



# CITY COUNCIL Agenda

Jan. 30, 2024, 5 p.m.

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

## Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

## How to Watch

### In Person



City Council Chamber  
1200 Carlsbad Village Drive

### On TV



Watch the city's cable channel  
Spectrum 24 and AT&T U-verse 99

### Online



Watch the livestream at  
[carlsbadca.gov/watch](https://carlsbadca.gov/watch)

## How to Participate

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

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- For non-agenda public comment, speakers must confine their remarks to matters within the City Council's subject matter jurisdiction.
- For public comment on agenda items, speakers must confine their remarks to the question or matter under consideration.
- Speakers have three minutes, unless the presiding officer (usually the Mayor) changes that time.
- You may not give your time to another person, but can create a group. A group must select a single speaker as long as three other members of your group are present. All forms must be submitted to the City Clerk before the item begins and will only be accepted for items listed on the agenda (not for general public comment at the beginning of the meeting). Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.
- Failure to comply with the rules for public participation is disruptive conduct. Continuing disruptive conduct after being asked by the presiding official to cease may result in removal from the meeting.

## Reasonable Accommodations

Reasonable Accommodations Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 442-339-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) by noon on the Monday before the meeting to make arrangements. City staff will respond to requests by noon on Tuesday, the day of the meeting, and will seek to resolve requests before the start of the meeting in order to maximize accessibility.

**More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.**

*The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).*

**CALL TO ORDER:** 5 p.m.

**ROLL CALL:** Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** None.

**PLEDGE OF ALLEGIANCE:** City Manager Scott Chadwick led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting held Dec. 12, 2023

Minutes of the Special Meeting held Jan. 9, 2024

Minutes of the Regular Meeting held Jan. 9, 2024

**ACTION: Minutes were approved as presented – 5/0.**

**PRESENTATIONS:**

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:** None.

**PUBLIC COMMENT:** *The Brown Act allows any member of the public to comment on items not on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. Please treat others with courtesy, civility, and respect. Members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other non-agenda public comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

**CONSENT CALENDAR:** None.

*The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

**BOARD AND COMMISSION MEMBER APPOINTMENTS:** None.

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:**

1. **ORDINANCE NOS. CS-463 AND CS-464 - AMENDING THE ELECTED OFFICIAL COMPENSATION REVIEW -**
  - 1) Adoption of "Ordinance No. CS-463, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.010 (A), to adjust City Council Members' Compensation by 4%"; and
  - 2) Adoption of "Ordinance No. CS-464, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.020(A), to adjust the City Clerk and City Treasurer Compensation by 4%." (Staff contact: Sheila Cobian, City Manager Department)

**City Manager's Recommendation:** Adopt Ordinance Nos. CS-463 and CS-464.

**ACTION: Adopted Ordinance No. CS-463 - 4/1 (Burkholder – No); and  
Adopted Ordinance No. CS-464 - 5/0.**

## **PUBLIC HEARINGS:**

2. 2021-2029 HOUSING ELEMENT REZONING PROGRAM (GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015/EIR 2022-0007 (PUB 2022-0010)) – 1) Adoption of a resolution certifying the Final Supplemental Environmental Impact Report (EIR 2022-0007) and adopting findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for amendments to the General Plan Land Use and Community Design Element, Land Use Map, and Public Safety Element, the Zoning Ordinance and Zoning Map, the Local Coastal Program, and various master and specific plans; and  
2) Adoption of a resolution approving amendments to the General Plan Land Use and Community Design Element, Land Use Map (Map 1), Public Safety Element, and the Local Coastal Program to implement Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the RHNA), and Objective B of Housing Element Program 1.3 (Alternative Housing); and  
3) Adoption of a resolution approving a greater minimum affordability requirement to apply to development of residential units on city-owned sites and all other sites that receive a Residential Land Use Change, an increase in Residential Density, or that are otherwise identified as a housing site, all as those sites are identified in Planning Commission Resolution Nos. 7498 and 7499, (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 (PUB 2022-0010)); and  
4) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, amending the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad Municipal Code, to implement portions of Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing) for Map 1 (all sites)”, (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)); and  
5) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, approving amendments to the Bressi Ranch Master Plan, Fenton Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan to implement portions of Objectives B, C and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing),” (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015 (PUB 2022-0010)).  
**Or**  
6) Adoption of a resolution approving amendments to the General Plan Land Use and Community Design Element, Land Use Map (Map 2 – excluding Sites 3, 8 and 15), Public Safety Element, and the Local Coastal Program to implement Objectives B, C and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)) and Objective B of Housing Element Program 1.3 (Alternative Housing); and  
7) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad,

California, approving an amendment to the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad Municipal Code to implement portions of Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing) for Map 2 (all sites excluding Sites 3, 8 and 15),” (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)). (Staff contact: Eric Lardy and Robert Efird, Community Development Department)

**City Manager’s Recommendation:** Take public input, close the public hearing, introduce the ordinances and adopt the resolutions.

**ACTION: Adopted Resolution No. 2024-014; and**

**Adopted Resolution No. 2024-015 with amendments (see Minutes for details); and**

**Adopted Resolution No. 2024-016; and**

**Adopted Ordinance CS-465 with amendments (see Minutes for details); and**

**Adopted Ordinance CS-466 - 5/0.**

3. AURA CIRCLE OPEN SPACE DESIGNATION (GPA 2021-0001, ZC 2021-0001, LCPA 2021-0011 (PUB 2021-0002)) AND BUENA VISTA PARK OPEN SPACE (GPA 2021-0002, ZC 2021-0002 (PUB 2021-0003)) – 1) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, amending Section 21.05.030 of the Carlsbad Municipal Code by approving amendments to the zoning map and the Local Coastal Program Zoning Map to change zoning from One Family Residential, minimum 8,000 square foot lot size (R-1-8000) and Open Space (OS) to Open Space (OS) for a 14.58 acre property at the terminus of Aura Circle; and an amendment to the zoning map to change zoning from One Family Residential (R-1) to Open Space (OS) for a 3.1 acre property located at 1605 Buena Vista Way”, Case Name: Aura Circle Open Space and Buena Vista Park Open Space, Case No. ZC 2021-0001/LCPA 2021-0011 (PUB 2021-0002) and ZC 2021-0002 (PUB 2021-0003); and 2) Adoption of a resolution approving amendments to the General Plan and Local Coastal Program Land Use Maps to change the land use designation from Residential, 0-4 dwelling units/acre (R-4), and Open Space (OS) to Open Space (OS) for a portion of a 14.58-acre property at the terminus of Aura Circle; and an amendment to the General Plan Use Map to change the land use designation from Residential, 0-4 DU/AC (R-4) to Open Space (OS) for a 3.1 acre property at 1605 Buena Vista Way, (Case Name: Aura Circle Open Space and Buena Vista Park Open Space, Case No. GPA 2021-0001/LCPA 2021-0011 (PUB 2021-0002) and ZC 2021-0002 (PUB 2021-0003)). (Staff contact: Scott Donnell, Community Development)

**City Manager’s Recommendation:** Take public input, close the public hearing, introduce the ordinance and adopt the resolution.

**ACTION: Introduced Ordinance No. CS-467; and**

**Adopted Resolution No. 2024-017 - 5/0.**

**DEPARTMENTAL AND CITY MANAGER REPORTS:** None.

**COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:** *This portion of the agenda is for the City Council Members to make brief announcements, brief reports of their activities and requests for future agenda items.*

## **City Council Regional Assignments (Revised 12/12/23)**

**Keith Blackburn**  
**Mayor**

Buena Vista Lagoon JPC  
Chamber of Commerce Liaison (alternate)  
Encina Joint Powers JAC  
Encina Wastewater Authority Board of Directors  
Economic Development Subcommittee  
SANDAG Board of Directors (2<sup>nd</sup> alternate)  
SANDAG Shoreline Preservation Work Group (alternate)

**Priya Bhat-Patel**  
**Mayor Pro Tem – District 3**

City/School Committee  
Clean Energy Alliance JPA  
Economic Development Subcommittee  
League of California Cities – SD Division (alternate)  
North County Transit District  
SANDAG Board of Directors (1<sup>st</sup> alternate)

**Melanie Burkholder**  
**Council Member – District 1**

City Council Legislative Subcommittee  
North County Dispatch Joint Powers Authority (alternate)  
SANDAG Board of Directors

**Teresa Acosta**  
**Council Member – District 4**

Chamber of Commerce Liaison  
City Council Legislative Subcommittee  
City/School Committee  
Clean Energy Alliance JPA (alternate)  
Encina Joint Powers JAC (alternate)  
Encina Wastewater Authority Board of Directors (alternate)  
League of California Cities – SD Division  
North County Dispatch Joint Powers Authority  
San Diego County Water Authority

**Carolyn Luna**  
**Council Member – District 2**

Buena Vista Lagoon JPC  
Encina Joint Powers JAC  
Encina Wastewater Authority Board of Directors  
North County Transit District (alternate)  
SANDAG Shoreline Preservation Work Group

### **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. In conformance with the Brown Act, no Council action can occur on these items.*

### **ANNOUNCEMENTS:**

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

### **CITY MANAGER COMMENTS:**

### **CITY ATTORNEY COMMENTS:**

### **CITY CLERK COMMENTS:**

### **ADJOURNMENT: 8:00 p.m.**

## City Council Meeting Procedures *(continued from page 1)*

### Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk.

### Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 442-339-2820 or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

### Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

### City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

### Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

### Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

### Public Comment

Members of the public may speak on any city related item that does not appear on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed, provided remarks are confined to the question or matter under consideration. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

### Public Hearing

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

### Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

### Other Reports

At the end of each meeting, City Council members and the City Manager, City Attorney and City Clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

### City Council Actions

#### Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

#### Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

### **Motion**

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.