PREVIOUSLY DISTRIBUTED]
Attachment 3 – 1986 Development Status Map and Information
Attachment 4 – Summary of Carlsbad's Open Space Preservation History

Developmental Status Map



CATEGORY I: URBANIZED

CATEGORY II: URBANIZING

CATEGORY III: FUTURE URBANIZING

DEVELOPMENTAL STATUS CATEGORIES

City divided into three categories based upon their overall developmental status, level of urbanization and existing level of adequacy of public facilities and services. The three categories and the criteria used as a guide for each one is as follows:

I. Urbanized

1. Older developed areas of City.
2. Primarily developed or immediately contiguous or surrounded by developed areas.
3. Additional development considered infill.
4. Public facilities basically adequate for level of anticipated, additional development.
5. Infill requirements in terms of completing public facilities or infrastructure.

II. Urbanizing

1. Some development in area.
2. Newer developing area of City.
3. Some level of planning already completed (i.e, existing master plan).
4. Adjacent to or considered a logical extention of a Category I (Urbanized) area.

III. Future Urbanizing

1. Very little or no development.
2. Isolated from existing services and facilities.
3. Isolated from existing development (i.e, not immediately adjacent to or surrounded by a Category I or II area (Urbanized or Urbanizing).
4. No existing master plan or existing master plan outdated.

The significance of the categories is as follows:

A) Required degree of detail and level of the sophistication for preparation of a Developmental and Community Facilities Management Program (see Attachment 5). Additional detail and planning will be required in order to prepare a management program for the category in which an area or property is located.

	Specific Public Facility/Service Requirements (WHAT)	Phasing - Timing of Public Facility /Service Requirement (WHEN)	Funding Source/ Mechanism For Requirement (HOW)
Category II			X
Category II		X	X
Category III	X	X	X

X - Detailed Planning Needed

B) City staff to prepare proposed management program for Category I (Urbanized) areas. Priority for preparing and reviewing management programs for other categories is proposed to be as follows:

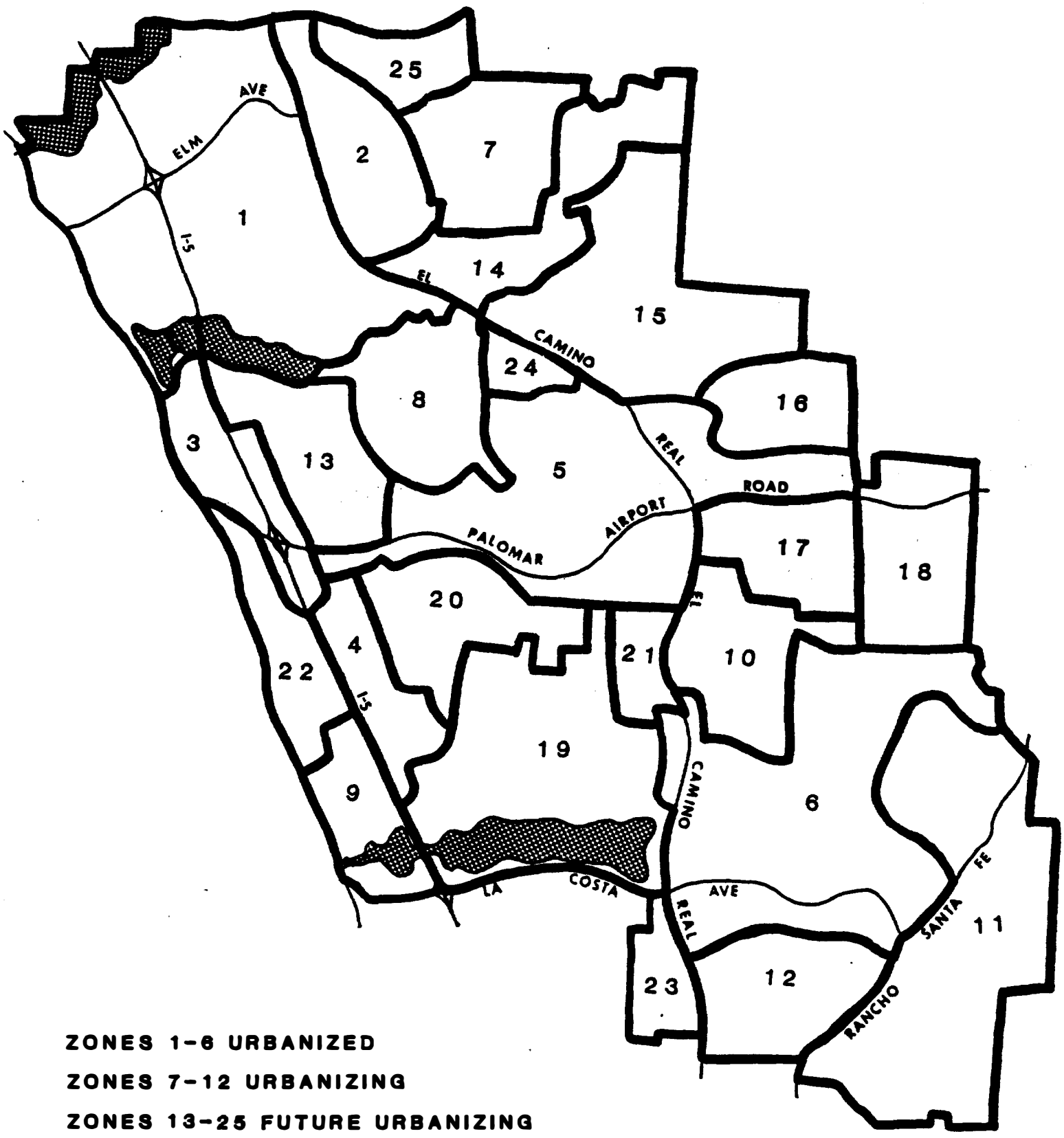
1st Priority - Category II (Urbanizing)
2nd Priority - Category III (Future Urbanizing)

C) Priority for determining City involvement and level of participation in providing facilities or correcting inadequacies (i.e, capital facilities programming, assessment district formation, bond financing) is proposed to be as follows:

1st Priority - Category I (Urbanized)
2nd Priority - Category II (Urbanizing)
3rd Priority - Category III (Future Urbanizing)

(B) and (C) above will tend to favor and encourage infill development.

Developmental and Community Facilities Management Zones



ZONES 1-6 URBANIZED

ZONES 7-12 URBANIZING

ZONES 13-25 FUTURE URBANIZING

DEVELOPMENTAL AND COMMUNITY FACILITIES MANAGEMENT ZONE BOUNDARIES

For developmental and community facilities management and planning purposes the City was divided into 25 zones. These would be similar but on a smaller scale to what some cities call community planning areas. The criteria that was used as a guide for determining the boundaries of the zones was as follows:

1. Boundaries of existing master plans
2. Boundaries of pending master plans
3. Boundaries of potential future master plan areas
4. Availability of public facilities and services
5. Public facility relationships especially the City's planned major circulation network
6. Special district boundaries where appropriate
7. Location with respect to the three developmental status categories (urbanized, urbanizing and future urbanizing)

Summary of Carlsbad's Open Space History

Carlsbad has a long history of prioritizing the protection of open space and natural resources and providing open spaces for community recreation. A summary and links (if available) of some of the major efforts related to open space in Carlsbad include:

- Citizens Committee for the Review of the Land Use Element (1985) made recommendations on policies related to future growth, including open space.
- Citywide Facilities and Improvements Program (1986), a part of the Growth Management Program (1986), sets standards for 11 public facilities, including parks and other open space.
- Citizens Committee for Open Space (1988-1989) reviewed the city's open space plans and programs and made recommendations on open space protection.
- Open Space and Conservation Resource Management Plan (1992) called for development of a comprehensive open space system.
- General Plan Open Space and Conservation Element (1994) included policies to guide protection and creation of open space areas, including policies that aligned with the recommendations of the Citizens Committee for Open Space.
- Open Space Advisory Committee (1990-1995) reviewed and made recommendations on the open space of master plans and other major development proposals.
- Proposition C (2002) authorized the City Council to spend more than $1 million to acquire open space and build trails. As of 2022, the city has spent $4.2 million on open space and trails projects, including South Shore Agua Hedionda Lagoon Trail Improvements, Arroyo Vista Trail Extension, Lake Calavera Trails, 6125 Paseo del Norte open space purchase and Aura Circle open space purchase. $1.8 million remains budgeted for future open space purchases.
- Trails Program Report (2001) and Trails Implementation Plan (2002) outlined a future vision for a citywide trails plan and identified private trails to be made public and new public trails to be built.
- Community Forest Management Plan (2002/2019) describes how the city will care for its trees (on city owned properties), provides a list of the tree species the city can plant in areas adjacent to public streets, and sets a goal of increasing the overall number of trees on city owned or controlled properties.
- Habitat Management Plan (2004) guides the preservation and protection of sensitive biological resources within the city while allowing for continued economic development. The plan guides the design, management, monitoring, and public use of the city's natural open space preserve system. Carlsbad is the only North County city with an approved Habitat Management Plan, which is a 50-year comprehensive biological approach to preserving natural land for plant and animal species.
- Open Space Management Plan (2005) establishes procedures, standards, guidelines and conditions for long-term conservation and management of sensitive species and habitat.
- Proposition C Open Space and Trails Ad Hoc Committee (2005 – 2007); established a prioritized list of potential property acquisitions for open space protection and trail linkages. The committee's recommendations aided the City Council in the use of Proposition C funds (see "Proposition C", above).

- General Plan Open Space and Conservation Element (2015) provides policies that address the communities open space needs for habitat and resource conservation, and parks and recreation.
- Parks and Recreation Department Master Plan (2015, update in process) identifies needs and priorities for park and recreation facilities; provides a guide to achieve a balance of programing, facilities and amenities.
- Trails Master Plan (2019) is a blueprint for how city trails will be developed and managed in the future.
- Carlsbad Preserve Management Plan (2021) provides management, monitoring, and reporting guidelines for the conservation goals for certain properties owned and managed by the City of Carlsbad.

Quality of Life Statement Table

Quality of Life Topic	Other related programs and agencies that address this topic in Carlsbad	Committee Conversation and Draft Language
Homelessness	City of Carlsbad Housing & Homeless Services Department Homeless Response Plan Work Plan	Homelessness is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.
Seniors/aging community	City of Carlsbad Age-Friendly Action Plan City of Carlsbad Parks & Recreation Department senior programs and senior center City of Carlsbad Senior Commission County Aging & Independence Services	The Senior community and aging population is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.
Arts and culture	City of Carlsbad Arts & Culture Master Plan City of Carlsbad Library & Cultural Arts programs and services	On Jan. 26, 2023, the Committee discussed the topic of arts and culture and received a presentation by Suzanne Smithson on the programs within the Library & Cultural Arts Department regarding Arts and Culture. The Committee did not take action to add an arts and culture standard to the Growth Management Plan, but by consensus agreed to include a statement in this document that arts and culture is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.

Quality of Life Statement Table

Quality of Life Topic	Other related programs and agencies that address this topic in Carlsbad	Committee Conversation and Draft Language
Update Proposition H	Carlsbad Municipal Code Chapter 1.24	During committee deliberation it was discussed that Proposition H, as implemented by Carlsbad Municipal Code Section 1.24.030, has not been updated since it was passed by voters in the 1980s and it may be time to consider increasing the expenditure limit due to increased project costs. Additionally, at the Jan. 26, 2023 meeting, the committee recommended making an additional financial carve out for a future fire station seven construction from the requirement of Proposition H.
Transportation and Mobility	Sustainable Mobility Plan	The Committee has made a recommendation for the Growth Management Circulation [Transportation and Mobility] Standard (provided in a separate report). Additionally, on Jan. 26, 2023, the committee by consensus recommended that a statement be added to this quality-of-life document to recommend that the city: • Utilize the Sustainable Mobility Plan (SMP) and Multimodal Transportation Impact Fee (MTIF) to implement future multimodal transportation projects that provide the greatest benefit to the community; o Review of current facilities, o Relationship between existing traffic operations, changing commute patterns, regional traffic volume growth, traffic safety and new disruptive trends in mobility technologies, and o Development of standards and a fee structure for private development to provide a fair share to partially fund the buildout of the city's multimodal transportation network. • Require new development to conduct intersection Level of Service (LOS) and Multimodal Level-of-Service (MMLOS) analysis to determine direct project impacts in accordance with the city's Local Mobility Analysis Guidelines

DRAINAGE STANDARD

Existing standard (confirmed)

- Drainage infrastructure must be provided as required by the city concurrent with development.

Rationale

- Adequate drainage infrastructure will continue to contribute to Carlsbad's quality of life as the city manages growth by improving public safety, safeguarding the environment and protecting property from flooding.
- Unlike some other performance standards, drainage infrastructure needs are specific to individual projects.
- City subject matter experts have assured the committee that this standard could be applied effectively to the types of residential development expected in the future.

Status

Based on the 2020-2021 Growth Management Monitoring Report, the growth management drainage standard has been met consistently.

WASTEWATER COLLECTION SYSTEM STANDARD

Existing standard (confirmed)

- Trunk line capacity to meet demand, as determined by the appropriate wastewater districts, must be provided concurrent with development.

Rationale

- Evaluating, maintaining and increasing the city's wastewater collection and conveyance system as development occurs is essential to preserving public health, the environment and quality of life.
- The City of Carlsbad, Leucadia Wastewater District and Vallecitos Water District provide this service within the city's boundaries.
- The city develops and assesses wastewater system capacity every five years through a master planning process that considers General Plan land use designations, development density and population projections. The latest master plan was completed in 2019.
- Unlike some other performance standards, wastewater collection system needs are specific to individual projects.
- The city requires studies during discretionary project review for sewer system sizing to determine what infrastructure, if any, must be built concurrently with the project.

Status

- Based on the 2020-2021 Growth Management Monitoring Report, all three agencies provided wastewater collection service have adequate conveyance capacity in place to meet Carlsbad's wastewater collection demands.

WATER DISTRIBUTION SYSTEM STANDARD

Existing standard

- Line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. A minimum of 10-day average storage capacity must be provided prior to any development.

Proposed new standard

- Concurrent with development, coordinate with the appropriate water district to ensure water pipelines have capacity to meet increased demand.

Rationale

- Reliable delivery of safe drinking water is essential for public health, quality of life and the city's economy as the city manages future growth.
- Carlsbad Municipal Water District, which is a subsidiary district of the City of Carlsbad, Olivenhain Municipal Water District (southern Carlsbad) and Vallecitos Water District (parts of eastern Carlsbad) distribute water within the city's boundaries.
- These water districts prepare water master plans to forecast future infrastructure needs, among other things.
- When a residential development project is proposed, city staff consult the appropriate water master plan to check pipeline sizes and facility capacities. If needed, developers will be required to build projects identified in the master plan concurrently with the project.
- The committee recommends removing the storage requirement because the standard is not intended to address water supply, just infrastructure. Additionally, the city has developed adequate storage capacity since the original standard was developed.

Status

- Based on the 2020-2021 Growth Management Monitoring Report, all three water districts serving Carlsbad have plans in place to ensure water distribution capacity will keep pace with development.

LIBRARY FACILITIES STANDARD

Existing standard (confirmed)

- 800 sq. ft. of library facilities per 1,000 population must be scheduled for construction within a five-year period or prior to construction of 6,250 dwelling units, beginning at the time the need is first identified.

Rationale

- The City of Carlsbad's library system is well-utilized by the community and will continue to contribute greatly to quality of life as the city manages future growth.
- Technological advances have not minimized the need for physical library space. Instead, modern libraries are focused on more flexible spaces that can adapt readily to changing community priorities and needs.
- The library industry has moved away from formulaic calculations per capita to determine space needs, but as not replaced it with a new standard. As such, the committee recommends that the library standard remain as was written in the original Growth Management Program.

Status

- Based on the 2020-2021 Growth Management Monitoring Report, Carlsbad libraries have the resources needed to provide an excellent level of service.
- Based on the June 30, 2021 population estimate of 116,025, the growth management standard requires 92,820 sq. ft. of public library space. The city's current 99,993 sq. ft. of library facilities adequately meets the growth management standard.

Facility	Square Feet
Dove Library	64,000
Cole Library	24,600
Learning Center	11,393
Total	**99,993**

MOBILITY STANDARD

Existing standard (confirmed)

- Implement a comprehensive livable streets network that serves all users of the system – vehicles, pedestrians, bicycles and public transit. Maintain Level of Service D or better for all prioritized modes of travel, as identified in the General Plan Mobility Element, excluding Level of Service exempt intersections and streets approved by the City Council.

Rationale

- The ability to move safely and conveniently throughout the city will remain critical to quality of life and the local economy as the city manages future growth.
- The committee believes vehicle traffic congestion needs to be addressed, and streets should better accommodate all modes of travel.
- The 2015 General Plan update calls for a multimodal Complete Streets network throughout the city, which will accommodate all modes of travel (auto, transit, bicycle, and pedestrian). These modes will be prioritized differently, depending on the size and purpose of each street.
- The city is currently developing a multimodal impact fee to fund the transformation of city streets to meet current and future demands. Once complete, the proposed standard could be reviewed to ensure alignment with the new impact fee program.

Other considerations

- Some committee members preferred a staff recommendation to change the standard to one that relied upon the Sustainable Mobility Plan and a new multi-modal transportation impact fee to address citywide improvements. The majority of the committee voted to recommend the current standard be kept in place.

Status

- Based on the 2020-2021 Growth Management Monitoring Report, all the deficient roadway facilities identified in the report were previously determined by City Council to be deficient and exempt per General Plan Mobility Policy 3-P.10. The Multimodal Level of Service analysis continues to be developed with the Traffic & Mobility Commission. The initial Multimodal Level of Service will be presented to the Traffic & Mobility Commission in the spring of 2023.

PARKS STANDARD

Existing standard (confirmed)*

- 3.0 acres of community park or special use area per 1,000 population within the park district must be scheduled for construction within a five-year period beginning at the time the need is first identified.

Additional recommendation

- *The committee is requesting that the City Council direct staff to evaluate the feasibility of creating and implementing a standard based upon a specific distance between public parks and housing.

Rationale

- Access to parks contributes to public health, social connectivity and overall quality of life while managing growth.
- The city's parks standard has evolved from the early 1980s, but has always been based on a ratio of park land to population, with a five-year timeframe to meet the standard. The five-year period allows demand to accumulate to the point that construction of a new park would be warranted.
- As the committee evaluated the current parks standard, they reviewed how Carlsbad compares with neighboring cities, discussed alternative ways to inventory park land in the city, and questioned whether counting acreage by quadrant is the most effective way to achieve park goals.

Status

- The city is currently exceeding the parks performance standard and is projected to exceed the standard at complete buildout as reflected in the chart below.

Quadrant	Park acreage inventory existing	Current park acreage required by standard	Park acreage required by standard at city buildout
NW	131.7	94.1	117.4
NE	68.7	54.6	68.2
SW	93.6	79.0	86.5
SE	138.3	120.4	127.6
Total	**432.4**	**348.1**	**399.7**

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 13
Feb. 23, 2023

City of Carlsbad

1

Call to Order & Roll Call

Carlsbad TOMORROW

2

Public Comment

Carlsbad TOMORROW

3

Welcome & Introductions

Carlsbad TOMORROW

4

COMMITTEE PURPOSE

1. Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad **and**
2. Identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

5

11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

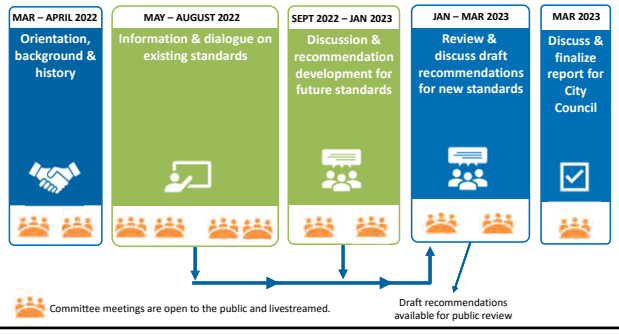
6

COMMITTEE CHARTER - MISSION

The mission of the Growth Management Plan Update Advisory Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

7

COMMITTEE PROCESS



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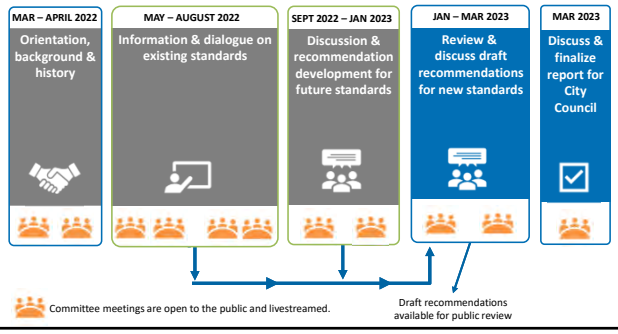
COMMITTEE PROCESS



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COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

10

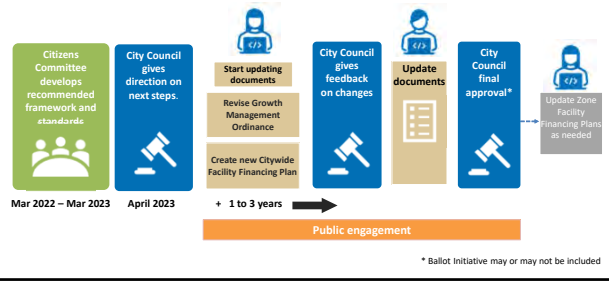
DECISIONS

- City Administrative Facilities
- Schools
- Wastewater Treatment
- Sewer Collection System
- Water Distribution System
- Drainage
- Libraries
- Fire Response
- Mobility/Circulation
- Parks
- Arts & Culture
- Public Safety
- 2/23 Open Space

11

STEPS IN THE PROCESS

Growth Management Program Update



12

TODAY'S AGENDA

Discussion items

- Committee business
- Committee member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

13

1. Committee Business

14

Climate Action Plan

Katie Hentrich, Senior Program Manager
Environmental Sustainability Department

15

TODAY'S PRESENTATION

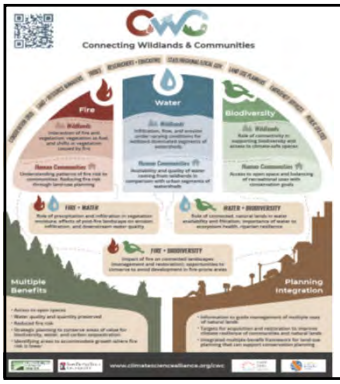
- Sustainability in Carlsbad
- What is the Climate Action Plan?
- Annual reporting
- Climate Action Plan Update
- Next steps
- Questions

16

SUSTAINABILITY IN CARLSBAD

- Identified as Community Vision core value and guiding principle
- City considers sustainability in policies and programs
- For example, the Climate Action Plan (CAP)

17



- Sustainability connected to habitat, open space, preservation and more

18

WHAT THE CLIMATE ACTION PLAN IS / ISN'T

IS	ISN'T
• List of actions for city to take to reduce climate impacts in the future	• List of ways for city to adapt to climate change now
• Certified by state environmental laws	• Required by government regulations
• A way to monitor and report on steps taken	• Air quality plan

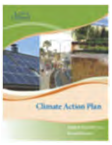
19

CLIMATE ACTION PLANNING PROCESS

20

CLIMATE ACTION PLAN TIMELINE

SEPT. 22, 2015
CAP approved



NOW
CAP Update underway

JULY 14, 2020
CAP Amendment No. 1 approved

21

WHAT'S IN THE PLAN?

- Greenhouse gas inventory
  - 2012 baseline: 977,000 metric tons of carbon dioxide equivalent
  - Equal to 1 car driving for 212,392 years!
- Greenhouse gas emissions forecasts
- Greenhouse reduction targets
  - 52% reduction by 2035
- Greenhouse reduction measures to meet targets

22

WHERE DO EMISSIONS COME FROM?

TRANSPORTATION

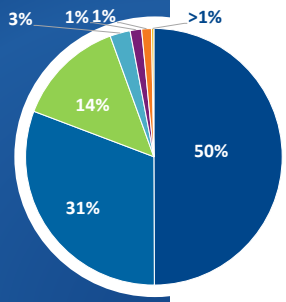
ENERGY

WATER

WASTE+WASTEWATER

23

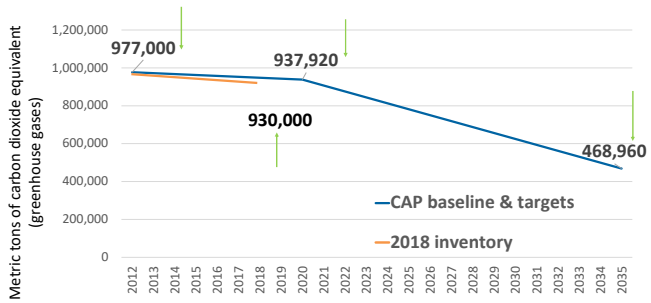
GREENHOUSE GAS INVENTORY



- On-road transportation
- Electricity
- Natural gas
- Solid waste
- Off-road transportation
- Water
- Wastewater

24

FORECASTS, TARGETS & REDUCTIONS



25

CLIMATE ACTION PLAN MEASURES

- Energy efficiency
- Renewable energy
- Transportation
- Water conservation
- City-specific and communitywide activities

26

CITY ACTIVITIES

- Energy efficiency
  - Facility retrofits (e.g., lighting)
- Renewable energy
  - Solar PV on facilities
  - Clean Energy Alliance
- Electric vehicles
  - EV chargers for public and city fleet
  - City fleet conversion

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CAP ORDINANCES

- ENERGY EFFICIENCY AND SOLAR
- ALTERNATIVE WATER HEATING
- ELECTRIC VEHICLE CHARGING INFRASTRUCTURE
- TRANSPORTATION DEMAND MANAGEMENT

28

LOCAL AND REGIONAL COLLABORATION

Carlsbad Chamber of Commerce; SANDAG; San Diego Green Building Council; SDGE; Climate Collaborative San Diego Region; cleantech San Diego; Clean Energy Alliance

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ANNUAL REPORTING

- Present to City Council once a year
- Five annual reports prepared to date
- Includes:
  - % of measures on schedule
  - Updated GHG emissions data, as available
  - Updates related to implementation by measure

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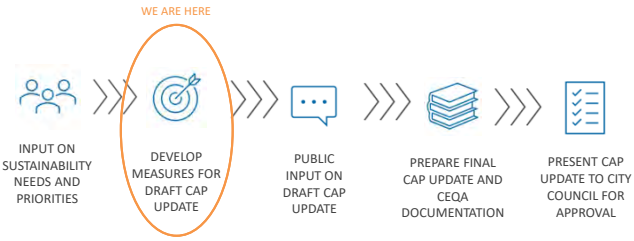
CLIMATE ACTION PLAN UPDATE



31

CLIMATE ACTION PLAN UPDATE IMPROVEMENTS

- Better reflect updated State targets
- Further pursue community's vision
- Include new measures
- Make CAP easy to understand
- Build consensus

City of Carlsbad

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NEXT STEPS

- Receive remaining CAP data
- Present CAP measure options to City Council
- Present building electrification information requested to City Council
- Receive public input on CAP measure options
- Prepare and release Draft CAP Update

33

Questions?

Thank you!

Katie.Hentrich@carlsbadca.gov
442-339-2623

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Local Electric Power Generation & Renewable Energy

Carlsbad TOMORROW

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DISCUSSION QUESTIONS

- Are these topics that should be a standard in the Growth Management Plan?
- Are these topics important to quality of life in Carlsbad and should be included in the quality of life memo?

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Open Space Performance Standard

Eric Lardy, City Planner
Nancy Bragado, Bragado Planning

Carlsbad TOMORROW

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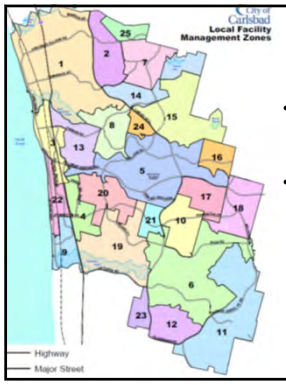
CURRENT OPEN SPACE STANDARD

Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

38



BACKGROUND

- Open space standard applied in zones 11-15 & 17-25 (1986 - undeveloped, no proposed development)
- Open space standard not applied in:
  - Zones 1-6 (1986 developed "urbanized" areas)
  - Zones 7-10 ("urbanizing" areas in 1986 with approved or pending master plans)
  - Zone 16 (non-residential area)

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CHALLENGES

Acquiring open space in developed areas was a challenge in 1986 and remains a challenge.

- Securing vacant available land at market rate from willing sellers has been difficult
- State housing laws limit changes to density or adding new development restrictions
- Future development will be building out existing master plans or in-fill development

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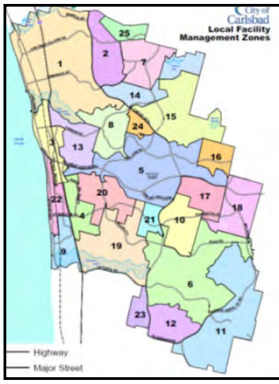
CARLSBAD OPEN SPACE OVERALL

- Growth Management open space is small part of all open space
- General Plan outlines four categories of open space required throughout city by various policies and regulations
- Habitat Management Plan requires preservation of natural habitat. 78% of all open space is protection of natural resources
- Zoning requires open space for all master plans, and lot coverage, setbacks and yards, and per unit open space apply citywide

41



CARLSBAD OPEN SPACE BY LOCAL FACILITY MANAGEMENT ZONE

LOCAL FACILITY MANAGEMENT ZONE #	IS ZONE EXEMPT FROM OPEN SPACE STANDARD AND WHY?[1]	OPEN SPACE[2] IS WHAT % OF TOTAL ACRES IN ZONE?	% OF CITYWIDE OPEN SPACE
1	Yes – Urbanized	21.1%	2.9%
2	Yes – Urbanized	15.8%	.5%
3	Yes – Urbanized	9.4%	.2%
4	Yes – Urbanized	20.2%	.4%
5	Yes – Urbanized	24.6%	2.4%
6	Yes – Urbanized	20.4%	2.1%
7	Yes – Urbanizing	42.4%	1.4%
8	Yes – Urbanizing	80.1%	2.4%
9	Yes – Urbanizing	44.1%	.8%
10	Yes – Urbanizing	60.5%	1.9%
11	No – Future Urbanizing	48.5%	4.4%
12	No – Future Urbanizing	20.8%	.6%
13	No – Future Urbanizing	47.0%	1.4%
14	No – Future Urbanizing	68.3%	2.3%
15	No – Future Urbanizing	55.0%	3.4%
16	Yes – Not residential	53.1%	.9%
17	No – Future Urbanizing	38.2%	.9%
18	No – Future Urbanizing	38.3%	1.4%
19	No – Future Urbanizing	62.9%	6.1%
20	No – Future Urbanizing	32.1%	1%
21	No – Future Urbanizing	44.3%	.5%
22	No – Future Urbanizing	17.2%	.3%
23	No – Future Urbanizing	64.8%	.7%
24	No – Future Urbanizing	41.0%	.5%
25	No – Future Urbanizing	77.4%	.9%
			38% OF TOTAL CITY ACRES

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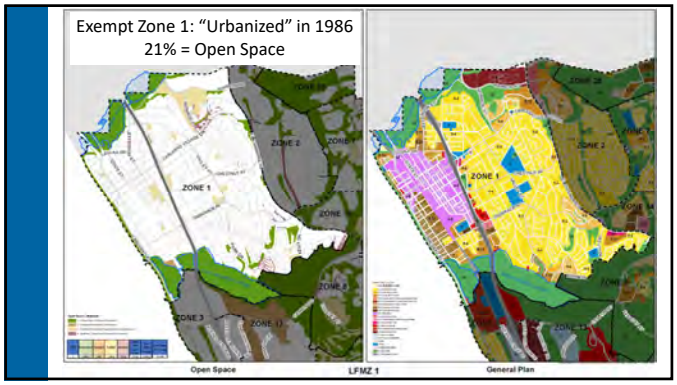

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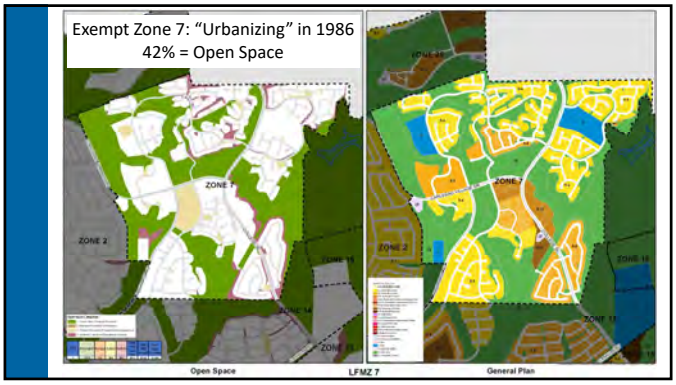

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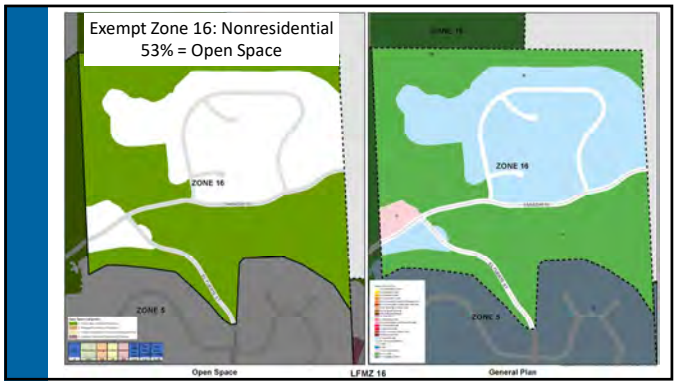

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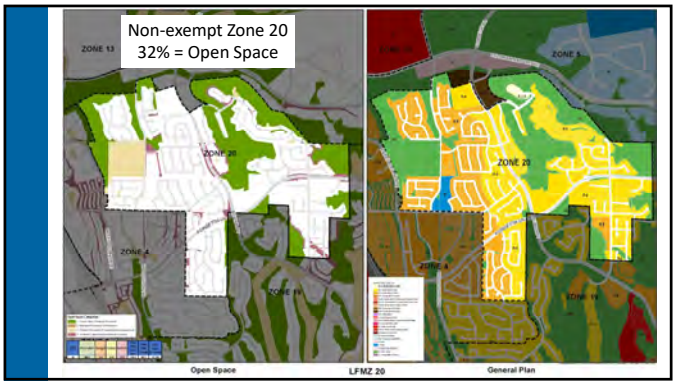

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OPEN SPACE BENCHMARKING

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CARLSBAD GROWTH MANAGEMENT OPEN SPACE

- Requirements apply sector-wide (LFMZs); exclude constrained lands and can include recreation and landscape amenities in private development.
- No direct comparable examples found of cities requiring open space as a percentage of land area per sector.
- Carlsbad’s standard is most comparable to other cities’ zoning and site planning requirements.

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TYPICAL CITY ZONING REGULATIONS

Requirements to create open spaces within and between developed sites:

- Lot coverage
- Setbacks and yards
- Landscaping

Requirements to provide amenities for future residents:

- Private open space (patios/balconies)
- Usable common open space (recreation areas)

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CITY	PRIVATE OPEN SPACE ZONING REQUIREMENT	COMMON OPEN SPACE ZONING REQUIREMENT	ADDITIONAL NOTES
Carlsbad	200-400 sq ft per unit	150-200 sq ft per unit	Overall residential lot coverage no more than 40-60%
Encinitas	10% for high density single-family and multi-family residential		R-30 Overlay Zone requires private and common open space
San Marcos	50-250 sq ft	30% of livable ground floor area of all units	
San Diego City	60 sq ft per unit, may be in required front yards	300 sq ft or 25 sq ft per unit (only applies when 4+ units built)	
San Diego County		100-800 sq ft per multi-family unit	
Mission Viejo	50-500 sq ft		Overall residential lot coverage no more than 50-60%

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TYPICAL SITE PLANNING REQUIREMENTS

- Preserve environmentally sensitive lands
- Provide recreational facilities, storm water capture, and public access easements
- May use specialized tools such as transfer of development rights, conservation easements, or preferential tax treatments to preserve open space or agricultural lands.

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CITY	OPEN SPACE REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS AND MASTER PLANNED COMMUNITIES
Carlsbad	• **15% of total area** of master plan in any Planned Community Zone
Chula Vista	• **Varies per master plan / specific plan.** • Otay Ranch example: At full build-out, 60% will be set aside as open space including parks, greenbelt and preserve lands.
San Diego County	• **Project-based developer exactions**; supports mitigation banking, conservation subdivisions and easements, agricultural lands preservation incentives; supports diverse funding sources for acquisition.
San Marcos	• **40% of total area of planned development project**. Half of this land must be substantially improved, and half may be improved or left in its natural state. • Floodway and drainage easement areas, as well as recreation buildings/structure can count towards this area requirement.
Irvine	• **Open space area requirements vary by "implementation districts."** • Each implementation district has a corresponding Open Space Management and Conservation Plan.
Mission Viejo	• A majority of open space areas are privately-owned parkland and HOA sites, including Lake Mission Viejo, Mission Viejo Country Club Golf Course and Arroyo Trabuco Golf Club.

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OPEN SPACE SYSTEMS

- Acquisition is usually opportunity based, depending on intrinsic value and availability of land.
- Many goals for open space planning include: habitat, watersheds, agriculture, cultural resources, and landforms. Part of sustainable communities/growth management planning.
- California's goal is to conserve 30% of state's land and coastal waters by 2030. Carlsbad has met this goal.

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CITY	OPEN SPACE ACREAGE AS A PERCENT OF TOTAL CITY LAND AREA *please note variations on methodology and definition per city	
Carlsbad	**38%**	• Of this total, 78% is natural open space; 12.5% outdoor recreation; 6% aesthetic, cultural, and educational
Chula Vista	**43.6%**	• Includes park and recreation land, open space, open space preserve, and open space active recreation
Oceanside	**25.3%**	• Includes agriculture land, parkland, and preserves and open space (2010 data)
San Diego	**28.6%**	• Includes parkland, open space, and recreation land uses
San Diego County	**7%** **67%**	• 7% of total unincorporated land area is designated as open space preserves • 67% is either open space or held by public agencies or tribal governments
San Marcos	**12%**	• About 25% of the city is currently undeveloped and provides natural habitat areas
Irvine	**42.8%** **36.4%**	• With Great Park, 42.8%; without Great Park 36.4% • This includes agriculture open space, preservation open space, recreation open space, and water bodies
Laguna Niguel	**> 33.3%**	• This includes regional open space, local open space, and landscaped corridors along scenic highways
Lake Forest	**29.4%**	• This includes community park open space, regional park open space, open space, lake, and transportation corridor with open space uses land designations
Mission Viejo	**23.4%**	• General Plan designated open space includes privately-owned land

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SUMMARY OF OPEN SPACE ACQUISITION TOOLS

- Development project exactions
- California Environmental Quality Act (CEQA)
- Zoning requirements
- Public funding
- Open space that is parkland may use general plan park standards and associated impact fees.
- Land trusts, non-profits and philanthropists

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OPEN SPACE CLASSIFICATION	TYPICAL APPLICATION	CARLSBAD APPROACH
NATURAL HABITAT/PRESERVES	• Habitat, park system, and growth management plans • Acquired through exactions, CEQA, and public funding	• Carlsbad Habitat Management Plan • Regional Multiple Habitat Conservation Program • Private developer set asides
NEIGHBORHOOD AND COMMUNITY PARKS/ SPECIAL USE AREAS	• General Plan population-based acreage standard • Access/equity standards	• **Growth management parks standard** also in General Plan • Neighborhood parks through special use areas + private development with HOA maintenance
LANDSCAPED SETBACKS/ YARDS	• Zoning regulations	• **Growth management open space standard** • Zoning regulations
PER UNIT PRIVATE OR COMMON AREAS	• Zoning regulations	• **Growth management open space standard** • Zoning regulations
SIGNIFICANT LANDFORMS/ STEEP SLOPES	• Zoning regulations • Development permit conditions & CEQA process	• Habitat plans, designated open spaces or parks, or project open spaces • Development permit conditions & CEQA process

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KEY FINDINGS

- Most open space results from habitat conservation.
- Most project-based open space achieved through zoning – private open space, setbacks, lot coverage, which apply citywide.
- Carlsbad exceeds the State of California's 30% goal for open space.

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KEY FINDINGS

- Growth management open space standard was based on the development conditions in 1986.
- Open space is provided in all Local Facility Management Zones.
- Increased challenge of acquiring open space since most of the city is now urbanized.
- City continues to allocate funds for acquisition of open space; opportunities are limited.

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OPEN SPACE STANDARD OPTIONS

OPTION A No Change	OPTION B Reflect open space currently required in all zones
Fifteen percent of the total land area in the Local Facility Management Zone (LFMZ) exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development. [Applies to Local Facilities Management Zones 11-15 and 17-25]	In all Local Facility Management Zones, open space shall be provided consistent with city policies and regulations, including for protection of natural resources, provision of outdoor recreation, production of resources, and for aesthetic, cultural and educational purposes. In Local Facilities Management Zones 11 - 15 and 17 - 25, 15% of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

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OPEN SPACE STANDARD OPTIONS

OPTION C – Evaluate Open Space Linkage Fee

Retain existing standard and request that City Council direct staff to evaluate the feasibility of creating and implementing an open space linkage fee for zones exempt from the open space standard.

Note: the challenge remains – funds to acquire open space may be available but difficult to find available land to spend it on.

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Quality of Life Report Outline

Carlsbad TOMORROW

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Quality of Life Topic	Draft Language
Homelessness	Homelessness is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.
Seniors/aging community	The Senior community and aging population is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.
Arts and culture	Arts and culture is an important issue to the quality of life for the residents of Carlsbad and should remain a priority for the City Council in the Strategic Plan and Operating Budget.
Update Proposition H	Proposition H, as implemented by Carlsbad Municipal Code Section 1.24.030, has not been updated since it was passed by voters in the 1980s and it may be time to consider increasing the expenditure limit due to increased project costs. Recommend the City Council make an additional financial carve out for future Fire Station #7 construction from the requirement of Proposition H.

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Quality of Life Topic	Draft Language
Transportation and Mobility	Recommend the city utilize the Sustainable Mobility Plan and Multimodal Transportation Impact Fee to implement future multimodal transportation projects that provide the greatest benefit to the community; • Review of current facilities, • Relationship between existing traffic operations, changing commute patterns, regional traffic volume growth, traffic safety and new disruptive trends in mobility technologies, and • Development of standards and a fee structure for private development to provide a fair share to partially fund the buildout of the city's multimodal transportation network. Require new development to conduct intersection Level of Service and Multimodal Level-of-Service analysis to determine direct project impacts in accordance with the city's Local Mobility Analysis Guidelines

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Draft Standards Pages

Carlsbad TOMORROW

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REPORT OUTLINE

- Growth Management Program history
- Why an updated approach is needed
- Carlsbad Tomorrow Committee
- Growth management funding models
- Recommended Growth Management standards
- Growth Management standards recommended for removal
- Next steps

Carlsbad TOMORROW

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DRAFT STANDARDS PAGES

- Drainage
- Wastewater collection
- Water distribution
- Library facilities
- Mobility
- Parks
- Open space (not drafted)

Carlsbad TOMORROW

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Schedule

Carlsbad TOMORROW

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WORK PLAN

	Feb. 23, 2023 Committee Meeting ▶ Receives presentation on open space zones, discusses options and decides on a recommendation regarding an open space standard. ▶ Provides feedback to staff on quality of life memo outline. ▶ Provides feedback to staff on draft standard recommendation pages.
	March 14 – March 23, 2023 ▶ Committee and public review draft documents (report and memo).
	March 23, 2023 Committee Meeting ▶ Committee members share feedback on draft final committee report and draft quality of life memo. ▶ Committee decides which changes to make to documents (by consensus and/or voting). ▶ Committee votes to finalize document (noting changes, if any). ▶ Committee work concludes.

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WORK PLAN

	April 20, 2023 Committee Meeting (if needed) ▶ Committee members share final feedback on final documents. ▶ Committee decides which changes to make, if any, to documents. ▶ Committee votes to finalize document (noting changes, if any). ▶ Committee work concludes.
	April/May 2023 ▶ Staff finalize report and memo based on committee's direction. ▶ Staff prepare a report to the City Council to transmit the committee's work product for consideration. ▶ City Council considers the committee's recommendations and provides direction on next steps.

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Committee Member Requests for Future Agenda Items

Carlsbad TOMORROW

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Public Comment

Carlsbad TOMORROW

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Adjournment

Next meeting: March 23, 2023

Carlsbad TOMORROW

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From:	Frank A. Caraglio
To:	"Frank A. Caraglio"
Cc:	Growth Management Committee; Susan Harden; "Bailey Warren"; "thierryibri@yahoo.com"
Subject:	Suggestions - new name for Quality of Life Memo
Date:	Wednesday, February 22, 2023 8:58:03 AM

Hello Committee Members,

As I mentioned, I will not be present at the meeting this week on February 23rd. However, I do have a suggestion for the below new name(s) for the Quality of Life Memo that will accompany the growth management plan recommendations to City Council.

Supplemental Report - Quality of Life Considerations

or

Supplemental Report - Future Quality of Life Considerations

My 2 cents.

Thanks,
Frank Caraglio
District 3 Primary Member

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

From:	Don Christiansen
To:	Growth Management Committee
Subject:	Fwd: LOCAL Solar Electric Generation AND Community Microgrids
Date:	Wednesday, February 22, 2023 9:08:51 AM

Good Day Fellow ***Carlsbad Tomorrow*** Committee Members!

I'd appreciate it if you'd take at least ***two minutes*** to have a look at the video in the following website.

https://clean-coalition.org/community-microgrids/

AND here is a quick read about France mandating solar electric canopies over large parking lots.
https://cleantechnica.com/2023/02/09/new-law-50-solar-power-over-parking-lots-in-france/

Carlsbad has shown leadership in the past by supporting seawater desalination. Carlsbad can show leadership in the future by supporting ***LOCAL*** Solar Electric Generation AND ***COMMUNITY*** Microgrids.

Both water and energy are addressed in our ***Community Vision Statement on Sustainability***, which reads: Build on the city's sustainability initiatives to emerge as a ***leader*** in green development sustainability. Pursue public/private partnerships, particularly on sustainable ***water***, ***energy***, recycling and foods.

Water and energy are quality of life issues.

Pleased to share that all is well in Vilcabamba.

Think Globally, ***Act Locally***!

All the best,

Don Christiansen
Carlsbad Tomorrow Committee Member

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

Jennifer Jesser

From: Don Christiansen <donaldchristiansen@gmail.com>
Sent: Thursday, February 23, 2023 10:01 AM
To: Growth Management Committee
Subject: Quality of Life Report

Hello Fellow ***Carlsbad Tomorrow*** Committee Members!

Since I will not be attending tonight's meeting I am responding to Frank Caraglio's suggestions for the Quality of Life report by email. Of the two titles I prefer Quality of Life Considerations.

That written, my suggestion for a title is: ***Quality of Life Goals***
From my perspective the word Goal ties in very well with our ***Community Vision Statement***.

All the best,

Don Christiansen
Carlsbad Tomorrow Committee Member

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

CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

March 23, 2023, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Minutes from the Feb. 23 meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & OPENING COMMENTS: *Open meeting and welcome attendees. Review and clarify purpose and charge for the committee. Review agenda and meeting format.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Review Draft Committee Report.** Review and discuss the draft committee report on the recommendations for a new plan to manage growth in the future. (Staff contact: Eric Lardy, Community Development Department)
    - **Review Draft Quality of Life Recommendations.** Review draft quality of life recommendations and discuss what the title of the document is. Suggestions received to date include memorandum, supplemental report, and/or quality of life considerations. (Staff contact: Eric Lardy, Community Development Department)

COMMITTEE MEETING SCHEDULE: *Update on upcoming meeting schedule.*

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS: *Highlight proposed focus for next meeting and invite committee member suggestions for topics or presentations to consider in upcoming meetings.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

NEXT MEETING:
Thursday, April 20, 2023, 5 p.m.

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

March 23, 2023

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Frances Schnall, Harry Peacock, Annika Jimenez, Gita Nassiri, Fred Briggs, Amy Allemann, Joe Stine, Steve Linke
Alternate – Ron Withall, Jan Neff-Sinclair, Casey Carstairs, Lisa Stark, Jamie Latiano Jacobs, Allen Manzano, Art Larson

Absent:
Primary – Chad Majer, John Nguyen-Cleary, William Scheffler
Alternate – Patrick Goyarts, Don Christiansen, Terence Green, Thierry Ibri, Matthew Reese, Erin Nell, Angela O'Hara, Nora Jimenez George, Marissa Steketee, Kevin Sabellico, William Fowler

APPROVAL OF MINUTES:
Motion by Jeff Segall, seconded by Scott White, to approve the Feb. 23, 2023 minutes as amended.

PUBLIC COMMENTS:

There were no public comments.

WELCOME AND INTRODUCTIONS:
The meeting opened with a welcome to attendees from Committee Chair Eric Larson. Facilitator Susan Harden reviewed the meeting agenda, the committee's purpose, process, charter, and next steps. Chair Eric Larson noted that final decisions will be taking place on the report at the meeting. He noted many committee comments had been received up to and including the date of the meeting. He asked the committee to address their submitted recommendations for discussion during the page-by-page review of the report, at the appropriate time. Chair Larson discussed the process for reconsidering any action previously voted on by the committee, noting that a "motion to reconsider" must be made by a member of the majority vote.

COMMITTEE BUSINESS

- **Review Draft Committee Report.** The committee report was reviewed page by page, with the following discussion and comments:
    - During the Page 6 discussion, a suggestion was presented for leading the report with an executive summary that should highlight actions taken by the committee.
    - By consensus, the committee agreed with including an executive summary.

- Further comment that the Executive Summary should be at the beginning of the document.
- Proposed text regarding the financial aspects of the Growth Management Program that had been submitted by a committee member for inclusion in the Executive Summary is read to the committee.
- Suggestion to reference the future necessary nexus studies for the Growth Management Program recommendations – suggested language: We understand that there are implications to having these fees and we trust City Council will study this fully before implementing.
    - Comment that some language exists later in the report, under Next Steps, regarding nexus studies, and perhaps the comments on the financial impacts of the committee's recommendations can be incorporated into existing sections of the report, i.e. "Planning for the Future" and "Next Steps".
    - The committee had no objection to the concept of including text regarding the financial implications of the committee's recommendations being included in the report.
    - Comment that the nexus study language in the Next Steps section should be brought up somewhere in the front of the report.
- Comment that "New development cannot be required to pay for existing deficiencies" (on page 40) needs to be included and bold in the Executive Summary text.
- **Page 6 (History):**
    - Request that a graph or table of the population be included in the "History" section to provide a frame of reference for the reader of the population at the time of the original Growth Management Program.
    - Should include what the population was, how it has changed over the years, and projections for future growth.
- Comment that it should be noted in the report that the committee removed standards and, therefore, the fees associated with those standards. (Fees, Next Steps section). Eric Lardy noted that applicable fees will still be collected by city.
- Comment that the housing projection of 3,900 units is fluid and it needs to be emphasized that the committee's recommendations are based on a number that could change in the future.
- **Page 5 (Introduction):**
    - Request that the full mission of the committee be stated in the Introduction of the report.
        - It was noted that text is included on page 17.
    - There was no objection to having the full mission and purpose in the Introduction.
- **Page 6 (History):**
    - Request made to change "mostly built" to "95% built" or some numeric percentage in the first sentence of the fourth paragraph to show the committee is only addressing 5% growth.
- Further discussion on the unknown number of future housing units and the need for the report to be clear the committee is working off of a 3,900-unit assumption for this most recent period. Suggestion to address with new population chart.
- **Page 7:**
    - Typo in first paragraph - Growth **Manager** Program
    - Ampersand needs to be added to second bullet: A citywide facilities **&** improvements plan
- **Page 8 (Local Facilities Improvements Plan):**
    - Title should include ampersand: Local Facilities **&** Improvements Plan
    - Request made that the map on page 8 be included as a full page.
    - Comment that the title should be Local Facilities **Management** Plans

- **Page 11:**
  - Recommendation that the last paragraph on the page be removed regarding success of the Growth Management Program as it's self-serving.
  - By consensus, committee did not agree with removal of the paragraph.
- **Page 15:**
  - Third asterisk needed after Eric Larson's name.
- **Page 16:**
  - Comment that the paragraph on the Senior Commission members is not accurate, and the consensus was to respectfully include the reason the seat was vacated – i.e. due to the passing of Patricia Mehan.
- **Page 19:**
  - A committee member read suggested text for inclusion in the "Work Product" paragraph regarding topics that were considered and ultimately not included in the Growth Management Program.
  - There was discussion regarding whether it belonged in the Work Product paragraph or later in the report under recommendations.
  - Further discussion suggested such text made the report confusing and the report does not need to include everything the committee considered over the course of the year.
  - Comment that everything the committee discussed is included in the appendices documents; it does not need to be restated in the report and would makes it cumbersome.
  - Discussion in support of including the topics discussed that didn't make it in the report:
    - Concern that leaving out mention of all topics considered would make it seem like the committee overlooked topics that should have been considered.
    - Comment that the topics should be included in the work product paragraph and referenced in the executive summary so the report is holistic and complete.
    - Comment to include "existing or new" after key elements in the work product paragraph.
- Table of contents should include the appendices or quality of life memo. It should be inclusive.
  - Comment that the topics the committee discussed that didn't rise to the level of a performance standard should be included in text and/or appendices.
  - Suggestion that the place to include the topics discussed that didn't become standards is page 26, under performance standard recommendations.
  - Comment that the quality of life memo needs to be mentioned in the work product paragraph, as the report is not the only work product of the committee.
  - Comment that the report does not need to explain the committee's decisions to the extent being requested.
  - Further discussion that without explaining in the report the topics that were considered outside of the existing 11 standards, to the reader it looks like the committee only considered the 11 existing standards. The concern expressed being the City Council would not be reviewing the appendices or watching the recordings of the meetings to find out what other topics were considered.
  - Comment that the actual topics considered could be in the recommendation section, but the three elements considered by the committee – the 11 existing

standards, topics outside of the 11 existing standards, and the quality of life memo should all be mentioned in the work product section.
    - The actual topics outside of the 11 existing standards could be mentioned in the performance standard recommendations section.
  - A simple table was requested on the topics considered and the decisions made, for inclusion after the topics that did rise to the level of a performance standard. This way, someone looking at the list of meeting dates and topics can see that it was discussed but didn't rise to the performance standard level.
  - Comment that on Page 26 the "Other quality of life considerations" paragraph could be changed to "Other considerations" and both the topics considered and the topics included in the quality of life memo could be referenced.
  - Request that references be included in the report to tell the reader where to look for the item being referenced – i.e. quality of life memo (see page XX)
  - By consensus, the committee agrees to adding text to the "Work Product" paragraph regarding the quality of life topics and the topics considered outside of the existing performance standards.
- **Page 20:**
  - Last bullet on Page 20 should read: Committee chooses the name Carlsbad Tomorrow Growth Management Committee.
- **Page 25:**
  - Remove last bullet in March 23, 2023 box. "Committee work concludes."
- **Page 26:**
  - Comment that everything leading up to Page 26 is preamble. Except for the executive summary, consider moving everything else to the end of the report.
  - Suggestion to have staff review pieces that could be moved to the end of the report, such as the meeting list.
  - Recommendation made to include the committee's recommendations on the existing standards, using the existing format in the draft report (the four sections), followed by "Additional Recommendations" and include the topics the committee voted to include in the quality of life memo.
    - This makes the committee's work product a clean, single report.
    - It was noted this approach would be consistent with the committee's charter to deliver a report with key elements of a new plan.
  - Comment made that if the quality of life topics are included in the committee report, they may not be looked at by the City Council for 1 to 3 years.
  - Comment that the quality of life topics are not growth related and that's why they were moved to a separate document.
  - Comment that the quality of life topics should be pushed forward ahead of the Growth Management Program as some of them are timely and need to be looked at now.
  - Comment that it doesn't make sense to include the topics in two places – i.e. mobility, open space and parks being performance standards in the committee report and included with a separate set of recommendations in the quality of life memo.
  - Comment that having the quality of life recommendations in the main report makes them more important than being in a separate document/memorandum.
  - Request to hear additional feedback on whether the quality of life topics would be more visible and drive more actionability if they were separate from the committee report.
  - Comment in agreement with the quality of life topics getting lost if they're included in the committee report.

- Opinion presented that the committee report and quality of life topics should remain separate but be presented at the same time to the City Council.
- Comment in support of including everything in one document and let City Council decide how they want to prioritize.
- Comment that the year-long process of the committee to determine topics for inclusion in the quality of life report or as a performance standard is being undermined by now considering combining all topics and decisions into one document.
- Suggestion to put everything into the report and separately submit a memo to the City Council.
- Comment that the committee was convened to address the Growth Management Program. The quality of life topics are outside of growth management and therefore should not be included in the Growth Management Program.
- Discussion on referencing the quality of life topics that are growth related and/or are performance standard recommendations in the committee report so that the topic appears in both places, rather than having every quality of life topic referenced or included in the committee report.
- Comment in favor of including the quality of life topics in the committee report as the committee's charge included considering the quality of life in Carlsbad and also submitting a quality of life memo to City Council.
    - There should be a reference in the report that the committee believes the quality of life topics can be addressed sooner than the Growth Management Program and that the topics rise to the occasion to give them to the City Council outside of the committee report for more timely action.
- Comment that both the Growth Management report and the quality of life document are the committee's work product. They should be one document that the City Council and public can review to see what the committee produced after a year.
- Discussion regarding including the quality of life topics in the committee report, clearly distinguishing the difference between the recommendations for performance standards and the quality of life topics, and also having a separate quality of life document to send to the City Council.
- Suggestion to add existing or 1986 to the first sentence under the Performance standards heading.

o **Page 27:**
- Suggestion to add sub-heading indicating pages 27-28 are summaries of the recommendations.

o **Page 29 (Libraries):**
- Comment to revise "Existing standard" header to make it clear that it's both the existing standard **and** the recommended standard.
    - Suggestion to use "Keep existing standard" or "Modify existing standard"
    - Suggestion to note in parentheses either existing or modified
- Comment that using the year (1986) should be avoided and use "existing" or "current" standard.
- Requested the reference to the Dove Library square footage note that it includes the Schulman Auditorium and the Cannon Art Gallery.

o **Page 30 (Parks):**
- By consensus, the committee agreed to include the following alternate text, submitted by a committee member via email, to the "Other considerations" section:
    - Some committee members preferred a citywide standard of 4 acres per 1,000 population, excluding acreage inaccessible to humans, and/or

restricting the acreage of Veterans Memorial Park to the northwest quadrant given its reduced scope. In the end, the majority voted to retain the existing standard. To address the access to parks, a majority of the committee also voted to request that City Council direct staff to evaluate the feasibility of a standard based upon a distance measure to any publicly accessible park.

- Comment that the "Other considerations" text needs to be clear that the committee did not vote to adopt the "other considerations".
- Further comment that the "considerations" heading should be changed to reflect the wording in the committee's charter. Additional comment the heading should be changed throughout the document for consistency. Staff provided documentation that the charter called for "Alternative perspectives."
    - Specific to the Parks Standard, the additional recommendation is to evaluate the entire city for the feasibility of implementing a distance-based standard (fee) **on new development.**
- Recommendation reiterated that the current discussion is why it's important to have both the quality of life recommendations and the Growth Management performance standard recommendations in one document, as it is confusing to have recommendations on the same topic in two separate documents.
- Repeat recommendation to include in either, or both, the cover letter and executive summary, that both documents/all topics being recommended by the committee were deemed important to the quality of life in Carlsbad, but not all rose to a performance standard level.
- Comment that the discussion points in the direction that "the struggle" the committee had regarding performance standards and quality of life topics will be documented in multiple places in the report(s).

o **Page 29 (Library Standard):**
- Question posed if additional text should be considered under the "Alternative perspective" section of the Library Standard to note the committee considered carving our Arts & Culture as a separate standard but ultimately decided against doing so.
- Comment that the alternative perspective section is for the minority opinion, which was not the case on Arts & Culture. The committee was close to unanimous that the topic rose to the level of inclusion in the quality of life memo.

o **Page 31 (Parks Standard)**:
- Requested clarifying language be included on the chart – specifying that the 399.7 number assumes ultimate build out population of XXX or some language noting that the number is subject to change. "Park acreage required by standard at expected city buildout."
- Requested clarifying language (asterisk or footnote) on the chart, noting that per City Council, although Veterans Memorial Park resides in the northwest quadrant, 90 acres is allocated to each of the four quadrants.

o **Page 30 (Parks Standard):**
- Further discussion on including language that the "additional recommendation" language includes "for new development/construction"
- It was noted that the text represents what the committee voted on and approved.

o **Page 32 (Open Space)**:
- Suggested alternate text, submitted by a committee member via email, was read to the committee for the "Other considerations" (Alternative perspectives) section:
    - When growth management was first implemented, several Zones were exempted from the open space standard based on their 1986 planning and

development status. Because planning changes and re-development have and likely will continue to alter the status in the exempt zones over time, some committee members preferred to look at ways to reverse the exemptions, apply a citywide standard, and/or look into linkage fees. The majority of the members preferred to keep the original standard in place.

- Request that text be added to the second bullet under "Proposed new standard" that says "… are exempted from this 15% open space requirement **based on their 1986 planning and development status,** pursuant to …"
- Request to not strike the last part of the last sentence in the "Other considerations" (Alternative perspectives) section proposed earlier because the committee did recommend augmenting the current standard with a statement regarding open space policies that apply to all zones.
    - That part of the sentence was struck because the additional language does not augment the performance standard it restates city policy on development standards.
    - Further comment that removing that part of the sentence does not accurately capture the intent of the committee's decision.
    - Suggestion to modify the last sentence to read: The majority of the members preferred to keep the spirit of the original standard in place because they felt that existing development standards were sufficient.
    - Another suggestion to modify the last sentence to read: The majority of the members preferred to keep the spirit of the original standard in place with additional language regarding open space policies.
    - Comment that the language about keeping the original standard in place is contradictory to the first bullet and the vote of the committee.
        - Staff will provide language to call out the concept without using the word "augment" or saying the standard is being left in place.

- **Page 33:**
    - Requested the Local Facility Management Zones map be included here again.
    - Question asked if a reference back to the page with map would suffice.
    - Comment that the references to 15% are misleading
        - Suggestion to strike the reference to 15% in the rationale
        - If a table is being included in the Status section showing the zones meeting the 15% open space standard, the 15% should be included, not the 40%
        - The 15% is taken after the non-developable land is subtracted out and that is not reflected in the table.
        - In the absence of data being presented to the committee by staff that shows the actual open space percentages of environmentally constrained non-developable land, all references in the committee report should be struck.
        - Recommendation to strike the second bullet in the Rationale section and the entire Status section. Or the Status section should read: According to staff, the city is meeting the standard in the non-exempt zones.
        - Noted that the first sentence can be left in the second bullet but strike the second sentence that quantifies the first sentence.
        - Opposition presented to removing the table. Comment to leave the table but include additional text clarifying what the table represents.
        - Suggestion to strike the second sentence in the second bullet under Rationale and have staff come back with text for the chart that defines what the chart represents.

- Text needs to be included that the table is not stating that every zone meets the 15% Growth Management standard, with a clarification around "environmentally constrained non-developable land."
- Comment that the table should include a column showing the amount of constrained open space.
- Requested to add a column to the table showing the 15% in each zone.
- Staff indicated such a column is not possible because the data lives within each of the non-exempt Local Facility Management Zones, staff does not have the ability to electronically recreate that information and put it in a table.
- Recommendation to keep the table and retitle it for transparency to show what the table is representing.

o **Page 34 (Mobility Standard):**
  - Question on traffic impacts being mentioned in the Mobility Standard. Comment that new housing (development) gets blamed for traffic impacts when most of the issues is from visitors or passthrough traffic.
  - Recommendation to change "could" to "should" in the last sentence of the fourth bullet under Rationale section.
    - Suggestion made to say, "can be" rather than "could".
  - Under status, suggested adding: "The committee was not able to view Multimodal Level of Service analysis to inform non-vehicle based performance standard possibilities" after "The Multimodal Level of Service analysis continues to be developed with the Traffic & Mobility Commission."
  - Request to weave the quality of life recommendations the committee voted on into the Mobility Standard page, making it clear the difference between the standard being recommended and the quality of life recommendations.
  - Further discussion took place regarding bringing the Mobility quality of life recommendations into the committee report. The recommendation was made to have that discussion when the committee reviews the quality of life memo.
  - Another comment was made to add a reference to the Mobility quality of life recommendations on the Mobility page of the committee report.

o **Page 39:**
  - There was discussion surrounding the removal of the Fire Standard and the need to expand upon the reasoning behind its removal without quoting the Carlsbad Fire Chief.
  - Comment that "Other considerations/alternative perspectives" heading under the Fire Standard needs to be retitled as the text is not an alternative perspective or minority perspective. Possibly change to, "Related considerations."
  - Comment that the rationale should include that both Fire and Police have their own, ever evolving, standards that they use to measure performance.
  - Suggested language: "The committee found, given input from the Fire Department, and discussion that the standard did not keep pace with Fire Standard metrics."
  - State that the city will meet its safety standards but a performance standard in the Growth Management Program is not the methodology being used.
  - Comment that it should be noted that the committee considered a Public Safety standard also, but after input from the Fire and Police Chiefs, understood that the departments used advanced tools not pertaining to growth to meet their safety standards.
  - Requested a stronger rationale for removing the Schools Standard.
  - Strengthen second bullet under rationale to make it clear the city has no jurisdiction on schools.

        - Comment that it's important to have solid and robust rationale behind all of the standards being removed as the public doesn't have the context that the committee had when making the decisions.
        - Requested the rationale state that schools do need provide a compliance form to the city and that there are fees paid on a per unit basis set by the school district.
    - **Page 40:**
        - Last sentence on page should be bold.
        - Request for committee name to be used consistently throughout all documents = Carlsbad Tomorrow Growth Management Citizens Committee.
    - **Page 40:**
        - Request to strike the Funding Models section and put it in the appendix as it was informational material provided to the committee at their request and not part of the committee's recommendations.
        - Suggestion to add clarifying language under Funding Models that the first sentence was regarding the original Growth Management Plan and that the committee discussed other funding mechanisms beyond impact fees to address the shifts being seen in development.
        - Suggestion to: Add preamble verbiage repeating that the impacts to the costs and financing mechanisms associated with the standards recommended beginning on page 26 the committee felt were not the purview of the committee, and that if the City Council wanted such data, that they would have to instruct the staff to evaluate such costs and impacts.
    - Comment that developer fees are not only charged to residential development and it should be clear that commercial developers pay their share too.
        - Staff noted the mention of "commercial, industrial, recreational" on Page 7.
        - Staff will look for opportunities to add to the document that hotels, office buildings and commercial developments do pay impact fees.
- **Review Draft Quality of Life Recommendations.** The quality of life recommendations were reviewed with the following discussion and comments:
    - The process for submitting both documents to the City Council was discussed.
        - Recommendation that the two documents are separate agenda items when presented to the City Council.
    - Further discussion on the decision to both include the quality of life recommendations in the committee report and submit the memo separately to the City Council.
    - The committee discussed the following regarding the name of the quality of life recommendations:
        - Comment that the title should indicate the immediacy of the quality of life recommendations
        - Discussion on the quality of life recommendation document's name was halted and it was decided that the document contents would be reviewed and the name revisited after the review.
    - Comment that the first two pages of text in the quality of life recommendations is unnecessary. Key statement is, "This memorandum identifies the committee's recommendations to the City Council on important topics that affect Carlsbad's quality of life but are not recommended to be included as standards in a growth management program (Attachment A)."
    - Request to accentuate that the topics were the focus of significant discussion and that the committee either voted to not raise them to the level of performance standards or couldn't connect them to growth.
    - Discussion on adopting the language in the draft quality of life recommendations for Arts & Culture.

- Discussion on including Performing Arts with Arts & Culture.
  - By consensus, the committee agreed to add the following text as a third bullet under Arts & Culture: "The committee requests the City Council prioritize future discussions and dialogue about a new community gathering place and 750 seat cultural arts center for the Carlsbad community. Carlsbad is a diverse community and as such we need to celebrate the diversity through performing arts."
- Carlsbad Energy Advisory Group:
  - Requested the last sub-bullet be changed from "Battery storage" to "Energy storage"
  - Requested a bullet be added for "Energy cost and sources"
- Fees:
  - A request was made to define how often impact fees will be evaluated instead of the ambiguous "regular basis"
  - By consensus, the committee agreed on changing language to, "no more than five years."
- Open Space:
  - By consensus, the committee agreed to revise the second bullet to read: "Additionally, the committee recommends that the City Council add the topic of open space to the purview of the Parks & Recreation Commission or a separate citizen committee to address open space needs throughout the city, updating the list of candidate properties for proactive open space acquisition and by developing a plan that prioritizes zones with less unconstrained open space or that are subject to loss due to sea level rise."
  - The committee wanted to eliminate the reference to "or a separate citizen committee" statement as the consensus was the committee wanted City Council to put the open space topic under the purview of the Parks & Recreation Commission.
  - By consensus, the committee agreed on using the revised text without reference to a separate citizens committee.
  - By consensus, the committee agreed to add a bullet that reads: "Adopt a policy that discourages exceptions to development standards that would decrease open space."
- Proposition H:
  - By consensus the committee agrees to include the $1 million dollar threshold in the language.
- Seniors/Aging Community:
  - Comment that this topic, as well as the Homelessness topic, does not add any value to the document.
- Transportation and Mobility:
  - There was a request to add the following language: "Adopt a policy that discourages land use changes that allow developers to convert planned commercial/mixed use to residential uses that increase vehicle miles traveled."
  - Staff indicates there are policies in place that address zoning.
  - By consensus, the committee declined to include the suggested text in the Transportation and Mobility recommendation.
  - By consensus, the committee agreed to add the following language: "Complete the city's typology-based street network, as described in the General Plan Mobility Element."
- Linear Park: The committee discussed the following regarding a request submitted by a committee member to include a recommendation to City Council regarding the concept of a linear park in the Ponto area.

- Comment on the safety of a linear park in that area given recent lane reductions on Pacific Coast Highway.
- Comment that if the committee makes a recommendation on a specific park project it could be viewed negatively by the significant number of community members who have commented in support of a park at Ponto.
- Comment that the linear park would serve more than one neighborhood in the city and provide walking trails, bike paths and open space.
- Comment supporting including some type of statement in response to the volume of public comments regarding a park in the southwest quadrant without being prescriptive of a specific project, i.e. recommending "a solution" instead of "a linear park" or "a Ponto park".
- Comment that it had been discussed multiple times that it is not within the committee's purview to recommend specific projects.
- Concern expressed that it is contradictory to include recommendations for additional/specific park projects when the committee recommended no change to the Parks Standard.
- Comment that it would make the committee look bad to include a statement in support of a linear park when all along the committee has said it can't talk about individual parks, but at the end of the process, when no members of the public are present, the committee endorses a park that would effectively replace Ponto park.
- Comment that recommending specific park projects is not the committee's mandate.
- Suggestion to include a generic statement about the beaches and beach access being important to the Carlsbad community.
- Through discussion, the decision was made for committee members to suggest wording that is not specific to individual projects, but conveys the importance of some type of coastal park in the southwest quadrant.

o Recommendation to carry the one remaining new quality of life recommendation regarding public beaches and public facilities, and the decision on the title of the quality of life recommendation document, to the April 20 meeting.

DISCUSSION ITEMS:

- None.

COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS:

- No future agenda items were brought forth by the committee.

PUBLIC COMMENT:

- None.

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 9:08 p.m.

Eric Lardy

Eric Lardy - Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	March 23, 2023
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Discuss the following topics:

- **Review Draft Committee Report.** Review and discuss the draft committee report on the recommendations for a new plan to manage growth in the future (report available HERE).

- **Review Draft Quality of Life Recommendations.** Review draft quality of life recommendations and discuss what the title of the document is; suggestions received to date include memorandum, supplemental report, and/or quality of life considerations (quality of life recommendations available HERE).

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 14
March 23, 2023

City of Carlsbad

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Call to Order & Roll Call

Carlsbad TOMORROW

2

Public Comment

Carlsbad TOMORROW

3

Welcome & Introductions

Carlsbad TOMORROW

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COMMITTEE PURPOSE

1. Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad **and**
2. Identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

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11 PERFORMANCE STANDARDS

- City Administrative Facilities
- Libraries
- Parks
- Drainage
- Circulation
- Fire Response
- Open Space
- Sewer Collection System
- Schools
- Water Distribution System
- Wastewater Treatment

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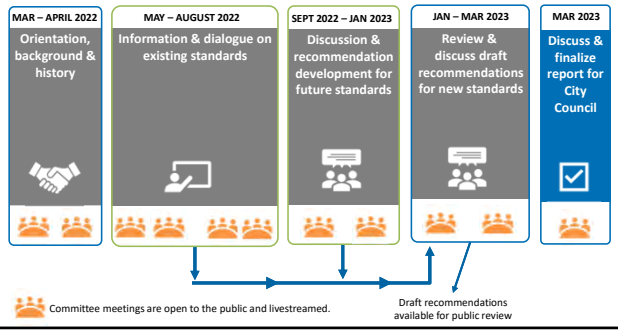
COMMITTEE PROCESS



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COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

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DECISIONS

- City Administrative Facilities
- Schools
- Wastewater Treatment
- Sewer Collection System
- Water Distribution System
- Drainage
- Libraries
- Fire Response
- Mobility/Circulation
- Parks
- Arts & Culture
- Public Safety
- Open Space

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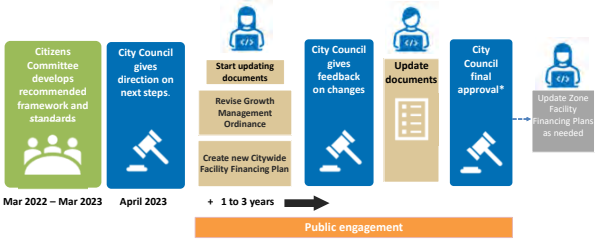
STEPS IN THE PROCESS

Growth Management Program Update



* Ballot Initiative may or may not be included

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TODAY'S AGENDA

Discussion items

- Committee business
  - Draft committee report
  - Draft quality of life summary recommendations
- Committee Member requests for future agenda items
- Public comment (continued if needed)
- Adjourn

City of Carlsbad

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1. Committee Business

Carlsbad TOMORROW

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Review Draft Committee Report

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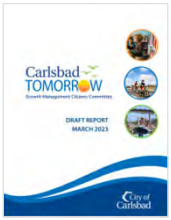
- History
- Growth Management Program
- Carlsbad Tomorrow Committee
- Performance standard recommendations
- Next steps



14

RECOMMENDATIONS

15

APPENDICES

1. Committee Reference Materials
2. Committee Meeting Materials – by meeting date *(agendas, minutes, staff reports, PowerPoints, correspondence)*
3. Public Comments - by date
4. Resource Documents - alphabetical list with links
5. Resource Websites -alphabetical list with links

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REPORT DISCUSSION

- **Report recommendations (without getting into wordsmithing):**
  - Are committee actions and high level dialogue accurately reflected?
  - Is there anything missing that is essential for City Council's consideration?
  - Is anything missing from the appendices that needs to be included?
- **Other observations or suggestions? Overall feedback on format, flow or structure? Missing content?**

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Review Draft Quality of Life Recommendations

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QUALITY OF LIFE TOPICS

Arts and culture	Energy advisory group
Public facility fees	Homelessness
Open space	Proposition H
Seniors/aging community	Transportation and mobility

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DISCUSSION QUESTIONS

- Does draft language reflect committee's direction?
- Include additional language recommended by members?
- Other observations or suggestions?

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QUALITY OF LIFE FORMAT OPTIONS

- Memo to City Council
- Reference in final report and attach?
- Other?

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QUALITY OF LIFE TITLE SUGGESTIONS

- Qualify of Life Statements
- Quality of Life Recommendations
- Quality of Life Recommended Goals
- Supplemental Report – Quality of Life Considerations
- Supplemental Report – Future Quality of Life Considerations
- Additional Recommendations
- Carlsbad Beyond Growth
- Anticipate Carlsbad's Future
- Foresee the Future of Carlsbad

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Next steps

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NEXT STEPS

April 20, 2023 Committee Meeting

- Committee members share final feedback on final documents.
- Committee decides which changes to make, if any, to documents.
- Committee votes to finalize document (noting changes, if any).
- Committee work concludes.

May 2023

- City Council considers the committee's recommendations and provides direction on next steps.

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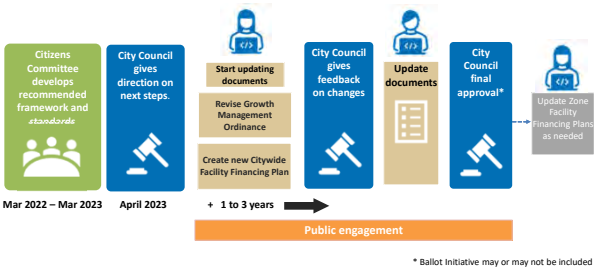
STEPS IN THE PROCESS
Growth Management Program Update



* Ballot Initiative may or may not be included

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Committee Member Requests for Future Agenda Items

Carlsbad TOMORROW

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Public Comment

Carlsbad TOMORROW

27

Adjournment

Next Meeting: April 20, 2023

Carlsbad TOMORROW

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From: Don Christiansen
To: Growth Management Committee
Subject: Quality of Life title suggestion
Date: Thursday, March 16, 2023 11:44:29 AM

Good Day fellow Committee Members:

I'd suggest calling it what it is: Quality of Life Recommendations OR Quality of Life Recommended Goals.

Also re: Carlsbad Energy Advisory Group
I'd suggest changing "Battery Storage" to Energy Storage. From my perspective batteries imply conventional chemical batteries while energy is more inclusive and includes flywheel, pumped hydro and other gravity storage, as well as storage techniques that may be feasible in the future.

I'll be returning home by mid-April.

All the best,

Don Christiansen
Carlsbad Tomorrow Committee Member

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From:	Don Christiansen
To:	Growth Management Committee
Cc:	Jason Haber; Katie Hentrich; Mary Oren; Robert Gilleskie; Dr. Robert Wilder; byronwashom@gmail.com; Paige DeCino; Lynda Daniels; Evan Bierman; Jay Klopfenstein; Phil Rogul; Phil Watts; Mercedes Martin; Cathy &amp, Rick Asker; Rick Asker; Curt Yaws; Janet Yaws; Bill Powers; Lane Sharman; Lane Sharman; Gary Nessim; Judy Hegenauer
Subject:	2023 Solar Electric predictions
Date:	Sunday, March 19, 2023 12:21:22 PM

Good Day Carlsbad ***Tomorrow*** Committee Members!

The following link tells the story:
https://cleantechnica.com/2023/02/22/more-than-half-of-new-us-electricity-generating-capacity-in-2023-will-be-solar/

The question remains "Who is going to generate the electricity?" Utililty scale solar would require new transmission lines which would destroy environment, create wildfire potential, are very expensive, and typically take up to 10 years for approval and construction.

Carlsbad has millions of square feet of underutilized rooftops and parking lots, and is only one of seven cities in our ***Clean Energy Alliance***. Solar electric generation within the geographic boundaries of our ***Clean Energy Alliance*** has the potential to turn liabililties into assets, increase resilience, create ***local*** jobs and ***local*** business opportunities, AND reduce the cost of electricity. Appropriate city policy would help expedite the approval and building process.

All the best,

Don Christiansen
Carlsbad ***Tomorrow*** Committee Member

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THE GOOSE THAT LAID THE GOLDEN EGGS

MOST OF US ARE FAMILIAR WITH THE CHILDREN'S STORY OF THE POOR FARMER WHO BOUGHT A GOOSE AND FOUND TO HIS AMAZEMENT THAT EVERY DAY, IT WOULD LAY A GOLDEN EGG FOR HIM. IN A RUSH TO BECOME RICH, THE FARMER AND HIS WIFE DECIDED TO CUT THE GOOSE OPEN AND GET ALL THE EGGS AT ONE TIME. OF COURSE, WHEN THEY DID, THEY KILLED THE GOOSE AND THERE WERE NO MORE GOLDEN EGGS.

CARLSBAD'S ENVIRONMENT IS OUR GOLDEN EGG. THE BENIGN CLIMATE, EASY ACCESS TO AN OPEN COAST LINE AND OUR SANDY BEACHES WERE FUNDAMENTAL TO THE DECISION MANY OF US MADE IN DECIDING TO LIVE HERE. OUR PUBLISHED COMMUNITY VISION STATEMENT MAKES IT PLAIN THAT MOST OF US SEE THOSE BENEFITS AS ESSENTIAL TO THE QUALITY OF OUR LIVES AND WISH TO MAINTAIN THOSE ATTRIBUTES WELL INTO THE FUTURE.

UNFORTUNATELY, THERE ARE NOW SERIOUS THREATS TO MAINTAINING THAT BEACH COMMUNITY LIFESTYLE. SEA LEVEL RISE, CLIFF EROSION AND THOUGHTLESS DEVELOPMENT TO THE CLIFF'S EDGES AND THE HIGH TIDE LINE ARE COMBINING TO DEPLETE THOSE RESOURCES, WHICH WERE ONCE THOUGHT TO BE INEXHAUSTIBLE. IT TAKES ONLY A BRIEF WALK ON OUR BEACHES TODAY TO REALIZE HOW MUCH HAS BEEN LOST IN THE LAST FEW YEARS ALONE.

SOME OF THAT LOSS IS IRRETRIEVABLE, GIVEN THE INEVITABILITY OF SEA LEVEL RISE. PLANNED LITTORAL SAND DIVERSION TO OUR NORTH WOULD ACCELERATE SAND DEPLETION ON OUR BEACHES GREATLY. HEAVY COMMERCIAL/RESIDENTIAL DEVELOPMENT ALONG OLD HIGHWAY 101 WOULD RESTRICT, AND PERHAPS ELIMINATE, THE LAST OPEN SPACE ALONG THE COASTLINE IN SAN DIEGO COUNTY. INTO THE FUTURE, CARLSBAD'S OPERATIONS PLAN IS HEAVILY DEPENDENT ON EVER-INCREASING TOURISM AND VISITOR SPENDING. HOWEVER, WHEN THE BEACHES DIE AND COASTAL ACCESS IS RESTRICTED OR OVERCROWDED, CARLSBAD'S GOLDEN GOOSE DIES ALONG WITH THEM.

AS THE PRESENT CUSTODIANS, WE HAVE ONE CHANCE LEFT TO SALVAGE SOME OF WHAT WE HAVE LOVED FOR THE BENEFIT OF BOTH RESIDENTS AND VISITORS, AND INFLUENCE THE ENVIRONMENT WE LEAVE FOR OUR CHILDREN. USAGE RECORDS COMPILED BY THE CITY'S LIFEGUARD SERVICE DOCUMENT AN EXPONENTIAL INCREASE IN THE NUMBER OF VISITORS TO THE VILLAGE BEACH AREA SINCE 2016. IT IS POSSIBLE THAT CLOSE TO ONE MILLION PEOPLE WILL UTILIZE THE NORTHERN ONE MILE OF CARLSBAD'S BEACH THIS YEAR. WHERE WILL THEY GO? WHERE WILL THEY SIT? WHERE WILL WE POSSIBLY PARK ALL THOSE CARS?

THE GROWTH MANAGEMENT COMMITTEE IS CURRENTLY PREPARING A "QUALITY OF LIFE" DOCUMENT TO SUBMIT TO THE CITY COUNCIL. I PROPOSE WE RECOMMEND THE CITY EMPHASIZE RETENTION OF AS MUCH OF OUR REMAINING OPEN COASTAL SPACE AS POSSIBLE AND THAT THOSE AREA(S) BE MADE ACCESSIBLE TO THE GENERAL PUBLIC AS RECREATIONAL SPACE. WHILE THE BEACHES WILL CONTINUE ERODING, IT IS PERFECTLY POSSIBLE TO LOCATE ACCESS, PARKING AND ADDITIONAL CITY PARK FACILITIES BACK FROM ADVANCING TIDAL LEVELS WITH PATHWAYS TO THE WATER AND SMALLER POCKET BEACHES WHERE SAND COVERAGE CAN BE MAINTAINED FROM THE LAND WITHOUT OCEAN DREDGING. YES, THERE WOULD BE COST INVOLVED; AND, YES, IT WOULD ALSO BE FAIR TO EXPECT THOSE VISITORS WHO SHARE IN THE BENEFIT TO PARTICIPATE IN SHARING THAT COST. THE BOTTOM LINE IS, AT THIS MOMENT, WE HAVE THE OPPORTUNITY TO CREATE THE CROWN JEWEL OF THE SAN DIEGO COAST.

THIS CONCEPT, IF PROPERLY PRESENTED, COULD MEET THE DEVELOPMENTAL ASPIRATIONS OF BOTH THE CITY AND THE STATE WITHOUT OVER-DENSIFICATION WHILE PRESERVING (OR EVEN ENHANCING) THAT ELUSIVE QUALITY OF LIFE WE SO STRONGLY WISH TO RETAIN.

FRED BRIGGS

March 20, 2023

TO: Eric Larson, Chair
Michele Hardy, Carlsbad Staff
Members of Carlsbad Growth Management Committee

FROM: Fred Briggs, Primary Committee Member

SUBJECT: Proposed Recommendation for “Quality of Life” Consideration

The Growth Management Committee is currently preparing a “Quality of Life” document for consideration by the Carlsbad City Council as a part of the review tasks assigned to the committee. The following is a proposed recommendation to be included in that document:

> *It is recognized that Carlsbad’s beaches and beach front areas are under assault from both man-made and environmental conditions that are severely depleting those resources at a time when demand for such recreational space is increasing rapidly. It is therefore recommended that the City of Carlsbad emphasize retention of as much of the remaining open coastal space as possible and that those areas be made accessible within a reasonable period of time to the general public as recreation space equipped with facilities appropriate to the anticipated need. Particularly in the southern coastal area of Carlsbad, it would be possible to locate access, parking and additional city park facilities back from advancing tidal levels with pathways to the water and smaller pocket beaches where sand coverage can be maintained without reliance on ocean dredging. Any commercial/residential development permitted for such areas should be configured to return substantial public usage benefit. Consideration should also be given to measures assuring that non-residents who benefit from the improved access and facilities would share in the costs associated.*
>
> *Expanding and improving publically accessible coastal recreational space could be presented to the State of California as an acceptable alternative to public access needs without resorting to over-densification while providing the benefit of preserving quality of life for Carlsbad residents.*

From:	Mary and Jim Ryan
To:	Growth Management Committee
Subject:	Re: Draft committee report and materials
Date:	Monday, March 20, 2023 2:36:10 PM

Dear Committee.

Suggestions for the quality of life document:

Carlsbad Beyond Growth
Anticipate Carlsbad's Future
Foresee the Future of Carlsbad

Respectfully.

Mary Ryan

Date: March 21, 2023
To: Carlsbad Tomorrow/Growth Management Citizens Committee
From: Steve Linke, Traffic & Mobility Commission primary representative
Subject: March 23, 2023 report review/proposed amendments

GROWTH MANAGEMENT REPORT

I propose that the "Other Considerations" sections of the Parks and Open Space Standards be amended as follows to better reflect the Committee's votes and stated rationales:

Parks Standard "Other Considerations" amendment

> ~~The committee discussed a number of options for amending the standard.~~ Some committee members preferred a citywide standard of 4 acres per 1,000 population~~and/or exploring alternative ways to document what constitutes a park~~, excluding acreage inaccessible to humans, and/or restricting the acreage of Veterans Memorial Park to the northwest quadrant given its reduced scope. In the end, the majority voted to retain the existing standard. To address the access to parks, a majority of the committee also voted to request that City Council direct staff to evaluate the feasibility of a standard based upon a distance measure to any publicly accessible park.

Open Space Standard "Other Considerations" amendment

> When growth management was first implemented, several zones were exempted from the open space standard based on their 1986 planning and development status. Because planning changes and re-development have and likely will continue to alter the status in the exempt zones over time, ~~S~~some committee members preferred to look at ways to reverse the exemptions, apply a citywide standard, and/or look into linkage fees. The majority of the members preferred to keep~~ the spirit of~~ the original standard in place~~ and augment with a statement regarding open space policies that apply to all zones~~.

Open Space status deletion/amendment

In addition, the Open Space Standard "Rationale" and "Status" sections, including the status table, contain potentially misleading claims about most of the zones having more than 15% open space, so I propose removing them.

The 15% performance standard must be calculated **after** subtraction of "environmentally constrained non-developable land." However, the statements and table are based on calculations made from **total** open space—**without the subtraction**. This creates the false impression that 24 of the 25 zones would pass the standard, regardless of exemption status.

The actual 15% performance standard calculations presumably could have been provided for each zone, but the response to my requests for those numbers at our last committee meeting and in a follow-up email was simply that they "live in other documents." So, we will not get to see the actual relevant numbers.

Accordingly, the two misleading statements and table should be removed, and the most we should say in the Status section is:

> The 14 of 25 zones that are not exempt from the open space standard are currently meeting the 15% minimum standard according to staff.

QUALITY OF LIFE STATEMENTS

Combine with the Growth Management Report

I have never understood why the quality of life statements/recommendations need to be in a separate document, instead of including everything in a single report.

In the revised "Parks" section of the main Growth Management Report, the acres/population standard is provided first, but the next section is entitled "Additional recommendation" and contains the further recommendation to explore the feasibility of an additional travel distance-based standard.

That same approach should be taken for the "Open Space" and "Transportation and Mobility" portions of the Quality of Life document—move those bullet points to "Additional recommendations" sections in the corresponding topics in the Growth Management Report.

Then, just make a new section at the end of the Growth Management Report called "ADDITIONAL RECOMMENDATIONS" for the rest of the "Quality of Life Statements" with headings similar to the growth management sections. Or, promote them by placing them before the list of standards that we are just recommending eliminating.

Or, promote them even further by putting them at the very beginning—before the performance standards. Frankly, the only meaningful recommendations with any vision for the future are in these statements (e.g., Energy and "Proposition H"). For the growth management portion, we are largely just eliminating or keeping unchanged all of the original 1986 performance standards, so it could be argued that those should be the part relegated to an appendix. That said, I also agree with the sentiment expressed at our last meeting that some of the Quality of Life statements are also vague to the point of being meaningless (e.g., "Homelessness" and "Seniors/Aging Community").

Open Space amendments

I believe the following more fully reflects the discussion leading up to the committee consensus:

> Additionally, the committee recommends that the City Council add the topic of open space to the purview of the Parks & Recreation Commission or a separate citizen committee to address open space needs throughout the city~~, address potential open space deficits and evaluate opportunities to acquire more open space~~ by updating the list of candidate properties for proactive open space acquisition and by developing a plan that prioritizes zones with less unconstrained open space or that are subject to loss due to sea level rise.

Please also consider adding the following recommendation to council:

> Adopt a policy that discourages exceptions to development standards that would decrease open space.

Transportation and Mobility amendments

Please also consider adding the following recommendations to council:

> Complete the city's typology-based street network, as described in the General Plan Mobility Element.
>
> Adopt a policy that discourages land use changes that allow developers to convert planned commercial/mixed use to residential uses that increase vehicle miles traveled.

From:	Harry Peacock
To:	Growth Management Committee
Subject:	Comments on Draft Report and Open Space Standard Report
Date:	Tuesday, March 21, 2023 10:22:01 AM

Please see the below proposed corrections, additions and deletions.

page 7 "What, When, How" reference. The new Plan should also provide a "Where" as a part of the new plan.

page 8 LFM 2s. Fails to mention they were exemptions.

page 11 Delete last paragraph as it is totally self-serving

page 12 Delete first paragraph for the same reason as above

page 14 where is "community values" "note absence of neighborhood parks where Community Vision Statement calls for more activity on the coastline and access to parks.

p.29 Rationale 3rd point - second line, word AS should be HAS.

p31 inventory existing - not accurate as the actual acreage is not in these quadrants due to Council decisions on Veteran's Park acreage distribution.

Where is the Open Space Standard Report??

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

From:	Harry Peacock
To:	Growth Management Committee
Subject:	My Views on What The Growth Management Plan foe 2050 Should Be Containing Relative To Park Standers Park Requirements
Date:	Tuesday, March 21, 2023 11:26:55 AM
Attachments:	Proposed Park Standard.docx

While I may be the lone voice in suggesting a different approach to park requirements because of the history of what the actual effect of the original plan was on where parks are located and why the exempt zones in the southwest portion of the city should have had their exemptions deleted along with the plans that never happened, resulting in the fact that the nearest park is actually more than 2 miles away from local neighborhoods and that the area north of Cannon and west of I-5 have 37 acres of parks and the area south of Cannon and west of I-5 have zero acres has, in all fairness, to be addressed.

Please distribute the attached proposal on how to deal with this issue to the fellow members of the Committee.

Sincerely,

Harry Peacock, District 4 Appointee

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3/20/2023

Submitted by Harry Peacock, District 4 Member of the Carlsbad Tomorrow Growth Management Committee

1. **Create a 10-minute walk to City Park Standard in the**
   a. **Parks Master Plan,**
   b. **Growth Management Plan Update, and**
   c. **Local Coastal Program Update.**
2. **Create a Park Policy that requires developers to dedicate Park Land (not pay Park-in-lieu-fees) in areas that do not have a minimum of 3 acers of City Park for each 1,000 population within a 10-minute walk of the developer's proposed development (see attached CTGMC Key Issues & Suggestions file for details and Open Space suggestions).**
3. **Change the population increase estimate by utilizing a expected new population to be 1.5 persons per new bedroom constructed. Assure that this new standard also applies to all new structures, ADU on existing developed residential lots as well as re-models and additions. Also apply to all new retirement and assisted living units and developments.**
4. **Fix Coastal South Carlsbad's documented City Park inequity/unfairness with a significant and real Ponto Park**
5. **Save tax-payers tens of millions in dollars by cost effectively purchasing vacant land at Ponto for a Park, v. trying to maybe make a few bits of narrow PCH roadway median as a pseudo-park**

- **Do you want Carlsbad to be the worst city in Coastal Southern California in providing accessible Parks within a 10-minute walk to residents?**
- **Do you want Carlsbad to fail to upgrade its park standards while other cities updated their park standards and make their cities more desirable?**
- **Do you want to undermine the quality of life for Carlsbad citizens and their children by not providing a park within a 10-minute walk to their home?**
- **Do you want to force Carlsbad families to continue to have to drive to the nearest park?**
- **Do you want to slowly undermine a key visitor serving industry in South Carlsbad by not providing a significant and true and meaningful Coastal Park in South Carlsbad?**
- **Do you want tax-payers to pay tens of millions of more dollars to try to maybe make a few narrow portions of PCH median useable to people? Ask yourself if you would like to have your grandkids playing Frisbee just a few yards away from a highway with a 50 mph speed limit because the city decided that a "linear park" is what the southwest Carlsbad community wants over a regular neighborhood park? Don't forget the old saying, "no matter how much lipstick you put on a pig, it's still a pig.**

SUPPORTING FACTORS

Community Vision

Access to recreation and active, healthy lifestyles

Promote active lifestyle and community health by furthering access to trails, **parks, beaches** and other recreation opportunities.

The local economy, business diversity and tourism

Strengthen the city's strong and diverse economy and its position as an employment hub in north San Diego County. Promote business diversity, increased specialty retail and dining opportunities, and **Carlsbad Tourism.**

Neighborhood revitalization**, community design** and livability

Revitalize neighborhoods and enhance citywide community design and livability. Promote a greater mix of uses citywide**, more activities along the coastline** and link density to public transportation. Revitalize the downtown Village as a community focal point and a unique and memorable center for visitors, and rejuvenate the historic Barrio neighborhood.

Carlsbad is the worst of 24 Southern CA Coastal cities (from Malibu south to Imperial Beach along 165 miles of coastline) in providing Parks within 10-minute walk to residents:

1. Palos Verdes Estates provides Parks within 10-minute walk to 100% of residents
2. El Segundo provides Parks within 10-minute walk to 100% of residents
3. Hermosa Beach provides Parks within 10-minute walk to 100% of residents
4. Redondo Beach provides Parks within 10-minute walk to 98% of residents
5. Manhattan Beach provides Parks within 10-minute walk to 95% of residents
6. Del Mar provides Parks within 10-minute walk to 93% of residents
7. Dana Point provides Parks within 10-minute walk to 89% of residents
8. Huntington Beach provides Parks within 10-minute walk to 85% of residents
9. Long Beach provides Parks within 10-minute walk to 84% of residents

10. Laguna Beach provides Parks within 10-minute walk to 82% of residents
11. Santa Monica provides Parks within 10-minute walk to 82% of residents
12. San Diego provides Parks within 10-minute walk to 81% of residents
13. Coronado provides Parks within 10-minute walk to 76% of residents
14. Newport Beach provides Parks within 10-minute walk to 76% of residents
15. Imperial Beach provides Parks within 10-minute walk to 74% of residents
16. Encinitas provides Parks within 10-minute walk to 68% of residents
17. Los Angeles provides Parks within 10-minute walk to 63% of residents
18. Solana Beach provides Parks within 10-minute walk to 63% of residents
19. Oceanside provides Parks within 10-minute walk to 58% of residents
20. Seal Beach provides Parks within 10-minute walk to 57% of residents
21. Malibu provides Parks within 10-minute walk to 53% of residents
22. San Clemente provides Parks within 10-minute walk to 52% of residents
23. Rancho Palos Verdes provides Parks within 10-minute walk to 50% of residents
24. **Carlsbad** provides Parks within 10-minute walk to **49.9% of residents.**

Carlsbad is the lowest & most unfair to citizens of the 24 Southern California Coastal cities along 165 miles of coast from Malibu to Imperial Beach in terms of convenient access to parks.

Source of data: Trust for Public land Park Scores

That part of Carlsbad north of Cannon Road and west of I-5 has 37 acres of existing city parks.

That part of Carlsbad south of Cannon Road and west of I-5 has 0 acres of existing city parks.

This is the actual result of the application of the current park standard in the existing Growth Management Plan.

Was it the intention of the city to have no parks south of Cannon Road and west of I-5? If so that policy needs to be abandoned in all fairness to the 1,000s of Carlsbad residents in that portion of the city.

The proposed park development standard would address this obvious discrimination.

Community Vision Statements Relating to parks, beaches, Carlsbad Tourism and more activities along the coastline.

Of Carlsbad's 4,399 hotel rooms and more than 200 beach camping spots the vast majority are located south of Cannon Road and approximately 25% are located west of I-5, yet there is not a single acre of city parks to support this number two overall tourist attraction, Carlsbad's beaches.

Here is how Carlsbad compares to some other coastal cities in terms of hotel rooms per mile of coast line in California and walkability percentage.

City	Rooms	Coastline Miles	Rooms per mile	Rank	10-minute Walk %	Ranking
Carlsbad	4,399	6	733	2	49.9	8
Del Mar	594	2	297	5	93	1
Laguna Beach	1,165	7	166	7	82	4
Newport Beach	3,201	10	320	4	76	7
Huntington Bch	2,070	8.5	244	6	85	3
Santa Monica	3,567	3	1,189	1	82	4
Santa Barbara	3,534	6	589	3	78	6
Monterey Cnty	6,114	99	62	8	88	2

The city must also take into account not only the demand for beach access and a coastal park to fulfill the need to accommodate future residential growth in the city but also continued growth in the population outside of the city. Carlsbad cannot increase its miles of coastline (indeed with sea-level rise the amount of useable coastline may, in fact, be diminished). Assuring affordable coastal recreation and camping facilities are, at least, not diminished from the current supply has to be taken into account as well. A park at Ponto with some such facilities included, whether they be private, city owned or operated in concert with State Parks has to be given serious consideration.

The lack of a park at Ponto thus currently has a negative impact on tourism in addition to a negative impact on that portion of the city's residents who live there. Further, without providing for a park at Ponto any additional residential development will only make this walkability issue worse for the southwest quadrant of the city.

A Ponto Park would be a real step forward in providing “more activities along the coastline” by providing a park just adjacent to South Ponto State Beach and all the camping sites. It would further access to beaches and trails and help promote Carlsbad Tourism, addressing and supporting specific portions of the Carlsbad Community Vision.

From: Ron Withall
To: Michele Hardy
Subject: A Carlsbad Performing Arts Center
Date: Tuesday, March 21, 2023 4:55:52 PM

Dear Fellow Committee Members,

After the presentation by the Arts Department several meetings ago, I was quite puzzled by the obvious omission and lack of discussion by the presenters about the need for a performing arts center in our community. I have been a resident of Carlsbad since 1985 and have advocated for a performing arts center for the past 25 years.

My background in the performing arts began in Montreal with the 1976 Montreal Olympics' Art and Culture Program. I, along with two colleagues, produced the popular music program for the 1976 Olympics' Arts and Culture Program.

My involvement in the performing arts in San Diego includes production and sound design for 18 musical theater productions at the historic Mt. Helix Amphitheater in La Mesa and Christmas Holiday productions at the Copley Symphony Hall in downtown San Diego. I have also provided sound design and helped produce 21 musical theater productions by children (over 100 shows and 50,000 tickets) in North County. Because Carlsbad does not have a performance arts venue of adequate size, popular local community performing art programs (theater and dance) are forced to go outside of Carlsbad to find venues to stage their productions. I have worked with two non-profit community musical theater groups for kids in San Diego (CYT - Carlsbad and CYT - El Cajon) and those programs can easily sell over 500 general admission tickets per show.

Carlsbad has a wealth of performing art talent but without a central performing arts center, most of the talent leaves the area. That is a loss for local artists and the community. I recognize that the construction of a Performing Arts Center in Carlsbad is not a "Performance Standard" issue but it is a "Needs" issue and a "Quality of Life" issue. Therefore, I would like to propose that as a committee, we forward a request to the City Council that in their future discussions and dialog about our community and quality of life considerations, that they include the topic of a performing arts center for the Carlsbad community. We are a diverse community and we need to celebrate that diversity through the performing arts.

What are the performing arts?

Performing arts are arts such as music, dance and drama that are performed by individuals or groups in front of a live audience.

Why are performing arts important for Carlsbad?

Above all else, the performing arts are about creativity. Creativity is essential to human development and society cannot advance without creative people. The more people there are involved in the performing arts, the more creative thinkers we will have in the community. The more creative thinkers we have, the more innovative and successful we will be at solving problems in the future.

Some of the benefits performing arts can provide to our community…

PERFORMING ARTS – YOUTH & EDUCATION

The performing arts contribute to the education of everyone involved, especially young people. A performing arts center provides a safe space for kids to try new things, learn about their own strengths and express themselves without fear of rejection. Performing arts shows young people they are capable of greatness, helping them build the confidence to become strong leaders and emotionally intelligent community members.

PERFORMING ARTS - SELF KNOWLEDGE & SELF-EXPRESSION

The performing arts provide an opportunity where people can express themselves without judgment. Performance arts encourage both the performer and the audience to look inward and see our life through new eyes. Performance art reminds us that body language is important in communication and self-expression and allows us to explore this language and the emotions that make performance arts so meaningful.

PERFORMING ARTS - A SENSE OF COMMUNITY

The performing arts give us a sense of connection in the community – and not only for the people on stage but the audience as well. The performing arts provide us with an opportunity to build relationships with others and create a community of its own that's founded on an appreciation for the arts. Unlike the visual arts, performing arts give us a form of entertainment that is focused on being around people and are responsible for strengthening engagement within the community by bringing people with various backgrounds and cultures together across the community. The performing arts actively promote civic engagement and educate us about ourselves and the world we live in.

--
Ron Withall
Carlsbad ***Tomorrow*** Committee Member (Alternate)

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Proposed Draft Language for the Quality of Life Memo

OPEN SPACE and PARK

Some members of the public, many residing in the Ponto area, raised the issue of the need for a neighborhood park in their community. For many years, the City of Carlsbad has been investigating a so-called linear park that would run from the Encinitas border to around Carlsbad Airport Road. This three-mile stretch of land could accommodate many of the recreational needs in south Carlsbad in a unique way by providing public restrooms and parking at the beach, bike and pedestrian trails, active and passive recreational areas, and about 60 acres of parkland and open space, in perpetuity.

Many years ago, before the homes in Ponto were built, Carlsbad Blvd. was realigned fronting many of the homes in the Ponto area in anticipation of, and to accommodate, such a linear park.

During various meetings of the Carlsbad Tomorrow Committee, members discovered that the City of Carlsbad has strategically created unique parks and recreational areas around the City to support swimmers, dog owners, pickleball and tennis players, and baseball, football and soccer teams and golfers to name a few. The committee members learned that not all communities will have duplicative recreational opportunities and that in many cases, residents need to travel outside a two-mile range to recreate.

The committee encourages the City Council to aggressively address the needs of all residents of Carlsbad by actively pursuing the feasibility of building the linear park as a unique, one-of-a-kind recreational option for the community, like to Alga Norte swim complex, the Ann L'Heureux Dog Park, the Poinsettia Park pickleball courts, and the Crossings Golf Course, that would add to the quality of life for all who live, work and recreate here.

From:	Jeff Segall
To:	Michele Hardy; Eric Lardy
Cc:	Eric Larson; mike Howes
Subject:	Recommended Wording for Carlsbad Tomorrow Report
Date:	Thursday, March 23, 2023 12:08:15 PM
Attachments:	GMP - Considerations for the Draft Report of the Carlsbad Tomorrow Committee.docx

To: Carlsbad Tomorrow Committee Members

cc: Committee Chair and Vice Chair

Committee members were asked to make comments to the draft Carlsbad Tomorrow Report. Below is a list of my potential draft wording/additions for sections Report we will be discussing tonight.

My intent is not to wordsmith this document, nor add anything not discussed by the committee, but to share elements I believe are either missing in the report or to add clarify comments to sections of the report.

Jeff

Considerations for the Draft Report of the Carlsbad Tomorrow Committee

Executive Summary

The report needs an Executive Summary listing the recommendations of the Committee, recommendations explored by not made, and a reference to the Quality of Life memo, not included in this report but sent separately to the City Council.

Included in Introduction or Executive Summary

The current Growth Management Plan addresses, among other things, how growth and development in the city will be paid for or financed. The current plan puts such a burden on new development. As a city faced mainly with infill development, and not large-scale developments as was the case when the GMP was established, the question of how the limited number of new developments will pay for such improvements came up repeatedly in meetings. The city estimates that about 3,900 new housing units are required under the new Housing Element, of which about 2,100 units need to be affordable.

The committee was concerned with how an equitable financing plan would impact the remaining 3,900 units, or even more if state law requires such in the future, and what such a burden would be on developers who would pass such costs on to new home buyers or renters, thereby making projects more costly and less affordable. Further, the committee felt that such requirements could actually prevent development rather than managing it.

The committee recognizes this dilemma but does not have enough data to make recommendations at this stage of the process. Further, the committee does not believe its charge was to take in such financial considerations. As such, all recommendations are made with the financial impacts of its recommendations lacking. Committee members understand that the City Council will have to direct staff to investigate those issues as the Council proceeds with considering Committee recommendations.

Page 19

Work Product

In the scope of its work, the committee also reviewed a number of potential new recommendations beyond the current 11 standards in the current Growth Management Plan, but upon presentation by appropriate staff, ended up not recommending additions to the Plan. As such, these concepts are presented in this report as standards discussed but not recommended, and why. Further, when the committee liked such concepts, but felt they did not fit as a GMP standard, they made such recommendations to the City Council in the Quality of Life memo that is separate from this report.

(Example – Police and Public Safety Standard. List others.)

Page 30

Park Standards

Under Additional recommendation, clarify whether this recommendation is retroactive for all parks or just those tied to new developments and infill projects.

Page 32

Open Space Standard

Under Proposed new standard, clarify whether this recommendation is retroactive for all open space or just that tied to new developments and infill projects.

Page 34

Mobility Standard

Under Other considerations, add a bullet saying the Committee recognizes that traffic impacts in the city occur through many means, including but not limited to traffic from other cities passing through Carlsbad to get to other locations such as I – 5, and through traffic outside of Carlsbad coming to the city for work or shopping amenities or traffic leaving the city to outside destinations. As such, Committee members understand that not all traffic impacts are the result of increased residential development, but from pass through traffic and traffic generated by commercial and industrial development as well.

Page 39

Add Potential Standards Discussed but Not Recommended Section (See Work Product above)

Page 40

Add preamble verbiage repeating that the impacts to the costs and financing mechanisms associated with the standards recommended beginning on page 26 the committee felt were not the purview of the committee, and that if the City Council wanted such data, that they would have to instruct the staff to evaluate such costs and impacts.

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

Jeff Segall

Considerations for the Draft Report of the Carlsbad Tomorrow Committee

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CARLSBAD TOMORROW:
GROWTH MANAGEMENT CITIZENS COMMITTEE

Agenda

April 20, 2023, 5 p.m.
Special Meeting

Faraday Center
1635 Faraday Ave.
Carlsbad, CA 92008

Welcome to Carlsbad Tomorrow: Growth Management Citizens Committee Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Growth Management Citizens Committee and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person

Growth Management Citizen Committee Meetings take place at the Faraday Center, 1635 Faraday Ave.

Online

Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Growth Management Citizens Committee, please:

- Fill out a speaker request form.
- Submit the form to staff before the item begins.
- When it's your turn, staff will call your name and invite you to the podium.
- Speakers have three minutes unless the presiding officer (usually the chair) changes that time.
- You may not give your time to another person, but groups can select a single speaker if three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer.

- **In writing:** Email comments to committee@carlsbadca.gov Comments received by 2:30 p.m. the day of the meeting will be shared with the committee prior to the meeting. When e-mailing comments, if the comment relates to a specific item on the agenda, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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 Thursday before the meeting to make arrangements.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES: *Minutes from the March 23 meeting.*

PUBLIC COMMENT: *Members of the public are invited to comment on items both on and not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, public comment is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Carlsbad Tomorrow Growth Management Citizens Committee will receive comments for 15 minutes at the beginning of the meeting. As needed, public comments will continue at the end of the meeting. In conformance with the Brown Act, no action can occur on non-agenda public comment items.*

WELCOME & OPENING COMMENTS: *Open meeting and welcome attendees. Review and clarify purpose and charge for the committee. Review agenda and meeting format.*

DISCUSSION ITEMS:

1. COMMITTEE BUSINESS – Collaborate and discuss the following topics:
    - **Quality of Life Topic: beach access and public access.** Review and discuss proposed language from committee members for inclusion in the quality of life recommendations (Contact: Eric Lardy, Carlsbad Community Development Department).
    - **Review Draft Committee Report.** Review and discuss the final draft committee report on the recommendations for a new plan to manage growth in the future. Address requested committee edits. Take a vote on approval of the report (Contact: Susan Harden, Circlepoint).

COMMITTEE MEMBER RECOGNITION AND NEXT STEPS: *Recognize committee's hard work and accomplishment. Review next steps following this last committee meeting.*

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. Any remaining public comments shall be read into the record.

ADJOURN: *Closing comments and adjourn meeting.*

Carlsbad TOMORROW
Growth Management Citizens Committee

Minutes

April 20, 2023

CALL TO ORDER: 5 p.m.

ROLL CALL:

Present:
Primary – Jeff Segall, Scott White, Eric Larson, Stephen "Hap" L'Heureux, Mike Howes, Mary Ryan, Frank Caraglio, Harry Peacock, Annika Jimenez, Fred Briggs, Amy Allemann, Joseph Stine, Steve Linke
Alternate – Jan Neff-Sinclair, Casey Carstairs, Don Christiansen, Thierry Ibri, Matthew Reese, Angela O'Hara, Allen Manzano, Art Larson, Kevin Sabellico, William Fowler

Absent:
Primary – Frances Schnall, Gita Nassiri, Chad Majer, John Nguyen-Cleary, William Sheffler
Alternate – Ron Withall, Patrick Goyarts, Terence Green, Erin Nell, Nora Jimenez George, Lisa Stark, Jamie Jacobs, Marissa Steketee

APPROVAL OF MINUTES:
Motion by Steve Linke, seconded by Scott White, to approve the March 23, 2023 minutes.

PUBLIC COMMENTS:

There were no public comments.

WELCOME AND INTRODUCTIONS:
The meeting opened with a welcome to attendees from Committee Chair Eric Larson. Facilitator Susan Harden reviewed the meeting agenda, the committee's purpose, process, charter, and next steps. Susan provides an overview of the printed information provided to each committee member for discussion at the meeting.

COMMITTEE BUSINESS

- **Quality of Life Topic:**
  - **Beach access and public access.** The committee discussed committee correspondence received as the result of a request from the March 23, 2023 meeting to have beach and public access included as a topic in the quality of life report.
    - Discussion concluded with consensus on including a new topic, titled "Coastline," using portions of the text submitted by the committee in the quality of life report.
    - Final edit of submitted text:

      It is recognized that Carlsbad's beaches and beach-front areas are being impacted from both man-made and environmental conditions that are severely depleting those resources at a time when demand for such recreational space is increasing

rapidly. Shoreline preservation, beach erosion, sea-level rise and continuing adverse weather-related influences are all causing great impacts for beach use and access, as witnessed during the winter and spring storms that batter our coastline periodically, and as recently as 2023.

The Carlsbad Tomorrow Committee strongly recommends that the City Council give top priority to the expansion, protection, and enhancement of public access to, and community use of, the shoreline at beach level and on the bluffs overlooking the beach in decisions concerning active and passive park use, open space, enhanced pedestrian and bike trails, periodic sand replenishment, a dog beach area, park and/or outdoor venue areas for community events, parking, lifeguard coverage, beach showers, and public restroom facilities. If commercial/residential development is permitted for such areas, it should be planned to return substantial public recreational benefit.

- The committee further discussed if the entire text would be included in the appendix.
  - Comment made that updates would need to be made universally throughout both the committee report and the quality of life report.

- **Report Title.** The committee discussed a list of titles submitted by committee members.
  - By consensus, the committee moved to title the report Quality of Life Concerns & Recommendations.
- **Quality of Life Concerns & Recommendations report.**
  - By consensus, the committee moved to revise the first bullet under the Proposition H topic to read**:**

    During committee deliberation it was discussed that the Proposition H limit of $1 million on general fund capital expenditures, as implemented by Carlsbad Municipal Code Chapter 1.24, has not been updated since it was passed by voters in 1982.
    The committee recommended the City Council consider a ballot measure increasing the expenditure limit due to increased project costs and indexing it to something like the Consumer Price Index so it can increase over time.
  - Motion Amy Alleman, seconded by Joe Stine to approve the Quality of Life Concerns & Recommendations report.
    - Concern expressed that the reports do not do enough to address the Ponto Park issue.
    - Recommendation to include language in the alternative perspectives area regarding the committee's minority opinion to recommend a park at Ponto.
    - Chair Larson reviewed the "Motion to Reconsider" process for reconsidering a topic that was previously voted on, noting that the motion must come from a committee member who was in prevailing vote initially.
    - Several comments that the committee has discussed the Ponto park issue numerous times and the decision has been the same each time – which was not to recommend specific projects.
    - Further discussion on past votes, and the fact that people who had voted previously on the topic before the committee were not present at this meeting.
    - There were multiple comments in favor and in opposition of Ponto references being added to the reports.
    - It was noted there is much documentation included in the appendix regarding Ponto – the public comments, petitions, etc.
    - Comment received that as a matter of parliamentary procedure, a motion to reconsider is out of order when it conflicts with a pending motion if that motion were adopted.
  - **Action:** Motion passed by a vote of 12 to 4 to approve the Quality of Life Concerns & Recommendations report with three alternate committee members voting for absent primary members Frances Schnall, John Nguyen-Cleary and William Scheffler.

Members	Vote	
	YES	NO
Jeff Segall, At Large	x	
Scott White, At Large	x	
Eric Larson, District 1	x	
Stephen "Hap" L'Heureux, District 1	x	
Mike Howes, District 2	x	
Mary Ryan, District 2	x	
Frank Caraglio, District 3		x
Harry Peacock, District 4		x
Annika Jimenez, District 4		x
Fred Briggs, Beach Preservation Commission		x
Amy Allemann, Parks & Recreation Commission	x	
Joe Stine, Planning Commission	x	
Steve Linke, Traffic & Mobility Commission	x	
Alternates	**Vote**	
	YES	**NO**
Matthew Reese, District 3	x	
Allen Manzano, Housing Commission	x	
Art Larson, Library Board of Trustee	x	

- **Review Draft Committee Report.** The committee reviewed and discussed suggested revisions to the Draft Committee Report submitted by committee members. The following captures discussion regarding the submitted comments and additional requests not submitted prior to the meeting.
  - **Pages 6-7:**
    - Correction noted on page 6 of the Executive Summary to add "Wastewater Treatment Capacity" to the list of standards being recommended for removal.
    - Recommendation by a committee member to replace page 6 text with the recommended text submitted, replacing the paragraph under "Recommended Growth Management standards", and removing the last sentence on page 6.
    - Comment that the second paragraph of the recommended text is redundant with page 7 text and could be removed.
    - Comment that the second paragraph is stronger than the paragraph currently under the heading "[TITLE TBD – accompanying document]" and could replace the existing paragraph.
    - Recommendation to include the same table appearing on page 25 on page 6.
    - Request to strike some text from the first and second paragraphs being proposed for page 6 and 7 due to concerns that there was not consensus from the committee on the concepts stated in the proposed text.
    - Motion by Steve Linke, seconded by Harry Peacock, to include the recommended text, as edited below, including the recommendation of the page 25 table repeated on page 6, striking the current last sentence on page 6, and retaining the mention of other plans in place regarding the removal of four standards:

      The committee heard thorough presentations from staff, listened to community input, and reviewed and explored current Growth Management Standards as well as a number of potential new standards (see page 38 under Additional topics considered by the committee), but after extensive discussion on many of the topics,

did not recommend any new standards.~~, in part because members felt a financing mechanism could not be established due to the limited number of dwelling units to be built as of the time of this report or because infrastructures were already built out.~~

Move to page 7 under heading "[TITLE TBD – accompanying document]"
The committee felt new concepts should be considered in a separate Quality of Life (new name) document which is included in this report as well as a separate document to the City Council. The committee felt that these topics were especially important to the quality of life in Carlsbad and wanted the City Council to understand this separately from Growth Management Report.

Of the 11 current standards, the committee recommended keeping seven, modifying two, and removing four because other plans are already in place to ensure the city's needs are met in the future.

<<List the standards here>>

- By consensus, the committee moved to adopt the revised language per the discussion.

- **Page 17:**
  - Recommendation to mention, "Envision Carlsbad, a citizen led effort."
- **Page 22:**
  - Request to add language on primary members being the voters, and alternates voting only if the primary member was absent.
  - After discussion, committee agreed by consensus to add the following language:
    Many votes were passed by consensus, however on a number of issues, a roll call vote was taken when the committee was split on an issue. Only primary committee members were allowed to vote on proposals and recommendations. Alternates could do so, only when filling in for their primary members.
  - Request for the following sentence on page 22 to include the actual page reference rather than say "end of this report":
    "An overview of the committee's work plan and actions taken by the committee at each meeting is included at the end of this report."
- **Pages 27 – 28:**
  - Discussion on format and having the "Status" section come before "Alternate Perspectives."
  - The absence of a green arrow bullet was noted for the Alternative Perspectives paragraph.
  - By consensus, committee agrees to add the following four bullets in place of the existing paragraph under Alternative Perspectives:
    - Some committee members preferred a citywide standard of 4 acres per 1,000 population.
    - Some committee members preferred excluding acreage inaccessible to people and restricting the acreage of Veterans Memorial Park to the northwest quadrant given the significant reduction in its scope and elimination of the planned buildings and activity areas that originally classified it as a citywide/regional park in 1986.
    - In the end, the majority voted to retain the existing standard.
    - To address the access to parks, a majority of the committee also voted to request that City Council direct staff to evaluate the feasibility of a standard based upon a distance measure to any publicly accessible park.
- **Page 35:**
  - Recommendation to change "Status" heading to "Total open space inventory".

  - Comment that to keep the formatting consistent, the Status heading should stay.
  - Comment that on this page, "Status" does not apply to what the table under the heading is showing.
  - Further discussion led to the recommendation of removing the footnote under the table, the Status heading having an asterisk next to it, and this addition, in full size text, under the heading, above the table:
  - Note: The open space percentages in the following table represent total open space in each zone, not just the unconstrained developable portion required to meet the 15% performance standard.
- **Page 38:**
  - Recommendation to change the Public Safety bullet to Police.
  - Add Police and Public Safety to the list with a note (see Fire Department standard discussion on page 37).
- **Page 39:**
  - Recommendation to move the "Supplemental quality of life recommendations" heading to the top of the page, and replace the existing paragraph with:
    While standards could not be developed for some of these topics, the committee determined some of the areas should receive more consideration by the City Council and be considered in future city strategic planning issues, but not as standards in the Growth Management Program. These are described in more detail on pages 39-42 and were also provided to the City Council in a separate document.

    [Insert table with list of topics]

    These committee discussions on additional topics and quality of life issues, as well as public input, are summarized in the meeting minutes, which are included in the appendices.
  - Comment that the heading should be changed to reflect the adopted "Quality of Life Concerns & Recommendations" title.
- **Page 40:**
  - Request to change "group" to "committee" in the first paragraph under the Carlsbad Energy Advisory Group heading.
  - It was noted the change will be made in the Quality of Life Concerns & Recommendations report as well.
- **Page 41:**
  - There was a request to add the same Prop H language to the first bullet that was added to the Quality of Life Concerns & Recommendations report:
    During committee deliberation it was discussed that the Proposition H limit of $1 million on general fund capital expenditures, as implemented by Carlsbad Municipal Code Chapter 1.24, has not been updated since it was passed by voters in 1982.
- **Page 30:**
  - It was noted some of the font size in the "Status" paragraph is not consistent.
- Question on where the new Coastline topic would be in the Quality of Life Concerns & Recommendations report.
  - Staff noted the topics are currently presented in alphabetical order.
- There was a question on if a global change had been applied to say "Growth Management Program" throughout the reports.
- Request to change the icon representing homelessness.
- Motion to adopt the report of the Carlsbad Tomorrow Growth Management Citizens Committee by Jeff Segal, seconded by Mary Ryan.

- **Action:** Motion unanimously passed with three alternates voting for absent primary members Frances Schnall, John Nguyen-Cleary and William Scheffler.

Members	**Vote**	
	YES	**NO**
Jeff Segall, At Large	x	
Scott White, At Large	x	
Eric Larson, District 1	x	
Stephen "Hap" L'Heureux, District 1	x	
Mike Howes, District 2	x	
Mary Ryan, District 2	x	
Frank Caraglio, District 3	x	
Harry Peacock, District 4	x	
Annika Jimenez, District 4	x	
Fred Briggs, Beach Preservation Commission	x	
Amy Allemann, Parks & Recreation Commission	x	
Joe Stine, Planning Commission	x	
Steve Linke, Traffic & Mobility Commission	x	
Alternate	**Vote**	
	YES	**NO**
Matthew Reese, District 3	x	
Allen Manzano, Housing Commission	x	
Art Larson, Library Board of Trustee	x	

- **Next Steps.**
  - Motion by Jeff Segall, seconded by Mike Howes, to present the reports of the Carlsbad Tomorrow Growth Management Citizens Committee to the City Council at their July 18 meeting, when the Chair is available to attend.
  - **Action:** By consensus, the committee moved to present the reports to City Council on July 18.
  - Question raised about approving the minutes from the April 20, 2023 meeting and the final reports.
  - Staff indicated that votes cannot be taken through email.
  - Staff indicated the minutes and both reports with the changes adopted at the April 20, 2023 meeting would be distributed to the committee, and comments could be sent to staff to address.
  - Question on whether the committee would be receiving bound copies of the final reports.
    - Staff indicated bound copies could be provided.
  - The committee was presented with certificates of appreciation for their dedication and participation as members of the Carlsbad Tomorrow Growth Management Program Citizens Committee.

DISCUSSION ITEMS:

- None.

PUBLIC COMMENT:

- None.

ADJOURNMENT:

Chair Eric Larson adjourned the duly noticed meeting at 7:20 p.m.

Eric Lardy - Minutes Clerk

GROWTH MANAGEMENT CITIZENS COMMITTEE
Staff Report

Meeting Date:	April 20, 2023
To:	Growth Management Citizens Committee
Staff Contact:	Eric Lardy, City Planner Eric.Lardy@carlsbadca.gov Sarah Lemons, Communication & Engagement Sarah.Lemons@carlsbadca.gov
Subject	Committee Business

Recommended Action

Discuss the following topics:

- **Quality of Life Topic: beach access and public access.** Review and discuss proposed language from committee members for inclusion in the quality of life recommendations, including appropriate title for the document. Updated quality of life recommendations available HERE.
- **Review Draft Committee Report.** Review and discuss the final draft committee report on the recommendations for a new plan to manage growth in the future. Address requested committee edits. Take a vote on approval of the report. Report available HERE.

Fiscal Analysis

This action has no fiscal impact.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of the California Environmental Quality Act 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. Therefore, it does not require environmental review.

Public Notification and Outreach

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

Carlsbad TOMORROW

Growth Management Citizens Committee

Meeting 15
April 20, 2023

City of Carlsbad

1

Committee Photo

Carlsbad TOMORROW

2

Call to Order & Roll Call

Carlsbad TOMORROW

3

Public Comment

Carlsbad TOMORROW

4

Welcome & Introductions

Carlsbad TOMORROW

5

COMMITTEE PURPOSE

1. Promote balanced consideration of a range of perspectives on issues affecting the future growth and quality of life in Carlsbad **and**
2. Identify the key elements of a new plan to manage growth in Carlsbad in a way that maintains an excellent quality of life while also complying with state law.

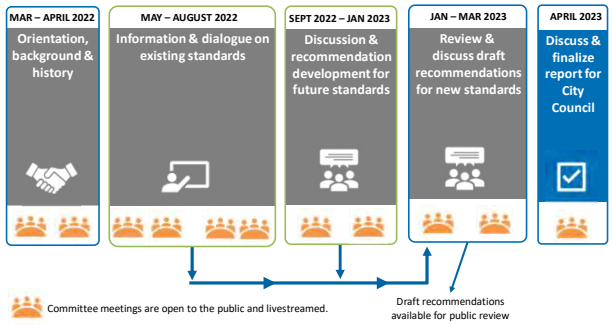
6

COMMITTEE CHARTER

The committee is expected to focus on input, review, and "buy-in" to carry out the committee's mission, rather than deliberating on precise details. The committee's work will conclude with a committee-supported report recommending to the City Council what should be included (key elements) in a new plan to manage growth and achieve an excellent quality of life while ensuring compliance with state law. The City Council will consider the committee's recommendations and direct the next steps to create a new growth management plan.

7

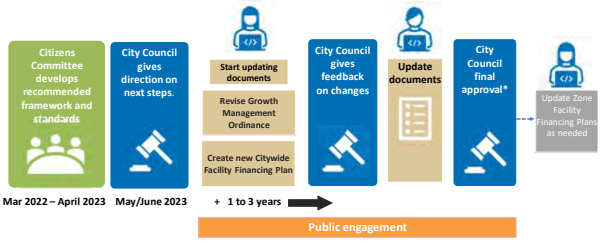
COMMITTEE PROCESS



8

STEPS IN THE PROCESS

Growth Management Program Update



* Ballot Initiative may or may not be included

9

TODAY'S AGENDA

Discussion Items

- Committee Business
  - Quality of Life
    - Beach Access
    - Report Title
  - Final Draft Committee Report
- Next Steps & Committee Member Recognition
- Public Comment (continued if needed)
- Adjourn

City of Carlsbad

10

1. Committee Business

Carlsbad TOMORROW

11

Proposed Quality of Life Recommendations: Beaches/Coastline

Carlsbad TOMORROW

12

SUGGESTED TITLES

- Qualify of Life Statements
- Quality of Life Recommendations
- Quality of Life Recommended Goals
- Supplemental Report – Quality of Life Considerations
- Supplemental Report – Future Quality of Life Considerations
- Additional Recommendations
- Carlsbad Beyond Growth
- Beyond Growth Management
- Anticipate Carlsbad's Future
- Foresee the Future of Carlsbad

13

SUGGESTED TITLES

- Qualify of Life Enhancements
- Crucial Issues Key to Carlsbad's Future
- Carlsbad Tomorrow Growth Management Citizens Committee Matters of Urgency
- Goals for Carlsbad Today
- Matters of Concern/Considerations

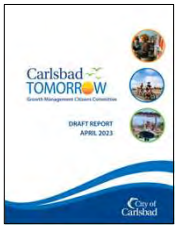
14

Finalize Committee Report

15

TABLE OF CONTENTS

- Executive summary
- History
- Growth Management Program
- Carlsbad Tomorrow Growth Management Citizens Committee
- Committee recommendations
  - Performance standard recommendations
  - Supplemental quality of life recommendations
- Next steps
- Committee work plan
- Appendices



16

FINALIZE COMMITTEE REPORT

- Identify and confirm any additional changes
- Vote to approve report with edits

17

NEXT STEPS

18

NEXT STEPS

- Complete final edits and formatting

MAY/JUNE 2023

- City Council considers the committee's recommendations and provides direction on next steps
- Committee and public will be notified of City Council meeting date

19

Committee Member Recognition

20

Public Comment

21

Adjournment – THANK YOU!

22

Proposed Draft Language for the Carlsbad Tomorrow Quality of Life Memo

Essential to Carlsbad's civic identity is its seven miles of pristine coastline and beaches. The coast is Carlsbad's single most important defining character and is the heart to our quality of life for all who live, work and recreate here.

The Envision Carlsbad Community Vision recognizes that "…the *beach is an important outdoor recreational resource, and protecting and enhancing access to the beach and the quality of the beach experience is a top community priority. In the future, the beach will be maintained as a safe, accessible, and attractive recreational resource through partnerships with regional and State agencies, and other organizations. Access to the beach and the quality of the beach experience will be improved through new compatible and supportive uses on or in close proximity to the beach."*

Other sections of the Envision Carlsbad report emphasize the importance of the small-town feel, beach community character and connectedness of Carlsbad, and the importance of walking and biking trails.

It is recognized that Carlsbad's beaches and beach-front areas are under assault from both man-made and environmental conditions that are severely depleting those resources at a time when demand for such recreational space is increasing rapidly. Shoreline preservation, beach erosion, sea-level rise and continuing adverse weather-related influences are all causing great impacts for beach use and access, as witnessed during the winter and spring storms that batter our coastline periodically, and as recently as 2023.

The Carlsbad Tomorrow Committee strongly recommends that the City Council give top priority to the expansion, protection, and enhancement of public access to, and community use of, the shoreline at beach level and on the bluffs overlooking the beach in decisions concerning active and passive park use, open space, enhanced pedestrian and bikes trails, periodic sand replenishment, a dog beach area, park and/or outdoor venue areas for community events, parking, lifeguard coverage, beach showers, and public restroom facilities. Commercial/residential development permitted for such areas should be planned to return substantial public recreational benefit.

Date: April 13, 2023
To: Carlsbad Tomorrow/Growth Management Citizens Committee
From: Steve Linke, Traffic & Mobility Commission primary representative
Subject: April 20, 2023 report review/proposed amendments

QUALITY OF LIFE TOPICS

Recommended document title

QUALITY OF LIFE RECOMMENDATIONS

Proposition H (Page 8)

The second bullet point contains a reference to the current $1 million limit, but I think it is even more important to make that reference in the first bullet point, proposed as follows:

> During committee deliberation it was discussed that the Proposition H limit of $1 million on general fund capital expenditures, as implemented by Carlsbad Municipal Code Chapter 1.24, has not been updated since it was passed by voters in 1982~~the 1980s~~…

GROWTH MANAGEMENT REPORT

Executive Summary (Page 6)

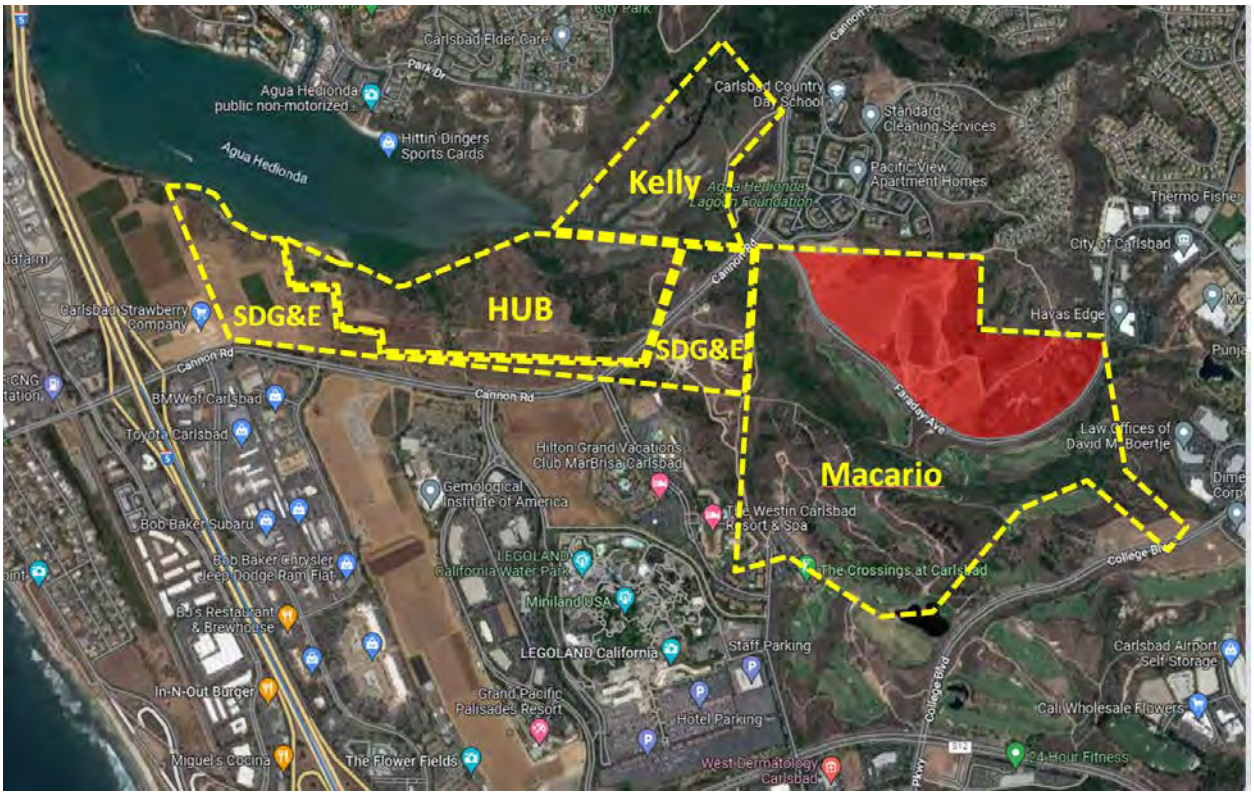
Add "Wasterwater Treatment Capacity" to the list of standards being recommended for removal (only three of the four are currently listed).

Parks Standard (Pages 27-28)

The footnote for the Status table on Page 28 (agreed upon by consensus of the committee at our meeting last month) included only the fact that the acreage of Veteran's Memorial park was being split equally among all four quadrants, even though the park is located entirely within the northwest quadrant. Staff's inclusion of the following additional language was not discussed, which requires a re-opening of this topic:

> …because of its size, centralized location and citywide significance, the park fulfills citywide park facility needs. The city's intention for the park to be a citywide park facility dates to the adoption of the Growth Management Program in 1986.

The fact is, in 1986, the park's Master Plan included an approximately **500-acre** swath of land that extended from just east of the strawberry fields to what is now College Boulevard and far south of what is now Faraday Avenue (all of the yellow dotted line parcels on the following map). City documents in that time period **likened this sprawling future park complex to "Balboa Park in San Diego and Golden Gate Park in San Francisco"!**



Just within the approximately **100-acre** portion that will now become Veteran's Memorial Park (red shaded area in the above image), the Master Plan—as it existed in 1986—included **a conference center, an interpretive center, an athletic center, an artisans village, tennis courts, baseball/softball fields**, and garden, picnic, and hiking areas. In a 1989 update, the athletic center and artisans village were replaced with an **amphitheater** and **cultural arts center**. Other parts of the 500-acre park were slated for a **boating facility and beach access at the lagoon, soccer fields, a botanical center, an agricultural preserve, restaurant and concession areas**, etc. See Attachment 1 for the 1989 Master Plan map.

The sheer size of the territory and all of these extensive buildings and activity areas were what justified the proposed park's classification as a regional park like Balboa Park that was worthy of citywide treatment for growth management purposes. Attachment 2 shows how the city was classifying what was then called Macario Canyon Park (Entry #18 on the second page) relative to other parks, based on acreage and amenities.

However, over time, multiple parcels that were going to be leased (SDG&E and Kelly properties to the west) were eliminated, and a large portion south of Faraday Avenue was converted to the golf course. The final ~100-acre portion shaded in red (50% park/50% protected habitat) largely only includes picnic and hiking areas, a playground, and a bike park—**none of the previously planned major amenities listed above**.

During final review, the traffic study and the Planning Commission acknowledged that, Veterans Memorial Park will now act more like a small community park—with less user trips (and only trips redistributed from other parks), fewer amenities, and much smaller activities than many of Carlsbad's other community parks, like Alga Norte, Poinsettia, Stagecoach, etc., which are only counted in their own quadrants.

Accordingly, I propose that the "Alternative Perspective" on the Veterans Memorial Park issue on Page 27 be expanded to better convey the discussion and separate votes that occurred on these matters at our 1/26/2023 meeting, as follows:

Alternative perspectives

- Some committee members preferred a citywide standard of 4 acres per 1,000 population.
- Some committee members preferred excluding acreage inaccessible to people and restricting the acreage of Veterans Memorial Park to the northwest quadrant given the significant reduction in its scope and elimination of the planned buildings and activity areas that originally classified it as a citywide/regional park in 1986.
- In the end, the majority voted to retain the existing standard.
- To address the access to parks, a majority of the committee also voted to request that City Council direct staff to evaluate the feasibility of a standard based upon a distance measure to any publicly accessible park.

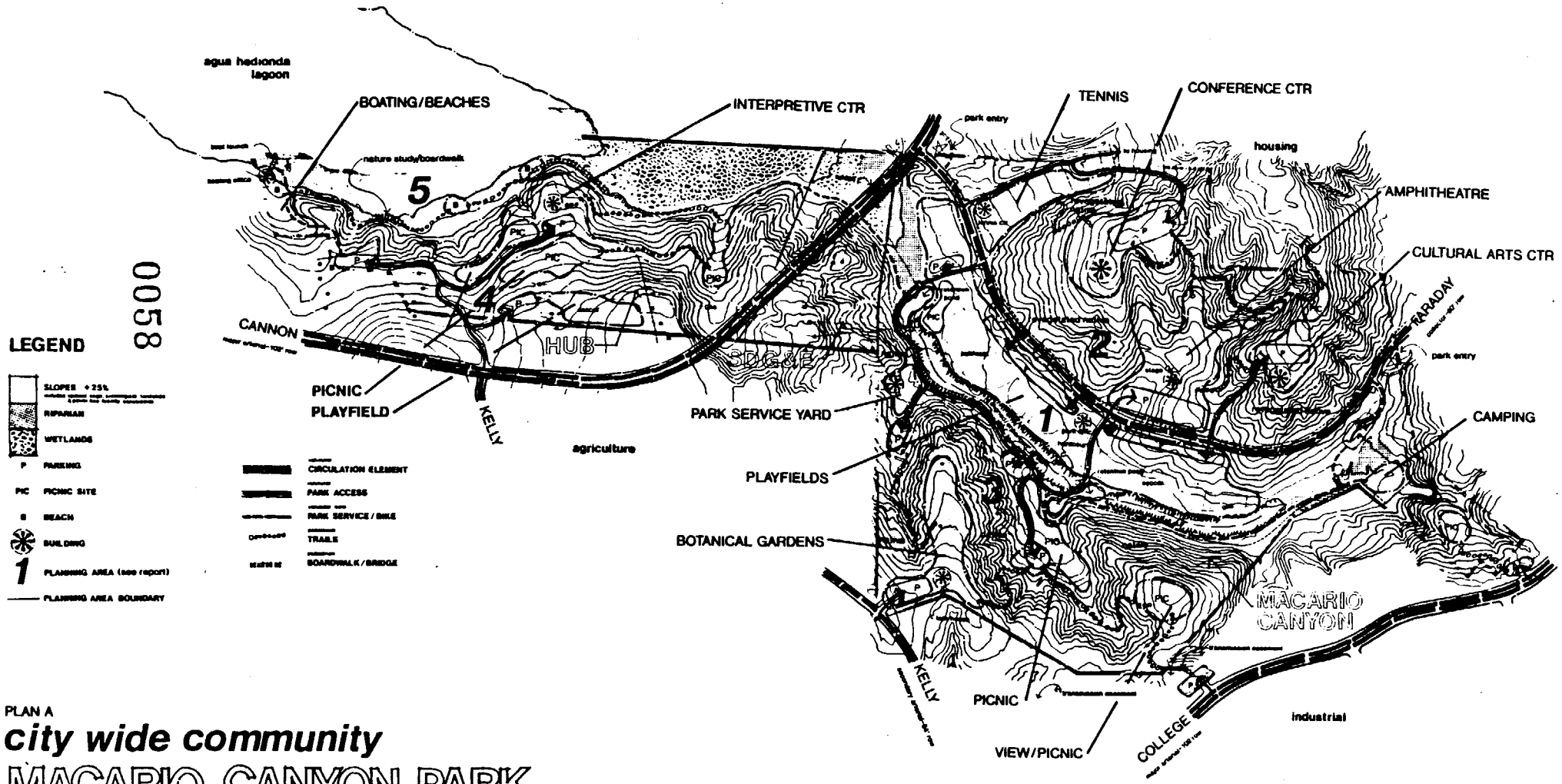
Open Space (Page 35)

The "Status" heading implies that the table beneath it directly addresses current compliance with the performance standard, which it does not. There was supposed to be a statement added to create transparency about that. However, the tiny footnote added to the bottom is not obvious and is very confusing.

In the spirit of true transparency and ease of understanding, I propose that the "Status" heading be changed to "Total open space inventory," and that the footnote be replaced with the following text directly under the new heading in the larger main paragraph font, as follows:

Total open space inventory

Note: The open space percentages in the following table represent total open space in each zone, not just the unconstrained developable portion required to meet the 15% performance standard.



0058

PLAN A

city wide community

MACARIO CANYON PARK

LAND USE CONCEPT PLAN

revised '89

835

EXHIBIT

Attachment 2: Carlsbad Recreation Area Matrix (page 1 of 2, 1982)

		class			uses																			operation methods						
		Size	Classification	Ownership	Open Space/Ecological Preserve	Passive Area	Picnic Area	Play Apparatus	Swimming Pool	Turfed Multi-Use Play Field	Multi-Purpose Courts	Gymnasium	Tennis and/or Racquetball Courts	Restrooms	Group Meeting Structure	On-Site Parking	Off-Street Parking	Hiking	Non-Power Boating	Power Boating	Fishing	Adopt-a-Park	Program/Fee Supported	Private Investement Supported	Assessment District	Rehabilitate	Acquire Additional Land	Leasing Additional Land
1	Alga Norte	21.0	CO	P		X	PS	X		X	X		X	X	X	X													
2	Buena Vista (School Park)	2.0	SU	SD													X								X				
3	Cadencia	4.1	N	C		X	X	X		X						X									X				
4	Calavera Hills Community	10.0	CO	C		X	X	X		X	X		X	X		X							X				X		
5	Calavera Hills North	5.0	N	C		X	X	X		X						X									X				
6	Cannon	1.7	M	L		X	PS	X									X									X			
7	Carlsbad Swim & Tennis Complex	3.0	SU	C					X				X	X		X													
8	Carrillo Ranch	10.3	SRA	C		X										X								X			X	X	
9	Chase Fields	2.3	SU	C			X			X				X			X					X	X			X				
10	Harding Community Center	1.5	SU	C		X								X	X	X	X					X	X							
11	Holiday Park	5.4	N	C		X	PS	X		X	X			X			X									X			
12	Jefferson (School/Park)	2.1	SU	SD						X						X									X	A			
13	Kelly (School/Park)	4.0	SU	SD						X						X									X				
14	La Costa Canyon	9.0	N	C	X	B	PS				X		X	X		X									X				
15	Laguna Riviera	6.8	N	C	X	X	PS				X		X	X			X								X	A			
16	Lake Calavera	252.0	SRA	C	X	X	PS	X		X				X	X	X		X	X				X	X						
17	Levante (School/Park)	5.0	SU	SD			PS	X		X				X	X		X								X					

MATRIX LEGEND

classifications

M	=	Mini
N	=	Neighborhood
CO	=	Community
SU	=	Special Use
SRA	=	Special Resource Area

ownership

C	=	City Owned
SD	=	School District
P	=	Privately Owned
L	=	Leased

facility amenity

PS	=	Picnic Structure
B	=	Benches Needed
A	=	Pedestrian Access Needs Improvement

uses in recreation areas matrix

19

Attachment 2: Carlsbad Recreation Area Matrix (page 2 of 2, 1982)

		class			uses																		operation methods						
		Size	Classification	Ownership	Open Space/Ecological Reserve	Passive Area	Picnic Area	Play Apparatus	Swimming Pool	Turfed Multi-Use Play Field	Multi-Purpose Courts	Gymnasium	Tennis and/or Racquetball Courts	Restrooms	Group Meeting Structure	On-Site Parking	Off-Street Parking	Hiking	Non-Power Boating	Power Boating	Fishing	Adopt-a-Park	Program/Fee Supported	Private Investment Supported	Assessment District	Rehabilitate	Acquire Additional Land	Leasing Additional Land
18	Macario/HUB	488.0	SRA	C&L	X	X	PS	X	X	X	X	X	X	X	X	X		X	X	X			X	X				X
19	Magee	3.0	N	C		X	PS							X	X	X						X	X						
20	Magnolia (School/Park)	4.2	SU	SD				X		X						X									X				
21	Maxton Browne	1.4	M	C		X	X										X					X			X				
22	Maxton Browne Extension	2.1	SU	C	X											X						X	X						
23	Occidental	3.88		C												X													
24	Pine	1.0	SU	SD												X								X		X			
25	Rotary	1.0	M	P			X									X													
26	Stagecoach	28.0	CO	C		X	PS	X		X	X		X	X		X							X		X		X		
27	Calavera Hills East	5.0	N	C		X	X	X		X							X					X							
28	Larwin	34.0	CO	C					X	X	X	X	X	X	X	X		X					X	X					
29	Fuerte	3.66	N	O		X	X	X		X	X					X	X						X						
30	Calavera East	5.0	N	C		X	X	X		X	X			X		X						X							
31	Valley Junior High	5.0	SU	SD						X						X													
32	Alta Mira	12.0	N	C	X																	X							
33	Hosp Grove	11.0	N	C	X	X	X	X								X		X											

MATRIX LEGEND

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uses in recreation areas matrix

20

From:	Don Christiansen
To:	Growth Management Committee
Subject:	SAN DIEGO Community Power commits to 100% renewable energy by 2035
Date:	Wednesday, April 19, 2023 11:49:59 AM

http://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=83a88161-ed84-46be-8c83-d4a416896fb6

"The resolution didn't provide a detailed list of actions needed to meet that target. But San Diego Community Power spokesperson Jen LeBron said the agency has a purchase agreement with Viking Solar Energy Generation and Battery Storage Project in Imperial Valley and is reviewing proposals from other solar developers, with projects planned for 2026 through 2028. ***It is also pursuing infill and rooftop solar projects on warehouses and homes.***"

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

Dear Committee Members,

We should do more in our final work product to address the concerns of numerous Carlsbad residents regarding the provision of a park at Ponto or preservation of the current open space in that area. Let me start by reiterating our committee mission below, which twice mentions **Quality of Life (QOL)** within it.

*The mission of the Carlsbad Tomorrow Growth Management Citizens Committee is to promote balanced consideration of a range of perspectives on issues affecting the future growth and **quality of life** in Carlsbad and to identify the key elements of a new plan to manage growth in Carlsbad **in a way that maintains an excellent quality of life** while also complying with state law.*

As committee members, an important purpose is to collectively ensure that we represent the residents of Carlsbad as we amend the existing growth management plan to comply with the law, all while placing a strong emphasis on maintaining and further enhancing our current QOL.

Despite hearing the comments of numerous Ponto Park advocates from the public in emails and at our meetings, and also being provided with copies of several thousand signed petitions advocating for such, the word "Ponto" only shows up once in our proposed final work product. This seems to ignore the commentary provided by a large subset of residents, especially since the southwest region of quadrant 4 clearly does not meet the specs for provision of parks in the current growth management plan.

During the meetings, it was stated it was not within our purview to address **specific** entities such as Ponto Park or open space in particular areas. I never completely understood the logic behind that position as this topic is a very important ***general*** QOL consideration for all residents and visitors. An important distinction is that the land on the east side of the Coast Highway between La Costa Avenue and the Cape Rey Hilton is one of the only remaining open space areas left on our coast.

As rightly acknowledged by committee members Jeff Segall, Fred Briggs, and Allen Manzano in their recently submitted joint statement related to Carlsbad beaches for the QOL memo, *"Essential to Carlsbad's civic identity is its seven miles of pristine coastline and beaches. The coast is Carlsbad's single most important defining character and is the heart to our quality of life for all who live, work and recreate here."*

Anecdotally, I conducted my own straw poll asking over 100 residents from all four city quadrants what they would like to see happen with this coastal area moving forward. Not a single individual preferred to see commercial development preside over installation of a park there or just leaving the land the way it is now as natural open space.

If the City Council were to act now in favor of maintaining the natural scenic beauty of this land as opposed to supporting its commercial development, the QOL associated with this outcome could be preserved forever. To that end, I propose that our final work product to the City Council include this as one of our recommendations. The wording could be something like the below in either the Plan or QOL memo.

The committee strongly recommends that the City Council take aggressive and timely action toward maintaining the existing open space on the east side of the Coast Highway between La Costa Avenue and the Cape Rey Hilton by either: (1) providing a Ponto Park, or; (2) by leaving the area as natural open space. This enhancement to Carlsbad's future QOL, as opposed to allowing commercial

development of the area, would be highly desirable to residents from all quadrants as well as visitors to the area.

Thank you for your consideration,

Frank Caraglio
Council District 3 Primary Member

To: Growth Management Committee
From: Jeff Segal
Subject: Recommended Growth Management Standards
Date: 4-20-23

Page 6

Recommended Growth Management Standards

The committee heard thorough presentations from staff, listened to community input, and reviewed and explored current Growth Management Standards as well as a number of potential new standards (see page 38 under *Additional topics considered by the committee*), but after extensive discussion on many of the topics, did not recommend any new standards, in part because members felt a financing mechanism could not be established due to the limited number of dwelling units to be built as of the time of this report or because infrastructures were already built out.

The committee felt any new concepts, while not rising to the level of a standard, should be considered in a separate Quality of Life (new name) document which is included in this report as well as a separate document to the City Council. The committee felt that these topics were especially important to the quality of life in Carlsbad and wanted the City Council to understand this separately from Growth Management Report.

Of the 11 current standards, the committee recommended keeping 7 of the standards listed below. The committee also recommended modifing two standards (Open Space and Water Distribution System) and recommended removing four (Fire, Schools, Water Treatment Capacity and City Administrative Facilities).

<<List the Standards Here>>

“Standards” are typically……

Page 17

Carlsbad Community Vision

Mention Envision Carlsbad, a citizen lead effort…..

Page 22

Somewhere under Meeting participation state:

To: Growth Management Committee
From: Jeff Segal
Subject: Recommended Growth Management Standards
Date: 4-20-23

Only primary committee members were allowed to vote on proposals and recommendations. Alternates could do so, only when filling in for their primary members. Many votes were by consensus, however on a number of issues, a roll call vote was taken when the committee was split on an issue.

On second to last paragraph, change end of report to beginning on page 44.

Page 38

Add Police and Public Safety to the list with a note (see Fire Department standard discussion on page 37).

Page 39

Move *Supplemental quality of life recommendations* heading to top of page.

While standard could not be developed in some of these areas, the committee determined some of the topics should receive more consideration by the City Council and be considered in future city strategic planning issues, but not as standards in the Growth Management Program. These are described in more detail on pages 39-42 and were also provided to the City Council in a separate document.

<<List the 8 or 9 areas here>>

These committee discussions on additional topics and quality of life issues as well as public input are summarized in the meeting minutes, which are included in the appendices.

Page 41

Add $1 million in the first paragraph under Proposition H.