



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

April 23, 2024, 5 p.m.

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

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 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:

ROLL CALL:

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Minutes of the Special Meeting held April 9, 2024

PRESENTATIONS:

Proclamation in Recognition of Arbor Week

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

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: *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.*

1. **CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REMOVAL OF SEDIMENT AND VEGETATION ON THE BUENA VISTA CREEK CONCRETE CHANNEL NEAR EL CAMINO REAL AND AUTHORIZATION OF A TRANSFER OF BUDGET FOR THIS EMERGENCY** – Adoption of a resolution continuing the proclamation of a storm-related local emergency for removal of sediment and vegetation in the Buena Vista Creek Concrete Channel near El Camino Real and authorizing a transfer of budget in the amount of \$1,427,000 from the Buena Vista Creek Concrete Channel Maintenance at El Camino Real, Capital Improvement Program Project No. 6619, to the Storm Drain System Rehabilitation and Repair Program, Capital Improvement Program Project No. 6607. (Staff contact: Tom Frank, Public Works Department)
2. **CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE** – Adoption of a resolution continuing the proclamation of a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive. (Staff contact: Tom Frank, Public Works Department)

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING:

3. **PARK LAND DEDICATION REQUIREMENTS AND PARK LAND IN-LIEU FEES** – 1) Hold a public hearing; and 2) Adoption of a resolution approving updated park land dedication requirements for residential subdivisions and the phased-in increase of park land in-lieu fees over a three-year period, annually applying approximately one-third of the difference between the existing park land in-lieu fees and the proposed park land in-lieu fees over fiscal years 2024-25, 2025-26 and 2026-27. (Staff contact: Kyle Lancaster, Community Services Department)

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

DEPARTMENTAL AND CITY MANAGER REPORTS:

4. **ADVERTISE FOR BIDS FOR THE STAGECOACH COMMUNITY GARDEN PROJECT, CIP PROJECT NO. 4611**
Adoption of a resolution approving the plans, specifications and contract documents for the Stagecoach Community Park Community Garden Project (Capital Improvement Program Project No. 4611), authorizing the City Clerk to advertise the project for public bids and authorizing the City Manager, or designee, to appropriate \$183,000 from the Park Development Capital Project Fund (Park-In-Lieu SE) to the Fiscal Year 2023-24 Capital Improvement Program Budget. (Staff contact: Nick Stupin, Community Services Department)

City Manager's Recommendation: Adopt the resolution.

5. **REQUEST TO INITIATE A GENERAL PLAN AMENDMENT, ZONING CODE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT FOR NEW OR EXPANDED AIRPORT USES AT THE MCCLELLAN-PALOMAR AIRPORT** – Adoption of a resolution of intention authorizing the processing of a General Plan Amendment, Zoning Code Amendment, and Local Coastal Program Amendment to specify and clarify code requirements and permit review procedures for new or expanded airport uses, or where there is an acquisition of property beyond the boundaries of an airport. (Staff contact: Mike Strong, Community Services Department)

City Manager's Recommendation: Adopt the resolution.

6. **ADAPTIVE MANAGEMENT PLAN FOR THE SOUTH CARLSBAD BOULEVARD CLIMATE ADAPTATION PROJECT** – Receive a report on how a 1-mile segment of south Carlsbad Boulevard could be managed to protect people, the environment and infrastructure from the effects of anticipated sea level rise. (Staff contact: Katie Hentrich and Tom Frank, Public Works Department)

City Manager's Recommendation: Receive the report.

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 (2nd 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 (1st 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:

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 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.



CITY COUNCIL
Special Meeting

Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

April 9, 2024, 3:30 p.m.

CALL TO ORDER: 3:30 p.m.

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

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PUBLIC COMMENT ON AGENDA ITEM: None.

CLOSED SESSION:

City Attorney Cindie McMahon read the City Council into Closed Session.

Council adjourned into Closed Session at 3:30 p.m. pursuant to the following:

1. **CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATING LITIGATION:** That the City Council, by motion, authorize a closed session to consider initiation of litigation of two cases pursuant to Government Code Section 54956.9(d)(4).

Council Action: City Attorney Cindie McMahon announced that there was an unauthorized disclosure of information presented in a closed session held on March 12, 2024. In a closed session meeting held April 9, 2024 and as authorized by the Brown Act, the City Council voted unanimously to refer the matter to the Grand Jury – 5/0.

ADJOURNMENT:

By proper motion, the Special Meeting of April 9, 2024, was adjourned at 3:46 p.m.

Tamara R. McMinn, CPMC, CMC
Senior Deputy City Clerk



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tom Frank, Transportation Director/City Engineer
 tom.frank@carlsbadca.gov, 442-339-2766

Subject: Continuation of Proclamation of a Storm-Related Local Emergency for Removal of Sediment and Vegetation on the Buena Vista Creek Concrete Channel Near El Camino Real and Authorization of a Transfer of Budget for this Emergency

District: 1

Recommended Action

Adopt a resolution continuing the proclamation of a storm-related local emergency for removal of sediment and vegetation in the Buena Vista Creek Concrete Channel near El Camino Real and authorizing a transfer of budget in the amount of \$1,427,000 from the Buena Vista Creek Concrete Channel Maintenance at El Camino Real, Capital Improvement Program Project No. 6619, to the Storm Drain System Rehabilitation and Repair Program, Capital Improvement Program Project No. 6607.

Executive Summary

Rainfall from the atmospheric river that hit California in early February and the prior one in January 2024, increased sediment and vegetation in the Buena Vista Creek, diminishing its capacity and risking significant damage to nearby property and infrastructure. Emergency removal of sediment and vegetation was necessary to ameliorate the risk. Exhibit 3 shows the area of the channel requiring emergency sediment and vegetation removal.

- The Acting City Manager, in his role as Acting Director of Emergency Services, proclaimed a local emergency on Feb. 8, 2024, as shown in Exhibit 2, so that the removal can be exempted from the city's normal bidding procedures and the necessary repairs can be completed as swiftly as possible.
- The City Council ratified the emergency proclamation on Feb. 13, 2024, and continued the emergency proclamation on Feb. 27, 2024.
- On March 12, 2024, the City Council continued the emergency proclamation again and authorized additional appropriations in the amount of \$474,000.
- The City Council continued the emergency proclamation again on March 19, 2024, March 26, 2024, April 9, 2024, and April 16, 2024.

Staff are now requesting the City Council continue the emergency proclamation again.

Construction projects that cost less than \$200,000 may be awarded by the City Manager using informal bidding procedures under Carlsbad Municipal Code, or CMC, Section 3.28.080 Construction Projects, subsections (B) and (H), which implement California Public Contract Code Section 22032. This emergency project is expected to cost more than \$3 million, including habitat mitigation costs.

California Public Contract Code Sections 22035 and 22050 and CMC Sections 3.28.110(A) and 3.28.120 provide for an exemption from formal bidding procedures for emergency construction procurements. The emergency proclamation allows the city to use these exemptions.

Public Contracting Code Section 22050 requires the City Council to review the emergency at each regularly scheduled meeting, to determine, by a four-fifths vote of the City Council, the need to continue the emergency action.

Explanation & Analysis

Buena Vista Creek is situated at the northern border of the City of Carlsbad, adjacent to the City of Oceanside. The creek is located within both the City of Carlsbad and the City of Oceanside, outside the Coastal Zone, until it reaches Jefferson Street and the Buena Vista Lagoon. The creek comprises natural stream bed sections and some man-made concrete drainage channels designed to convey runoff from a large eastern watershed to the Pacific Ocean.

One segment of the Buena Vista Creek near El Camino Real, outside the Coastal Zone, was previously constructed as a concrete trapezoidal channel, starting at South Vista Way and ending approximately 230 feet east of El Camino Real, a total of approximately 900 feet. This man-made concrete segment of the creek is entirely within the City of Carlsbad.

Over time, sediment and vegetation accumulate in the creek. The city has a Capital Improvement Program project to remove the sediment and vegetation and make other repairs to the channel. The project is currently in the environmental review stage. However, the recent severe storm events have created debris flows that occur during short-duration, high-intensity rainfalls.

More specifically, the atmospheric river in early February brought an influx of heavy rain that inundated the Buena Vista Creek with material, including vegetation, debris and sediment-dominated slurry from the Buena Vista Creek Watershed, which is about 10 miles long. These rapid debris flows have significantly diminished the capacity of the channel, which is very close to the outfall of the watershed, resulting in a significant risk of the channel overflowing, with the potential to cause significant damage to nearby property and infrastructure during severe storms.

To mitigate the emergency conditions, the City Engineer recommended expedited, or emergency, removal of some of the sediment and vegetation to increase the channel's capacity while the larger maintenance project proceeds through the environmental review and permitting process.

The emergency proclamation enabled the city to procure a contractor to perform the necessary emergency removal work and would be limited to the immediate action(s) to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. The near-term

scope of work – the immediate measure – is the minimum necessary to alleviate the immediate emergency.

- Staff submitted a permit application to the U.S. Army Corps of Engineers on Feb. 15, 2024, and sent a notification to the San Diego Regional Water Quality Control Board the same day that the notice of intent was included in the permit application.
- The Corps of Engineers' District Engineer coordinated review of the project with affected agencies, including the California Department of Fish and Wildlife and the Regional Water Quality Control Board, and issued a permit on Feb. 27, 2024.
- The San Diego Regional Water Quality Control Board informed staff on Feb. 28, 2024, that the notice of intent for the project complies with federal water quality regulations and is complete and has been recorded as required.
- On March 5, 2024, the U.S. Army Corps of Engineers sent a verification letter on the permit which superseded its Feb. 27, 2024, letter. The March 5 letter stated that work authorized by the permit must be underway no later than 14 calendar days from date of issuance of the letter of verification, or by March 19, 2024, and that all work must be completed no later than April 22, 2024. If the city is unable to complete the authorized work by this date, the city must request, in writing, an extension from the Corps' Regulatory Division prior to the deadline.

Upon the City Council's ratification of the emergency proclamation, staff met with contractors to determine their availability to perform the work. Staff issued a notice to proceed to the contractor, Hazard Construction, on March 4, 2024. Work started on March 8, 2024, and was completed by the authorized date of April 22, 2024. On March 25, 2024, the City Manager and Hazard Construction fully executed the contract.

After closer inspection of the project site, staff have determined that additional clearing of sediment, debris and vegetation in the earthen section of the Buena Vista Creek channel east of the concrete channel for approximately 1,500 feet to the Haymar Drive bridge would be needed to increase the channel's capacity. Staff submitted another emergency permit application to the U.S. Army Corps of Engineers on March 28, 2024, and sent a notification to the San Diego Regional Water Quality Control Board the same day stating that the notice of intent was included in the permit application.

On April 3, 2024, the contractor Hazard Construction provided a quote for the additional emergency work in the amount of \$3,762,000 plus a proposed option of riprap on the north wall of the channel in the amount of an additional \$306,000 for a total cost estimate of \$4,068,000 for the additional work.

Additionally on April 3, staff received an estimate of potential habitat mitigation costs from a consultant Environmental Science Associates, or ESA. For the work already authorized by the regulatory agencies, the impacted area is estimated at 1.87 acres, which could cost approximately \$1.83 million for mitigation, if the regulatory agencies determine a ratio of 1.5:1 is appropriate. This estimate does not include the additional mitigation costs that could potentially be required for the proposed additional emergency work in the earthen section of the channel that has not yet been permitted by the regulatory agencies, nor approved by the City Council.

The consultant also identified a mitigation bank¹ that has 2.84 acres available of re-establishment river and floodplain credits for wetland waters of both the U.S. and the state and 0.66 acres of rehabilitated river for wetland waters of both the U.S. and the state. These credits could fulfill the mitigation required because of the project's impacts but would not be sufficient for the additional proposed emergency work.

- On April 10, 2024, the consultant ESA provided an updated letter stating that the initial emergency work had a total impact of 1.87 acres (1.32 acres to wetland waters, 0.55 acres of non-wetland waters), which translated to a cost of approximately \$1.22 million at a 1:1 mitigation ratio, \$1.83 million at a 1.5:1 ratio and \$3.65 million at a 3:1 ratio. Once the regulatory agencies have determined the appropriate ratio, staff will return to the City Council to request additional appropriations for the mitigation bank credits if needed. For the fiscal section below, staff used an estimated 1.5:1 ratio.
- On April 8, 2024, Kleinfelder Construction Services submitted a proposal for \$134,118 for construction management and inspection services for a projected four-month period for the proposed additional emergency work in the earthen section of the channel.
- On April 11, 2024, staff provided additional information in response to Army Corps of Engineers questions, including a possibly less impactful alternative that would incorporate cutting a smaller pilot channel with a reduced flow capacity. With that emergency work objective, city staff have conducted various alternatives and are proposing a pilot channel with 30-ft width (compared to the initially proposed 100-ft width) that reduces the potential wetland impacts by approximately 70%. Staff are awaiting approval from the permitting agencies before moving forward with this additional emergency work.

Staff recommend that the City Council continue the emergency proclamation to enable staff to continue discussions with the regulatory agencies on the additional proposed emergency work in the earthen section of the channel.

Fiscal Analysis

The cost estimate for the initial emergency work in the concrete channel is in the amount of \$3,073,691, which will be funded from the fiscal year 2023-24 capital budget through the Storm Drain System Rehabilitation and Repair Program. Additional funding in the amount of \$1,427,000 is needed, and staff are requesting a transfer in the amount of \$1,427,000 from the Buena Vista Creek Concrete Channel Maintenance at El Camino Real, Capital Improvement Program Project No. 6619, to the Storm Drain System Rehabilitation and Repair Program, Project No. 6607.

¹ A mitigation bank is a wetland, stream or other aquatic resource area that has been restored, established, enhanced or preserved for the purpose of providing compensation for unavoidable impacts to other aquatic resources as permitted by federal, state and local regulations.

Storm Drain System Rehabilitation and Repair Program	
Total appropriated funds to date	\$5,935,360
Total expenditures and encumbrances to date	-\$4,287,987
Total available funding	\$1,647,373
Buena Vista Creek Concrete Channel emergency work	
Emergency work (sediment, vegetation removal, estimated) – Hazard Construction	-\$999,700
Construction management and inspection – Kleinfelder Construction Services	-\$108,300
Biological monitoring – Environmental Science Associates	-\$140,500
Habitat mitigation (estimated at 1.5:1 ratio)	-\$1,825,191
Total estimated emergency project costs	-\$3,073,691
Additional appropriation needed	-\$1,426,318
Additional appropriation requested (rounded)	\$1,427,000

There may be outside funding that could cover some or all of these emergency costs. On Feb. 22, 2024, the City Manager sent a letter to the California Office of Emergency Services, requesting any and all state and federal resources including, but not limited to, state assistance through the California Disaster Assistance Act. The state replied and subsequently requested supplemental information on the city’s budget and how recent storms impacted it. On Feb. 26, 2024, staff provided the requested supplemental information and the initial damage estimate of \$771,000, which has now increased to over \$3 million, including habitat mitigation costs.

On April 4, 2024, staff met with Office of Emergency Services staff to discuss this emergency work. Staff provided CalOES staff with additional information as requested on April 11, 2024, and on April 15, 2024.

Next Steps

The contractor completed the initial emergency work by April 22, 2024. If staff receive permits from the regulatory agencies for the additional sediment, debris and vegetation clearing emergency work in the earthen section of the channel east of the concrete channel, staff will return to the City Council to request approval and additional appropriations.

When staff receive confirmation from the regulatory agencies on habitat mitigation requirements, staff will request additional appropriations, if needed. In the meantime, staff estimated a maximum 1.5:1 mitigation ratio in this report.

Staff will return to the City Council again on May 7, 2024, to review the emergency action and ask the City Council to determine by a four-fifths vote whether there is a need to continue the emergency proclamation.

Environmental Evaluation

The project has been determined to be exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(3) and CEQA Guidelines Section 15269(a), which apply to projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor.

Exhibits

1. City Council resolution
2. Acting City Manager/Acting Director of Emergency Services' proclamation of a storm-related local emergency, dated Feb. 8, 2024
3. Location map

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, CONTINUING THE PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REMOVAL OF SEDIMENT AND VEGETATION IN THE BUENA VISTA CREEK CONCRETE CHANNEL NEAR EL CAMINO REAL AND AUTHORIZING A TRANSFER OF BUDGET IN THE AMOUNT OF \$1,427,000 FROM THE BUENA VISTA CREEK CONCRETE CHANNEL MAINTENANCE AT EL CAMINO REAL, CAPITAL IMPROVEMENT PROGRAM PROJECT NO. 6619, TO THE STORM DRAIN SYSTEM REHABILITATION AND REPAIR PROGRAM, CAPITAL IMPROVEMENT PROGRAM PROJECT NO. 6607

WHEREAS, on Feb. 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by an atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms; and

WHEREAS, the City Council empowers the City Manager, as Director of Emergency Services or, in the City Manager's absence, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency when the city is affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions or threatened conditions of extreme peril to the safety of persons and property arose within the City of Carlsbad caused by a powerful, slow moving, atmospheric river in early February that resulted in debris flows, or a "sediment-dominated slurry", which inundated the Buena Vista Creek and significantly diminished capacity in the Buena Vista Creek concrete channel (begins approximately 600 feet west/downstream of the El Camino Real bridge and extends upstream of the bridge approximately 230 feet); and

WHEREAS, on Feb. 8, 2024, the Acting City Manager/Acting Director of Emergency Services proclaimed a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real; and

WHEREAS, on Feb. 13, 2024, the City Council ratified the proclamation of a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real; and

WHEREAS, on Feb. 27, 2024, the City Council continued the proclamation of a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real; and

WHEREAS, on March 12, 2024, the City Council continued the proclamation of a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real again and authorized additional appropriations in the amount of \$474,000; and

WHEREAS, on March 19, 2024, March 26, 2024, April 9, 2024, and April 16, 2024, the City Council continued the emergency proclamation again; and

WHEREAS, Carlsbad Municipal Code, or CMC, Section 3.28.110(A) implements Public Contract Code Section 22035 and provides for an exemption from formal bidding procedures for emergency construction procurements; and

WHEREAS, Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether this is a need to continue the emergency action; and

WHEREAS, on Feb. 27, 2024, the U.S. Army Corps of Engineers issued a Regional General Permit (RGP) 63 – Repair and Protection Activities in Emergency Situations; and

WHEREAS, on Feb. 28, 2024, the San Diego Regional Water Quality Control Board informed staff that in accordance with Water Quality Order No. 2023-0095-DWQ, or Order, Clean Water Act Section 401 Water Quality Certification for U.S. Army Corps of Engineers Reauthorization of Regional General Permit 63 (RGP 63) for Emergency Repair and Protection Activities Project, the Notice of Intent is complete, and the Project is enrolled under the Order; and

WHEREAS, on March 5, 2024, the U.S. Army Corps of Engineers sent a verification letter on the permit which superseded its Feb. 27, 2024, letter, which stated that work authorized by the permit must be underway no later than 14 calendar days from date of issuance of the letter of verification, or by March 19, 2024, and that all work must be completed no later than April 22, 2024, and if it is not then the city must request, in writing, an extension from the Corps' Regulatory Division prior to the deadline; and

WHEREAS, the contractor started emergency work on March 8, 2024, and completed the initial emergency work on the concrete channel by the authorized date of April 22, 2024; and

WHEREAS, on March 28, 2024, staff submitted another RGP-63 permit application to the U.S. Army Corps of Engineers for additional sediment, debris and vegetation clearing work in the earthen

channel east of the concrete channel for over 1,500 feet to the Haymar Drive bridge, and notified the San Diego Regional Water Quality Control Board the same day; and

WHEREAS, on April 10, 2024, staff received updated habitat mitigation estimates from the consultant Environmental Science Associates, including a cost estimate of \$1,825,191 for a 1.5:1 mitigation ratio; and

WHEREAS, on April 11, 2024, staff proposed an alternative of a 30-ft wide pilot channel in the earthen section of the channel east of the concrete channel to the Haymar Drive bridge, instead of the originally proposed 100-ft wide clearing, to minimize the impacts to the habitat and wetlands in response to the U.S. Army Corps of Engineers questions; and

WHEREAS, staff request a transfer of \$1,427,000 of appropriations from the Buena Vista Creek Concrete Channel Maintenance at El Camino Real, Capital Improvement Program, or CIP, Project No. 6619, to the Storm Drain Rehabilitation and Repair Program, CIP Project No. 6607, to fund the initial emergency work including estimated habitat mitigation costs; and

WHEREAS, staff request that the City Council continue the proclamation of a local emergency to determine whether to seek approval for the additional proposed emergency work in the earthen section of the channel; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the Governor of the State of California has proclaimed a state of emergency, and on Feb. 4, 2024, the Governor found that conditions of extreme peril exist in San Diego County and proclaimed a state of emergency.

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

1. That the above recitations are true and correct.
2. That the City Manager or designee is authorized to transfer \$1,427,000 of appropriations from the Buena Vista Creek Concrete Channel Maintenance at El Camino Real, CIP Project No. 6619, to the Storm Drain Rehabilitation and Repair Program, CIP Project No. 6607, to fund the initial emergency work; and

3. That the storm-related Proclamation for a Local Emergency for removal of sediment and vegetation in the Buena Vista Creek concrete channel near El Camino Real is continued.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Proclamation of Local Emergency

City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

FOR STORM-RELATED EMERGENCY PROTECTION ACTIVITIES TO REDUCE SEDIMENT AND VEGETATION IN THE BUENA VISTA CREEK CHANNEL NEAR EL CAMINO REAL

WHEREAS, on February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by a powerful, slow-moving atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions and help the state prepare for the impact of the storms.

WHEREAS, California Government Code Section 8630 allows the City Council or an official designated by ordinance adopted by the City Council, to proclaim a local emergency; and

WHEREAS, the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empowers the City Manager, as the City of Carlsbad's Director of Emergency Services, or, in the City Manager's absence, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to the safety of persons and property within the City of Carlsbad; and

WHEREAS, in the case of an emergency, California Public Contract Code Section 22050 allows the City Council, or a person delegated the authority by the City Council, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contract; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the government has proclaimed a state of emergency; and

WHEREAS, the Acting Director of Emergency Services finds:

1. The National Weather Service has issued multiple winter storm warnings, high wind warnings, wind advisories, and flood and flash flood watches throughout the State of California in anticipation of a powerful, slow-moving, atmospheric river.
2. Existing conditions and threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused this powerful, slow-moving atmospheric river, and that the unexpected occurrence poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property and essential public services.

Local Emergency – Reduction of Sediment and Vegetation in the Buena Vista Creek Channel

Page 2

3. Prior to the early February 2024 storms, powerful winter storms that occurred less than a month ago had amplified the impact of local flooding due to the record-breaking amount of rainfall including a severe rainstorm which began on January 22, 2024 (“January Storm”), in all dropping 2 to 3 inches of rain in a three-hour period, a total that exceeds that of an average wet month and rivals the rainfall needed to spur a 100-year flood event.

4. On January 22, 2024, the County of San Diego proclaimed an emergency due to the January Storm, which the county characterized as a thousand-year storm, and which caused drastic flooding and flash flooding in the county.

5. The existing conditions of the current atmospheric river causing local flooding, in addition to the impacts of the January Storm, have created conditions of extreme peril in the Buena Vista Creek Channel, in part, because the inundation of sedimentation and debris flows from the multiple, powerful winter storms, which have diminished the channel’s capacity.

6. That the City Council of the City of Carlsbad was not in session and could not be immediately called into session.

NOW, THEREFORE, IT IS PROCLAIMED that, subject to review and ratification by the City Council at its next regular meeting, a local emergency now exists in the City of Carlsbad, California, in the area of the Buena Vista Creek Channel near El Camino Real.

IT IS FURTHER PROCLAIMED AND ORDERED that, under California Public Contract Code Section 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, city staff may proceed at once to obtain the necessary permits, equipment, services, and supplies to reduce the sediment and vegetation in the Buena Vista Creek Channel without giving notice for bids to let contracts.

Dated: 2/8/24

By: 

GEOFF PATNOE
Acting City Manager/Acting Director of
Emergency Services

LOCATION MAP

Exhibit 3



PROJECT NAME

BUENA VISTA CREEK CHANNEL

EXHIBIT

3



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tom Frank, Transportation Director/City Engineer
 tom.frank@carlsbadca.gov, 442-339-2766

Subject: Continuation of Proclamation of a Storm-Related Local Emergency for Repair of the Slope Between El Camino Real and Trieste Drive

District: 1

Recommended Action

Adopt a resolution continuing the proclamation of a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive.

Executive Summary

The atmospheric river in early February 2024 and the winter storm in January 2024 resulted in unexpected slope movement in an area between El Camino Real and Trieste Drive, with the potential to affect nearby property, infrastructure and the environment. Emergency repair of the slope area behind four homes on Trieste Drive is necessary to ameliorate the risk. Exhibit 3 shows the area requiring emergency slope repair.

- The City Manager, in his role as Director of Emergency Services, proclaimed a local emergency on Feb. 14, 2024, as shown in Exhibit 2, to expedite the slope repair.
- On Feb. 15, 2024, the City Council ratified the emergency proclamation so that the repair can continue to be exempted from the city's normal bidding procedures and the necessary repairs can be completed as swiftly as possible.
- The City Council continued the emergency proclamation on Feb. 27, 2024.
- The City Council continued the emergency proclamation again on March 12, 2024, approving the plans for the repair work and authorizing additional appropriations in the amount of \$955,000.
- The City Council continued the emergency proclamation on March 19, 2024, March 26, 2024, April 9, 2024, and April 16, 2024.

Staff are now requesting that the City Council continue the emergency proclamation again to complete the work.

Construction projects that cost less than \$200,000 can be awarded by the City Manager using informal bidding procedures under Carlsbad Municipal Code, or CMC, Section 3.28.080 - Construction Projects, subsections (B) and (H), which implement California Public Contract Code Section 22032.

This project will cost approximately \$3 million. California Public Contract Code Sections 22035 and 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120 provide for an exemption from formal bidding procedures for emergency construction procurements. The emergency proclamation allows the city to use the emergency exemption.

Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether there is a need to continue the emergency action.

Staff recommend that the City Council continue the proclamation of the storm-related local emergency again to allow for the swift repair of the slope by approving the resolution provided as Exhibit 1.

Explanation & Analysis

The slope area between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215-4245 Trieste Drive), has experienced soil movement. The city has a Capital Improvement Program project (Project No. 6107) to repair the slope. The project was in the 50% design and environmental review stage. However, the recent severe storm events created additional fissures in the soil that need to be repaired quickly.

The City Engineer recommended expedited, or emergency, stabilization of the slope while the larger slope repair project proceeds through the design and environmental review and permitting process. The emergency proclamation allows the city to procure a contractor to perform the necessary emergency work to prevent or mitigate loss of, or damage to, property, essential public services and the environment.

Staff and Urban Corps, a city contractor, completed emergency protective measures at a cost of \$5,774, which included removing debris and placing tarps and stakes in the right-of-way.

Upon proclamation of the emergency, Engineering Systems Inc., the city's geotechnical engineering consultant, met with contractors to check on their availability and capabilities to perform the emergency work. Condon-Johnson & Associates, Inc., or Condon-Johnson, initially provided a cost estimate of approximately \$871,000 for the emergency work.

The emergency work was initially intended to address the unexpected slope movement that occurred as a result of the recent atmospheric rivers and storms, not to perform the original scope of work of the Capital Improvement Program project. However, due to recent further slope movement, the city's geotechnical engineering consultant has recommended performing the additional final repairs at the same time as the emergency work.

The contractor Condon-Johnson's estimate increased to \$2,443,180 for the total cost, which includes the initial estimate of \$870,990 for installation of 26 emergency shore stability pins in Phase 1, which stabilize the slope, and \$1,572,190 for installation of an additional row of 28 shore stability pins and other more permanent repairs such as grading and re-compaction of the slope within the repair area as well as increased steel, additional two pins for Phase 1 and stabilizing the slope by hydroseeding.

- On March 6, 2024, staff issued a notice to proceed to the contractor to perform the emergency work. The emergency work started on March 12, 2024, and is expected to be completed by June 2024.
- On March 19, 2024, in keeping with CMC Section 15.16.060(B)(2) – work exempt from grading permit, the City Engineer made the determination to exempt the work from a grading permit requirement.
- On March 19, 2024, the consultant indicated that the number of emergency shore stability pins will increase to 28 instead of the initial 26 that were proposed. This change will be reflected in the as-built drawings.
- On March 19, 2024, the contractor, Condon-Johnson, and the City Manager fully executed the contract in the amount of \$870,990.
- On March 20, 2024, the contractor submitted a change order request in the amount of \$1,572,190 for Phases 2-5. Staff are processing a change order in that amount.

Staff recommend that the City Council continue the emergency proclamation again to complete the emergency work at the slope near El Camino Real and Trieste Drive as swiftly as possible to prevent damage to nearby infrastructure and property.

Fiscal Analysis

Funding for the emergency work in the amount of \$3,317,600 will come from the funding in the General Capital Construction Fund for Capital Improvement Program Project No. 6107. Total project cost for the emergency work has increased to \$2,972,852.

Trieste Drive Slope Repair Project Capital Improvement Program Project No. 6107	
Total appropriated funds to date	\$3,317,600
Total expenditures and encumbrances to date	-\$338,974
Total available funding	\$2,978,626
Emergency work (slope repair) – Condon-Johnson & Associates, Inc.	-\$2,443,180
Design and administrative costs – Engineering Systems Inc.	-\$190,250
Construction management – Infrastructure Engineering Corporation	-\$140,620
Special inspection – Leighton Consulting, Inc.	-\$52,050
Environmental monitoring (estimated) – LSA	-\$50,000
Construction contingency balance	-\$96,752
Total estimated emergency Capital Improvement Program project costs	-\$2,972,852
Emergency protective measures – Urban Corps	-\$905
Staff labor and materials costs	-\$4,869
Total estimated emergency protective measures costs	-\$5,774
Additional appropriation needed	\$0

This emergency work could qualify for outside funding. The City Manager sent a letter to the California Office of Emergency Service on Feb. 22, 2024, requesting any and all state and federal resources including, but not limited to, state assistance through the California Disaster Assistance Act. The state replied and subsequently requested supplemental information on the city's budget and how recent storms impacted it. On Feb. 26, 2024, staff provided the requested supplemental information and the initial damage estimate of \$1,293,774, which has now increased to \$3 million.

On April 4, 2024, staff met with Office of Emergency Services staff to discuss this emergency project and have provided additional supplemental information. Staff provided Office of Emergency Services staff additional information as requested on April 11, 2024.

Next Steps

The contractor has begun performing the emergency work with an estimated completion date of June 2024.

Staff will return to the City Council again on May 7, 2024, to review the emergency action and ask the City Council to determine by a four-fifths vote whether there is a need to continue it.

Environmental Evaluation

The project was determined to be exempt from the California Environmental Quality Act under Sections 15301(d) and 15301(f) of the CEQA Guidelines, which apply to projects for the restoration or rehabilitation of deteriorated or damaged structures, and the addition of safety or health protection devices. None of the exceptions to the exemption applied to the project and a notice of exemption was filed on Jan. 25, 2023.

Exhibits

1. City Council resolution
2. Proclamation of a storm-related local emergency, dated Feb. 14, 2024
3. Location map

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, CONTINUING THE PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

WHEREAS, on Feb. 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by the atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms; and

WHEREAS, the City Council empowers the City Manager, as Director of Emergency Services, to proclaim the existence of a local emergency when the city is affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by an unexpected slope movement with potential to affect nearby property, infrastructure and the environment; and

WHEREAS, on Feb. 14, 2024, the City Manager/Director of Emergency Services proclaimed a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive); and

WHEREAS, Carlsbad Municipal Code, or CMC, Section 3.28.110(A) implements Public Contract Code Section 22035 and provides an exemption from formal bidding procedures for emergency construction procurements, and to use the emergency exemption, CMC Section 3.28.120 and Public Contract Code Section 22050 require a proclamation of a local public emergency by a four-fifths vote of the City Council, or by the City Manager subject to ratification by a four-fifths vote of the City Council at the next City Council meeting; and

WHEREAS, on Feb. 15, 2024, the City Council ratified the proclamation of a local emergency as the emergency proclamation and emergency exemption are appropriate in this instance because the emergency work appears to be caused by unexpected slope movement, which could pose a threat to the public, property, infrastructure and the environment; and

WHEREAS, on Feb. 27, 2024, the City Council continued the emergency proclamation; and

WHEREAS, on March 12, 2024, the City Council continued the emergency proclamation again, approved the plans and authorized additional appropriations in the amount of \$955,000; and

WHEREAS, on March 19, 2024, March 26, 2024, April 9, 2024, and April 16, 2024, the City Council continued the emergency proclamation again; and

WHEREAS, on March 19, 2024, the City Engineer made the determination to exempt the work from the requirements of a grading permit, consistent with CMC Section 15.16.060(B)(2); and

WHEREAS, a contractor commenced the emergency work on March 12, 2024, and is expected to complete the work by June 2024; and

WHEREAS, staff request that the City Council continue the emergency proclamation again to enable completion of the work; and

WHEREAS, Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether this is a need to continue the emergency action; and

WHEREAS, the project was determined to be exempt from the California Environmental Quality Act, or CEQA, under Section 15301(d) and (f) of the CEQA Guidelines, which applies to projects for restoration or rehabilitation of deteriorated or damaged structures, and the addition of safety or health protection devices; and

WHEREAS, none of the exceptions to the CEQA exemption applied to the project and a Notice of Exemption was filed on Jan. 25, 2023.

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

1. That the above recitations are true and correct.
2. That the Proclamation of a Storm-related Local Emergency for repair of the slope near El Camino Real and Trieste Drive is continued.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Proclamation of Local Emergency

City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

FOR STORM-RELATED EMERGENCY PROTECTION ACTIVITIES TO REPAIR A SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

WHEREAS, on February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by a powerful, slow-moving atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions and help the state prepare for the impact of the storms; and

WHEREAS, California Government Code Section 8630 allows the City Council or an official designated by ordinance adopted by the City Council, to proclaim a local emergency; and

WHEREAS, the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empowers the City Manager, as the City of Carlsbad's Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to the safety of persons and property within the City of Carlsbad; and

WHEREAS, in the case of an emergency, California Public Contract Code Section 22050 allows the City Council, or a person delegated the authority by the City Council, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contract; and

WHEREAS, the repair project was determined to be exempt from the California Environmental Quality Act, or CEQA, under Section 15301 (d) and (f) of the CEQA Guidelines, which applies to projects for restoration or rehabilitation of deteriorated or damaged structures and the addition of safety or health protection devices; and

WHEREAS, none of the exceptions to the CEQA exemption applied to the project and a Notice of Exemption was filed on Jan. 25, 2023; and

WHEREAS, the Director of Emergency Services finds:

1. The National Weather Service issued multiple winter storm warnings, high wind warnings, wind advisories, and flood and flash flood watches throughout the State of California in anticipation of a powerful, slow-moving, atmospheric river in early February.
2. Conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by the powerful, slow-moving atmospheric river in early February, requiring immediate action to prevent or mitigate the loss or impairment of life, health, and property.

Local Emergency – REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

Page 2

3. Prior to the early February 2024 storms, powerful winter storms that occurred less than a month ago had amplified the impact of local flooding due to the record-breaking amount of rainfall including a severe rainstorm which began on January 22, 2024 (“January Storm”), in all dropping 2 to 3 inches of rain in a three-hour period, a total that exceeds that of an average wet month and rivals the rainfall needed to spur a 100-year flood event.

4. On Jan. 22, 2024, the County of San Diego proclaimed an emergency due to the January Storm, which the county characterized as a thousand-year storm, and which caused drastic flooding and flash flooding in the county.

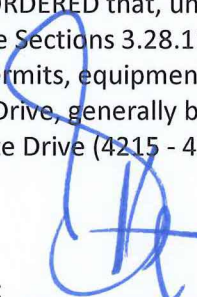
5. The conditions of the early February 2024 storms, in addition to the impacts of the January Storm, created an emergency condition on a slope that is located between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive) causing rapid slope movement and additional fissures in the soil that warrant immediate emergency repair.

6. That the City Council of the City of Carlsbad was not in session and could not be immediately called into session.

NOW, THEREFORE, IT IS PROCLAIMED that, subject to review and ratification by the City Council at its next meeting, a local emergency now exists in the City of Carlsbad, California, on a slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive).

IT IS FURTHER PROCLAIMED AND ORDERED that, under California Public Contract Code Section 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, city staff may proceed at once to obtain the necessary permits, equipment, services, and supplies to repair the slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive), without giving notice for bids to let contracts.

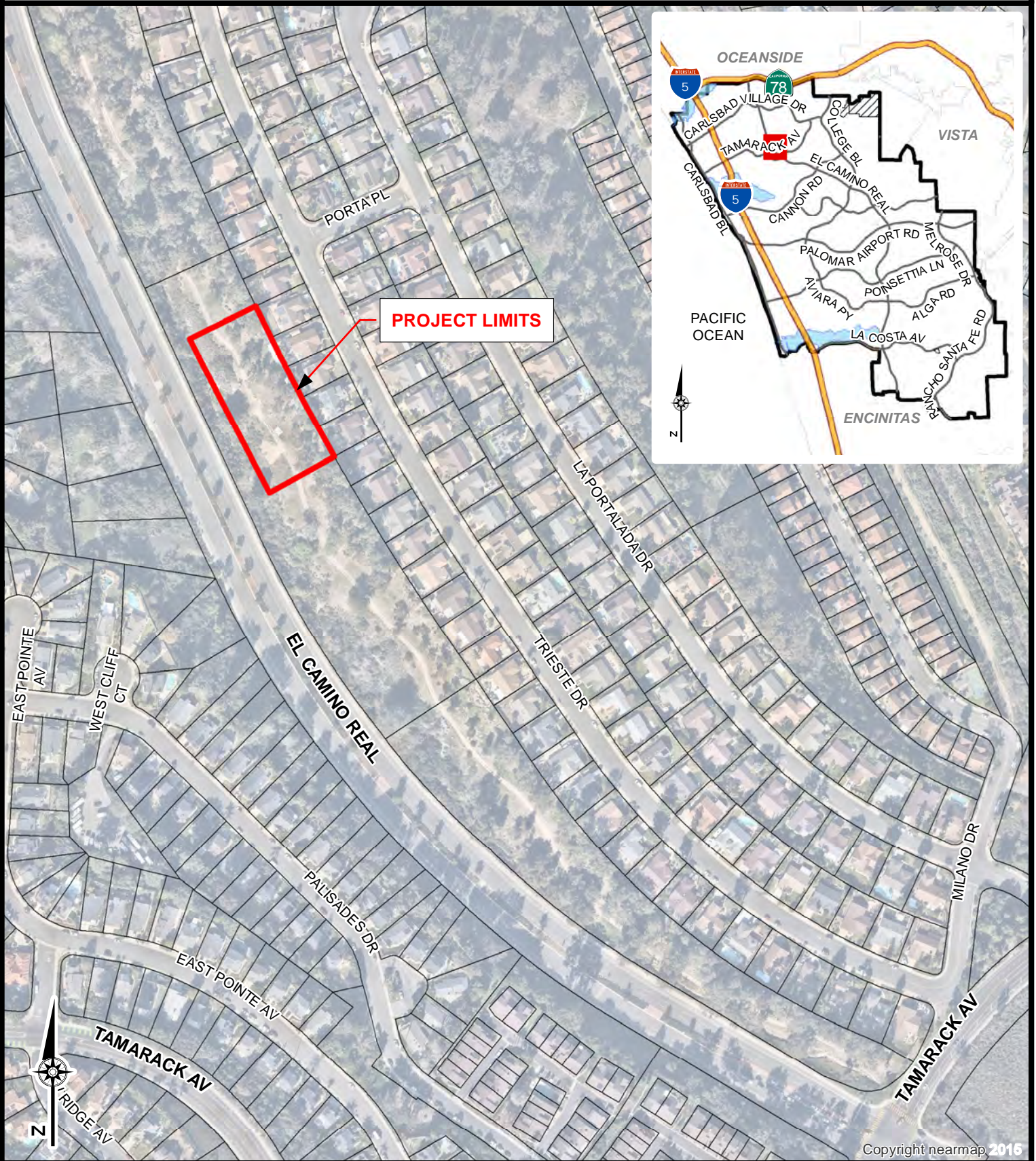
Dated: 14 FEB 24

By: 

SCOTT CHADWICK
City Manager/Director of Emergency Services

LOCATION MAP

Exhibit 3



TRIESTE DRIVE SLOPE REPAIR PROJECT

PROJECT
NUMBER
6107

EXHIBIT
3



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Kyle Lancaster, Parks & Recreation Director
kyle.lancaster@carlsbadca.gov, 442-339-2941

Subject: Park Land Dedication Requirements and Park Land In-lieu Fees

Districts: All

Recommended Action

1. Hold a public hearing; and
2. Adopt a resolution approving updated park land dedication requirements for residential subdivisions and the phased-in increase of park land in-lieu fees over a three-year period, annually applying approximately one-third of the difference between the existing park land in-lieu fees and the proposed park land in-lieu fees over fiscal years 2024-25, 2025-26 and 2026-27.

Executive Summary

Carlsbad's parks contribute to the high quality of life the city is known for, providing access to recreation and a wide range of services and promoting active, healthy lifestyles.

In Carlsbad, developers play a crucial role in the city's park development efforts. As part of the approval process for new residential subdivisions, developers are required to contribute to the creation of parks. This contribution can take the form of dedicating land for city parks or paying park in-lieu fees to support the construction of new city parks or park improvement projects. These measures ensure that the city can enhance its park system to benefit the community.

It has been nearly two decades since the city last updated its park land in-lieu fees. Since 2005, the city has experienced growth and changes in property values, and the existing fees no longer accurately reflect the fair market value of undeveloped property in Carlsbad.

Staff from the Parks & Recreation Department, Community Development Department, and Finance Department, as well as staff from the City Attorney's Office and the Real Estate Division, worked with NBS Government Finance Group to prepare the Carlsbad Park Land Dedication and In-lieu Fee Study, provided as Exhibit 2. That study calculates updated park land dedication requirements and fees in-lieu of dedication of park land for residential subdivisions in Carlsbad.

Staff recommend the City Council approve the updated park land dedication requirements for residential subdivisions, and the phased-in increase of fees in-lieu of park land dedication over the next three fiscal years.

Carlsbad Municipal Code Section 20.44.040, Standards and formula for dedication of land, states that such park land dedication requirements are to be adjusted as necessary by resolution of the City Council.

Explanation & Analysis

City plans

These updates to the park land dedication requirements are supported by the City Council's Five-Year Strategic Plan and the Parks & Recreation Department Master Plan.

Carlsbad Strategic Plan

The City Council approved the 2023-2027 Carlsbad Strategic Plan on Oct. 11, 2022. The Strategic Goals section provides the city's five priority goals, including that of Organizational Excellence & Fiscal Health: Be a model for efficient and effective local government.

Carlsbad Parks & Recreation Department Master Plan

The City Council approved the 2023-2030 Carlsbad Parks & Recreation Department Master Plan Update on Sept. 26, 2023. Chapter 9 provides the department's Strategic Action Plan, including a Parks Strategy to Complete a Parks in-lieu Fee Study and present its findings to the City Council for review and direction. Staff are now presenting the findings of that study to the City Council.

Background - Quimby Act implementation

In 1975, the State of California introduced the Quimby Act (Government Code Section 66477), which allows local governments like Carlsbad to ensure that residential subdivisions include enough space for parks. This law gives cities the authority to require developers to either set aside land for parks within their residential subdivisions or to pay fees in-lieu of park land dedication to support future park development by the cities. This requirement generally does not apply to apartment complexes.

To implement the Quimby Act, the City Council established Chapter 20.44 of the Carlsbad Municipal Code, Dedication of Land for Recreational Facilities. This chapter provides the standards for developers regarding park land dedication or in-lieu fee payments for residential subdivisions. The intent of this chapter is to ensure that for every 1,000 residents, there are three acres of parks and recreational spaces available for use by residents.

Developers of residential subdivisions must either dedicate land for parks or pay park land in-lieu fees proportionate to the number of housing units in their subdivisions. The City Council determines whether land dedication, in-lieu fee payments or a combination of both is needed for a particular residential subdivision project. This decision considers factors such as the general plan's park and recreation element, topography and the availability of suitable sites for parks.

Under the Quimby Act, park land dedication and in-lieu fee requirements are based on the ratio of park acres to population in the jurisdiction.

- That ratio may not exceed three acres per thousand residents unless the existing ratio is higher and is capped at five acres per thousand residents.
- The population added by the subdivision is determined based on the number of dwelling units in the subdivision and the average population per unit.
- The population and average number of people per household in the city are determined by the most recent federal census.
- The park acreage is to be based on the quantity of acres of neighborhood parks and community parks in the city at the time of that federal census.

The land and fees, or the combination of the two, are to be used for the purpose of developing new or rehabilitating existing neighborhood and community parks or recreational facilities to serve the subdivision subject to the requirements. For Carlsbad, the city's geographic park districts (i.e., Northwest, Northeast, Southeast and Southwest) are considered to be the areas served in this context.

The Quimby Act requires that the legislative body – for Carlsbad, the City Council – adopt a general plan or specific plan containing policies and standards for parks and recreational facilities, and that the amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the parks and recreational facilities by future inhabitants of the subdivision.

Carlsbad Park Land Dedication And In-lieu Fee Study

The City Council last approved an increase to Carlsbad's park land in-lieu fees in 2005 (Exhibit 3), and those existing fees no longer accurately reflect the fair market value of undeveloped property in the city. In response, staff recently worked with NBS Government Finance Group to prepare the Carlsbad Park Land Dedication and In-lieu Fee Study, which analyzes the current fair market value of vacant land in Carlsbad and recommends updates to the formula for park land dedication and in-lieu fees for residential subdivision projects.

Study area and timeframe

The study area is bounded by the city limits of the City of Carlsbad. The timeframe for future development in the study is defined as the period between 2023 and the buildout, or completion of the city's development potential. Although the city's General Plan contains estimates of total development, including the number of dwelling units at buildout, those estimates will change in response to updates in the city's Housing Element, the portion of the General Plan that covers housing. The park land in-lieu fees calculated in the study are based on undeveloped land costs, using actual sales comparisons over a three calendar year period (2020 through 2022, with no comparable sales in 2023). Going forward, staff recommend the undeveloped land costs be reevaluated every three fiscal years.

Development types

The park land in-lieu fees calculated in the study are to be applied to residential development resulting from residential subdivisions and parcel maps.¹ The residential development types

¹ A parcel map is a lot split resulting in four or fewer residential lots or a commercial subdivision with access to existing streets.

defined in the study are listed below. Traditionally, in-lieu fees for residential development have been based on unit types such as single-family, multi-family and mobile home units. However, recent amendments to the California Government Code pertaining to impact fees imposed on housing development projects require that fees must be proportional to the square footage of proposed units of the development.

The residential development types used in the study are:

- Less than 800 square feet
- Less than 800 – 1,300 square feet
- More than 1,300 – 2,000 square feet
- More than 2,000 – 2,500 square feet
- More than 2,500 square feet

Units of development and population per unit

In the study, the amount of existing and planned residential development is measured in terms of dwelling units. The Quimby Act requires that park land dedication requirements and fees in-lieu of dedication be based on the ratio of park acres to population at the time of the most recent census. The ratio can be stated in terms of acres per capita. The amount of acreage to be dedicated or in-lieu fees to be paid for a certain type of residential unit depends on the population per unit for that category. Page 2-2, Table 2.1 of the study shows the population per-unit factors estimated for residential unit size categories.

Existing and future development

Page 2-3, Table 2.2 of the study shows existing development both at the time of the 2020 Census and as of 2023. As noted, however, the Quimby Act requires park land dedication requirements and fees in-lieu of dedication of park land to be based on the ratio of park acres to population at the time of the most recent census. The 2023 data was used only for purposes of calculating the difference from existing development. Its forecast of what development will be when the city is built out is shown on Page 2-3, Table 2.4 of the study. That difference is reflected as added residential development on Page 2-3, Table 2.3 of the study.

Park land dedication and in-lieu fees

Section 20.44.040 of the Carlsbad Municipal Code bases park land dedication and in-lieu fee acreage requirements for subdivisions on a standard of 3.0 acres per 1,000 population. Section 20.44.080 states, “When a fee is required to be paid in-lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated...” That fair market value is to be determined for the four quadrants, or park districts, in Carlsbad by periodic surveys of the value of undeveloped land in the city. A survey conducted by a city-contracted real estate professional estimated the fair market value of undeveloped land in the city at \$1,824,148 per acre (Appendix A of the study). That weighted average value of undeveloped land was applied to all four of the park districts.

Methodology

Section 20.44.040 of the Carlsbad Municipal Code uses the following formula in calculating the number of acres that must be dedicated by a residential subdivision: Population per dwelling unit X 3 acres per 1,000 population X number of units. Although the section does not specify the population per dwelling unit to be used in the formula, just that it should be based on the most

recent federal census, it is common for California cities to use population-per-unit factors based on the types of units contained in the subdivision.

Existing level of service

Page 3-4, Table 3.1 of the study lists the city’s existing parks and shows both city-owned park acres and improved park acres. It includes some non-city-owned parks on leased land where the city has invested in substantial capital improvements, but it does not include the Terramar Northern Bluff property, nor any of the school district properties for which the city has joint use agreements, because the city has not invested in substantial capital improvements to those properties. The table also does not include the property known as the Zone 5 Park, which is intended to serve non-residential development and is funded from a separate fee program.

Park land in-lieu fees calculation

Page 3-6, Table 3.3 of the study shows the cost per capita, by park district, that was used to calculate the proposed fees in-lieu of park land dedication for Carlsbad. The calculation is based on the 3.0 acres of park land per 1,000 population (0.003 acres-per-capita) standard multiplied by the estimated cost per acre to acquire undeveloped land in Carlsbad (\$1,824,128 per acre). The cost per capita equals \$5,472. Pages 3-6 and 3-7, Tables 3.4-3.7 of the study show identical calculations of park land in-lieu fees per dwelling unit by park district and unit-size category.

Existing and proposed park land in-lieu fees

The existing and proposed park land in-lieu fees are reflected in the chart below.

Development type		Northeast Park District	Northwest Park District	Southeast Park District	Southwest Park District
Existing	Mobile home	\$3,696	\$4,934	\$3,696	\$3,696
Proposed	Residential less than 800 square feet	\$6,020	\$6,020	\$6,020	\$6,020
Existing	Attached residential (more than 4 units)	\$4,635	\$6,190	\$4,635	\$4,635
Proposed	Residential 800-1,300 square feet	\$9,850	\$9,850	\$9,850	\$9,850
Existing	Attached residential (4 units or less)	\$4,804	\$6,414	\$4,804	\$4,804
Proposed	Residential more than 1,300-2,000 square feet	\$13,681	\$13,681	\$13,681	\$13,681
Existing	Single-family detached and duplex	\$5,728	\$7,649	\$5,728	\$5,728
Proposed	Residential more than 2,000-2,500 square feet	\$18,059	\$18,059	\$18,059	\$18,059
Existing	Single-family detached and duplex	\$5,728	\$7,649	\$5,728	\$5,728
Proposed	Residential more than 2,500 square feet	\$20,795	\$20,795	\$20,795	\$20,795

Park land in-lieu fees of nearby cities

As part of the study, NBS Government Finance Group conducted a survey of park land in-lieu fees for parks and recreation facilities in five nearby cities: Encinitas, Escondido, Oceanside, San Marcos and Vista. Of those five cities, only three have adopted ordinances requiring dedication of land or payment of park land in-lieu fees. However, all five cities impose fees for park land and/or park and recreation improvements, as listed in the Fee Comparison Table on Page S-4 of the study.

Phasing in proposed park land in-lieu fees

Since the park land in-lieu fees have not been increased since 2005, the difference in the existing and the proposed park land in-lieu fees is notable. Because of this, staff are recommending that the City Council approve a phased-in implementation of the proposed increase to the park land in-lieu fees over a three-year period, annually applying approximately one-third of the difference between the existing park land in-lieu fees and the proposed park land in-lieu fees over fiscal years 2024-25, 2025-26 and 2026-27, as detailed in the charts below.

NORTHEAST, SOUTHEAST AND SOUTHWEST PARK DISTRICTS					
Development type		Park in-lieu fee	FY 2024-25 1/3 increase	FY 2025-26 2/3 increase	FY 2026-27 3/3 increase
Existing	Mobile home	\$3,696			
Proposed	Residential less than 800 square feet	\$6,020	\$4,471	\$5,246	\$6,020
Existing	Attached residential (more than 4 units)	\$4,635			
Proposed	Residential 800-1,300 square feet	\$9,850	\$6,373	\$8,111	\$9,850
Existing	Attached residential (4 units or less)	\$4,804			
Proposed	Residential more than 1,300-2,000 square feet	\$13,681	\$7,763	\$10,722	\$13,681
Existing	Single-family detached and duplex	\$5,728			
Proposed	Residential more than 2,000-2,500 square feet	\$18,059	\$9,838	\$13,948	\$18,059
Existing	Single-family detached and duplex	\$5,728			
Proposed	Residential more than 2,500 square feet	\$20,795	\$10,750	\$15,772	\$20,795

NORTHWEST PARK DISTRICT					
Development type		Park in-lieu fee	FY 2024-25 1/3 increase	FY 2025-26 2/3 increase	FY 2026-27 3/3 increase
Existing	Mobile home	\$4,934			
Proposed	Residential less than 800 square feet	\$6,020	\$5,296	\$5,658	\$6,020
Existing	Attached residential (more than 4 units)	\$6,190			
Proposed	Residential 800-1,300 square feet	\$9,850	\$7,410	\$8,630	\$9,850
Existing	Attached residential (4 units or less)	\$6,414			
Proposed	Residential more than 1,300-2,000 square feet	\$13,681	\$8,836	\$11,259	\$13,681
Existing	Single-family detached and duplex	\$7,649			
Proposed	Residential more than 2,000-2,500 square feet	\$18,059	\$11,119	\$14,589	\$18,059
Existing	Single-family detached and duplex	\$7,649			
Proposed	Residential more than 2,500 square feet	\$20,795	\$12,031	\$16,413	\$20,795

Community Engagement

Community engagement regarding the Park Land Dedication and In-lieu Fee Study included:

March 15, 2024

- Email sent to local Building Industry Association representative
- Email sent to twenty local Industry Advisory Group representatives
- Parks & Recreation webpage established with a summary and data links

March 16, 2024

- First legal notice of public hearing posted in The San Diego Union-Tribune

March 18, 2024

- Staff briefing made at Parks & Recreation Commission meeting

March 23, 2024

- Second legal notice of public hearing posted in The San Diego Union-Tribune

April 10, 2024

- Presentation made at local Building Industry Association Legislative Subcommittee meeting

April 15, 2024

- Second staff briefing made at Parks & Recreation Commission meeting

Fiscal Analysis

It is anticipated that most new residential units in Carlsbad will involve subdivisions, and that a large percentage of those subdivisions will be required to pay park land in-lieu fees instead of dedicating land for parks. For the purposes of projecting city revenue from park land in-lieu fees through when the city is built out, staff assumed that 65% of all new residential units would involve residential subdivisions, which would be subject to park land in-lieu fees.

Page 3-8, Table 3.8 of the study shows the projected revenue from the proposed park land in-lieu fees through buildout at nearly \$85 million. The projected revenue from the existing park land in-lieu fees through buildout is about \$33.5 million, about \$51.5 million less. Because it was not possible to project the mix of future unit sizes that will be constructed in Carlsbad, the projected revenue from the park land in-lieu fees through buildout was based on added population and the cost per capita to acquire undeveloped land.

Next Steps

Staff will implement the updated park land dedication requirements for residential subdivisions, and phase in the proposed increase to the park land in-lieu fees over the next three fiscal years. At the end of fiscal year 2026-27, and every three fiscal years thereafter, staff will reevaluate the per acre undeveloped land value and recalculate the park land in-lieu fees as applicable and bring any proposed changes to the City Council for its consideration.

Environmental Evaluation

In keeping with California Public Resources Code Section 21065, this action does not require environmental review because it 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 or a reasonably foreseeable indirect physical change in the environment.

Exhibits

1. City Council resolution
2. Park Land Dedication and In-lieu Fee Study, dated March 6, 2024
3. City Council agenda bill, dated June 7, 2005

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING UPDATED PARK LAND DEDICATION REQUIREMENTS FOR RESIDENTIAL SUBDIVISIONS AND THE PHASED-IN INCREASE OF PARK LAND IN-LIEU FEES OVER A THREE-YEAR PERIOD, ANNUALLY APPLYING APPROXIMATELY ONE-THIRD OF THE DIFFERENCE BETWEEN THE EXISTING PARK LAND IN-LIEU FEES AND THE PROPOSED PARK LAND IN-LIEU FEES OVER FISCAL YEARS 2024-25, 2025-26 AND 2026-27

WHEREAS, Carlsbad's parks contribute to the high quality of life the city is known for, providing access to recreation and a wide range of services and promoting active, healthy lifestyles; and

WHEREAS, the City Council approved the 2023-2027 Carlsbad Strategic Plan on Oct. 11, 2022, and the Strategic Goals section provides five priority goals, including that of "Organizational Excellence & Fiscal Health; Be a model for effective and efficient local government;" and

WHEREAS, the City Council approved the 2023-2030 Carlsbad Parks & Recreation Department Master Plan Update on Sept. 26, 2023, and Chapter 9 provides the department's Strategic Action Plan, including a Parks Strategy to: "Complete a Parks in-lieu Fee...Study and present its findings to the City Council for review and direction;" and

WHEREAS, in 1975, the State of California introduced the Quimby Act (Government Code Section 66477), which allows local governments like Carlsbad to ensure that residential subdivisions include enough space for parks; and

WHEREAS, this law gives cities the authority to require developers to either set aside land for parks in their residential subdivisions or pay fees to support future park development by the cities; and

WHEREAS, to implement the Quimby Act, the City Council Chapter 20.44 of the Carlsbad Municipal Code, Dedication of Land for Recreational Facilities. This chapter provides the standards for developers regarding park land dedication or in-lieu fee payments for residential subdivisions; and

WHEREAS, the intent of this chapter of the Municipal Code is to ensure that for every 1,000 residents, there are three acres of parks and recreational spaces; and

WHEREAS, developers of residential subdivisions must either dedicate land for parks or pay park land in-lieu fees proportionate to the number of housing units in their subdivisions. The City Council determines whether land dedication, in-lieu fee payments or a combination of both is needed for a particular residential subdivision project; and

WHEREAS, under the Quimby Act, park land dedication and in-lieu fee requirements are based on the ratio of park acres to population in the jurisdiction. The population added by the subdivision is determined based on the number of dwelling units in the subdivision and the average population per unit; and

WHEREAS, the population and average number of persons per household in the city are determined by the most recent federal census. The park acreage is to be based on the quantity of acres of neighborhood parks and community parks in the city at the time of that federal census; and

WHEREAS, the land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood and community parks or recreational facilities to serve the subdivision subject to the requirements. For Carlsbad, the city's geographic park districts (i.e., Northwest, Northeast, Southeast and Southwest) are considered to be the areas served in this context; and

WHEREAS, the City Council last approved an increase to Carlsbad's park land in-lieu fees in 2005, and those existing fees no longer accurately reflect the fair market value of undeveloped property in the city. In response, staff worked with NBS Government Finance Group to prepare the Carlsbad Park Land Dedication and In-lieu Fee Study, which analyzes the current fair market value of vacant land in Carlsbad and recommends updates to the formula for park land dedication and in-lieu fees for residential subdivision projects; and

WHEREAS, the study area is bounded by the city limits of the City of Carlsbad, and the timeframe for future development in the study is defined as the period between 2023 and the buildout of the city's development potential; and

WHEREAS, in addressing the findings of the study, staff are recommending that the City Council approve updated park land dedication requirements for residential subdivisions, and the phased-in increase of park land in-lieu fees over a three-year period, annually applying approximately one-third of the difference between the existing park land in-lieu fees and the proposed park land in-lieu fees over fiscal years 2024-25, 2025-26 and 2026-27, as reflected in Attachment A; and

WHEREAS, staff will review the park land dedication requirements annually, including any changes in the latest federal census data; and

WHEREAS, at the end of fiscal year 2026-27, and every three fiscal years thereafter, staff are recommending reevaluation of the per acre undeveloped land value and recalculating the park land in-lieu fees as applicable, and bring any proposed changes to the City Council for its consideration; and

WHEREAS, the City Planner has determined that in keeping with Public Resources Code Section 21065, this action does not require environmental review because it 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 or a reasonably foreseeable indirect physical change in the environment.

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

1. That the above recitations are true and correct.
2. That the City Council approves the updated park land dedication requirements for residential subdivisions and the phased-in increase of park land in-lieu fees over a three-year period, annually applying approximately one-third of the delta between the existing park land in-lieu fees and the proposed park land in-lieu fees over fiscal years 2024-25, 2025-26 and 2026-27, as reflected in Attachment A.
3. That at the end of fiscal year 2026-27, and every three fiscal years thereafter, staff will reevaluate the per acre undeveloped land value and recalculate the park land in-lieu fees as applicable, and bring any proposed changes to the City Council for consideration.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

CITY OF CARLSBAD PARK LAND DEDICATION AND IN LIEU FEES

APRIL 23, 2024

NORTHEAST, SOUTHEAST AND SOUTHWEST PARK DISTRICTS					
Development type		Park in lieu fee	FY 2024-25 1/3 increase	FY 2025-26 2/3 increase	FY 2026-27 3/3 increase
Existing	Mobile home	\$3,696			
Proposed	Residential less than 800 square feet	\$6,020	\$4,471	\$5,246	\$6,020
Existing	Attached residential (more than 4 units)	\$4,635			
Proposed	Residential 800-1,300 square feet	\$9,850	\$6,373	\$8,111	\$9,850
Existing	Attached residential (4 units or less)	\$4,804			
Proposed	Residential more than 1,300-2,000 square feet	\$13,681	\$7,763	\$10,722	\$13,681
Existing	Single-family detached and duplex	\$5,728			
Proposed	Residential more than 2,000-2,500 square feet	\$18,059	\$9,838	\$13,948	\$18,059
Existing	Single-family detached and duplex	\$5,728			
Proposed	Residential more than 2,500 square feet	\$20,795	\$10,750	\$15,772	\$20,795

CITY OF CARLSBAD PARK LAND DEDICATION AND IN LIEU FEES

APRIL 23, 2024

NORTHWEST PARK DISTRICT					
Development type		Park in lieu fee	FY 2024-25 1/3 increase	FY 2025-26 2/3 increase	FY 2026-27 3/3 increase
Existing	Mobile home	\$4,934			
Proposed	Residential less than 800 square feet	\$6,020	\$5,296	\$5,658	\$6,020
Existing	Attached residential (more than 4 units)	\$6,190			
Proposed	Residential 800-1,300 square feet	\$9,850	\$7,410	\$8,630	\$9,850
Existing	Attached residential (4 units or less)	\$6,414			
Proposed	Residential more than 1,300-2,000 square feet	\$13,681	\$8,836	\$11,259	\$13,681
Existing	Single-family detached and duplex	\$7,649			
Proposed	Residential more than 2,000-2,500 square feet	\$18,059	\$11,119	\$14,589	\$18,059
Existing	Single-family detached and duplex	\$7,649			
Proposed	Residential more than 2,500 square feet	\$20,795	\$12,031	\$16,413	\$20,795

CITY OF CARLSBAD

Final Report

Park Land Dedication and In-Lieu Fee Study

March 6, 2024

Prepared by:



April 23, 2024

Corporate Headquarters

32605 Temecula Parkway, Suite 100
Temecula, CA 92592

Toll free: 800.676.7516

Item #3

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Appendix A

Executive Summary

The City of Carlsbad retained NBS Government Finance Group to prepare this study to calculate updated park land dedication requirements and fees in lieu of dedication for residential subdivisions in the City as authorized by the Quimby Act (Government Code Section 66477). The City's existing requirements for dedication of park land or payment of in-lieu fees are contained in Chapter 20.44 of the Carlsbad Municipal Code.

Organization of the Report

Chapter 1 of this report provides an overview of the legal requirements for establishing park land dedication and in-lieu fee requirements for residential subdivisions under the Quimby Act.

Chapter 2 contains data on population per unit factors and existing and future population estimates that are used in this report.

Chapter 3 calculates the acres of park land to be dedicated and the amount of fees in lieu of dedication per new residential unit for several categories of residential development, defined by unit size ranges.

Chapter 4 contains recommendations for adopting and implementing park land dedication requirements and in-lieu fees.

Development Data

Chapter 2 of this report presents data on existing population in Carlsbad and projections of the City's future population through buildout. Park land dedication and in-lieu requirements are applied on a per-unit basis, depending on estimated population per unit factors for the residential development categories defined in this report. Table 2.1 in Chapter 2 shows the estimated population per unit for each category of residential development.

Categories of residential development are defined in this report on the basis of unit size in square feet, whereas the categories used for the City's existing park land in-lieu fees are based on unit type (e.g., single-family detached or attached units and mobile homes). The reason this report recommends using unit-size categories for park land in-lieu fees is that, after 2022, the Mitigation Fee Act requires that impact fees be based on unit size. While that mandate does not apply to park land in-lieu fees adopted under the Quimby Act, using unit-size categories for the proposed park land in-lieu fees will allow for consistency in the event the City chooses to adopt impact fees for park improvements and recreation facilities in the future.

The Quimby Act requires that park land dedication requirements and fees in lieu of dedication must be based on the ratio of park acres to population at the time of the most recent federal census. Consequently, the City's 2020 population and the acreage of existing parks in 2020 is used in this report to establish the ratio of park acres to

population in 2020. Carlsbad’s 2020 census population is shown in Table 2.2 in Chapter 2. Carlsbad’s estimated January 2023 population is also shown in Table 2.2.

Table 2.3 in Chapter 2 shows a forecast of added population from 2023 to buildout and Table 2.4 shows a forecast of total forecasted population at buildout. The data in those tables is used to project potential revenue from park land in-lieu fees calculated in this report.

Park Land Dedication and In-Lieu Fees

Although the City’s 2020 ratio of park acres to population was somewhat less than 3.0 acres per 1,000 population, the Quimby Act specifically allows park land dedication requirements to be based on at least 3.0 acres per 1,000 population (0.003 acres per capita). Therefore, the amount of park acreage to be dedicated for each unit in a residential subdivision is based on the following formula:

$$\text{Acres per unit to be dedicated} = 0.003 \times \text{population per unit}$$

As discussed above, estimated population per unit varies by unit size category, so the acreage per unit to be dedicated, or the amount of the in-lieu fee to be paid, will also vary by unit size category.

The City may choose whether a particular subdivision must dedicate land for parks or pay a fee in lieu of dedication or a combination of the two. Fees in lieu of park land dedication are based on the required park acres per unit and the estimated cost per acre to acquire park land in Carlsbad.

Proposed Park Land In-Lieu Fees

Park land in-lieu fees per unit calculated in this report are shown in Table S.1, on the next page, for each category of residential development defined in this report. The difference among those categories is the estimated population per dwelling unit which is shown in Table 2.1 in Chapter 2. Although park land in-lieu fees are shown for each park district, the fees are identical for all park districts because the same land cost per acre was used for all park districts.

Table S.1: Proposed Park Land In-Lieu Fees per Unit

Development Type	Units ¹	NE Park District	NW Park District	SE Park District	SW Park District
Residential <800 Square Feet	DU	\$ 6,020	\$ 6,020	\$ 6,020	\$ 6,020
Residential 800-1,300 Square Feet	DU	\$ 9,850	\$ 9,850	\$ 9,850	\$ 9,850
Residential >1,300-2,000 Square Feet	DU	\$ 13,681	\$ 13,681	\$ 13,681	\$ 13,681
Residential >2,000-2,500 Square Feet	DU	\$ 18,059	\$ 18,059	\$ 18,059	\$ 18,059
Residential >2,500 Square Feet	DU	\$ 20,795	\$ 20,795	\$ 20,795	\$ 20,795

¹ DU = dwelling unit

Existing Park Land In-Lieu Fees

Carlsbad’s existing park land in-lieu fees are shown in Table S.2. As discussed previously, the categories used for the City’s existing park land in-lieu fees are based on unit type rather than unit size. Also, the existing in-lieu fees for the Northwest Park District were based on a higher land cost per acre than the existing in-lieu fees for the other park districts. In this study the same land cost per acre is used for all park districts.

Table S.2: Existing Park Land In-Lieu Fees per Unit

Development Type	Units ¹	NE Park District	NW Park District	SE Park District	SW Park District
Mobile Homes	DU	\$ 3,696	\$ 4,934	\$ 3,696	\$ 3,696
Attached Residential (more than 4 units)	DU	\$ 4,635	\$ 6,190	\$ 4,635	\$ 4,635
Attached Residential (4 units or less)	DU	\$ 4,804	\$ 6,414	\$ 4,804	\$ 4,804
Single-Family Detached and Duplex	DU	\$ 5,728	\$ 7,649	\$ 5,728	\$ 5,728

¹ DU = dwelling unit

Comparison of Existing and Proposed Park Land In-Lieu Fees

A direct comparison of existing and proposed park land in-lieu fees is complicated by the fact that the breakdown of development types used for the proposed fees is based on unit size categories while the existing fees are differentiated by unit type. Table S.3 compares the existing and proposed park land in-lieu fee schedules based on the amount of the fees, starting with the lowest fee category then stepping up to the next higher fee category in each schedule. Because there are five categories of proposed fees and only four categories of existing fees, the highest fee category in the existing fee schedule (Single-Family Detached and Duplex) is compared with both of the top two fee categories in the proposed fee schedule.

Table S.3 : Comparison of Existing and Proposed Park Land In-Lieu Fees

Development Type	Units ¹	NE Park District	NW Park District	SE Park District	SW Park District
Existing Mobile Home	DU	\$ 3,696	\$ 4,934	\$ 3,696	\$ 3,696
Proposed Residential <800 Square Feet	DU	\$ 6,020	\$ 6,020	\$ 6,020	\$ 6,020
Existing Attached Residential (more than 4 units)	DU	\$ 4,635	\$ 6,190	\$ 4,635	\$ 4,635
Proposed Residential 800-1,300 Square Feet	DU	\$ 9,850	\$ 9,850	\$ 9,850	\$ 9,850
Existing Attached Residential (4 units or less)	DU	\$ 4,804	\$ 6,414	\$ 4,804	\$ 4,804
Proposed Residential >1,300-2,000 Square Feet	DU	\$ 13,681	\$ 13,681	\$ 13,681	\$ 13,681
Existing Single-Family Detached and Duplex	DU	\$ 5,728	\$ 7,649	\$ 5,728	\$ 5,728
Proposed Residential >2,000-2,500 Square Feet	DU	\$ 18,059	\$ 18,059	\$ 18,059	\$ 18,059
Existing Single-Family Detached and Duplex	DU	\$ 5,728	\$ 7,649	\$ 5,728	\$ 5,728
Proposed Residential >2,500 Square Feet	DU	\$ 20,795	\$ 20,795	\$ 20,795	\$ 20,795

¹ DU = dwelling unit

Park Land In-Lieu Fees Charged by Nearby Cities

As part of this study, NBS did a survey of park land in-lieu fees as well as impact fees for park and recreation facilities in five cities near Carlsbad. Those cities are Encinitas, Escondido, Oceanside, San Marcos and Vista. Of those five cities, only three had adopted ordinances requiring dedication of land or payment of in-lieu fees for park land. However, all five cities charge fees for park land and/or park and recreation improvements. The comparison table below shows their current fees.

Note: Early in 2023, Oceanside completed a study to update its park fees for developers. However, as of March 6, 2024, the fee schedule posted on the City of Oceanside web site does not reflect the adoption of those new fees.

City of Carlsbad 2023 Park Land Dedication and In-Lieu Fee Study - Fee Comparison

		COMPARISON AGENCIES				
Facility Type	Units ¹	ENCINITAS ² (2016)	ESCONDIDO ³ (2023)	OCEANSIDE ⁴ (2023)	SAN MARCOS ⁵ (2022)	VISTA ⁶ (2022)
Residential - Multi-Family						
Park Land	DU	\$4,829		\$4,431		\$4,546
Park Improvements	DU	\$2,644	\$6,664		\$6,251	\$4,000
Trails	DU	\$112				
Total		\$7,585	\$6,664	\$4,431	\$6,251	\$8,546
Residential - Single-Family						
Park Land	DU	\$7,230		\$4,431		\$4,575
Park Improvements	DU	\$3,959	\$6,986		\$6,251	\$4,025
Trails	DU	\$168				
Total		\$11,357	\$6,986	\$4,431	\$6,251	\$8,600

¹ DU = dwelling unit

² Encinitas impact fees effective in 2016; Encinitas park land fees include fees for open space land acquisition

³ Escondido impact fees effective 2021

⁴ Oceanside impact fees effective 2023

⁵ San Marcos impact fees effective 2022

⁶ Vista impact fees effective 2022

Chapter 1. Introduction

Purpose

The purpose of this study is to calculate updated fees in lieu of park land dedication pursuant to the Quimby Act.

The Quimby Act

The Quimby Act (Government Code Section 66477) authorizes a city or county to require dedication of land, payment of fees in-lieu of dedication, or a combination of both, for park and recreational purposes as a condition of approval of a residential subdivision or parcel map. The city or county must adopt an ordinance that includes definite standards for determining the proportion of the subdivision to be dedicated and the amount of the in-lieu fees to be paid. It is important to note that park land dedication and in-lieu fee requirements authorized by the Quimby Act apply only to projects involving a subdivision or parcel map. These requirements do not apply to projects for apartment complexes.

Under the Quimby Act, land dedication and in-lieu fee requirements are based on the ratio of park acres to population in the jurisdiction. That ratio may not exceed three acres per thousand residents unless the existing ratio is higher and is capped at five acres per thousand residents. The population added by the subdivision is determined based on the number of dwelling units in the subdivision and the average population per unit.

The population and average number of persons per household in the city or county are to be based on the most recent federal census. Park acreage is to be based on the area of neighborhood and community parks in the city or county at the time of that census.

The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision subject to the requirements. A 2013 amendment to the Quimby Act added a provision that in-lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision paying the fees is located if certain conditions are met (see paragraph (a)(3)(B) of Section 66477). “Neighborhood” is not defined in the statute. In this study, the park districts defined by the City of Carlsbad will be considered neighborhoods in that context.

The Quimby Act requires that the legislative body adopt a general plan or specific plan containing policies and standards for parks and recreational facilities, and that the amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the subdivision.

Only payment of in-lieu fees may be required for subdivisions containing 50 parcels or less, except when a condominium, stock cooperative or community apartment project exceeds 50 dwelling units, then dedication of land may be required.

Recent Legislation That May Apply to Park Land In-Lieu Fees

Several new laws enacted by the State of California since 2019 to facilitate development of affordable housing will affect the implementation of in-lieu fees calculated in this study. Below are brief overviews of some recently passed legislation.

SB 330 – The Housing Crisis Act of 2019. Amendments to existing law contained in SB 330 prohibit the imposition of new approval requirements on a housing development project once a preliminary application has been submitted. That provision applies to increases in impact fees and in-lieu fees, except when the resolution or ordinance establishing the fee authorizes automatic, inflationary adjustments to the fee or exaction.

AB 1483 – Housing Data: Collection and Reporting. AB 1483 requires that a city, county or special district must post on its website a current schedule of its fees and exactions, as well as associated nexus studies and annual reports. Updates must be posted within 30 days.

Facilities Addressed in this Study

This study addresses only requirements for park land dedication and fees in-lieu of park land dedication that are charged by the City in connection with approval of residential subdivisions and parcel maps. The acreage dedication requirements and in-lieu fees calculated in this report are intended to update the requirements of Chapter 20.44 of the Carlsbad Municipal Code.

Chapter 2. Development Data

This chapter presents data on existing and future development that will be used to calculate park land dedication requirements and in-lieu fees authorized by the Quimby Act in this report. Park land dedication requirements and fees in lieu of dedication imposed under the Quimby Act apply only to residential subdivisions and parcel maps. See Chapter 1 for a more extensive discussion of the Quimby Act.

Population data used in this chapter are based on information from the U.S. Census Bureau, the City of Carlsbad Community Development Department and other sources as noted in this chapter.

Study Area and Time Frame

The study area for this study is the area within the City of Carlsbad. The timeframe for future development in this study is defined as the period between 2023 and buildout of the City's development potential.

Development Types

The in-lieu fees calculated in this report will be applied to residential development resulting from residential subdivisions and parcel maps. These fees will not be applied to projects for apartment complexes. The residential development types defined in this study are listed below. Traditionally, in-lieu fees for residential development have been based on unit types such as single-family, multi-family and mobile home units. However, recent amendments to the Government Code as it pertains to impact fees imposed on housing development projects require that fees must be proportional to the square footage of proposed units of the development.

Although park land in-lieu fees governed by the Quimby Act are not required to be proportional to the square footage of residential units, this report defines residential development categories in terms of square footage so that those categories will be consistent with the categories used by the City of Carlsbad to charge certain types of impact fees. The list of development categories used in this study is shown below.

- Residential: < 800 Sq. Ft. per Unit
- Residential: > 800 – 1,300 Sq. Ft. per Unit
- Residential: > 1,300 – 2,000 Sq. Ft. per Unit
- Residential: > 2,000 – 2,500 Sq. Ft. per Unit
- Residential: > 2,500 Sq. Ft. per Unit

Population per Unit

The Quimby Act requires that park land dedication requirements and fees in lieu of dedication be based on the ratio of park acres to population at the time of the most recent decennial census. That ratio can be stated in terms of acres per capita so, logically, the amount of acreage to be dedicated or in-lieu fees to be paid for a certain type of residential unit depends on the population per unit for that category.

Table 2.1 shows population-per-unit factors estimated for residential unit size categories used in this study. The Census Bureau and Department of Finance collect data on population per unit, by unit type (e.g., single-family or multi-family), rather than by unit size. Consequently, we must estimate the population per unit for unit-size categories.

Population-per-unit factors shown in Table 2.1 were estimated using data on the distribution of units by number of bedrooms from the American Community Survey (ACS) Table B25041 and were checked against data in ACS Table B25009 showing the distribution of household sizes in Carlsbad.

The estimated population per unit for each category is adjusted so that, (1) the population per unit increases with unit size, and (2) the average population per unit and total population remain approximately the same as for the original data.

Table 2.1: Population per Unit by Unit Size

Unit Size in Sq Ft ¹	No. of Bedrooms	No. of Units ²	% of Units	Population per Unit ³	Population by Unit Size ⁴
<800	0-1	5,927	12.4%	1.10	6,519
800-1,300	2	12,926	27.1%	1.80	23,267
>1,300-2,000	3	15,503	32.5%	2.50	38,757
>2,000-2,500	4	9,281	19.4%	3.30	30,628
>2,500	5+	4,097	8.6%	3.80	15,570
Total/Average		47,734	100.0%	2.40	114,741

¹ Estimated square-feet-per-unit ranges based on number of bedrooms

² Distribution of units by number of bedrooms from American Community Survey (ACS) Table B25041, 2021 1-Year Estimates, adjusted to 2020 Census units

³ Population per unit used in this study estimated by NBS

⁴ Population by unit size = number of units X population per unit

Existing and Future Population

Tables 2.2 through 2.4 on the following pages present data on existing and future population in Carlsbad. Table 2.2, on the next page, shows existing population, both at the time of the 2020 Census and as of January 2023.

As noted previously, the Quimby Act requires park land dedication requirements and fees in lieu of dedication to be based on the ratio of park acres to population at the time of

the most recent decennial census. The 2020 population in Table 2.2 is used to establish that ratio along with the list of 2020 improved park acres in Table 3.1 in the next chapter. The 2023 population in Table 2.2 is used only for purposes of calculating the difference between existing population at the time of this study and forecasted buildout population in Table 2.4. That difference is shown as added population in Table 2.3, which is used to project revenue from in-lieu fees calculated in the next chapter.

Table 2.2: Existing Population - 2020 and 2023

	Existing Population ¹
2020 Census	114,735
January 1, 2023	117,800

¹ 2020 population from the 2020 Census; 2023 population from the July 2023 Draft Supplemental EIR for the Carlsbad Housing Element Implementation and Public Safety Element p. 4.11-6

Table 2.3 shows the projected increase in population in Carlsbad from 2023 to buildout. Added population is not used in the in-lieu fee calculations in this report. It is only used to project potential revenue from those fees.

Table 2.3: Added Population - 2023 to Buildout

	Added Population ¹
Added Population - 2023 to Buildout	23,870

¹ Added population to buildout = buildout population from Table 2.4 less existing 2023 population from Table 2.2

Table 2.4 shows a forecast of buildout population in the City.

Table 2.4: Forecasted Population at Buildout

	Buildout Population ¹
Forecasted Buildout Population	141,670

¹ Buildout population from the July 2023 Draft Supplemental EIR for the Carlsbad Housing Element Implementation and Public Safety Element Update, p. 4.12-19

Growth Potential

The forecasted buildout population shown in Table 2.4 represents an increase of approximately 20% from Carlsbad's 2023 population.

Chapter 3. Park Land Dedication and In-Lieu Fees

This chapter calculates park land dedication requirements and fees in lieu of dedication authorized by the Quimby Act. Those requirements would apply only to residential subdivisions and parcel maps and are intended to serve as the basis for possible amendments to Chapter 20.44 of the Carlsbad Municipal Code titled “Dedication of Land for Recreational Facilities.”

Park Land Dedication and In-Lieu Fees

Residential subdivisions and parcel maps are subject to the Quimby Act (Govt. Code Section 66477) which is part of the Subdivision Map Act. The Quimby Act authorizes cities and counties in California to require subdividers to dedicate land for parks or pay fees in lieu of dedication.

The City’s existing Quimby Act ordinance, codified in Chapter 20.44 of the Carlsbad Municipal Code bases park land dedication and in-lieu fee acreage requirements for subdivisions on a standard of 3.0 acres per 1,000 population. This analysis also uses a standard of 3.0 acres per 1,000, which is permitted by the Quimby Act, even though the City’s 2020 level of service was somewhat below that level.

Chapter 20.44 currently provides that the land cost per acre used to calculate park land in-lieu fees is to be based on the fair market value per acre of the land that would otherwise be dedicated. That fair market value is to be determined for each of four quadrants (aka park districts) ¹ in Carlsbad by periodic surveys of the value of undeveloped land in the City. A survey conducted by City staff and a real estate consultant at the time of this study estimated the fair market value of undeveloped land in the City and found that the same value should be applied to all quadrants.

Service Areas

Park land in-lieu fees calculated in this chapter are intended to apply to all residential subdivisions and parcel maps approved by the City. The fee calculation tables later in this chapter show in-lieu fees by park district, but the fees for all park districts are based on the same ratio of park acres to population and the same land cost per acre, so the in-lieu fees are the same for all park districts. However, it is the City’s policy that the park land in-lieu fees are to be spent in the park district where they were collected.

Methodology

This chapter calculates park land dedication requirements and in-lieu fees using the method outlined in the Quimby Act. That method bases the park land dedication

¹ The interior boundaries of the four quadrants are defined by El Camino Real running generally north and south, and Palomar Airport Road running generally east and west.

requirement on a ratio of park acres to population and the population per unit for a particular type of residential development.

The formula contained in Chapter 20.44 of the Carlsbad Municipal Code to be used in calculating the number of acres that must be dedicated by a subdivision is:

Population per dwelling unit X 3 acres per 1,000 population X number of units

Chapter 20.44 does not specify the population per dwelling unit to be used in that formula, saying only that it should be based on the most recent federal census. It is common practice for California cities to use population-per-unit factors based on the types of units contained in the subdivision. For example, on average, single-family dwelling units house more residents than multi-family units.

For the reasons discussed in Chapter 2, this report defines residential development types by unit size ranges. Population-per-unit factors used to calculate park acreage dedication requirements and in-lieu fees for subdivisions vary by unit size. Those factors are shown in Table 2.1 in Chapter 2 and are used in the fee calculation tables in this chapter.

Ratio of Park Acres to Population

Chapter 20.44 of the Carlsbad Municipal Code sets a standard of 3.0 acres per 1,000 population to be used in calculating park land dedication requirements and fees in lieu of dedication for residential subdivisions. That standard is consistent with the standard adopted in the Open Space, Conservation and Recreation Element of the Carlsbad General Plan (page 4-9). In addition, the Quimby Act provides that fees in lieu of park land dedication may be based on at least 3 acres per 1,000 residents, even if the relevant level of service is lower.² Consequently, this study uses 3.0 acres per 1,000 population (0.003 acres per capita) to calculate the park land dedication requirement and in-lieu fees for residential subdivisions.

Existing Level of Service

Table 3.1 on Page 3-4 lists the City’s existing parks and the improved acres of each park as of 2020.

The list of parks in Table 3.1 includes some non-city-owned parks on leased land where the City has invested in substantial capital improvements (see the footnotes to Table 3.1). Table 3.1 does not include the Terramar Northern Bluff site, nor any of the school district properties for which the City has Joint Use Agreements, because the City has not provided capital improvements to them. Table 3.1 does not include Zone 5 Park, which is intended to serve non-residential development and is funded from a separate fee program.

² The Quimby Act sets a maximum level of 5 acres per 1,000 population, but that limit does not come into play in this case.

While most of the parks shown in Table 3.1 are listed in a single park district, the acreage of Veteran’s Memorial Park is split equally among the four park districts in the City to signify that it is intended to serve the entire City.

Table 3.1: 2020 Improved Park Acres

Park Name	Park Type	Park District	City-Owned Park Acres ¹	Improved Park Acres
Calavera Hills Community Park	Community Park	NE	16.81	16.81
Hidden Canyon Community Park	Community Park	NE	21.98	21.98
Calavera Hills Trailhead	Special Use Area	NE	0.34	0.34
Carlsbad Skate Park	Special Use Area	NE	3.38	3.38
Robertson Ranch Park	Special Use Area	NE	11.18	0.00
Veteran's Memorial Park (25% Share)	Community Park	NW	23.43	0.00
Subtotal NE Park District			77.12	42.51
Magee Park	Community Park	NW	2.06	2.06
Holiday Park	Community Park	NW	5.97	5.97
Laguna Riviera Park	Community Park	NW	4.20	4.20
Pine Avenue Community Park	Community Park	NW	8.16	8.16
Hosp Grove Park	Community Park	NW	27.09	27.09
Maxton Brown Park	Special Use Area	NW	0.94	0.94
Chase Field	Special Use Area	NW	2.73	2.73
Car Country Park	Special Use Area	NW	1.03	1.03
Carlsbad Senior Ctr/Pine Ave Community Ctr	Special Use Area	NW	3.37	3.37
Harding Community Center	Special Use Area	NW	0.97	0.97
Harold Smerdu Community Garden	Special Use Area	NW	1.31	1.31
Monroe Street Pool	Special Use Area	NW	1.97	1.97
Ocean St Sculpture Park/Tamarack Picnic Area ²	Special Use Area	NW	0.00	8.84
Pio Pico Park	Special Use Area	NW	0.80	0.80
Oak Park	Special Use Area	NW	0.18	0.18
Cannon Park ³	Special Use Area	NW	0.00	1.67
Cannon Lake Park	Special Use Area	NW	6.82	0.00
Hosp Grove Trailheads	Special Use Area	NW	7.60	7.60
Buena Vista Reservoir Park	Special Use Area	NW	3.16	0.00
Veteran's Memorial Park (25% Share)	Community Park	NW	23.43	0.00
Subtotal NW Park District			101.79	78.89
Alga Norte Park	Community Park	SE	32.11	32.11
Stagecoach Community Park	Community Park	SE	28.48	28.48
Leo Carillo Ranch Historic Park	Community Park	SE	27.38	27.38
La Costa Canyon Community Park	Community Park	SE	14.68	14.68
El Fuerte Park	Special Use Area	SE	3.67	3.67
Cadencia Park	Special Use Area	SE	4.04	4.04
Veteran's Memorial Park (25% Share)	Community Park	NW	23.43	0.00
Subtotal SE Park District			133.79	110.36
Aviara Community Park	Community Park	SW	24.28	24.28
Poinsettia Community Park	Community Park	SW	41.25	41.25
South Carlsbad Coastline Park	Community Park	SW	60.00	0.00
Veteran's Memorial Park (25% Share)	Community Park	NW	23.43	0.00
Subtotal SW Park District			148.96	65.53
Total			461.66	297.29

Source: City of Carlsbad Parks and Recreation Department

¹ Park land shown in this column is owned by the City

² Ocean St. Sculpture Park and Tamarack Picnic Area were improved by the City under a permit from the California State Parks Department

³ Cannon Park was improved by the City under a long-term lease from San Diego Gas and Electric

As noted previously, the Quimby Act requires that park land dedication requirements and fees in lieu of dedication must be based on the ratio of park acres to population at the time of the most recent federal census, which in this case is the 2020 Census. Table 3.2 calculates the ratio of park acres to population in Carlsbad at the time of the 2020 Census.

Table 3.2: 2020 Level of Service - Park Acres per 1,000 Population

2020 Park Acres ¹	2020 Population ²	2020 Acres per Capita ³	2020 Acres per 1,000 Pop ⁴
297.29	114,735	0.00259	2.59

¹ See Table 3.1

² See 2020 population in Table 2.2

³ 2020 acres per capita = 2020 park acres / 2020 population

⁴ 2020 acres per 1,000 population = 2020 acres per capita X 1,000

Fees in Lieu of Park Land Dedication

Whether a residential subdivision is required to dedicate land for parks or pay a fee in lieu of dedication or a combination of the two is at the discretion of the City, except for subdivisions of less than 50 lots which, under the Quimby Act, may not be required to dedicate land. Chapter 20.44 of the Carlsbad Municipal Code lists factors the City will consider in determining whether a subdivision will be required to dedicate land or pay fees in lieu of dedication.

Table 3.3 calculates the cost per capita, by park district, that will be used to calculate fees in lieu of park land dedication for Carlsbad. That calculation is based on the 3.0 acres per 1,000 population (0.003 acres-per-capita) standard and the estimated cost per acre to acquire park land in Carlsbad. Both factors, and the resulting cost per capita, are identical for all park districts. The list of property sales that were used to establish the land cost per acre is included in Appendix A.

The City’s policy is that park land in-lieu fees are spent in the park district in which the fees are collected.

Table 3.3: Cost per Capita - Park Land In Lieu Fee

Park District	Acres per Capita ¹	Land Cost per Acre ²	Cost per Capita ³
NE	0.00300	\$ 1,824,148	\$ 5,472.44
NW	0.00300	\$ 1,824,148	\$ 5,472.44
SE	0.00300	\$ 1,824,148	\$ 5,472.44
SW	0.00300	\$ 1,824,148	\$ 5,472.44

¹ Acres per capita = 0.003 acres per capita or 3 acres per 1,000 as permitted by the Quimby Act instead of the actual ratio of acres per capita at the time of the 2020 Census (see Table 3.2)

² Park land acquisition cost per acre based on a 2023 survey of fair market value for undeveloped land in Carlsbad; see Appendix A

³ Cost per capita = acres per capita X land cost per acre

Park Land In-Lieu Fees per Unit

Tables 3.4 through 3.7 show the calculation of park land in-lieu fees per dwelling unit by park district and unit-size category. Those fees are calculated using per-capita costs from Table 3.3 and population per dwelling unit factors from Table 2.1.

Table 3.4: Park Land In-Lieu Fees per Unit - Northeast Park District

Development Type	Units ¹	Cost per Capita ²	Population per Unit ³	In-Lieu Fee per Unit ⁴
Residential <800 Square Feet	DU	\$5,472.44	1.10	\$ 6,019.69
Residential 800-1,300 Square Feet	DU	\$5,472.44	1.80	\$ 9,850.40
Residential >1,300-2,000 Square Feet	DU	\$5,472.44	2.50	\$ 13,681.11
Residential >2,000-2,500 Square Feet	DU	\$5,472.44	3.30	\$ 18,059.07
Residential >2,500 Square Feet	DU	\$5,472.44	3.80	\$ 20,795.29

¹ Units of development: DU = dwelling unit

² See Table 3.3

³ See Table 2.1

⁴ In-lieu fee per unit = cost per capita X population per unit

Table 3.5: Park Land In-Lieu Fees per Unit - Northwest Park District

Development Type	Units ¹	Cost per Capita ²	Population per Unit ³	In-Lieu Fee per Unit ⁴
Residential <800 Square Feet	DU	\$5,472.44	1.10	\$ 6,019.69
Residential 800-1,300 Square Feet	DU	\$5,472.44	1.80	\$ 9,850.40
Residential >1,300-2,000 Square Feet	DU	\$5,472.44	2.50	\$ 13,681.11
Residential >2,000-2,500 Square Feet	DU	\$5,472.44	3.30	\$ 18,059.07
Residential >2,500 Square Feet	DU	\$5,472.44	3.80	\$ 20,795.29

¹ Units of development: DU = dwelling unit

² See Table 3.3

³ See Table 2.1

⁴ In-lieu fee per unit = cost per capita X population per unit

Table 3.6: Park Land In-Lieu Fees per Unit - Southeast Park District

Development Type	Units ¹	Cost per Capita ²	Population per Unit ³	In-Lieu Fee per Unit ⁴
Residential <800 Square Feet	DU	\$5,472.44	1.10	\$ 6,019.69
Residential 800-1,300 Square Feet	DU	\$5,472.44	1.80	\$ 9,850.40
Residential >1,300-2,000 Square Feet	DU	\$5,472.44	2.50	\$ 13,681.11
Residential >2,000-2,500 Square Feet	DU	\$5,472.44	3.30	\$ 18,059.07
Residential >2,500 Square Feet	DU	\$5,472.44	3.80	\$ 20,795.29

¹ Units of development: DU = dwelling unit

² See Table 3.3

³ See Table 2.1

⁴ In-lieu fee per unit = cost per capita X population per unit

Table 3.7: Park Land In-Lieu Fees per Unit - Southwest Park District

Development Type	Units ¹	Cost per Capita ²	Population per Unit ³	In-Lieu Fee per Unit ⁴
Residential <800 Square Feet	DU	\$5,472.44	1.10	\$ 6,019.69
Residential 800-1,300 Square Feet	DU	\$5,472.44	1.80	\$ 9,850.40
Residential >1,300-2,000 Square Feet	DU	\$5,472.44	2.50	\$ 13,681.11
Residential >2,000-2,500 Square Feet	DU	\$5,472.44	3.30	\$ 18,059.07
Residential >2,500 Square Feet	DU	\$5,472.44	3.80	\$ 20,795.29

¹ Units of development: DU = dwelling unit

² See Table 3.3

³ See Table 2.1

⁴ In-lieu fee per unit = cost per capita X population per unit

Projected Revenue

Table 3.8 shows projected revenue from park land in-lieu fees. Those revenue projections required some assumptions, one of which is that future development in the City will occur as forecasted in Chapter 2. But it is also necessary to make an assumption about the percentage of future residential units that will be required to pay fees in lieu of park land dedication.

Only developments that involve subdivisions, such as condominium and townhouse developments as well as new single-family lot developments, are required to pay park land in-lieu fees if they do not dedicate land for parks. Developments that do not involve subdivisions, such as apartment projects, are not subject to either dedicating land or paying park land in-lieu fees.

The City anticipates that most new residential units in Carlsbad will involve subdivisions. It is also expected that a large percentage of all new residential development in subdivisions will be required to pay in-lieu fees instead of dedicating land for parks. For purposes of projecting revenue from park land in-lieu fees, we will assume 65% as a rough estimate of the percentage of new residential units that will be subject to park land in-lieu fees.

Since it is not possible to project the mix of future unit sizes that will be constructed in Carlsbad, revenue from the park land in-lieu fees is projected in Table 3.8 based on added population and the cost per capita to acquire park land. Projected revenue calculated in Table 3.8 is shown in current dollars.

Table 3.8: Projected Revenue - Park Land In-Lieu Fees

Development Type	Added Population ¹	Pop Subject to Fees ²	Cost per Capita ³	Projected Revenue ⁴
Residential Subdivisions	23,870	15,516	\$5,472.44	\$84,910,441

¹ See Table 2.3

² 65% of added population assumed to be associated with development subject to to park land in-lieu fees; population subject to the park land in-lieu fees = added population X 0.65; see discussion in text above

³ See Table 3.3

⁴ Projected revenue = population subject to park land in-lieu fees X cost per capita

Updating the Fees

The fee amounts calculated in this chapter are based on the estimated cost per acre for undeveloped land in Carlsbad. That estimated cost should be reviewed annually and updated at least every five years. Chapter 20.44 of the Carlsbad Municipal Code outlines a process by which the land value estimates underlying the park land in-lieu fees can be updated.

Chapter 4. Implementation

This chapter of the report contains recommendations for adoption and administration of park land dedication requirements and in-lieu fees calculated in this study. This information was not prepared by an attorney and is not intended as legal advice.

Statutory requirements for the adoption and administration of park land in-lieu fees are found in the Quimby Act (Government Code Section 66477).

The City of Carlsbad has an existing ordinance governing park land dedication and fees in lieu of dedication (see Chapter 20.44 of the Carlsbad Municipal Code). That ordinance may need to be amended to adopt updated park land in-lieu fees calculated in this report.

Chapter 20.44 of the Carlsbad Municipal Code defines the method to be used to determine the amount of land to be dedicated or in-lieu fees to be paid by the developers of a subdivision. Section 20.44.030 provides that park land dedication and in-lieu fee requirements shall be based on standard of three acres per 1,000 population, which is consistent with the requirements of the Quimby Act. The Quimby Act, in subsection 66477(a)(3)(A), requires that dedicated park land and fees in lieu of dedication are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision for which the land was dedicated, or the fees paid. That requirement is addressed in Section 20.44.090 of the Carlsbad Municipal Code.

The Quimby Act, in subsection 66477(a)(3)(B) provides that in-lieu fees may be used in a neighborhood other than the neighborhood in which the subdivision is located if certain requirements are satisfied. The term “neighborhood” is not defined in the statute. Section 20.44.090 of the Carlsbad Municipal Code requires that in-lieu fees be expended for facilities that serve the population within the park quadrant (park district) where the fees are collected.

The Quimby Act, in Subsection 66477(a)(5) provides that the amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the subdivision. That provision is addressed in Section 20.44.090 of the Carlsbad Municipal Code.

The Quimby Act, in Subsection 66477(a)(9) requires that when a subdivider provides park and recreational improvements, including equipment to the land dedicated, the value of the improvements or equipment, as determined by the city council, shall be a credit against the payment of fees or dedication of land required by the ordinance. That provision is addressed in Section 20.44.130 of the Carlsbad Municipal Code.

The Quimby Act, in Subsection 66477(a)(8) provides that requirement to dedicate park land or pay fees in lieu of dedication does not apply to subdivisions of less than five parcels not used for residential purposes. That provision is addressed in Section 20.44.120 of the Carlsbad Municipal Code.

The Quimby Act, in paragraph 66477(a)(3)(B)(7) provides that only payment of in-lieu fees, not dedication of park land, may be required for subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required, notwithstanding that the number of parcels may be less than 50. That provision is addressed in Section 20.44.50 of the Carlsbad Municipal Code.

The Quimby Act, in subsection 66477(a)(6)(A) requires that the city shall develop a schedule specifying how, when and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed within that period, they, without any deductions, shall be distributed to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision. That provision is addressed in Section 20.44.100 of the Carlsbad Municipal Code.

APPENDIX A

Land Value Survey

City of Carlsbad – Land Value Survey

Property Address	Quadrant	City	Property Type	Secondary Type	Land Area (Ac)	Sale Price	Sale Date	Price Per Acre	Property Use
Twain Ave	NW	Carlsbad	Land	Residential	5.32	\$5,775,000	11/2/2021	\$ 1,085,526	
570-580 Laguna Dr	NW	Carlsbad	Land	Residential	0.75	\$5,000,000	1/22/2020	\$ 6,703,395	
Lanai Ct	NW	Carlsbad	Land	Residential	1.08	\$450,000	10/1/2020	\$ 416,665	
330 Chinquapin Ave	NW	Carlsbad	Land	Residential	0.44	\$2,850,000	11/16/2021	\$ 6,418,799	Custom Luxury Condo Development Opportunity
2690 Roosevelt St	NW	Carlsbad	Land	Residential	0.44	\$3,850,000	12/21/2021	\$ 8,764,359	
Ocean St	NW	Carlsbad	Land	Residential	0.08	\$1,670,000	2/9/2022	\$20,543,688	Vacant Lot for Development
2908-2924 Highland Dr	NW	Carlsbad	Land	Residential	1.26	\$4,100,000	4/19/2022	\$ 3,253,945	
0 Ponto Dr	SW	Carlsbad	Land	Residential	7.00	\$4,984,223	9/15/2022	\$ 712,032	Prime Oceanfront Vacant Land
Romeria St	SE	Carlsbad	Land	Residential	0.72	\$2,500,000		\$ 3,462,604	Entitled Apartment Complex
Totals>>					17.09	\$31,179,223			

Note: Weighted average price per acre = total sale price / total land area (acres) = **\$1,824,148**

CITY OF CARLSBAD -- AGENDA BILL

AB# <u>18,156</u> MTG. <u>06/07/2005</u> DEPT. <u>Recreation</u>	TITLE: AMENDMENT TO SECTION 20.44.040 OF THE CARLSBAD MUNICIPAL CODE TO REVISE THE POPULATION PER DWELLING UNIT OF THE PARKLAND DEDICATION FORMULA TABLE	DEPT.HD. <u>[Signature]</u> CITY ATTY <u>[Signature]</u> CITY MGR. <u>[Signature]</u>
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RECOMMENDED ACTION :

Introduce Ordinance No. NS-757 amending Section 20.44.040 of the Carlsbad Municipal Code revising the population per dwelling unit of the Parkland Dedication Formula Table.

ITEM EXPLANATION :

As part of the process to review the equity of land values currently associated with the Park-In-Lieu (PIL) Fee, staff has also recognized a need to amend the Parkland Dedication Formula Table outlined under Section 20.44.040 of the Carlsbad Municipal Code. More specifically, the population per dwelling unit should be revised to reflect the most recent U.S. Census information. Accordingly, the information proposed in the ordinance amendment is provided by the San Diego Association of Governments (SanDag) and is based upon the most recent census data available to us at this time, that being the 2000 Federal Census (Exhibit 3).

Because the census information has resulted in slight reductions to population levels (with the exception of attached multiple family units), this amendment to population per dwelling unit would, in most instances, reduce the park fee per unit on a proportionate basis depending upon the type of dwelling unit. However, staff is concurrently processing a request through the FY 2005-06 budget review process that will increase the land values associated with parkland acquisition. The proposed increase in land values is supported through actual sales and acquisition experience over the past several years, and through the results of a May 11, 2005 study regarding the City Park-in-Lieu fee structure prepared by The Tagg Company / Randy Tagg, MAI, California Certified General Real Estate Appraiser. As with population levels, land value is also used as a component in the formula to establish park-in-lieu fees. Consequently, if the proposed request to increase PIL Fees associated with rising land values is approved as part of the budget process, the net effect will result in an increase to the park fee per dwelling unit even though the population component of the formula has been reduced.

Notwithstanding, the request to the Finance Department to process a Park-In-Lieu Fee increase as part of the FY 2005-06 budget, this ordinance revision is being requested as a separate issue because it specifically requires an amendment to the Carlsbad Municipal Code. The existing population per dwelling unit as compared to the proposed population per dwelling unit is highlighted on the attached ordinance amendment (Exhibit 2).

ENVIRONMENTAL IMPACT :

This ordinance amendment revises only the population per dwelling unit used as a component in the Parkland Dedication Formula Table outlined in section 20.44.040 of the Carlsbad Municipal Code. These population determinations are based upon information compiled from the most recent Federal Census. Amending the population per dwelling unit based on the most recent census information does not constitute a project as defined by C.E.Q.A. and therefore is not subject to environmental review.

COUNCIL ACTION: 6-7-05 Council introduced Ordinance No. NS-757.

AB# 18,156

Page 2

FISCAL IMPACT :

The matrix below includes the current population as shown in the Municipal Code as well as the proposed population changes provided by SanDag. The existing fees are based upon the current population listed in the Municipal Code, and upon land values of \$300,000/ACRE (NE, SW, & SE Quadrants) and \$400,000/ACRE (NW Quadrant).

The proposed fee is based upon the new population provided by SanDag and a proposed land value increase to \$732,000/ACRE (NE, SW, & SE Quadrants) and \$977,000/ACRE (NW Quadrant). The proposed land value increase, and subsequent PIL fee increase is concurrently being addressed as part of the FY 2005-06 budget process.

Finally, the matrix identifies in parenthesis what the increase to the Park-In-Lieu Fee per unit would be, based upon the proposed population and land value changes.

	CURRENT POPULATION	PROPOSED POPULATION	NE,SE,SW EXISTING FEE PER UNIT BASED ON \$300,000/AC	NE,SE,SW PROPOSED FEE PER UNIT BASED ON \$732,000/AC	NW EXISTING FEE PER UNIT BASED ON \$400,000/AC	NW PROPOSED FEE PER UNIT BASED ON \$977,000/AC
Single-Family Detached & Duplex (0-lot line or attached wall)	2.71	2.61	\$2,436	\$5,728 (+\$3,292)	\$3,251	\$7,649 (+\$4,398)
Attached Single Family (4 units or less)	2.20	2.19	\$1,977	\$4,804 (+\$2,827)	\$2,639	\$6,414 (+\$3,755)
Attached Multiple Family (more than 4 units)	2.03	2.11	\$1,825	\$4,636 (+\$2,811)	\$2,435	\$6,190 (+\$3,755)
Mobile Homes	1.74	1.68	\$1,564	\$3,696 (+\$2,132)	\$2,087	\$4,934 (+\$2,847)

EXHIBITS:

1. Ordinance No. NS-757
2. Strike out/Amended section 20.44.040 Carlsbad Municipal Code
3. Persons per occupied housing unit, by type of unit, 2000 U.S. Census - SANDAG

ORDINANCE NO. NS-757

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA TO AMEND SECTION 20.44.040 OF THE CARLSBAD MUNICIPAL CODE TO REVISE THE POPULATION PER DWELLING UNIT OF THE PARKLAND DEDICATION FORMULA TABLE

WHEREAS, the City of Carlsbad City Council recognizes a need to amend the Parkland Dedication Formula Table as currently outlined in the Municipal Code; and

WHEREAS, the population per dwelling unit is a component of the Parkland Dedication Formula; and

WHEREAS, the population per dwelling unit contained here in reflects the most current information available to the City of Carlsbad at this time by the San Diego Association of Governments with respect to the population per dwelling units within Carlsbad.

NOW, THEREFORE, the City Council of the City of Carlsbad, California does ordain as follows:

SECTION I: That section 20.44.040 of the Carlsbad Municipal Code is amended to read as follows:

20.44.040 Standards and formula for dedication of land.

If the City Council determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:

The formula for determining acreage to be dedicated shall be as follows:

Average No. of Persons per dwelling unit (based on most recent federal census)	<u>3 park acres per</u> 1000 population	X	Total dwelling units
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The following table of population density is to be followed:

Park Land Dedication Formula Table

Types of Dwellings	Acreage Density/DU	Acreage/DU 3 Acres Std. (in square feet)
Single-family detached and Duplex (0 lot line or attached wall)	2.61	341
Attached single-family (4 units or less attached)	2.19	286
Attached multiple-family (more than 4 units)	2.11	276
Mobile homes	1.68	220

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The total number of dwelling units shall be the number permitted by the City on the property in the subdivision at the time the final map or parcel map is filed for approval; provided, however, that except for subdivisions which consist of the conversion of existing buildings or mobile home parks into condominiums or other planned developments, any existing residential unit or units, whether or not the unit or units will be replaced, shall be subtracted from the total.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 7th day of June, 2005, and thereafter

PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2005 by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, City Attorney

CLAUDE A. LEWIS, Mayor

ATTEST:

LORRAINE M. WOOD, City Clerk
(SEAL)

STRIKE OUT/AMENDED VERSION

ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA TO AMEND SECTION 20.44.040 OF THE CARLSBAD MUNICIPAL CODE TO REVISE THE POPULATION PER DWELLING UNIT OF THE PARKLAND DEDICATION FORMULA TABLE

WHEREAS, the City of Carlsbad City Council recognizes a need to amend the Parkland Dedication Formula Table as currently outlined in the Municipal Code; and

WHEREAS, the population per dwelling unit is a component of the Parkland Dedication Formula; and

WHEREAS, the population per dwelling unit contained here in reflects the most current information available to the City of Carlsbad at this time by the San Diego Association of Governments with respect to the population per dwelling units within Carlsbad.

NOW, THEREFORE, the City Council of the City of Carlsbad, California does ordain as follows:

SECTION I: That section 20.44.040 of the Carlsbad Municipal Code is amended to read as follows:

20.44.040 Standards and formula for dedication of land.

If the City Council determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:

The formula for determining acreage to be dedicated shall be as follows:

Average No. of Persons per dwelling unit (based on most recent federal census)	<u>3 park acres per</u> 1000 population	X	Total dwelling units
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The following table of population density is to be followed:

Park Land Dedication Formula Table

Types of Dwellings	Acreage Density/DU	Acreage/DU 3 Acres Std. (in square feet)
Single-family detached and Duplex (0 lot line or attached wall)	2.71 2.61	354.14 341
Attached single-family (4 units or less attached)	2.20 2.19	287.49 286
Attached multiple-family (more than 4 units)	2.03 2.11	265.28 276
Mobile homes	1.74 1.68	227.38 220

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The total number of dwelling units shall be the number permitted by the City on the property in the subdivision at the time the final map or parcel map is filed for approval; provided, however, that except for subdivisions which consist of the conversion of existing buildings or mobile home parks into condominiums or other planned developments, any existing residential unit or units, whether or not the unit or units will be replaced, shall be subtracted from the total.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the _____ day of _____, 2005, and thereafter

PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2005 by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:

APPROVED AS TO FORM AND LEGALITY

RONALD R. BALL, City Attorney

CLAUDE A. LEWIS, Mayor

ATTEST:

LORRAINE M. WOOD, City Clerk
(SEAL)

6

**Person Per Occupied Housing Unit by Type of Unit
City of Carlsbad
Census 2000**

Type of Unit	Population in Occupied Housing Units	Number of Occupied Housing Units	Persons per Unit
Single family ¹	57,884	22,140	2.61
2 to 4 units	4,215	1,927	2.19
5 or more units	13,099	6,213	2.11
Mobile home	2,010	1,200	1.68
Other	6	6	1.00
Total	77,214	31,486	2.45

¹ Attached and detached

Total population of Carlsbad (including group quarters) = 77,998

Source: U.S. Census Bureau. Census 2000 SF3. Compiled by SANDAG May 2005.

EXHIBIT 3



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Nick Stupin, Parks Planning Manager
nick.stupin@carlsbadca.gov, 442-339-2527

Subject: Approval of Plans, Specifications, Contract Documents and Authorization to Advertise for Bids for the Stagecoach Community Garden Project

District: 4

Recommended Action

Adopt a resolution approving the plans, specifications and contract documents for the Stagecoach Community Park Community Garden Project (Capital Improvement Program Project No. 4611), authorizing the City Clerk to advertise the project for public bids, and authorizing the City Manager, or designee, to appropriate \$183,000 from the Park Development Capital Project Fund (Park-In-Lieu SE) to the Fiscal Year 2023-34 Capital Improvement Program Budget.

Executive Summary

The Stagecoach Community Garden Project, approved by the City Council in 2022 as part of the fiscal year 2022-23 Capital Improvement Program, will convert Stagecoach Community Park's former maintenance yard into a raised container community garden. The garden is to include 35 raised planting beds, an informational kiosk, composting bins, tool storage, a picnic table, benches, a garden design element and a shade structure.

Staff coordinated with a design consultant to develop the Stagecoach Community Garden plans, specifications and contract documents.

City Council approval of these plans, specifications and contract documents is required under Carlsbad Municipal Code Section 3.28.080(E) because the expected value of work is more than \$200,000.

Staff recommend that the City Council approve the plans, specifications and contract documents, authorize the City Clerk to advertise the project for bids, and authorize the City Manager, or designee, to appropriate funds to complete the project.

Explanation & Analysis

The grounds maintenance of Stagecoach Community Park shifted to a contract model about five years ago and the contractor opted not to lease the city's onsite maintenance yard. Staff investigated the feasibility of repurposing the maintenance yard as a community garden to further address the expressed need for this amenity and broaden the service area provided.

On June 14, 2022, the City Council approved the Fiscal Year 2022-23 Capital Improvement Program Budget, which included the Stagecoach Community Garden Project.

The 2023-2030 Parks & Recreation Department Master Plan Update affirmed the need for an additional community garden to be built to meet the demand for this amenity. Public input received during the master plan update process also supported a high priority ranking for additional community gardens (Exhibit 2). Chapter 9 of the master plan, Strategic Recommendations, includes the following parks strategy (for the short term, up to 3 years) for community gardens:

Complete construction plans, bidding, and construction implementation for Stagecoach Park Community Garden

Staff coordinated with a design consultant, Rick Engineering, to develop the Stagecoach Community Garden plans, specifications and contract documents (Exhibit 3). Staff also consulted the Carlsbad Community Gardens Collaborative board members regarding the general layout of the community garden and certain details of the plans and specifications.

Completing the Stagecoach Community Garden will also be consistent with the city's Climate Action Plan, Sustainability Element Goal 9-G.6:

Support the creation of community gardens throughout the community

With its completion, the city will have at least one community garden in three of the city's four park districts:

- The Harold E. Smerdu Community Garden and the Pine Avenue Community Garden in the Northwest Park District
- The Calavera Schoolhouse Community Garden in the Northeast Park District
- The Stagecoach Community Garden in the Southeast Park District

Fiscal Analysis

The current estimated construction cost of the community garden is \$445,680. The total project funding to date, in an amount of \$437,000 was appropriated from the Park Development Capital Project Fund (Park-In-Lieu SE) to the Fiscal Year 2022-23 and Fiscal Year 2023-24 Capital Improvement Program budgets. An additional appropriation of \$183,000 from the Park Development Fund (Park-In-Lieu SE) is needed to fully address the project's encumbrances, construction contingency, staffing and construction management services.

The maintenance and operations costs for the community garden are estimated to be \$72,000 per year. A seven-month prorated appropriation of \$42,000 will be requested in the Fiscal Year 2024-25 Parks Maintenance Operating Budget.

STAGECOACH COMMUNITY PARK COMMUNITY GARDEN PROJECT CAPITAL IMPROVEMENT PROJECT NO. 4611	
Project appropriation	\$437,000
Project expenditures/encumbrances	-\$67,982
Total available funding	\$369,018
Construction cost (estimated)	-\$445,680
Construction contingency (estimated)	-\$44,568
Construction management & inspection/staffing costs (estimated)	-\$61,770
Total project costs (estimated)	\$620,000
Total appropriations	-\$437,000
Additional appropriation needed (estimated)	\$183,000

Next Steps

The project will be advertised for public bids. Staff will evaluate the bids received and identify the lowest responsive and responsible bidder. Staff anticipate returning to the City Council for award of a construction contract to that bidder in late June 2024. The estimated duration of construction for the project is four months, with leases for the community garden's plots being executed in late November 2024.

Environmental Evaluation

The City Planner has reviewed the project for potential environmental impacts and concluded the project qualifies for an exemption pursuant to California Environmental Quality Act Guidelines section 15301 - Existing Facilities. CEQA Guidelines Section 15301 is a Class 1 exemption for existing facilities which includes negligible or no expansion of existing or former use (Exhibit 4). A notice of exemption regarding the environmental determination was advertised on Feb. 14, 2024, and posted on the city's website.

During the 10-day public review period, the city received no comment letters from the public regarding the prospective environmental determination. Since no appeal was filed and no substantial evidence was submitted that would support a finding that the exemption requirements would not be satisfied, the project was determined by the City Planner to not have a significant effect on the environment. In accordance with Carlsbad Municipal Code Section 19.04.060, the City Planner's written decision is final.

Exhibits

1. City Council resolution
2. 2023-2030 Parks & Recreation Department Master Plan Update excerpt
3. [Stagecoach Community Gardens Project plans, specifications and contract documents](#) (on file in the Office of the City Clerk)
4. Consistency determination with Stagecoach Community Park's conditional use permit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING THE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE STAGECOACH COMMUNITY PARK COMMUNITY GARDEN PROJECT (CAPITAL IMPROVEMENT PROGRAM PROJECT NO. 4611), AUTHORIZING THE CITY CLERK TO ADVERTISE THE PROJECT FOR PUBLIC BIDS AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPROPRIATE \$183,000 FROM THE PARK DEVELOPMENT CAPITAL PROJECT FUND (PARK-IN-LIEU SE) TO THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, the City Council of the City of Carlsbad, California has determined that there is an expressed need for community gardens within the city; and

WHEREAS, approximately five years ago, the grounds maintenance of Stagecoach Community Park shifted to a contract model, and the contractor opted not to lease the city's onsite maintenance yard; and

WHEREAS, staff investigated the feasibility of repurposing the maintenance yard as a community garden to further address the expressed need for this amenity and broaden the service area provided; and

WHEREAS, On June 14, 2022, the City Council approved the Fiscal Year 2022-23 Capital Improvement Program Budget, which included the Stagecoach Community Garden Project; and

WHEREAS, the 2023-2030 Parks & Recreation Department Master Plan Update affirmed the need for an additional community garden to be built to meet the demand for this amenity; and

WHEREAS, Chapter 9, Strategic Recommendations, of the 2023-2030 Parks & Recreation Department Master Plan Update includes the following Parks Strategy, for the Short Term [0-3 Years], specific to community gardens, "Complete construction plans, bidding, and construction implementation for Stagecoach Park Community Garden;" and

WHEREAS, the community garden is to include 35 raised planting beds, an informational kiosk, composting bins, tool storage, a picnic table, benches, a design element and shade structure; and

WHEREAS, staff coordinated with a design consultant, Rick Engineering, to develop the Stagecoach Community Garden plans, specifications, and contract documents; and

WHEREAS, staff additionally consulted the Carlsbad Community Gardens Collaborative board members regarding the general layout of the community garden and certain details of the plans and specifications; and

WHEREAS, on Feb. 14, 2024, the City Planner issued a Consistency Determination for the Stagecoach Community Garden Project with the Stagecoach Community Park Conditional Use Permit (CUP No. CUP-265); and

WHEREAS, the City Planner determined that the project qualified for an exemption pursuant to CEQA Guidelines section 15301 (Existing Facilities). CEQA Guidelines Section 15301 is a Class 1 exemption for existing facilities which includes negligible or no expansion of existing or former use; and

WHEREAS, with the completion of the Stagecoach Community Garden, the city will have at least one community garden in three of the city's four park districts – i.e., the Harold E. Smerdu Community Garden and the Pine Avenue Community Garden in the Northwest Park District; the Calavera Schoolhouse Community Garden in the Northeast Park District; and the Stagecoach Community Garden in the Southeast Park District; and

WHEREAS, the completion of the Stagecoach Community Garden will also be consistent with the city's Climate Action Plan, Sustainability Element Goal 9-G.6 to “Support the creation of community gardens throughout the community”; and

WHEREAS, the estimated construction cost of the community garden is \$445,680; and

WHEREAS, the total project funding, in an amount of \$437,000 was appropriated from the Park Development Capital Project Fund (Park In-Lieu SE) to the Fiscal Year 2022-23 and Fiscal Year 2023-24 Capital Improvement Program Budgets; and

WHEREAS, an additional appropriation of \$183,000 from the Park Development Capital Project Fund (Park-In-Lieu SE) is needed to fully address the project's encumbrances, construction contingency, and construction management services; and

WHEREAS, the maintenance and operations costs for the community garden are estimated to be \$72,000 per year and a seven-month prorated appropriation of \$42,000 will be requested in the Fiscal Year 2024-25 Parks Maintenance Operating Budget;

WHEREAS, staff anticipate returning to the City Council for award of a construction contract to the lowest responsive and responsible bidder in late June 2024; and

WHEREAS, the estimated duration of construction for the project is four months, with leases for the community garden's plots being executed in late November 2024.

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

1. That the above recitations are true and correct.
2. That the plans, specifications, and contract documents for the Stagecoach Community Garden Project (CIP Project No. 4611), on file at the City Clerk's Office, are hereby approved.
3. That the City Clerk of the City of Carlsbad is hereby authorized and directed to publish, in accordance with state law and Carlsbad Municipal Code Section 3.28.080(C), a notice to contractors inviting bids for the Stagecoach Community Garden (CIP Project No. 4611), in accordance with the plans, specifications and contract documents referred to herein.
4. That the City Manager or designee is hereby authorized to appropriate \$183,000 from the Park Development Capital Project Fund (Park-In-Lieu SE) to the Fiscal Year 2023-34 Capital Improvement Program Budget.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



City of Carlsbad California

2023 - 2030

PARKS & RECREATION
DEPARTMENT MASTER
PLAN UPDATE



Based on the PIR, six park facilities were rated as high priorities for investment (Figure 125):

- Outdoor pickleball courts (PIR=149)
- Neighborhood parks (PIR=147)
- Community parks (PIR=142)
- Off-leash dog parks (PIR=142)
- Community gardens (PIR=120)
- Outdoor swimming pools (PIR=112)

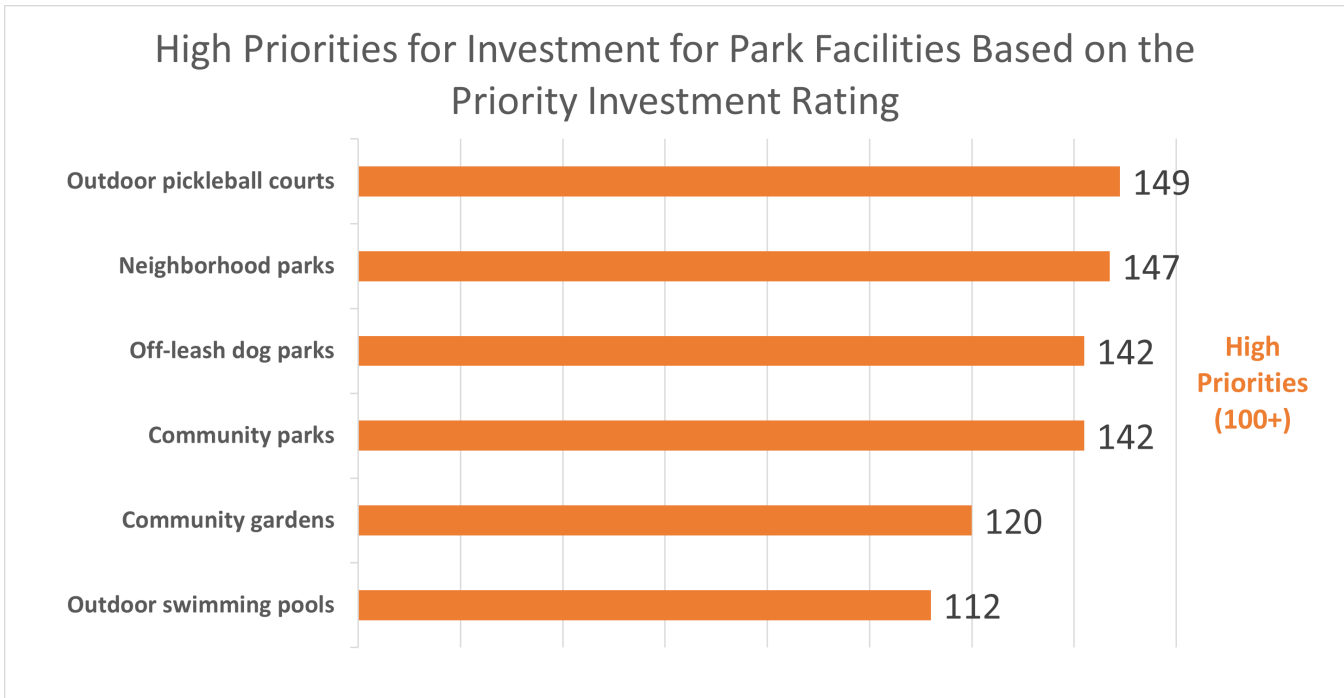


Figure 124: High priority for investment park facilities

9.2 STRATEGIC ACTION PLAN

Consistent with the 2015 Parks & Recreation Department Master Plan, this update provides recommendations for the department to implement over the short-term, 0-3 years, long-term, 4-7 years, and on an ongoing basis.

The strategies are based on several factors, including the Carlsbad Community Vision, the Carlsbad Strategic Plan (2023-2028), the annual Carlsbad Capital Improvement Program, a wide array of community and stakeholder input, Parks & Recreation Department staff input (throughout the process, including a visioning workshop), and the consulting team’s expertise.

Plan categories:

1. Parks
2. Maintenance and operations
3. Programs, events and facilities
4. Funding and marketing

9.2.1 COMMUNITY INPUT AND VISIONING OUTCOMES

Community input and staff visioning outcomes were identified:

1. Address aging infrastructure – update and maintain existing infrastructure
2. Optimize staffing – ensure staffing levels and structure match service levels
3. Ensure financial sustainability – plan for earned income opportunities
4. Increase awareness – continue to communicate the benefits of parks & recreation
5. Expand programming – grow and diversify programming to meet community needs

The strategies for each category, separated by an implementation timeline are shown in Figures 132-135.

9.2.2 PARKS STRATEGIES

PARKS STRATEGIES
Short Term (0-3 Years)
Seek City Council direction on whether to pursue the construction of outdoor pickleball courts at an existing park to address the current demand
Educate park visitors about sustainable practices and encourage them to participate in environmental initiatives

Complete a Parks in Lieu Fee and Parks Impact Fee Study and present its findings to the City Council for review and direction
Evaluate the potential for revising protocols at the skate parks to allow other wheeled devices, which may enhance accessibility
Add additional trash and recycling cans, and seating at school field sites
Complete conceptual design and permitting for Leo Carrillo Ranch Historic Park Phase 3B Improvements
Complete construction plans, bidding and construction implementation for Stagecoach Park Community Garden
Complete construction plans, bidding and construction implementation for Veterans Memorial Park
Complete community engagement, conceptual design and permitting for Robertson Ranch Community Park
Complete conceptual design and permitting for Hosp Grove Park Improvements
Contribute to completing construction plans, bidding and construction implementation for Monroe Street Pool Renovation/Replacement (in support of project's lead department: Fleet & Facilities)
Contribute to completing construction plans, bidding and construction implementation for Beach Access Repairs and Upgrades (in support of project's lead department: Transportation)
Contribute to completing construction plans, bidding and construction implementation for Carlsbad Boulevard and Tamarack Avenue Intersection Improvements (in support of project's lead department: Transportation)
Contribute to completing construction plans, bidding and construction implementation for Terramar Coastal Area Improvements (in support of project's lead department: Transportation)
Contribute to completing conceptual design and permitting for ADA Beach Access Ramps (in support of project's lead department: Transportation)
Contribute to completing the conceptual design, permitting, construction plans, bidding and construction implementation for Citywide Facilities Security Enhancements (in support of project's lead department: Information Technology)
Contribute to completing the conceptual design, permitting, construction plans, bidding and construction implementation for for Citywide Facilities WiFi Enhancements (in support of project's lead department: Information Technology)
Long Term (4-7 Years)
Enhance parks amenities, such as shade structures and seating, to improve visitor experience
Complete construction plans, bidding and construction implementation for Leo Carrillo Ranch Historic Park Phase 3B Improvements

Plans, specifications and contract documents
(on file in the Office of the City Clerk)



February 14, 2024

Kyle Lancaster, Director
 Parks and Recreation Department
 799 Pine Avenue
 Carlsbad, CA 92008

SUBJECT: CD2023-0017 (PUB2023-0021) – STAGECOACH COMMUNITY GARDEN (CIP 4611)

The City Planner has completed a review of your application for a Consistency Determination (APNs: 223-060-60-00, 223-060-51-00), which is a modification to Conditional Use Permit (CUP), **CUP-265**, approved by the Planning Commission on June 12, 1985. CUP-265 was approved for the development of Stagecoach Community Park, a 29-acre community park located at 3420 Camino De Los Coches, Carlsbad, CA 92009. The request is to construct and operate an outdoor 6,700-square-foot community garden at the southeast section of the park near Camino De Los Coches and Maverick Way.

After careful consideration of the request, the City Planner has determined that the request meets all of the findings below and **APPROVES** this request. The proposed modifications include:

- Install 35 new raised planting beds with irrigation;
- Install a new 12-foot-tall shade structure, a premanufactured tool storage area, one picnic table, two benches, waste containers, compost bins, one drinking fountain, and an information kiosk;
- Remove existing concrete and install 438 square feet of new concrete pavers;
- Remove the existing chain-link fence and install 312 linear feet of new fencing with a pedestrian gate and a vehicular double gate;
- Install a new 147-linear-foot retaining wall, that ranges from one to six feet in height, on the southeast section of Stagecoach Community Park

Note that this approval does not include an analysis of the “future police substation,” which is shown on the updated layout plan. If a substation is proposed, it will be subject to separate review and approval.

In order for a Discretionary Permit Consistency Determination to be approved, all of the following findings must be made:

- 1) *No project condition, feature, facility or amenity is changed or deleted that had been considered essential to the project’s design, quality, safety or function in that **the proposed improvements transform an unprogrammed part of the park into a usable space for residents and would not interfere with the current operation and design of the park.***
- 2) *The request represents an upgrade in overall design features and or materials and improves upon the project’s compatibility with the surrounding neighborhood in that **the proposed community garden will upgrade the area and integrate with the surrounding neighborhood, offering a new communal space without impacting the park’s existing recreational uses. The community garden was designed to maximize space and access for gardeners, incorporating input from community members and the Carlsbad Community Gardens Collaborative, the city’s***

administrative partner for community gardens. Hours of operation for the garden would be limited to 8 a.m. to 10 p.m., the same restriction in place already for the park and would adhere to lighting and noise restrictions consistent with CUP-265. There are no plans to add new lighting; instead, the project will utilize two existing light poles that are within the garden area. The added accessories, such as the shade structure, picnic tables, and informational kiosks, will match the colors and materials of the existing outdoor furniture throughout the park. The retaining wall will be six feet tall, that ranges from one to six feet in height, and will be a split face CMU with a wheat color finish. The improvements, including the retaining wall, will be screened from public view by the existing site landscaping along Camino De Los Coches.

- 3) *The proposed revision does not change the density or boundary of the subject property in that the proposed community garden is not a change in density and is within the existing developed footprint of the Stagecoach Community Park. When the park was approved, it was required to have 216 parking spaces according to the Environmental Impact Report (EIR) certified on June 12, 1985 (EIR 84-05). To date, the Parks and Recreation staff have identified 240 parking spaces available on the premises. The proposal to transform a vacant and underutilized area into a community garden will not result in the removal of any parking spaces and is not expected to exceed the existing parking capacity. Moreover, based on the expertise of the Parks and Recreation Department staff, who manage the Stagecoach Community Park along with other community gardens across the city, the introduction of a new community garden will not significantly increase parking demand. Observations by the Parks staff indicate that on weekdays community gardens attract 1-3 vehicles from community members and on weekends the number ranges from 2-5 vehicles. This analysis of parking is provided to articulate that the community garden will not impact off-street parking for the current operation of the park. It is not establishing a requirement for parking spaces for current or future community garden projects.*

Use	Number of Parking Spaces	Parking Ratio
Total parking spaces approved ¹	216	n/a
Total parking spaces provided on-site ²	240	n/a
Parking spaces available for the proposed community garden (240 - 216 spaces = 24 spaces)	24	n/a
Estimated spaces required for 35 planting beds in the community garden	3	1 space/15 planting beds ^{3,4}
Parking spaces available following the completion of the community garden	21	n/a
Notes: ¹ CUP-265 was approved for the development of Stagecoach Community Park by the Planning Commission on June 12, 1985, and required 216 parking spaces. ² Parks and Recreation Department Staff ³ Review of other communities as completed by Parks and Recreation Department staff and survey of neighboring cities including, the County of San Diego, City of Encinitas, and the City of Oceanside, suggests the parking required for a community garden be 1 space per 15 garden beds. If assumed that the community garden would require a reduction of 3 parking spaces, leaving a surplus of 21 parking spaces onsite.		

⁴Per Carlsbad Municipal Code (CMC) section 21.44.030, where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the city planner.

- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit in that a community garden is consistent with the Open Space land use of the originally permitted park and would maintain consistency with existing park features.*
- 5) *The proposed revision does not rearrange the major land uses within the development in that the community garden is being proposed in an unprogrammed area of the original park site plan and would increase the usable space of the park by 0.05%. These improvements would not rearrange any of the existing park uses.*
- 6) *The proposed revision does not create changes of greater than ten percent provided that compliance will be maintained with the applicable development standards of the Carlsbad Municipal Code in that the proposed area of improvement is 6,700 square feet in aggregate, which represents 0.05% of the total park area of 29 acres and would be subject to park rules regarding hours and lighting. In addition, as demonstrated in Finding 3 and the associated analysis, the community garden would not create a parking demand that exceeds existing capacity. The proposed changes would not conflict with any mitigation measures adopted as part of the park's EIR (EIR84-05).*
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation in that the proposed community garden would occur in an already disturbed area of the Stagecoach Community Park adhering to the park's current regulations in alignment with EIR84-05. The garden will operate from 8 a.m. to 10 p.m. consistent with the park hours. There are no plans to add new lighting; instead, the project will utilize two existing light poles that are within the garden area. Gardening, by its nature, is not expected to produce additional noise beyond what has been previously approved by EIR84-05. The new retaining wall is being installed where there is currently ornamental landscaping and no sensitive habitat or cultural resources according to EIR84-05. The project will implement general Best Management Practices (BMPs) to the extent practical, including defining disturbance boundaries, ensuring equipment is well-maintained, adhering to water quality BMPs, reducing chemical usage near sensitive areas, establishing protocols to minimize spill risks and to control sediment. The project will also comply with all stormwater requirements. Furthermore, as demonstrated in Finding 3, the new community garden does not create a parking demand that exceeds existing capacity. With three community gardens already established across the city, the introduction of a new community garden in the southeast quadrant will enhance access for residents in this area. This addition is anticipated to reduce the need for daily travel among community members seeking garden spaces, thereby potentially decreasing the number of trips made by individuals within this community. The proposed change would not conflict with any other mitigation measures adopted as part of the park's EIR. Therefore, the project would not result in any significant environmental impacts or require additional mitigation measures.*
- 8) *The proposed change would not result in any health, safety or welfare impacts in that the original 1985 project approval, based on a review of related meeting minutes (Parks and Recreation Commission, Planning Commission, and City Council), did not identify major issues or*

controversies with the park, including on-site parking or the project's environmental review document.

9) *There were not any major issues or controversies associated with the original project, which would be exacerbated with the proposed change in that **the proposed community garden is in compliance with all conditions stipulated in CUP-265. The addition of a community garden meets the local community's needs, as identified in the Parks and Recreation Department's most recent needs assessment and comprehensive action plan. This initiative is prioritized among the plan's short-term action items. Furthermore, the establishment of the Stagecoach Community Garden will expand the city's community garden inventory to four. The existing gardens in this inventory include the Harold E. Smerdu Community Garden, the Pine Avenue Park Community Garden, and the Calavera Schoolhouse Community Garden at Calavera Hills Community Park.***

10) *The proposed change would not be readily discernable to the decision makers as being substantially different from the project as originally approved in that **the project will improve the aesthetics of the site and appear as a continuation of the park.***

Therefore, the City Planner has determined that the application **qualifies** for a consistency determination with the approved permit and **approves** the changes to the project based on Planning Division Administrative Policy No. 35.

Please submit two (2) blue-line copies (11" X 17") of all applicable exhibits for the project file of the amended site plan. The copies must be submitted, stamped "Consistency Determination," and signed by the City Planner prior to issuance of any grading or building permits for the project. The Consistency Determination Title Block stamp, and other Title Block stamps, can be downloaded from the City's website at <https://www.carlsbadca.gov/departments/community-development/permits-applications-forms/planning-applications-forms>. The Title Block (stamp) is located at the bottom of the page.

NOTICE

This decision may be appealed by you or any other member of the public to the Planning Commission within ten days of the date of this letter. Appeals must be submitted in writing to the Planning Division at 1635 Faraday Avenue in Carlsbad, along with a payment of \$900.00. The filing of such appeal within such time limit shall stay the effective date of the order of the City Planner until such time as a final decision on the appeal is reached. If you have any questions regarding this matter, please feel to contact Izzak Mireles at (442) 339-2693.

CITY OF CARLSBAD



ERIC LARDY, AICP

City Planner

EL:IM:mh

c: Izzak Mireles, Associate Planner
Michael Tully, Parks Planner
Tim Carroll, Project Engineer
Robert Efird, Principal Planner
Scott Donnell, Senior Planner
Laserfiche/File Copy

April 23, 2024



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Mike Strong, Assistant Director of Community Development
mike.strong@carlsbadca.gov, 442-339-2721

Subject: Request to Initiate a General Plan Amendment, Zoning Code Amendment and Local Coastal Program Amendment for New or Expanded Airport Uses at the McClellan-Palomar Airport

District: 2

Recommended Action

Adopt a resolution of intention authorizing the processing of a General Plan amendment, Zoning Code amendment and Local Coastal Program amendment to specify and clarify code requirements and permit review procedures for new or expanded airport uses, or where there is an acquisition of property beyond the current boundaries of an airport (Exhibit 1).

Executive Summary

The city received a request from the Chatten-Brown Law Group representing the Citizens for a Friendly Airport (Exhibit 2) on Jan. 2, 2024, requesting the reinitiation of a Zoning Code amendment associated with the McClellan-Palomar Airport. The group is seeking to collaborate with the city to specify and clarify the city's code requirements and permit review procedures for new or expanded airport uses, in accordance with the 1978 annexation agreement between the city and County of San Diego, as detailed in the San Diego Superior Court's ruling in Citizens for a Friendly Airport v. County of San Diego.

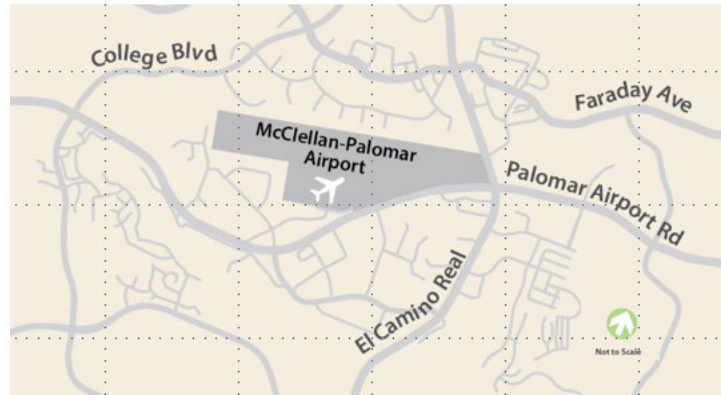
The City Council considered the request at its meeting on Feb. 27, 2024, and approved a motion directing staff to review and investigate the requests from Citizens for a Friendly Airport, and to bring back for a future agenda item for discussion, within 60 days with an analysis, any steps, potential costs and the timing to implement the proposals.

This staff report responds to this City Council direction.

Explanation & Analysis

Background

The McClellan-Palomar Airport is owned and operated by the County of San Diego and located north of Palomar Airport Road between College Avenue and El Camino Real. The single-runway airport opened as the Palomar Airport in 1959 after county officials decided to replace the Del Mar Airport.



The airport was annexed to the City of Carlsbad in 1978 and renamed the McClellan-Palomar Airport in 1982. Today, the airport has approximately 300 aircraft based there and accommodates 140,000 takeoffs and landings annually, for aircraft ranging in size from small propeller aircraft to smaller corporate and commercial business jets that can accommodate up to 20 passengers. The runway length is currently 4,897 feet.

Since its opening, the airport has been a topic of concern for many residents due to the noise generated by the aircraft and the potential safety issues related to aircraft accidents. Additional concerns have been raised over the county's expressed interest in expanding the airport to address safety concerns and accommodate more air traffic and larger commercial aircraft.

In response, the city initiated efforts to influence and condition growth of the airport in a variety of ways, including through annexation and issuance of a conditional use permit (CUP-172, approved by Planning Commission Resolution No. 1699, Exhibit 3). In addition, the City Council amended the city's municipal code in 1980 to include Section 21.53.015, which requires an affirmative public vote before the City Council can take any legislative action necessary to authorize expansion of the airport.¹

Aside from the county needing to obtain city approvals, it also needs to follow the guidance of the Federal Aviation Administration, or FAA, to prepare an airport master plan. This plan is a comprehensive planning document describing the airport's future use and facility development over a 20-year period.

An airport master plan for the airport was completed in 1997. It anticipated continued growth of aircraft operations over the 20-year planning horizon of the document. The 1997 Airport Master Plan projected that by 2015 the airport would have approximately 610 based aircraft and approximately 260,000 annual takeoffs and landings annually. As a result, the 1997 Airport Master Plan identified several improvements that would be needed to meet this anticipated growth, including extending the existing runway to support a larger fleet of business jets and larger aircraft. While it was necessary for scheduling and budgeting purposes for the county to

¹ This Municipal Code section was proposed by initiative petition and adopted by the City Council without submission to voters. It may not be repealed or amended without voter approval.

be focused on the timing of airport expansion, the 1997 Airport Master Plan indicated that the actual need and specific timing for new facilities would be established by levels of activity.

The county initiated work on a comprehensive update to the airport master plan in 2014, which was referred to as the McClellan-Palomar Airport Master Plan Update. This update proposed designing airport functional elements to support a larger fleet of business jets and larger aircraft, which again would include an extension of the existing runway.

In 2018, as the update was being developed, the city, initiated a multi-pronged approach to address mounting community concerns regarding the airport expansion, including conducting a review of city policies and regulations related to airport uses. Following that review, on Oct. 16, 2018, the City Council directed staff, to initiate an amendment to its zoning ordinance to allow airport and airport supporting uses with approval of a conditional use permit only within the airport's property boundaries (Exhibit 4).²

Just prior to that City Council direction, on Oct. 10, 2018, the County of San Diego Board of Supervisors adopted the McClellan-Palomar Airport Master Plan Update and its final program environmental impact report. The Citizens for a Friendly Airport, responded by filing a lawsuit against the county on Nov. 6, 2018, challenging the county's decision and the adequacy of the final program environmental impact report. On Dec. 6, 2018, the city filed its own lawsuit against the county also challenging the adequacy of the final program environmental impact report.

Following settlement discussions, the city and the county entered into a mutual cooperation and settlement agreement on March 28, 2019. This agreement provided for cooperation between the two agencies concerning the Master Plan Update, dismissal of the city's lawsuit and abandonment of the Zoning Code amendments. The City Council formally approved the agreement on May 7, 2019, through the adoption of City Council Resolution No. 2019-060 (Exhibit 5).

After the approval of the settlement agreement, the City Council approved two resolutions on Sept. 19, 2019: City Council Resolution No. 2019-178 (Exhibit 6) and City Council Resolution No. 2019-179 (Exhibit 7).

- Resolution No. 2019-178 formally opposed the county's selected Airport Master Plan Update option that extended the runway by up to 800 feet.
- Resolution No. 2019-179 formally supported the Airport Master Plan Update option that did not include a runway extension.

² When used in relation to the Palomar Airport, the terms "Zoning Code amendments" and "Drafted Zoning Code amendments" are interchangeable and refer to staff efforts to draft an ordinance that creates an airport boundary line or restricts the acquisition of additional property for airspace protection or airport safety zone.

Citizens for a Friendly Airport continued to pursue its lawsuit against the county, and on Jan. 26, 2021, the Superior Court issued an order determining:

- 1) The final program environmental impact report's noise analysis was inadequate.
- 2) The county must obtain an amendment to the airport's conditional use permit, CUP-172, before changing the airport's design standard.

The court subsequently ordered the county to set aside all approvals associated with its Oct. 10, 2018, decision, which included the approval of the Airport Master Plan Update and certification of the final program environmental impact report. The county complied with the court's order and set aside all approvals associated with the Airport Master Plan Update on May 5, 2021.

The county's action effectively eliminated the need for the settlement agreement, so the City Council voted to terminate the settlement agreement on Sept. 14, 2021. (Exhibit 8).

After completing additional noise analysis, the county again certified the final program environmental impact report and adopted the Airport Master Plan Update on Dec. 8, 2021 (Exhibit 9). As part of the decision, the county selected to implement a runway extension of 200 feet (+/-10%) now and to add a maximum 900-foot extension option at some point in the long-term future, conditioned on addressing the conditional use permit and other requirements.³

The county also committed to continue working with the FAA on noise concerns, which could include allowing "quiet hours" for takeoffs and landings, or letting the county charge fees if pilots do not comply with quiet hour requests.

Citizens for a Friendly Airport did not challenge the county's decision, and the county has not filed an application with the city to amend CUP-172.

Discussion

Citizens for a Friendly Airport's request

The city received correspondence on Jan. 2, 2024, from the Chatten-Brown Law Group, who represents the Citizens for a Friendly Airport (Exhibit 2). In short, the group is seeking to collaborate with the city to re-introduce the Zoning Code amendments that were withdrawn as a condition of the settlement agreement in 2019, with additional revisions recommended. The Citizens for a Friendly Airport letter is also requesting a General Plan amendment to further clarify the city's policy for new or expanded airport uses. The City Council on Feb. 27, 2024, received the Citizens for a Friendly Airport letter and discussed the request to initiate the amendments.

During discussions, staff indicated that in accordance with Section 21.52.020 of the Carlsbad Municipal Code, amendments to General Plan, Zoning Code, or Local Coastal Program may be initiated by a property owner, the City Planner, the Planning Commission or the City Council. In response, via a motion, the City Council "directed staff to review and investigate the requests

³ On this point, the final program environmental impact report states, "Subject to the right to assert immunities, federal preemption or other legal theories, the County will seek an amendment to CUP-172 for any change beyond the existing B-II designation in the ALP [airport layout plan] or prior to taking action to implement facility improvements for greater than B-II." (An airport layout plan is a visual representation of an airport's existing and planned facilities, including the dimensions and clearance needed to meet standards. B-II is the FAA term for an airport that serves smaller aircraft, not larger passenger or freight air traffic.)

from Citizens for a Friendly Airport and bring back an item on a future agenda for discussion within 60 days those actions along with any analysis, any steps, potential costs and timing to implement the proposals (passed 5/0).”

Amendments to city regulations

To implement the requested actions, amendments to the following land use regulations will need to be concurrently processed.

- Zoning Code amendments (Carlsbad Municipal Code Chapter 21)
The ordinance work that was proposed and subsequently discontinued in 2018 included the following amendments:
 - Add the term “airport” in the definition section of Chapter 21.04 of the Carlsbad Municipal Code (because the existing ordinance does not specifically list this definition or reference its meaning. Specific terms used in Chapter 21 are defined in Chapter 21.04 and have the meaning respectively ascribed to them. If words or phrases used in Zoning Code are not specifically defined, there could be ambiguity or uncertainty regarding the meaning of a definition provided or intent used by its context.
 - Modify several use allowance tables throughout the Zoning Code prohibiting airport uses in all zones except the existing property zoning where the current McClellan-Palomar Airport is located (Planned Industrial – PM Zone and Industrial – M Zone). With these changes, the Zoning Code would better define how specific property within a geographic area may be used for new or expanded airports. If the airport use is prohibited elsewhere in the city’s zoning districts, the county must apply to have the property rezoned to allow the intended use.

In addition to re-initiating this work, Citizens for a Friendly Airport has requested the city include the following additions to the Municipal Code:

- Add the term “airport expansion” in the definition section of Chapter 21.04 to address the need to provide a brief explanation of zoning terminology to help specifically govern how real property can and cannot be used in certain geographic areas.
- Amend Chapters 21.32 and 21.34 to state that the approval of a conditional use permit amendment for an airport expansion would be subject to City Council approval. The action would require that the City Council be the decision-making authority on all discretionary actions (i.e., conditional use permits and associated amendments) involving the McClellan-Palomar Airport, following a recommendation by the Planning Commission. The authority to approve and amend a conditional use permit is currently delegated to the Planning Commission, and its decisions can be appealed to the City Council. To retain consistency between Zoning Code provisions, it is also recommended that Chapter 21.54.125 be updated to acknowledge the permitting procedures and decision-making jurisdiction for airport expansions.

Should the City Council authorize the processing of the Zoning Code amendments, the city would be able to process the amendments with existing staff resources, with no impacts to department budgets. However, the recommendations presented in this staff report would result in the need to obtain outside legal counsel services to help review the amendments.

- General Plan amendment

The Citizens for a Friendly Airport also identified areas of the Land Use Element portion of the General Plan that could be amended to further support previous comments (and policies) of the City Council. These areas go beyond the ordinance work that was proposed by city staff in 2018. For the most part, the proposed changes duplicate those proposed under the Zoning Code amendments; however, inserting a series of policy statements regarding the airport classification into the General Plan would help the city with future implementation actions related to processing future conditional use permits or conditional use permits amendments. To obtain either of these, the applicant must demonstrate that the contemplated use is consistent with the policies of the General Plan.

Specifically, California Government Code Section 65402 provides that the county cannot acquire property within the city until the "location, purpose and extent of such acquisition ... [has] been submitted to and reported upon by the planning agency as to conformity" with the city's General Plan. Therefore, adding wording to the General Plan to specify the airport's classification and limits of permissible airport expansion areas would help reinforce the city's permissible local land use authority.

Local Coastal Program amendment

Although the Palomar Airport property is not located in the Coastal Zone, changes to the Zoning Code require amendments to the Local Coastal Program. Among other things, the city's Local Coastal Program is comprised of the Zoning Code, Carlsbad Municipal Code Chapter 21, so any privately initiated or city-sponsored requests to amend the Zoning Code would also require an amendment to Carlsbad's Local Coastal Program. Under the state's Coastal Act, a local coastal plan and zoning ordinances, zoning district maps, and other implementing actions – that is, a local coastal program – are to be submitted to the California Coastal Commission for its approval and certification. Cities and counties with approved local coastal programs may amend a certified local coastal program, but such amendments do not take effect in the Coastal Zone until they have been certified by the Coastal Commission. Amendments to the General Plan and Zoning Code would become effective outside of the Coastal Zone 30 days after adoption.

Where a project necessitates an amendment to a certified Zoning Code, the first phase of the decision-making process is similar to other legislative changes. For the most part, the proposed Local Coastal Program may be amended in the same manner as the Zoning Code amendment: initiated, written, and processed by the city. However, the Coastal Act requires additional public review and notice of availability of draft documents (see section below). After local adoption, the amendments must also go through the Coastal Commission's Local Coastal Program amendment review process. If the City Council adopts an amendment the Local Coastal Program, the proposed modification shall be referred to the Coastal Commission for its approval before it can be effective in the Coastal Zone, in compliance with state law.

Reviewing agencies and authorities

Once the policy documents listed above are drafted, there are other agencies that must review documents before they can be reviewed and considered by the City Council, as reflected below.

- California Native American tribes

Senate Bill 18 (2004) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan or designating land as open space. The state's guidelines recommend that the North American Heritage Commission provide written information as soon as possible but no later than 30 days after receiving notice of the project to inform the lead agency and an additional 90 days for tribes to respond to a local government if it wants to consult with the local government to determine whether the project would have an adverse impact on tribal resources.

- San Diego County Regional Airport Authority

The San Diego County Regional Airport Authority is charged with the operation and oversight of all airports throughout San Diego County by serving as the region's Airport Land Use Commission. Part of the authority of this commission is to provide guidance on compatible land uses around regional airports to local permitting agencies to incorporate into their land use decisions. This is done through Airport Land Use Commission-adopted airport land use compatibility plans, which help protect the public against the noise and risks of airport proximity and establish standards for disclosure of airport proximity and aircraft overflight to residential properties.

Public Utilities Code Section 21676 requires cities and counties with land use jurisdiction for areas around airports are required to submit proposed amendments to their general plans, specific plans and zoning codes to the Airport Land Use Commission to review for consistency with the airport land use compatibility plan. If the Airport Land Use Commission determines that the proposed action is inconsistent with the plan, the city shall be notified within 60 days. After a public hearing, the city may overrule the Airport Land Use Commission's determination by a two-thirds vote if the city makes specific findings. A copy of the draft findings must be sent to the Airport Land Use Commission at least 45 days prior to a decision for the city to overrule the commission.

- Planning Commission

The Planning Commission acts as an advisory board to the City Council on all planning and development issues. CMC Section 21.52.050(A)(1) requires the Planning Commission to review and consider a General Plan amendment or Zoning Code amendment application and prepare a recommendation for the City Council before the City Council considers whether to adopt the amendments.

- California Coastal Commission

The California Coastal Commission is a state agency within the California Natural Resources Agency responsible for administering and enforcing the California Coastal Act and has quasi-judicial control of land and public access along the state's 1,100 miles of coastline. The commission is responsible for reviewing and approving any amendments to the city's local coastal program prior to the changes being effective within the Coastal Zone.

The amendments to the Zoning Code must be submitted to the Coastal Commission following adoption by the City Council. Currently, Local Coastal Program amendments are taking Coastal Commission staff between 18 to 24 months to process. Once processed and approved by the Coastal Commission Board, the Local Coastal Program amendments (with any Coastal Commission Board amendments) are returned to the City Council for final approval.

However, the McClellan-Palomar Airport is not located within the Coastal Zone, so, the amendments directly affecting the airport property will become effective 30 days after the City Council adopts them.

Processing schedule

Below is an estimated schedule to complete the above-referenced amendments and navigate the different reviewing agencies.

ACTIVITY	ESTIMATED DATE
Finalize draft amendments based on City Council comments and legal review	May/June 2024
Initiate consultation to tribes	June 2024
Send amendments to San Diego County Airport Authority	June 2024
Send notice of availability for Local Coastal Program amendment to Coastal Commission	June 2024
Conclude Local Coastal Program amendment comment period (6 weeks or 42 days)	July/Aug. 2024
Receive San Diego County Airport Authority feedback (60 days)	Aug./Sep. 2024
Conclude tribal consultation (90 days)	Sep. 2024
Prepare response to comments and/or revise amendments	Oct/Nov. 2024
Prepare public hearing notices and staff report	Nov./Dec. 2024
Planning Commission public hearing	Jan./Feb. 2025
City Council public hearing	Feb./Mar. 2025
Transmittal to Coastal Commission (to seek approval of amendments to the Local Coastal Program)	Approx 18 to 24 months

Fiscal Analysis

The amendments would be processed using existing staff resources and existing budget. The City Attorney and staff recommend using outside legal counsel to help review the amendments which would, depending on Council direction, cost in the range of \$10,000 to \$15,000. No additional funding is required. Appropriate funds were previously appropriated and allocated for unfunded litigation, and City Attorney services is included in the city's operating budget.

Next Steps

Planning Division staff will work with the City Attorney's Office to prepare the aforementioned documents consistent with City Council direction. The process may utilize and build upon the previously drafted Zoning Code amendments and will allow for input by Citizens for a Friendly Airport and other interested parties. Staff will continue processing the amendments in keeping with the steps and schedule described in this report.

Environmental Evaluation

The request to initiate a General Plan amendment and Zoning Code amendment are statutorily exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15262, Feasibility and Planning Studies, which states that "A Project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR of Negative Declaration."

Because the request involves only the consideration of whether to process an application for an amendment, and not the amendment itself, action taken by the City Council on this item provides only general direction and does not have a legally binding effect on any possible future discretionary action. In accordance with CEQA, all project requests that are defined as a "project" under CEQA are required to have an environmental assessment to determine potential environmental impact, if any, prior to taking any action or to carry out the project. The proposed amendments, if initiated, would be subject to environmental assessment to determine potential environmental impacts in accordance with CEQA at that time.

Exhibits

1. Resolution of intention
2. Citizens for a Friendly Airport letter, dated Jan. 2, 2024
3. [Planning Commission Resolution No. 1699](#) (on file with the City Clerk's Office)
4. [City Council Resolution No. 2018-182](#) (on file with the City Clerk's Office)
5. [City Council Resolution No. 2019-060](#) (on file with the City Clerk's Office)
6. [City Council Resolution No. 2019-178](#) (on file with the City Clerk's Office)
7. [City Council Resolution No. 2019-179](#) (on file with the City Clerk's Office)
8. [City Council Resolution No. 2021-208](#) (on file with the City Clerk's Office)
9. County of San Diego Board of Supervisors minute order, dated Dec. 8, 2021

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A RESOLUTION OF INTENTION AUTHORIZING THE PROCESSING OF A GENERAL PLAN AMENDMENT, ZONING CODE AMENDMENT, AND LOCAL COASTAL PROGRAM AMENDMENT TO SPECIFY AND CLARIFY CODE REQUIREMENTS AND PERMIT REVIEW PROCEDURES FOR NEW OR EXPANDED AIRPORT USES OR WHERE THERE IS AN ACQUISITION OF PROPERTY BEYOND THE BOUNDARIES OF AN AIRPORT

WHEREAS, the City Council of the City of Carlsbad, California has determined that the Carlsbad General Plan, Zoning Code, and Local Coastal Program requires revisions and amendments; and

WHEREAS, the City Council has determined that it is necessary to undertake an update to ordinances or policy documents to improve clarity and specify code requirements for new or expanded airport uses, pursuant to the 1978 Annexation Agreement between the City and County of San Diego, as detailed in the San Diego Superior Court's ruling in C4FA v. County of San Diego; and

WHEREAS, pursuant to section 21.52.020 of the Carlsbad Municipal Code, amendments to General Plan, Zoning Code, or Local Coastal Program may be initiated by a property owner, the City Planner, the Planning Commission, or the City Council.

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

1. That the above recitations are true and correct.
2. That the City Manager or designee is authorized to begin working on an ordinance or policy document to address new or expanded airports and return to the City Council to review and consider the amendments to the General Plan, Zoning Code, and Local Coastal Program.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

**Chatten-Brown Law Group, APC**

Kathryn Pettit | Associate
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San Diego, CA 92103
kmp@chattenbrownlawgroup.com
Phone: (619) 393-1440

January 2, 2024

City Council
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Proposed Revisions to the City's Code and General Plan

Dear Councilmembers:

Our firm represents Citizens for a Friendly Airport (C4FA). As you are well aware, in 2019, the City Council adopted resolutions 2019-178 and 2019-179 to establish the City of Carlsbad's position regarding the McClellan-Palomar Airport.

C4FA seeks to work with the City to reintroduce the proposed ordinance that was released for public review on January 18, 2018 (Exhibit A), and initially approved but not adopted by the City, along with additional revisions recommended by our office (Exhibit B), for City Council consideration (together, "Proposed Ordinance"). Additionally, C4FA presents narrowly-tailored revisions to the City's General Plan, for the City's consideration. (Exhibit C, "Proposed General Plan Amendment".)

Together, the Proposed Ordinance and Proposed General Plan Amendment would implement the City Council's resolutions, absolve any potential inconsistencies in the City Municipal Code, and memorialize the procedural requirements pursuant to the 1978 Annexation Agreement between the City and County of San Diego, as detailed in the San Diego Superior Court's ruling in *C4FA v. County of San Diego*.

Our office conducted extensive research into the Proposed Ordinance and Proposed General Plan Amendment.

In Section I, we first provide a summary of the current requirements under the City's code. We then summarize our recommended revisions to the City's code in Section II, and our recommended amendment to the General Plan in Section III.

I. Current Procedural Requirements

a. Obtainment of a Conditional Use Permit

The Annexation Agreement between the City and County established the City's zoning and land use authority over the airport. This includes the requirement that the County must obtain a conditional use permit ("CUP") from the City. As the Superior Court recently found:

[T]he County ...obtained CUP-172 as a condition of the City of Carlsbad's annexation of the airport and rezoning of the land for airport use. (citation.) Notably, the Local Agency Formation Commission stated the following: "In order to comply with the requirements of the Carlsbad Zoning Ordinance, an appropriate zoning designation must be placed upon the airport, and a Conditional Use Permit must be obtained by the County. The City of Carlsbad and the County are in agreement with this procedure." (citation.) Thus, the evidence in the administrative record indicates that the County voluntarily and intentionally relinquished its immunities with respect to the airport.

(Superior Court Case No. 37-2018-00057624-CU-TT-CTL, January 26, 2021 Ruling.)

The County's existing CUP-172 states that "permitted uses for Palomar Airport are limited to those outlined in Table 1 ... approval of any uses not specifically listed in Table 1 and/or expansion of the airport facility shall require an amendment to the Conditional Use Permit." (County Resolution 1699 re CUP-172, p.3-5 (1980).) Notably, the CUP-172 specifically omits runway extensions from uses not requiring discretionary review, indicating that the County must obtain the City's approval via the CUP process for any proposed runway extensions.

Thus, a CUP is required for any new or expanded airport uses. We are aware that the County has not treated "runway extensions" as "expansions." Therefore, we suggest revising the municipal code to clarify that the language of "airport expansion" mirrors Public Utilities Code Section 21664.5, to be consistent with the language and intent of CUP-172, as well as state law.

b. City Council Vote

Under our interpretation, the City's municipal code indicates an intent to require City Council approval for airport-related CUP requests. Airport uses are designated as "Process 3" throughout the code, which holds that "[t]he city council shall hear the matter." (Section 21.42.070.)

However, we identified potential inconsistencies in the code, thus requiring the Proposed Ordinance to ensure clarity in the process. The Municipal Code provides: "An approved [] conditional use permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Section 21.42.110 subd. (E).)

Accordingly, Code Section 21.54.125 provides: “any approved development permit may be amended by following *the same procedure required for the approval of said development permit* (except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment) . . .” (emphasis added.)

While the 1980 CUP-172 Resolution only required approval from the Planning Commission, the Municipal Code currently requires City Council approval for any airport CUP.

Thus, it is not entirely clear what process is currently required for any CUP amendment, even for a proposed expansion of airport uses under the existing CUP. We believe this necessitates the Proposed Ordinance, including the new additions proposed by C4FA.

II. Overview of Proposed Ordinance

The ordinance that was proposed by City staff in 2018 proposed the following changes:

- Amend Zoning Ordinance text and define “airport.”
- Allow an airport with approval of a conditional use permit by the City Council only within the boundary of McClellan-Palomar Airport proposed on the City’s Zoning Map.
- Prohibit an airport in all other zones and on all other properties within the City.

We reviewed the ordinance, and suggested the additional revisions:

- Amend Zoning Ordinance text to clarify the definition of “airport expansion,” consistent with state law (Public Utilities Code Section 21664.5)
- Prevent the creation of any inconsistencies regarding the process for an amended CUP.

III. Overview of Proposed General Plan Amendment

We also believe that a General Plan Amendment to clearly set forth the process would bring great advantages to the public and future elected decisionmakers. While there are costs associated with updating or amending the municipal code and General Plan, a clear memorialization of the City’s procedures would prevent any confusion, application of the wrong process, or use of loopholes several years down the road.

The City’s General Plan already includes the following policy:

Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate.

(City of Carlsbad General Plan, Land Use & Community Design Element, 2-45; see also Section 21.53.015, Carlsbad Municipal Code.)

Thus, we believe that the General Plan should be amended to establish the following clear policies of the City:

- Any airport expansion requires a CUP from the City.
- Expansion will be defined as consistent with the definition in the Public Utilities Code.
- Any CUP request– whether it is for a new CUP or an amendment to a CUP – for airport expansion requires a City Council vote.
- The City of Carlsbad supports the B-II Enhanced Alternative McClellan Palomar Airport Master Plan design classification, with no runway extension, and opposes the County Board of Supervisor’s D-III Modified Standards Compliance Alternative.

We have included our proposed revisions in Exhibit C (revisions in blue text).

IV. Conclusion

Our office has spent considerable time researching the Proposed Ordinance, which is primarily the product of research conducted by the City’s prior consultant, KK&R. Our firm only had two minor proposed revisions. The Proposed Ordinance would implement City Council resolutions 2019-178 and 2019-179, and ensure that the correct procedure is clear in the City’s code.

We also thoroughly believe that a narrow General Plan Amendment is needed to memorialize the City Council’s resolutions to maintain the airport’s current B-II designation without any runway extension, as well as the required decision-making process that is set out in the City’s code.

Thank you for your time and consideration of C4FA’s proposal. We respectfully request a meeting with the City staff to further discuss the Proposed Ordinance and General Plan Amendment, especially to receive the City’s input.

We are available at your earliest convenience. Please do not hesitate to call with any questions.

Sincerely,



Kathryn Pettit
Josh Chatten-Brown

Exhibit A

PUBLIC NOTICE

TO INTERESTED PARTIES:

Please be advised that the City of Carlsbad is considering text amendments to its Local Coastal Program (LCP) as summarized below. This LCP amendment is being proposed by the City of Carlsbad and is currently under review. This notice hereby opens a six-week review period after which the Planning Commission and City Council will consider all comments and act on the proposed LCP amendment. The Planning Commission hearing is expected to take place in spring 2019 and will be duly noticed. The City Council hearing is expected to take place in spring 2019 and will be duly noticed.

Copies of the LCP amendment are available for review at the following locations: (1) Carlsbad Planning Division, 1635 Faraday Avenue; (2) City Clerk’s Office, 1200 Carlsbad Village Drive; (3) Carlsbad Main Library, 1775 Dove Lane; (4) Georgina Cole Library, 1250 Carlsbad Village Drive; and (5) the California Coastal Commission, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402. The LCP Amendment is also posted on the city’s website at <http://www.carlsbadca.gov/services/depts/planning/agendas.asp>.

PROPOSED LCP AMENDMENT SUMMARY
LCPA 2018-0001 (PUB 2018-0022) – Zoning Code Amendment – Airports

The City’s Zoning Ordinance is the implementing ordinance for the City’s LCP. Accordingly, the LCP amendment is necessary to ensure consistency between the City’s proposed amended Zoning Ordinance and its Local Coastal Program. This specific Zoning Code Amendment is as follows:

The proposed amendment would amend Zoning Ordinance text and define “airport,” allow an airport with approval of a conditional use permit by the City Council only within the boundary of McClellan-Palomar Airport proposed on the City’s Zoning Map, and prohibit an airport in all other zones and on all other properties within the City.

Changes proposed to the Zoning Ordinance text are attached. Please note the airport and proposed boundary around it are outside the Coastal Zone. Further information about McClellan-Palomar Airport and related City and County actions is available at <http://www.carlsbadca.gov/residents/airportmasterplan.asp>.

If you have any questions, please contact Scott Donnell, Senior Planner, in the Planning Division at (760) 602-4681 or scott.donnell@carlsbadca.gov. Written comments should be sent to the Planning Division at 1635 Faraday Avenue, Carlsbad, California 92008.

PUBLISH DATE: January 18, 2018

PUBLISH DATE FOR U-T SAN DIEGO: January 18, 2018

PUBLISH DATE FOR COAST NEWS: January 18, 2018

Community & Economic Development
Planning Division

1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-4600 | 760-602-8560 fax

April 23, 2024

Item #5

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Proposed text changes to the Carlsbad Municipal Code (Title 21)

Zoning Code Amendment - Airports

ZCA 2018-0001 / ZC2018-0002 / LCPA 2018-0001 (PUB2018-0022)

Amendments to Chapter 21.04 Definitions

Chapter 21.04 (Definitions) is proposed to be amended by adding new Section 21.04.024 to define “airport” as follows:

21.04.024 Airport

“Airport” means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon. Airport safety areas and zones are included within this definition. This definition shall be used by the City when applying any requirements of the California Public Utilities Code Section 21661.6.

Amendments to Chapter 21.07 E-A Exclusive Agriculture Zone

Section 21.07.020 Table A (Permitted uses in the E-A, Exclusive Agricultural Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.29 C-T Commercial Tourist Zone

Section 21.29.030 Table A (Permitted uses in the C-T, Commercial Tourist Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.30 C-M Heavy Commercial – Limited Industrial Zone

Section 21.30.010 Table A (Permitted uses in the C-M, Heavy Commercial – Limited Industrial Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.32 M Industrial Zone

Section 21.32.010 Table A (Permitted uses in the M, Industrial Zone) is proposed to be amended by changing “airports” to “airport” and by adding Note 3 as follows:

Use	P	CUP	Acc
Airports <u>(see note 3 below)</u>		3	

Notes:

- 3. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

Amendments to Chapter 21.34 P-M Planned Industrial Zone

Section 21.34.020 Table A (Permitted uses in the P-M, Planned Industrial Zone) is proposed to be amended by changing “airports” to “airport” and adding Note 6 as follows:

Use	P	CUP	Acc
Airports <u>(see note 6 below)</u>		3	

Notes:

- 6. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

Exhibit B

**Additional text changes to the Carlsbad Municipal Code (Title 21)
Zoning Code Amendment - Airports**

Amendments to Chapter 21.04 (Definitions)

21.04.140.1 Expansion.

“Expansion” means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. In the context of airports, “expansion” includes the acquisition of runway protection zones, or of any interest in land for the purpose of any other expansion, construction of a new runway, extension or realignment of an existing runway, or any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to these purposes.

Amendments to Chapter 21.32 M Industrial Zone

Section 21.32.010 Table A (Permitted uses in the M, Industrial Zone) is proposed to be amended by changing “airports” to “airport” and by adding Note 3 as follows:

[No change to Proposed Ordinance’s Table revisions]

Notes:

3. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city. The approval of any conditional use permit amendment shall also require a vote by the city council, notwithstanding any other sections of this code, including Sections 21.42.110 and 21.54.125.

Amendments to Chapter 21.34 P-M Planned Industrial Zone

Section 21.34.020 Table A (Permitted uses in the P-M, Planned Industrial Zone) is proposed to be amended by changing “airports” to “airport” and adding Note 6 as follows:

[No change to Proposed Ordinance’s Table revisions]

Notes:

6. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city. The approval of any conditional use permit amendment shall also require a vote by the city council, notwithstanding any other sections of this code, including Sections 21.42.110 and 21.54.125.

Exhibit C

- 2-P.39** Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code.)
- 2-P.40** Require any proposal for an expansion of airport uses to obtain a conditional use permit pursuant to a City Council vote.
- 2-P.41** Permit expansion only within the current boundary of McClellan-Palomar Airport.
- 2-P.42** Utilize the State Public Utilities Code definition of airport expansion, which includes the acquisition of runway protection zones, or of any interest in land for the purpose of any other expansion, construction of a new runway, extension or realignment of an existing runway, or any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to these purposes.
- 2-P.43** Oppose the McClellan-Palomar Airport Master Plan D-III Modified Standards Compliance Alternative design classification. (Resolution No. 2019-178.)
- 2-P.44** Support the B-11 Enhanced Alternative McClellan-Palomar Airport Master Plan design classification, with no runway extension. (Resolution No. 2019-179.)

[Planning Commission Resolution No. 1699](#)
(on file in the Office of the City Clerk)

[City Council Resolution No. 2018-182](#)
(on file in the Office of the City Clerk)

[City Council Resolution No. 2019-060](#)
(on file in the Office of the City Clerk)

[City Council Resolution No. 2019-178](#)
(on file in the Office of the City Clerk)

[City Council Resolution No. 2019-179](#)
(on file in the Office of the City Clerk)

[City Council Resolution No. 2021-208](#)
(on file in the Office of the City Clerk)

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, DECEMBER 08, 2021**

MINUTE ORDER NO. 6

SUBJECT: ADOPT MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE, CERTIFY MASTER PLAN ENVIRONMENTAL IMPACT REPORT, AND PROVIDE DIRECTION ON AIRPORT SUSTAINABILITY (DISTRICT: 5)

OVERVIEW

McClellan-Palomar Airport (Palomar) is located in the City of Carlsbad and is one of eight airports owned and operated by the County of San Diego (County), at no cost to the General Fund. Palomar was constructed on County-owned property, and when it opened in 1959, the surrounding area consisted mainly of agricultural uses. Over the last 60 years, light industrial, commercial, and recreational uses have developed around the airport. The City of Carlsbad annexed the airport in 1978, citing economic benefits including significant tax revenues for the City and increased services for the County. Today, the airport serves the community and region as a vital air transportation hub, an emergency services facility, and an economic engine that supports 2,590 local jobs and generates \$72 million in tax revenues and \$461 million in economic activity annually.

Palomar is a federally funded public-use airport and part of the national air transportation system. The Federal Aviation Administration (FAA) regulates this system and by federal law, airport owners and operators, such as the County, cannot restrict the size or type of aircraft landing or taking off from an airport. The FAA provides airports with guidance to safely accommodate the types of aircraft that use an airport, which is the foundation for the safety enhancements identified in the Palomar Master Plan Update (MPU). The FAA generally provides up to 90% grant funding for safety improvements; however, an approved and current Airport Layout Plan, which is included as part of the Master Plan, is required to be eligible for funding.

On December 16, 2015 (3), the County Board of Supervisors (Board) directed staff to update the Master Plan for Palomar. The Master Plan is a 20-year planning road map for airport capital improvements that emphasizes safety. The most recent Master Plan for Palomar, completed in 1997, had reached the end of its 20-year planning period. On September 25, 2013 (2), the Board considered the findings of a 2013 Feasibility Study, which studied a longer runway. The Board directed staff to focus the MPU on safety improvements for the aircraft currently using the airport while remaining within the existing airport property boundaries.

On October 10, 2018 (1) the Board approved the MPU and certified the Program Environmental Impact Report (PEIR). On November 6, 2018, a petition for Writ of Mandate and complaint was filed by Citizens for a Friendly Airport, challenging the Board's decision. On January 26, 2021, the Superior Court (Court) filed a Minute Order upholding the Final PEIR analysis and dismissing the claims, except on two items. While the Court determined the PEIR's noise analysis was generally adequate, the Court found the Final PEIR should have included supplemental noise analysis for areas farther from Palomar. In addition, the Court ruled that an amendment to the conditional use permit (CUP) with the City of Carlsbad must be sought if the design status of the airport is changed to accommodate the design critical aircraft.

On March 4, 2021, the Court ordered the County to set aside all approvals associated with the October 10, 2018, decision, which included the approval of the MPU, certification for the Final PEIR, and related actions, within 60 days. On May 5, 2021 (13), the Board rescinded the MPU and de-certified the PEIR and related environmental findings pursuant to the Court’s order.

The County has now completed the additional noise analysis, as directed by the Court, and updated the PEIR and MPU to address the potential need for an amendment to the CUP. Staff has also developed options for the Board’s consideration that would demonstrate the County’s leadership in sustainability.

This is a request for the Board to: (1) select the airport design standard for Palomar, including a potential runway extension, which will increase federal grant funding eligibility, and allow the County to pursue safety enhancement projects to protect aircraft currently using Palomar. The Board will select either: (2A) adopt the MPU and take the actions in Item 3 below relating to the Final PEIR, or (2B) not adopt the MPU.

If Recommendation 2A is selected to adopt the MPU, then, together with its action to adopt the MPU, the Board must (3) certify the associated Final PEIR and supporting documents, which, with the added noise analysis, is consistent with the direction of the Superior Court.

(4) If the MPU and associated Final PEIR are adopted and certified, provide direction to staff on sustainability options, with staff’s recommendation being to pursue an airport system-wide sustainability plan that will position the County to become a leader in aviation-based sustainability across the region.

If Recommendation 2B is selected to not adopt the MPU, then the Board will direct staff to evaluate other airport classifications; return to the Board for further direction upon evaluation and establish appropriations based on prior year Airport Enterprise Fund (AEF) Balance of \$1,100,000.

(5) If the MPU is not adopted, the Board can also direct staff to prepare a new Master Plan for Palomar Airport and provide direction on the inclusion of a sustainability plan.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

See the Background Section of the Board Letter under Airport Design Standards and Attachment H for additional details on the Airport Master Plan Update options.

1. Select the airport design standard, including a potential runway extension:

Airport Design (Pick One)	AND	Runway Extension (Pick One)
Option A. B-II Enhanced Facility: Current design enhanced with installation of an Engineered Material Arresting System (EMAS), which is like a runaway truck ramp for aircraft AND		1.None
		2.200 feet
		3.Up to 900 feet
Option B. B-II Enhanced Facility Now and Condition D-III Modified Standards Compliance in the Future: Same as Option A, and adding future D-III design standards conditioned on addressing the Conditional Use Permit and Runway Protection Zone requirements		1.None
		2.200 feet
		3.Up to 900 feet

and returning to the Board to consider D-III design standards and a runway extension option AND	
Option C. D-III Modified Standards Compliance: This alternative reconfigures the airport to meet the D-III design standards. It would shift the runway 123 feet to the north to provide the required separation between the runway and taxiway and includes the installation of EMAS on both ends of the runway AND	1.370 feet
	2.800 feet

2. McClellan-Palomar Airport Master Plan Update:

Option A. Adopt the McClellan-Palomar Airport Master Plan Update based on the option selected above under Recommendation 1 related to airport design standard, including a potential runway extension, together with the actions in Item 3 below.

OR

Option B. Do Not Adopt the McClellan-Palomar Airport Master Plan Update (Attachment H) and direct staff to evaluate other airport classification options and return to the Board for further direction upon evaluation **AND** establish appropriations of \$1,100,000 in the Airport Enterprise Fund (AEF) Spending Plan to provide funds for the evaluation of other airport classification options based on prior year available AEF fund balance. **(4 VOTES)**

3. If Recommendation 2A is selected, then certify and adopt the McClellan-Palomar Airport Master Plan Update Environmental Documents together with its action to adopt the MPU:

If the Board adopts the McClellan-Palomar Airport Master Plan Update (Attachment H), then certify that the Final Program Environmental Impact Report (PEIR), SCH No. 2016021105 has been completed in compliance with California Environmental Quality Act (CEQA) and CEQA Guidelines, that the Final PEIR was presented to the Board, that the Board reviewed and considered the information contained therein, and that the Final PEIR reflects the independent judgment and analysis of the Board (Attachment B); **AND**

- A. Adopt the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of CEQA Guidelines (Attachment C); **AND**
- B. Adopt the Statement of Location and Custodian of Record (Attachment E); **AND**
- C. Adopt the decision and explanation regarding recirculation of draft PEIR (Attachment F); **AND**
- D. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of CEQA Guidelines (Attachment G).

4. If Recommendation 2A is selected to Adopt the McClellan-Palomar Airport Master Plan Update, then provide direction on a sustainability plan by selecting one of the following options:

Option A. Direct staff to prepare a McClellan-Palomar Airport Sustainability Plan

OR

Option B. Direct staff to prepare a County Airports System Sustainability Plan with a priority on implementing sustainability measures for McClellan-Palomar Airport [*Staff Recommendation*]

5. If Recommendation 2B is selected to Not Adopt the McClellan-Palomar Airport Master Plan, provide direction on the inclusion of a sustainability plan with a new Master Plan:

Direct staff to prepare a new Master Plan for McClellan-Palomar Airport with Integrated Sustainability AND establish appropriations of \$4,500,000 in the Airport Enterprise Fund (AEF) Spending Plan to provide funds for development of a Master Plan for McClellan-Palomar Airport with Integrated Sustainability based on prior year available AEF fund balance. **(4 VOTES)**

EQUITY IMPACT STATEMENT

The eight airports owned and operated by the County of San Diego, Public Works, Airports (County Airports) provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of services at County Airports and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically underserved, through public outreach and added consideration in our procurement and leasing selection criteria

County Airports connect rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial (using small 30 to 70 passenger aircraft), corporate (up to approximately 20 passengers), government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff Aerial Support to Regional Enforcement Agencies, and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for community members, including underserved communities. County Airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports are 100% self-funded, allowing General Fund revenues to be used for other priorities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Master Plan Update (MPU). If the current MPU is approved with an accompanying sustainability plan, this request will result in no change in the Airport Enterprise Fund (AEF) for FY 2021-2022.

If the Board directs staff to not adopt the Palomar Airport Master Plan, evaluate other airport classification options and return to the Board for further guidance upon evaluation (Recommendation 2B) or to prepare a new Master Plan with integrated sustainability (Recommendation 5), this request will result in costs of up to \$4.5 million in consultant services and staff costs for FY 2021-22. The funding source is the prior year available AEF fund balance. There will be no change in net General Fund cost and no additional staff years.

The proposed actions will not commit the County to construct any facilities or improvements and will not financially obligate the County. Staff will return to the Board at a future date for approval to advertise and award construction contracts as projects are fully designed, and for any necessary appropriations as funding becomes available for implementing the Board's selected MPU alternative. It is expected the projects will be completed in phases over the 20-year planning period, and staff will seek authorization to apply for federal and State grants in future years.

BUSINESS IMPACT STATEMENT

The Federal Aviation Administration (FAA) identifies Palomar as a National Primary Commercial Service Airport in the National Plan of Integrated Airports System, indicating both its national significance and its eligibility for federal grant funding for airport improvements. The FAA-certified Palomar for air carrier service in 1996, which grants airlines the authority to offer scheduled flights to the community and the greater San Diego region. The FAA-certified smaller, less-active airports, like Palomar, to become commercial service airports that offer regional service for 30 to 70 passenger aircrafts, with the focus to make services affordable for the region without compromising safety and operational capabilities. After Palomar was certified for Regional Service, airlines offered flights to Los Angeles and Phoenix using small, 30-passenger aircraft. This Regional Service at Palomar increased to an annual peak of 78,519 passengers in 2000. Beginning in 2008, airlines began to discontinue the use of this type of aircraft. The newer regional aircraft cannot operate at Palomar due to its short runway length, and Regional Service ended in 2015.

With continued interest of residents and stakeholders, the MPU contemplated future Regional Service at Palomar. However, there are several factors that limit Regional Service, such as the runway length, design standards, pavement strength, aircraft parking areas, and passenger terminal capacity. The runway length and design standards are the most critical. Palomar has a single 4,897-foot runway. Within the contiguous United States, there are no airports with runways less than 5,000 feet that have commercial air service.

Regional Service using small, regional, 30 to 70 passenger aircraft could provide additional revenues to the Airport Enterprise Fund (AEF) from commercial landing fees, parking, and fuel flowage; restaurant and rental car concessions; and vehicle parking. Also, the FAA currently allocates \$150,000 in Airport Improvement Program Entitlement grant funding to Palomar annually, which would increase to a minimum of \$1 million, if Palomar were to have over 10,000 commercial passengers per year, using small, passenger aircraft. The FAA also allows commercial service airports to collect a Passenger Facility Charge (PFC) from airlines to help pay for needed capital improvements. PFCs could generate up to \$2 million in additional revenue annually.

In addition to more and closer air travel options, Regional Service at Palomar using small, regional, 30 to 70 passenger aircraft also has potential economic benefits to employees, businesses, and municipalities in North County and the region. The McClellan-Palomar Airport Economic Impact Analysis Report determined that, without Regional Service using small, regional, 30 to 70 passenger aircraft, Palomar currently supports 2,590 jobs and generates \$461 million in economic activity and \$72 million in tax revenue. Without further development, Palomar would support an estimated 3,380 jobs and generate \$596 million in economic activity and \$94 million in tax revenues in 2036. The MPU presented today forecasted the ability of the airport to accommodate up to 575,000 passengers annually, on small, regional, 30 to 70 passenger aircraft. In this scenario, Palomar's economic activity would almost double, with an estimated 6,720 jobs and generate \$1.0 billion in annual economic activity and \$160 million in annual tax revenues.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Certified and adopted the McClellan-Palomar Airport Master Plan Update Environmental Documents together with its action to adopt the MPU (Ref. Board Letter Recommendation 3): Certified that the Final Program Environmental Impact Report (PEIR), SCH No. 2016021105 has been completed in compliance with California Environmental Quality Act (CEQA) and CEQA Guidelines, that the Final PEIR was presented to the Board, that the Board reviewed and considered the information contained therein, and that the Final PEIR reflects the independent judgment and analysis of the Board; AND
 - A. Adopted the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of CEQA Guidelines (Attachment C); AND
 - B. Adopted the Statement of Location and Custodian of Record (Attachment E); AND
 - C. Adopted the decision and explanation regarding recirculation of draft PEIR (Attachment F); AND
 - D. Adopted the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of CEQA Guidelines (Attachment G).
2. Selected the airport design standard, including a potential runway extension (Ref. Board Letter Recommendation 1):

Option B. B-II Enhanced Facility Now and Condition D-III Modified Standards Compliance in the Future: Same as Option A, and adding future D-III design standards conditioned on addressing the Conditional Use Permit and Runway Protection Zone requirements and returning to the Board to consider D-III design standards and a runway extension option **AND**

Runway Extension of 200 feet that allows a variance of up to 10% if needed.
3. Selected the McClellan-Palomar Airport Master Plan Update (Ref. Board Letter Recommendation 2):

Option A. Adopted the McClellan-Palomar Airport Master Plan Update based on the option selected under Board Letter Recommendation 1 related to airport design standard, including a potential runway extension, together with the actions in Item 1 above.
4. Provided direction on a sustainability plan by selecting (Ref. Board Letter Recommendation 4):

Option B. Directed staff to prepare a County Airports System Sustainability Plan with a priority on implementing sustainability measures for McClellan-Palomar Airport
5. Directed the Chief Administrative Officer to submit a letter to the Federal Aviation Administration (FAA) and work with the local congressional delegation that requests the following:
 - a. Establishment of quiet hours
 - b. If quiet hours are unable to be acquired, establish a fee structure that increases fees for aircraft flying during quite hours

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter





CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Katie Hentrich, Senior Program Manager
katie.hentrich@carlsbadca.gov, 442-339-2623
Tom Frank, Transportation Director/City Engineer
tom.frank@carlsbadca.gov, 442-339-2766

Subject: Adaptive Management Plan for the South Carlsbad Boulevard Climate Adaptation Project

Districts: 2, 3

Recommended Action

Receive a report on how a 1-mile segment of south Carlsbad Boulevard could be managed to protect people, the environment and infrastructure from the effects of anticipated sea level rise.

Executive Summary

Traffic safety and environmental sustainability are top City Council priorities. A California State Coastal Conservancy¹ grant provided the City of Carlsbad with an opportunity to advance both priorities by redesigning a section of Carlsbad Boulevard prone to flooding and vulnerable to future sea level rise. The grant was intended to demonstrate how coastal cities could move and adapt infrastructure based on the latest sea level rise modeling.

The 1-mile segment of southbound Carlsbad Boulevard addressed by the grant, between Manzano Drive and Island Way, is located within the project area of a longer-term city project from Manzano Drive to the city's southern border at La Costa Avenue. That larger project envisions moving the southbound lanes of Carlsbad Boulevard to the east and repurposing about 60 acres of coastal land for recreation, trails and other uses.

¹ The Coastal Conservancy is a state agency established in 1976 to protect and improve natural lands and waterways, help people access and enjoy the outdoors, and sustain local economies along the length of California's coast.



The grant project for the 1-mile segment included two main components:

- Road plan: A conceptual design showing how the road could be moved away from the immediate coastline, where modeling shows the sea level will rise in the next 96 years.
- Adaptive management plan: A management plan that would be used to inform how and when infrastructure should be moved eastward.

On June 20, 2023, city staff presented the City Council with three options for how the road could be reconfigured to move infrastructure away from the coast. The City Council voted to approve one of the options to proceed to the next stage of design, in compliance with the grant requirements.

At that meeting, the City Council also directed staff to return to the Beach Preservation Commission and the City Council to discuss options for the management plan. One option is to “retreat now,” meaning make all the changes all at once. The other is to use a phased approach in which changes would be made incrementally over the next 96 years, as needed.

The grant project was completed on Feb. 28, 2024. The next steps include initiating the studies needed to formulate a final scope of work and a funding strategy for the capital improvement project from Manzano Drive to Island Way to address the work with the related coastal development permit. Additionally, staff will continue to pursue related grant funding opportunities.

[Explanation & Analysis](#)

Flooding in project area

South Carlsbad Boulevard has a history of erosion and instability near Las Encinas Creek. The city has had to close this section of the roadway, including at the Las Encinas Bridge, during coastal storms, rendering this part of the coastline inaccessible. This poses a safety concern because emergency vehicles have to take a longer route to get to nearby homes and businesses and is an inconvenience to those traveling south along the coast.

In response to flooding, the city extended rock barricades twice under an emergency permit approved by the California Coastal Commission. Most recently in 2016, the city placed rock shoreline protection during periods of high surf that led to partial closure of the roadway and emergency repair work. The California Coastal Commission issued a coastal development permit on Dec. 29, 2015, which was extended to March 2024.

As a condition of the emergency permit, the Coastal Commission required the city to pursue a more permanent solution. The California Coastal Conservancy grant project provided the first step toward developing that solution.

Staff submitted an amendment request to the California Coastal Commission on March 14, 2024, for a five-year extension to pursue additional grants and studies to complete the design, permitting and construction of a lasting solution. The additional studies include a geotechnical report, biological survey, topographical analysis, refined conceptual designs, cost estimates based on the additional studies, and an options analysis including costs and benefits. This additional analysis is critical in formulating a recommended approach and final project scope of work. If the extension is not approved and the rock barrier is removed prior to the realignment of the infrastructure, this segment of Carlsbad Boulevard would likely experience heavy erosions and would need to be closed once critically damaged.

Existing policies and plans

The city has been studying and planning for future sea level rise for many years. Specifically, the South Carlsbad Boulevard Climate Adaptation Project builds on data and guidance in three documents previously approved by the City Council:

1. Sea Level Rise Vulnerability Assessment

This report, completed in 2017, identifies areas in Carlsbad on the coast and around lagoons that are most susceptible to damage from an increase in the sea level.

- The report projects potential hazards over two timeframes – through 2050 and 2100. It analyzes the relative risks and rates the vulnerability of different areas.
- The report also describes possible adaptation strategies, which are ways to help address future coastal flooding and erosion.

The project area is identified in the report as an area that may be extremely vulnerable to coastal flooding.

2. General Plan Safety Element

In January 2024, the City Council approved an update to the General Plan's Safety Element, which identifies community safety risks and establishes goals and policies to protect the public from those risks. The Safety Element sets forth several goals related to safety along the coast:

- Give priority to non-structural shoreline protection options and limit or prohibit hard shoreline protective devices (Goal 6-P.15)
- Require removal or relocation of structures away from sea level rise hazards if public health and safety risks exist, if essential services can no longer be maintained, if the structures are no longer on private property due to migration of the public trust boundary, or if the development requires new or augmented shoreline protective devices that would not otherwise be permitted (Goal 6-P.16)

3. Declaration of a climate emergency

In September 2021, the City Council declared a climate emergency, which is part of a worldwide effort to raise awareness of the impacts of climate change and instill a greater sense of urgency to address it. The declaration affirms the city's current sustainability efforts and ongoing commitment to protecting the environment stating, "any meaningful action that stands a chance of success at mitigating and adapting to the effects of climate change requires mobilization without delay."

What the grant project included

City staff completed the following work products as part of the grant project:

- A conceptual design of the realigned roadway (Exhibit 1)
- An adaptive management plan that includes a decision framework for when to move segments of south Carlsbad Boulevard based on the anticipated coastal hazards caused by sea level rise (Exhibit 2)
- A cliff erosion assessment
- A habitat restoration analysis of the Las Encinas Creek area

The cliff erosion assessment and the habitat restoration analysis helped inform the road design and management plan.

Conceptual design

City staff developed conceptual designs, which included rough layouts and traffic analysis information to show how southbound Carlsbad Boulevard from Manzano Drive to Island Way could be moved to the east. The designs were developed to meet the following goals:

- Move and protect infrastructure from hazards caused by sea level rise
- Provide a safe and efficient roadway for all modes of travel
- Promote walking, biking and other forms of active transportation
- Slow down traffic along the coastline for safety

On June 20, 2023, city staff presented three road options to the City Council for consideration.

- The City Council selected a two-vehicle lane road with roundabouts.
- This design complies with the California Complete Streets Act and local policies that were previously approved by the City Council, including the General Plan's Mobility Element, Sustainable Mobility Plan and Climate Action Plan.

Management plan

In addition to a road design that moves infrastructure away from the coast, the grant funded the development of a plan for how and when these changes could be made.

A future step will include a policy decision regarding two options presented in the adaptive management plan, either:

Retreat now

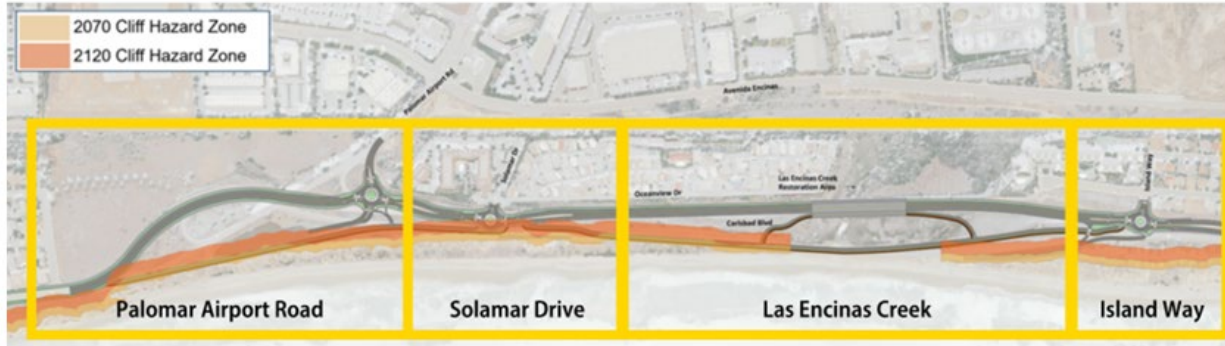
This option would move infrastructure away from the coast all at once, rather than incrementally, which could enhance the width of the beach at the Las Encinas Creek outfall segment.

Phased adaptation

The phased adaptation option would move the southbound Carlsbad Boulevard vehicle lane to the east and repurpose the old road for walking and biking paths to be used as long as it is safe to do so.

The walking and biking paths would be moved to the east as needed based on flooding, erosion and other signs of sea level rise over the next 96 years.

Project segments



The management plan splits the project area into four segments. For each segment, the plan includes:

- Types of physical events, or “triggers,” such as cliff erosion or flooding and the frequency that would signal the time to move infrastructure landward
- Lead times needed for these actions
- Observational data to collect to track the proposed triggers
- Frequency of data collection

Each segment has unique characteristics that would determine when infrastructure would need to be relocated.

Palomar Airport Road segment

The main vulnerability of concern in this segment is cliff erosion. The phased adaptation plan would narrow and eventually relocate the proposed trails over time with the goal of keeping this mobility corridor in close, but safe, distance from the ocean to maximize coastal views from the trails.

The conditions described below would trigger the need to proceed with moving infrastructure to the east.

Trigger	Action	Lead time
Pedestrian walkway 15 feet from cliff edge	Begin planning and implementation of corridor shared by bikes and pedestrians (similar to area like the Coastal Rail Trail)	3-5 years
Bikeway 15 feet from cliff edge	Begin planning and implementation of relocating the trail inland or demolish corridor and redirect bikes and pedestrians to the sidewalk and bike lane next to vehicle lane	3-7 years

Relocated bikeway 15 feet from cliff edge	Begin planning and implementation of demolishing corridor and redirect bikes and pedestrians to the sidewalk and bike lane next to vehicle lane	3-5 years
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Solamar Drive segment

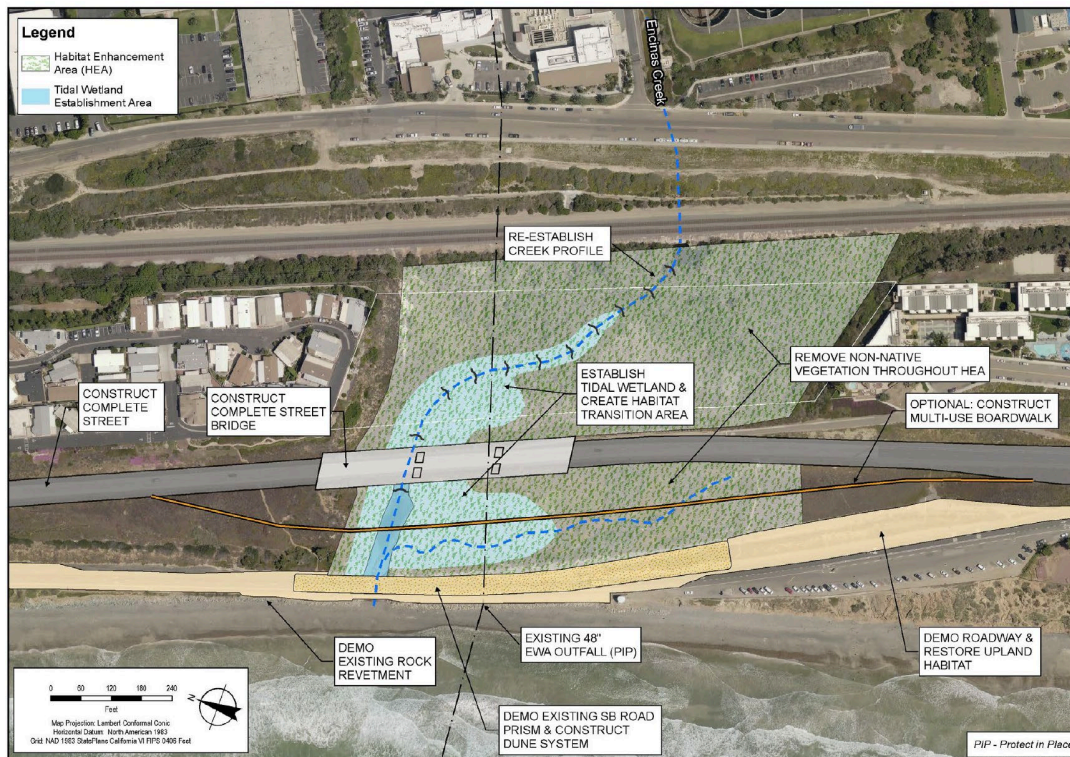
The main vulnerability of concern in the Solamar Drive segment is also cliff erosion. The phased adaptation plan would focus on utilizing the roundabout as long as feasible with options to explore increased access and stabilization (i.e. erosion control) alternatives as well as changing the roundabout to a signal to regain some space.

Trigger	Action	Lead time
Class 1 path 15 feet from cliff edge	Begin planning and implementation transitioning the roundabout to a single lane with traffic signal	5-10 years

Las Encinas Creek segment

In the Las Encinas Creek segment, flooding at the “dip in the road” at the mouth of Las Encinas Creek is the primary concern. Flooding in this portion of the segment is already affecting the roadway during coastal storms.

The image below shows what this area would look like under retreat now, once all the changes had been made, including totally removing the southbound road, as well as the rock barriers (called a “revetment”) along the beach.



- The changes would also include habitat restoration and a new bridge over Las Encinas Creek to accommodate north and southbound traffic, including walking and biking paths.
- The changes could create conditions that support the formation of an approximately 700-foot pocket beach with sand, as well as a sand dune and dune wetlands.
- The Las Encinas Creek estuary and beach would be allowed to evolve naturally and without major maintenance after the project is constructed.

A phased approach to this segment could be based on the following conditions:

Trigger	Action	Lead time
Rock revetment needs significant repair that exceeds \$5 million	Begin planning and implementation of demolishing corridor and redirecting pedestrians and bikes to sidewalk and bike lane next to vehicle lane	5-10 years
The corridor is flooded 10 times in one year	Begin planning and implementation of demolishing corridor and redirecting pedestrians and bikes to sidewalk and bike lane next to vehicle lane	5-10 years

Section 4.3.3.2 of the report includes a preliminary comparison of the phased adaptation and retreat now – make all the changes at once – options. Further analysis is needed before staff can recommend an approach on the retreat now or phased adaptation options. This analysis would include a geotechnical report, biological survey, topographical analysis, refined conceptual designs, cost estimates based on the additional studies, and an options analysis including costs and benefits.

Island Way segment

Trigger	Action	Lead time
No trigger identified since relocated infrastructure outside of the coastal hazard zone	N/A	N/A

A caveat

Carlsbad’s adaptive management plan is one of only a few plans created for coastal cities in the State of California. The best practices for creating such a management plan will likely evolve, providing additional guidance in the future.

Community Engagement

Because the grant project was technical in nature and the end product would be conceptual only, the city engaged property owners, businesses and residents in the immediate study area in a discussion about road design options.

City staff focused the adaptive management plan engagement efforts on public agencies including the California Coastal Commission, California State Parks and Encina Wastewater Authority. Comments included:

- Adding in a buffer for the cliff erosion trigger
- Using more objective metrics to monitor flooding and overtopping
- Making triggers clearer and more accountable
- Updating the adaptive pathways visuals to make them easier to understand
- Considering future financial needs related to adaptation

Staff incorporated these edits into the adaptive management plan included in Exhibit 2. Staff presented the adaptive management plan to the Beach Preservation Commission on April 2, 2024. The Beach Preservation Commission voted unanimously to recommend the retreat now option to the City Council.

Staff recommend broader public engagement to coincide with future phases of this project, if it were to move forward.

Fiscal Analysis

The total grant amount was \$533,175.

Staff submitted a request to the Coastal State Conservancy for \$200,000 in additional funding technical analyses, including geotechnical, biological and topographical studies in February 2023. The request was denied due to a lack of state funds.

Staff plan to request funds during the fiscal year 2024-25 budget development process to initiate the studies needed to formulate a final scope of work and a funding strategy for the capital improvement project from Manzano Drive to Island Way to address the work with the related coastal development permit. Additionally, staff will continue to pursue related grant funding opportunities.

Next Steps

The grant focused on a conceptual design. Completing the preliminary design and permitting for this project by 2028 is a key task in the City Council's 5-Year Strategic Plan. To meet this deadline and move this design forward to implementation, the following steps would be needed:

- Identification and securing of funding source(s)
- Procurement of design, environmental studies and options analysis including costs and benefits
- Public engagement to identify ideas, preferences and concerns related to how land could be repurposed
- Design of beach access points and other recreational areas
- Further technical studies and options analysis to support final design
- Engineering design beyond 30% through final design
- Environmental analysis, documentation and review
- Permitting
- Bidding
- Construction

Another consideration when determining next steps is the status of the larger south Carlsbad Boulevard project, which extends to La Costa Avenue. The City Council may wish to consider changes to the 1-mile segment addressed in the grant project, from Manzano Drive to Island Way, in context with the entire south Carlsbad Boulevard corridor, which extends to La Costa Avenue.

The larger coastline corridor project is currently included in the city's Capital Improvement Program, and initial community engagement has been completed. At this time, the City Council has not directed staff to proceed with the next steps, which would include preliminary design and engineering of the 3-mile corridor along with additional community engagement.

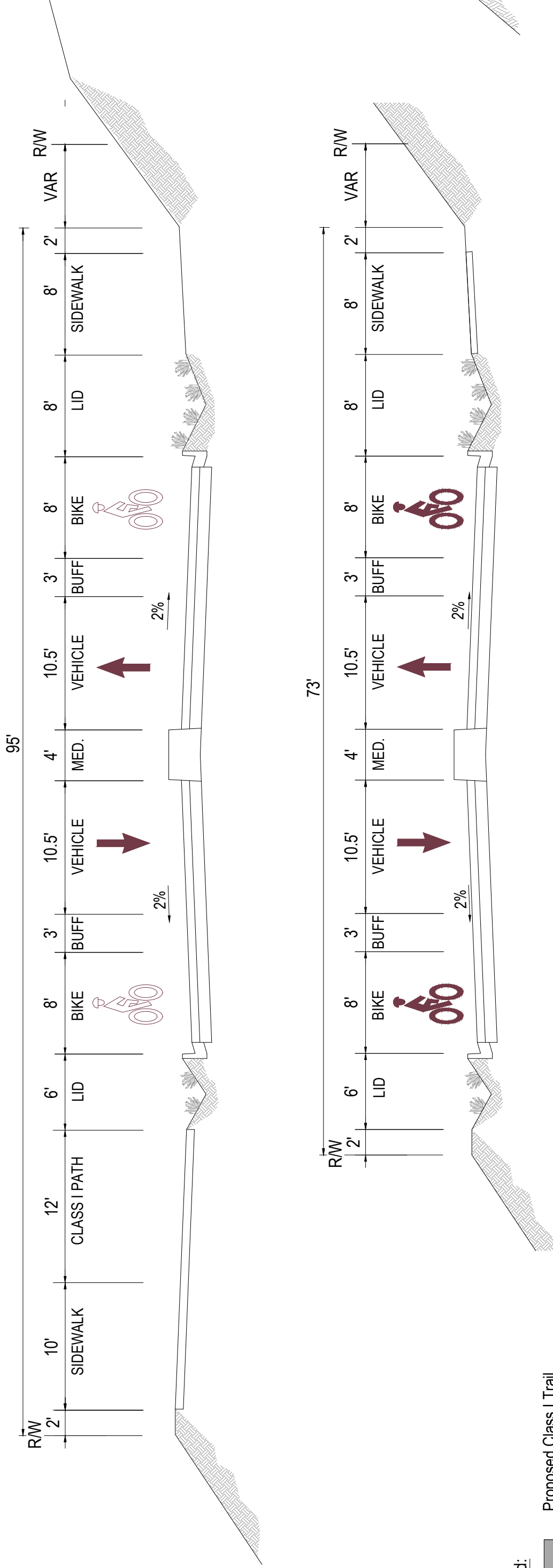
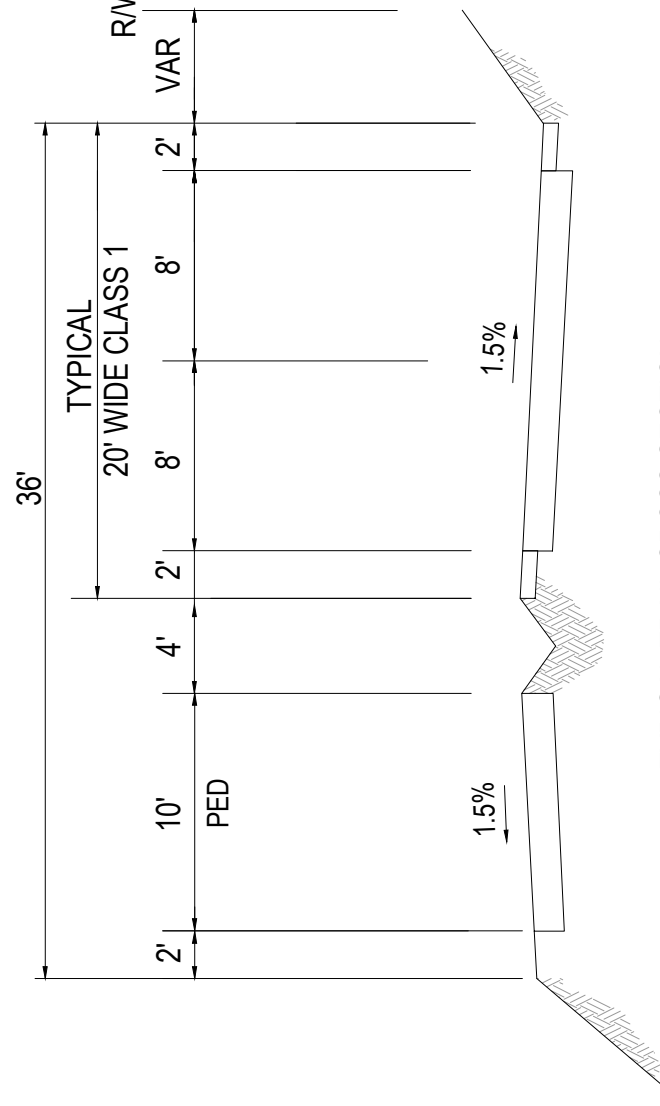
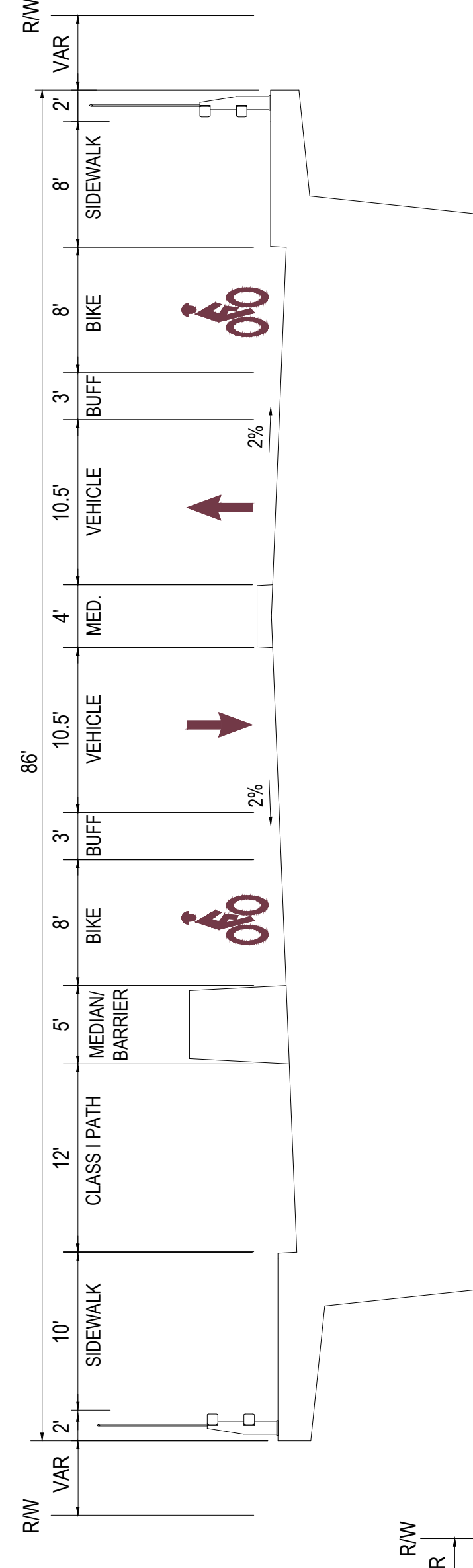
Environmental Evaluation

The California Environmental Quality Act, or CEQA, and its implementing regulations, the CEQA Guidelines, adopted by the Secretary of the California Natural Resources Agency, list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA.

The City Planner has determined that this report is statutorily exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15262 (feasibility and planning studies) and 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This organizational and administrative activity relates to results of a study to prepare an adaptation plan for a portion of a roadway segment in the city (South Carlsbad Boulevard Climate Adaptation Project). This general direction provided by the City Council does not have a legally binding effect on any possible future discretionary action. Public input received and technical information prepared during the planning process will be utilized in preparing a future environmental review document to support the South Carlsbad Boulevard Climate Adaptation Project.

Exhibits

1. Conceptual design of the two-lane road with roundabouts
2. Adaptive Management Plan



- Legend:**
- Proposed Class 1 Trail
 - Proposed Pedestrian Pathway
 - Proposed Roadway
 - Proposed Bridge
 - Coastal Hazard Zone
 - Landscape Areas
 - Property Line

Note:
 1. GHD conceptual design developed from City of Carlsbad provided topography. Roadway design components will need to be modified in future phases of the project to coincide with final surveyed topographic and parcel line information.

CITY OF CARLSBAD
ENGINEERING DEPARTMENT

CARLSBAD BLVD ROW RESILIENCY PLAN
ALTERNATIVE 2
ROUNDOABOUT ALTERNATIVE

APPROVED: _____

DATE: _____
ENGINEER OF WORK: _____

DATE: _____
OTHER APPROVAL: _____

DATE: _____
INITIAL: _____

DATE: _____
INITIAL: _____

REVISION DESCRIPTION

SHEET #

SHEETS #

PROJECT NO. **11215903**

DRAWING NO. **FIG 1**

PROJECT MANAGER _____ DATE _____

9370 Sky Park Court Suite 140
 San Diego, CA 92123 USA
 T 1 858 244 0440
 W www.ghd.com

South Carlsbad Climate Adaptation Project

Long-Term Master Plan / Adaptive Management Plan

City of Carlsbad

28 February 2024



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1. Introduction

Traffic safety and environmental sustainability are top priorities for the City of Carlsbad. A California State Coastal Conservancy grant provided the city with an opportunity to advance both priorities by redesigning a section of Carlsbad Boulevard prone to flooding and other coastal hazards. The grant is intended to demonstrate how coastal cities can move and adapt infrastructure based on the latest modeling of sea level rise (SLR).

The South Carlsbad Climate Adaptation Project seeks to move the southbound lanes of Carlsbad Boulevard from Manzano Drive to Island Way to the east and repurpose city-owned land for other public uses and environmental restoration areas. The uses for this space and the future alignment of the road are focused on building resilience into the corridor with consideration of current and projected future coastal hazards; specifically, SLR and cliff/shoreline retreat over the next 100 years.

To meet these objectives, the proposed project involves a complete street to include coastal trails, bikeways and sidewalks that provide access to the coastline and community vision spaces (Figure 1). Complete streets are streets that are safe and inviting for all users, including people of all ages and abilities, regardless of whether they are driving, biking, or walking. Additionally, the project involves the use of nature-based design techniques and achieving habitat restoration where viable and appropriate – such as within the Las Encinas Creek area.

This Long-term Master Plan / Adaptive Management Plan (plan) was prepared to inform the management of the project elements over time in what is envisioned to be a phased plan in response to future coastal hazards. The plan presents physical thresholds for management actions (such as moving infrastructure elements landward) as coastal hazards impact and make coastal spaces unsafe for the public to recreate in.

It is important to note that the project design is still in the conceptual engineering phase (30% design) at the time of this plan's development. This plan may require revision during the final engineering and environmental phase to reflect any design changes that emerge.

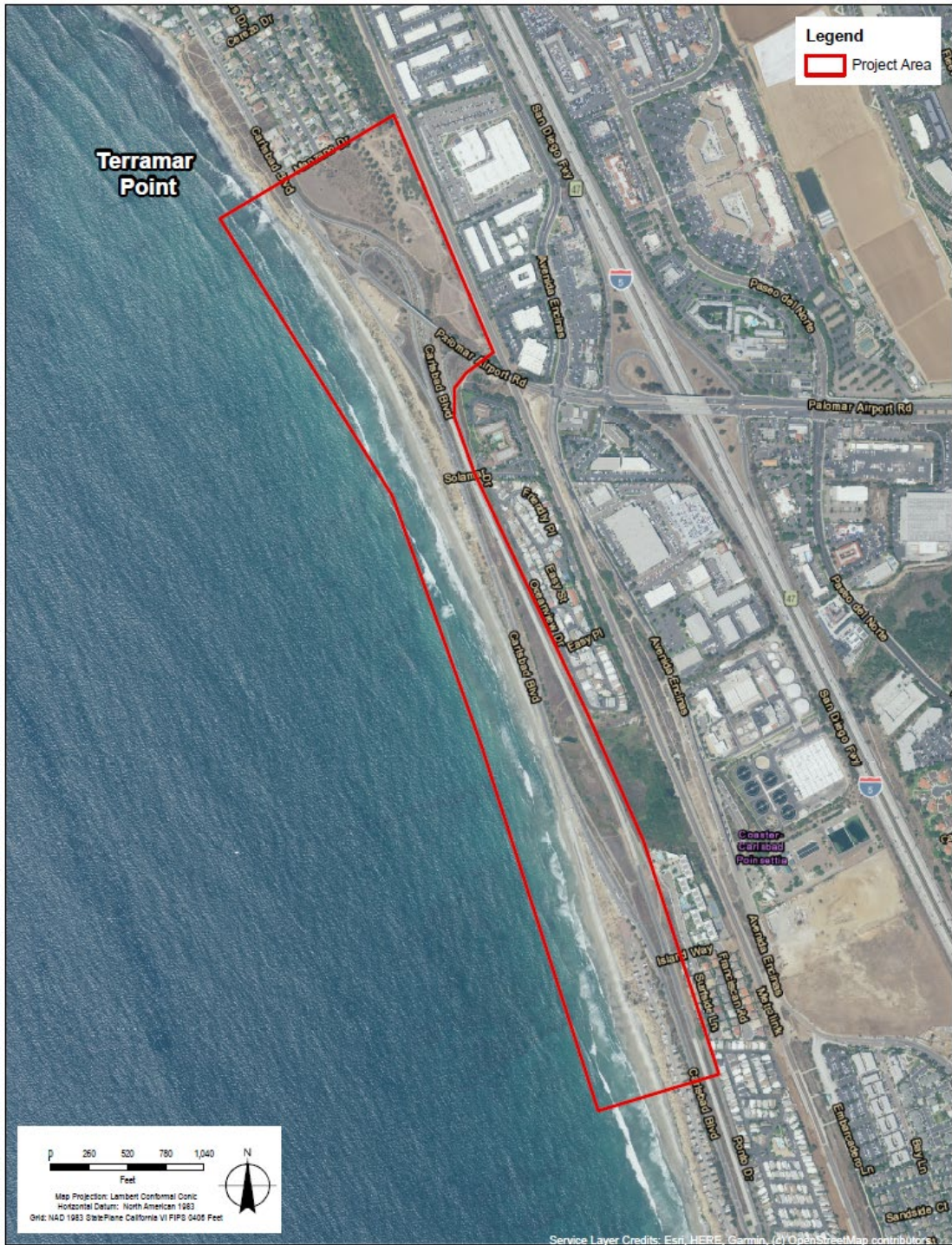


Figure 1. South Carlsbad Boulevard Climate Adaptation Project Area

2. Proposed Project

A preferred option was selected by the Carlsbad City Council on June 20, 2023, that balances the project goals of improving mobility and coastal access, while reducing the risk of infrastructure to hazards and increasing resilience to the corridor by moving infrastructure inland and out of coastal hazard zones. The primary elements of the project are to: 1) create a complete street along the existing northbound Carlsbad Blvd alignment; 2) enhance traffic circulation and safety through three roundabouts; 3) restore habitat and promote wildlife connectivity in Las Encinas Creek through construction of a 500' span bridge along new complete street; and 4) increase mobility through creation of a Class 1 bikeway facility and complete street elements on Carlsbad Blvd. The proposed project and primary components are shown in plan and section in Figures 2 through 4. Details on adaptation considerations for specific assets along the project area are further described in this report in Section 4.3.

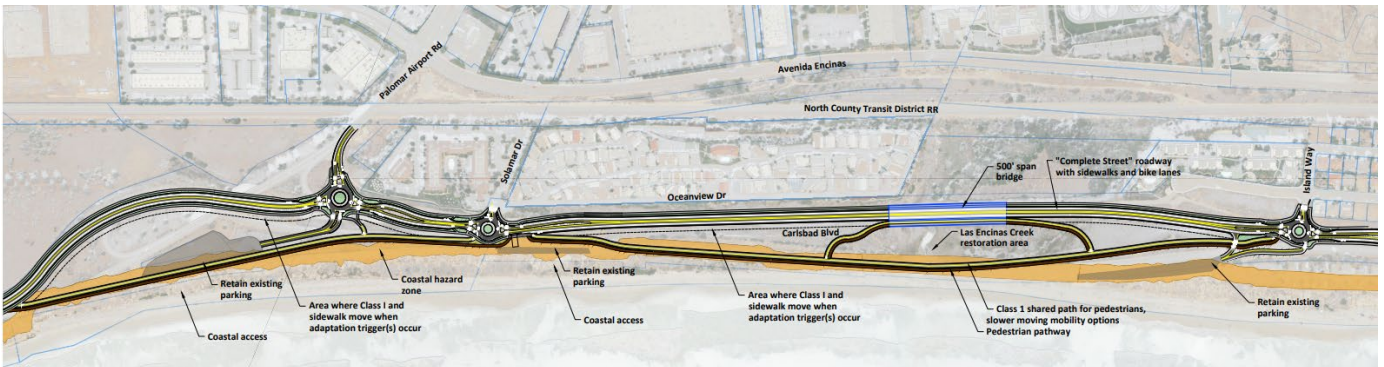


Figure 2. Preferred Project

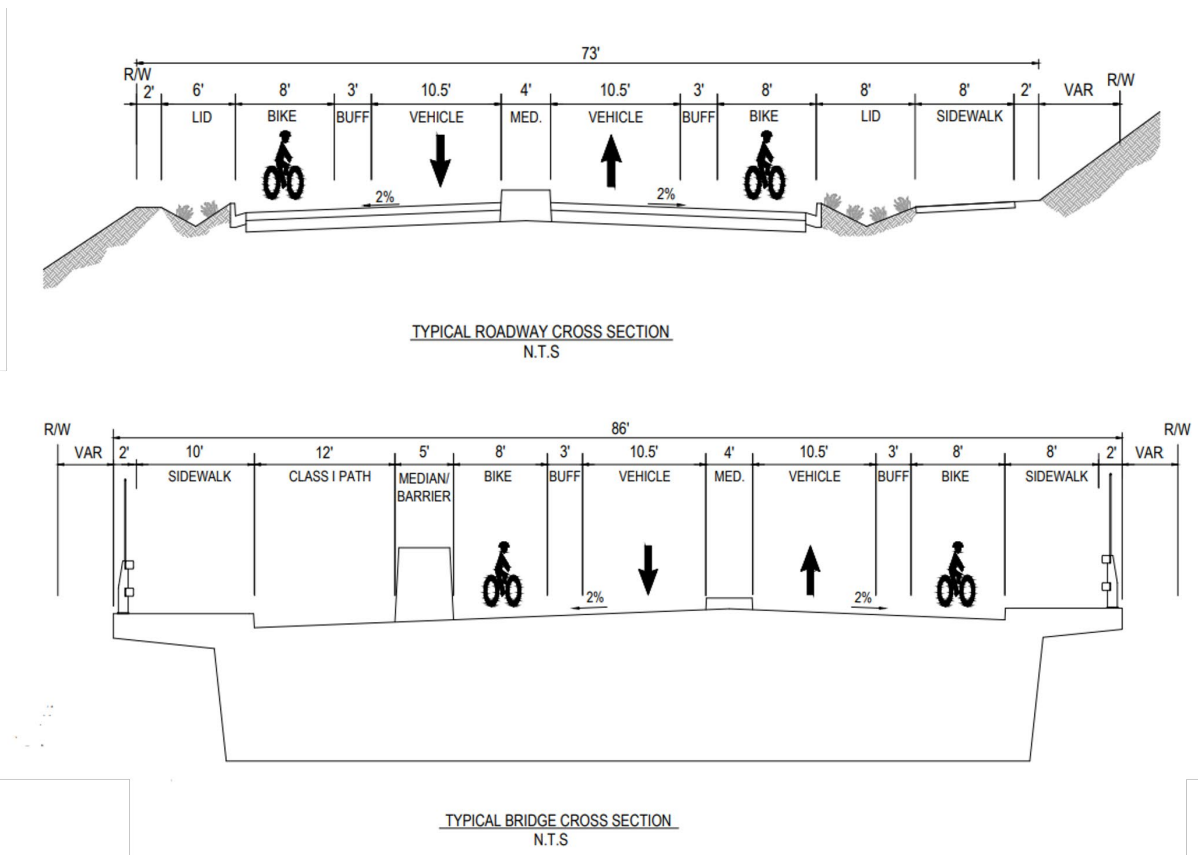


Figure 3. Typical Roadway (above) and Bridge (below) Cross Sections

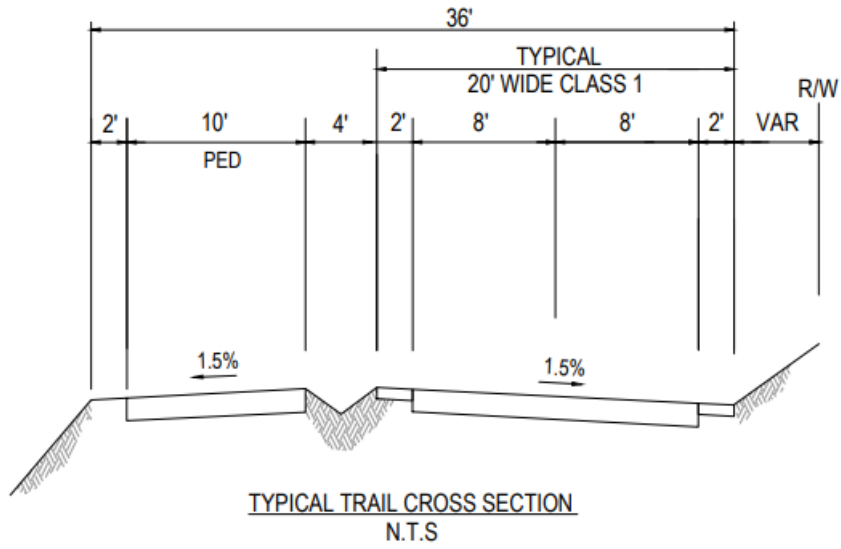


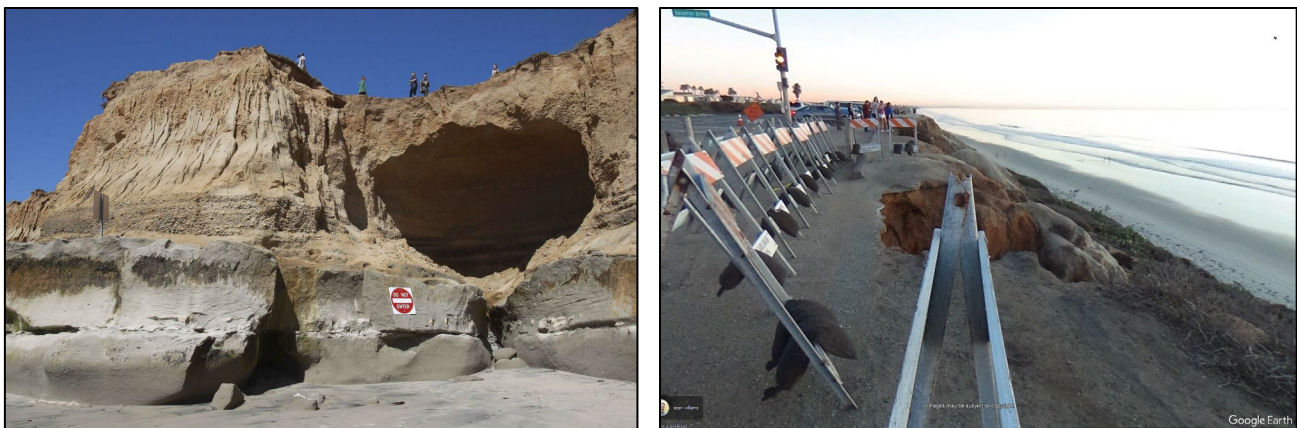
Figure 4. Typical Mobility Corridor Section

3. Coastal Hazards

Coastal flooding and cliff erosion are the primary hazards that present vulnerabilities to the project site. These coastal hazards have required temporary roadway closures and the installation of rock revetment along 1,300 LF of southbound Carlsbad Blvd. Assessment of future coastal hazards driven by climate change and SLR indicate that both flooding and erosion will increase over time, causing additional impacts to access and usability of infrastructure without the interventions proposed by the project and presented in this plan. The impacts from these hazards are the focus of the adaptive management principles identified in this plan. This report summarizes information on hazards with detailed analysis available in the Cliff Erosion Assessment Report and Coastal Hazards Memorandum.

3.1 Cliff Erosion

Currently, cliff erosion presents a significant hazard across the project area. Episodic cliff failure events have occurred within the project area which have led to substantial erosion (Photo 1). To understand the existing and projected future cliff hazards in the project area, Scripps Institution of Oceanography (SIO) conducted a study of cliff erosion. This study assessed existing conditions, developed historic retreat rates, and projected cliff positions with SLR rates consistent with the Ocean Protection Council (OPC) 2018 medium-high scenario. This effort was undertaken by using four cliff evolution models and hundreds of model runs. All four models assumed erosion is primarily driven by wave action. It is important to note that other erosive processes, such as rainfall and groundwater, were not explicitly modeled though are generally captured in the historic retreat rates used as a baseline input for the models.



*Photo 1. Cliff Erosion within the Project Area near Palomar Airport Road (left) and Solamar Drive (right)
Source: Hayne Palmour IV (left), Sean Williams (right)*

To derive retreat rates and corresponding cliff edge positions from the SIO model results, statistics (i.e., mean, median, percentiles, max/min) were calculated for each model run corresponding to the years of interest (2030, 2050, 2070, 2100). The SIO study did not extend beyond 2100, thus projections of cliff retreat were forecasted to a line of best fit to estimate year 2120. A spatial representative of these projected cliff edge positions (i.e., cliff hazard zones) was created using the average distance of each model run for the years 2070 and 2120. These results are presented graphically in Figure 5 with the statistical mean (i.e., average) projections of cliff retreat distances from the baseline cliff edge highlighted. A cliff erosion hazard zone was created from the results of the SIO study and is overlain on the project site in Figure 6.

Time Horizon	Distance from Cliff Edge Baseline (ft)
	Average
2050	22.6
2070	40.5
2100	77.5
2120*	108.1

*SIO modeling does not project past 2100, interpolation was used to derive the 2120 value

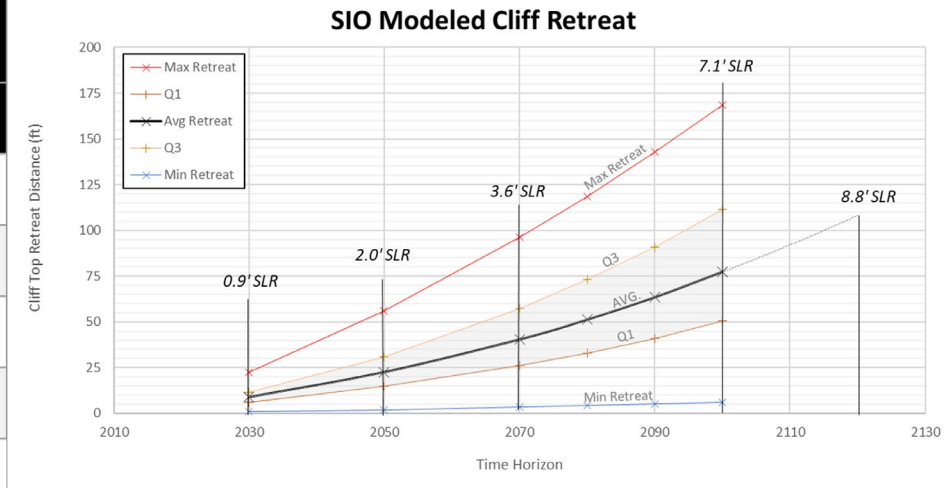


Figure 5. Modeled Average Cliff Retreat Distance in Tabular Format (left) and Graphical Format (right) (Derived from: SIO 2022)



Figure 6. Cliff Hazards in the Project Area with Sea Level Rise Projections for 2070 and 2120

3.2 Coastal Flooding

Coastal flooding is when water floods (short duration standing water) or inundates (long duration standing water) over typically dry land as a result of tides and waves. Coastal flooding of low-lying shorelines will increase in frequency and severity as sea levels rise. Coastal flooding was assessed within the project area using USGS's CoSMoS 3.0 under the year 2050 (3.3-ft SLR scenario) and the year 2100 (6.6-ft SLR scenario). Flood hazards are focused along the low-lying areas around Las Encinas Creek (Figure 7). This finding is consistent with existing conditions, as the roadway currently experiences overtopping and closures at this location during extreme waves coincident with high tide events (Photo 2).



Photo 2. Coastal Flooding within the Project Area
(source: City of Carlsbad)

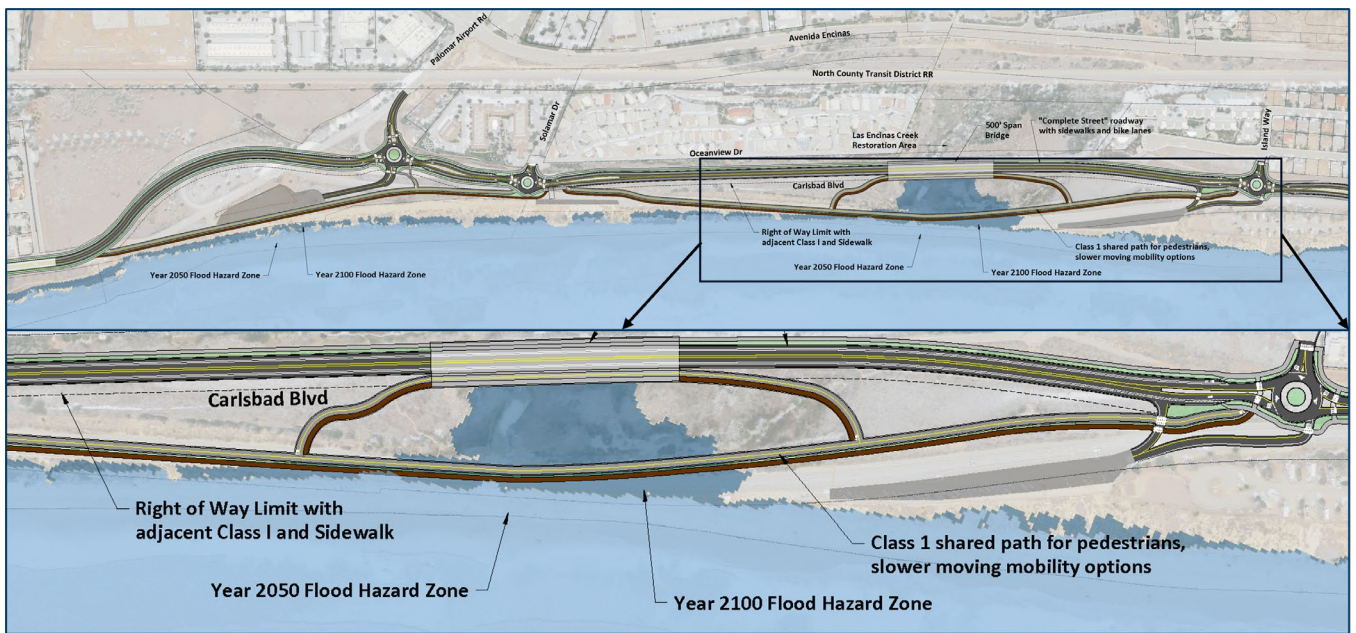


Figure 7. Coastal Flood Hazards in the Project Area – Entire Project area (top) and Las Encinas Creek (bottom) using CoSMoS 3.0 with 2050 – 3.3-ft SLR (light blue) and 2100 – 6.6-ft SLR (dark blue)

4. Adaptive Management Plan

An adaptive management approach will be used to inform project phasing over time with the overall goal of utilizing coastal spaces for public mobility and recreation until erosion or flooding make these spaces unsafe for the public to use. The Adaptive Management Plan presents adaptive pathways for each of the four project segments. These pathways outline a management and decision framework based on the coastal hazards that are anticipated to impact these areas over the next century. These pathways are comprised of monitoring thresholds for various metrics and management actions, which are described in detail in this section.

4.1 Project Segments

For the purposes of this Adaptive Management Plan, the project area was divided into four segments based on common vulnerabilities and how these infrastructure elements could be managed or adapted over time (Figure 8). These segments are described as follows:

1. Palomar Airport Road Segment - Encompasses the area from Manzano Drive to Palomar Airport Road. This segment includes the Turnarounds Parking Lot, owned by State Parks.
2. Solamar Drive Segment - Centered on the intersection of Solamar Drive and South Carlsbad Blvd. This intersection primarily serves as the main vehicular accessway for both the Solamar Community and Hilton Garden Inn. This segment also includes the City Parking Lot at Dave’s Beach and the RC Flyers Lot.
3. Las Encinas Creek Segment – Centered at the Las Encinas Creek and includes the North Ponto State Beach Day Use Parking Lot.
4. Island Way Segment - Southernmost end of the project area that encompasses an intersection at Island Way located inland from the South Carlsbad State Beach Campground.

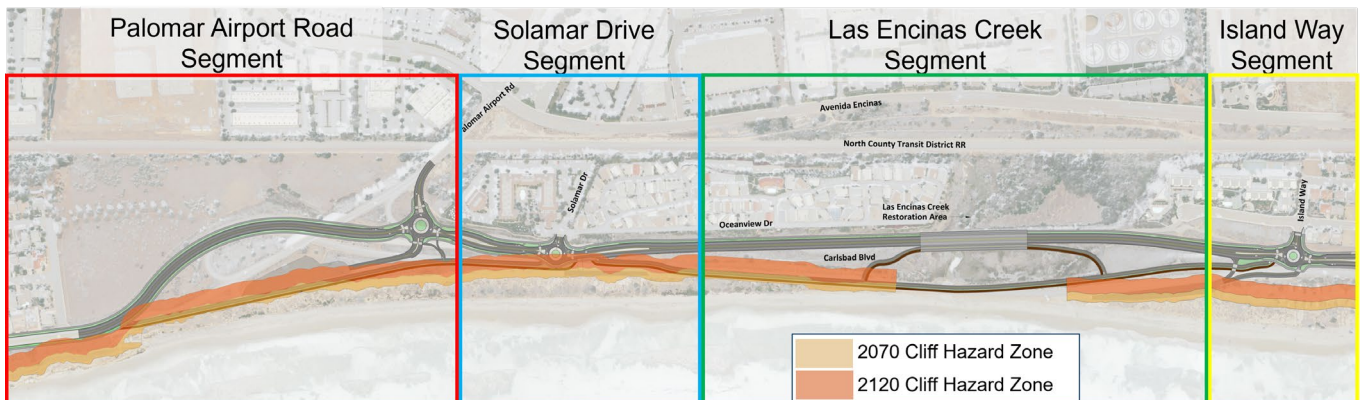


Figure 8. Adaptive Management Plan Project Segments

4.2 Selected Metrics & Thresholds

The physical metrics and thresholds that were selected to prompt management actions in the project area are tied to the vulnerabilities and public use of the site. The three selected metrics include: cliff erosion, coastal flooding, and armoring integrity. Example thresholds that would prompt adaptive management action for each of these metrics are provided below:

- Cliff erosion (e.g., cliff erodes within several feet from edge of buffer to bikeway),
- Coastal flooding (e.g., frequency of infrastructure flooding), and
- Armoring integrity (e.g., cost of maintenance and repair),

Site usability (by the public) was considered as a metric, however, to provide more objective thresholds it was not included as it was acknowledged that usability is captured indirectly across the other evaluated metrics. Further explanation of the thresholds selected for each of the metrics is provided in this section.

4.2.1 Cliff Erosion

The cliffs within the project area are vulnerable to erosion primarily as a result of waves attacking the cliff face, resulting in instability and surface runoff physically eroding the cliffs. For the purposes of evaluating metrics and setting thresholds for cliff erosion, both setback and buffer distances are being used. Cliff erosion setback refers to the distance from the top of cliff edge to a buffer. Recognizing potential safety concerns with infrastructure abutting a cliff edge, a cliff erosion buffer was applied as a threshold for management actions. Cliff erosion buffer refers to the distance from the setback to the asset (e.g., trail, roadway, etc.). These terms are illustrated schematically in Figure 9. By having the setback relate to the buffer allows additional time to plan management actions and safe use of the asset during that time.

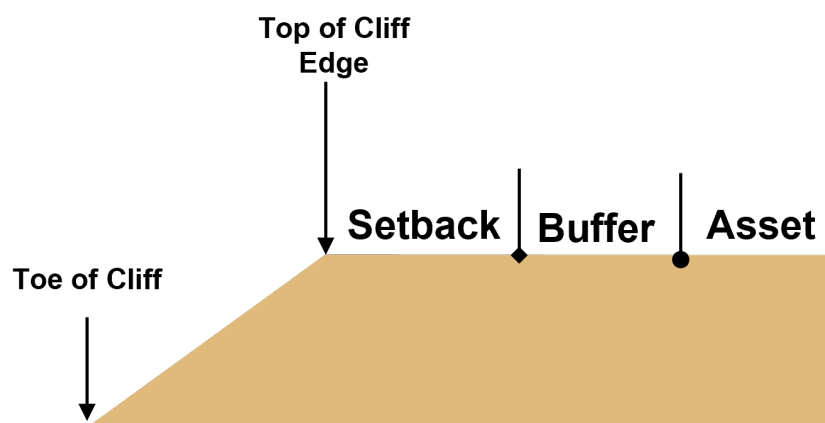


Figure 9. Diagram of Cliff Erosion Illustrating Specific Terms

The setback distance from the buffer to the top of cliff edge was selected as the most appropriate threshold for cliff erosion. To determine the appropriate setback distance threshold, the approximate lead times for the various management actions was discussed with city staff. Lead times for the relocation or realignment of proposed project infrastructure (primarily the bikeway corridor) ranged from three to 10 years across the segments. When comparing this to the localized cliff erosion projections (Figure 10) using the average cliff erosion, the 10-ft setback is projected to provide roughly 10 years of lead time between 2030 and 2090, and roughly five to seven years of lead time at the end of the century. This lines up with the expectations for planning, design, fundraising, and implementation of the management actions identified. A buffer distance of five feet was determined appropriate to allow for time and space for safe usage of the asset during lead times and allows for the uncertainties in the magnitude of future bluff failures.

10 ft Setback Increments Overlaid on SIO Modeled Cliff Retreat

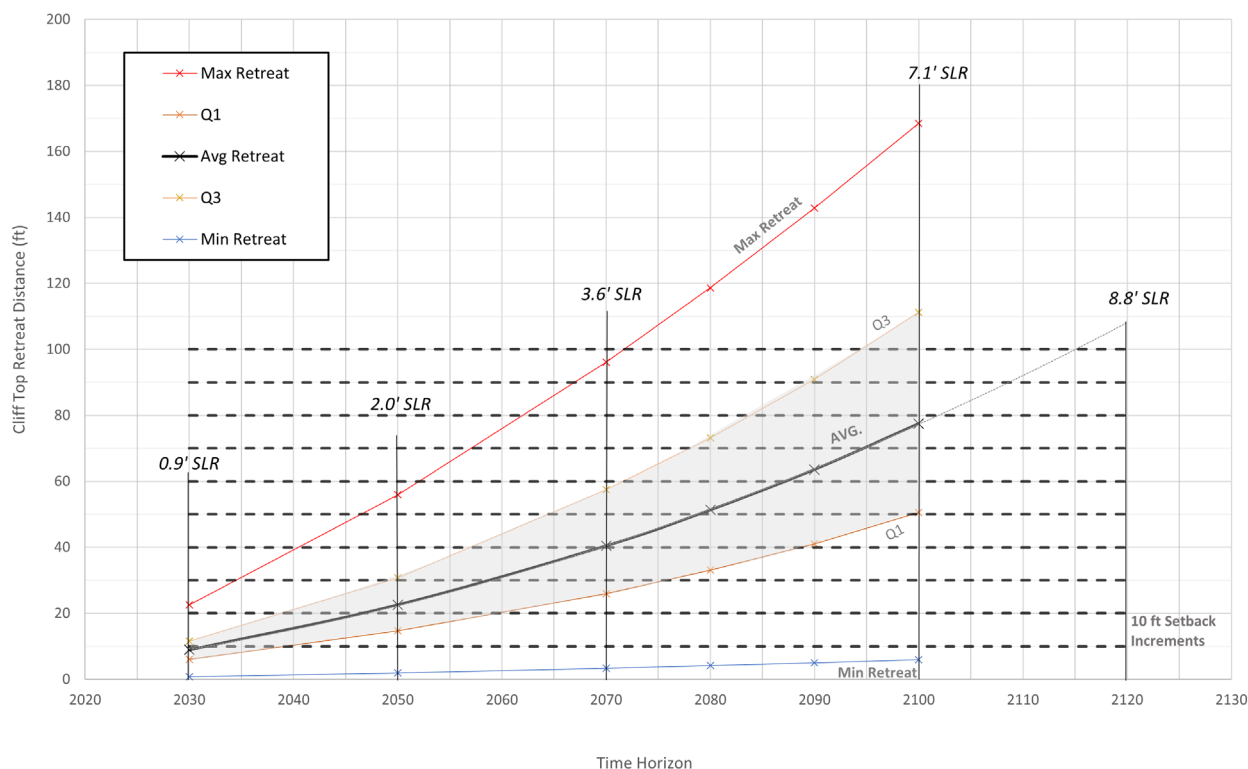


Figure 10. Increments of 10-ft Setbacks Across the SLR Projections of Cliff Top Retreat

4.2.2 Coastal Flooding

Infrastructure in the project area is vulnerable to coastal flooding as a result of the proximity to the ocean and the elevation of infrastructure in the Las Encinas Creek vicinity. Coastal flooding of public spaces is a safety hazard and can result in road closures. This metric consists of partnering with SIO to use combined tidal conditions (predictions and observations) and wave modeling outputs to determine and validate flood elevation thresholds (e.g., minor, moderate, significant) and track flooding over time. For example, some overtopping of the roadway that does not impact vehicular use could be considered minor flooding, while overtopping sufficient to close the roadway to vehicles could be considered significant flooding. The exact elevation and oceanographic conditions to define flooding thresholds will be determined and validated at a later date. This information could be added to the existing SIO website¹ and linked through a city webpage. Automated emails to city staff could be generated in anticipation of forecasted flood events. This could be supplemented with site observations captured during extreme events with a field sheet and/or photos. Based upon the current frequency of extreme flooding and overtopping observations, a flooding threshold was defined as significant flooding of infrastructure 10 times in one year (i.e., 12-month period). Once validated, this method could be used to identify and track these flooding events.

4.2.3 Armoring Integrity

Should the beach undergo significant erosion, the rock revetment currently stabilizing southbound Carlsbad Blvd will be vulnerable to damage, which could impact its effectiveness at protecting the roadway. Damage has been documented previously during the 2015-2016 El Niño event, which compromised the integrity of the roadway and required emergency repairs and road closures. The need to extend or repair a significant segment of rock revetment (i.e., 500 LF) was selected as the threshold for armoring integrity. A financial threshold was also selected alongside this that would be met if repair, maintenance, or damage to the rock revetment exceeds \$5M (2023 dollars) over two years (i.e., 24-month period).

¹ An example of this system for Imperial Beach is available here: <https://siocpg.ucsd.edu/data-products/coastal-focus-sites/ch-imperial-beach/ib-flood-forecast/>

4.3 Adaptation Pathways

This section presents the adaptive pathways for each of the four project segments. Each of the pathways presented begins with Phase 0, which is considered the constructed project as currently proposed. The pathways then propose a number of future phases (i.e., management actions) and the thresholds/triggers that would cause the city to begin planning or implementing that future project phase. Understanding that each management action takes several years to implement, appropriate lead times were incorporated into the pathways. These lead times were derived from conversations with city staff and based upon analogous projects that have been implemented in the city.

4.3.1 Palomar Airport Road Segment

The main vulnerability of concern in this segment is cliff erosion. Four potential phases have been identified in the adaptive management plan for this segment (Figure 11). The overall theme of these phases is to narrow and eventually relocate the proposed trails over time with the goal of keeping this mobility corridor in close, but safe, distance from the ocean to maximize coastal views from the trails.

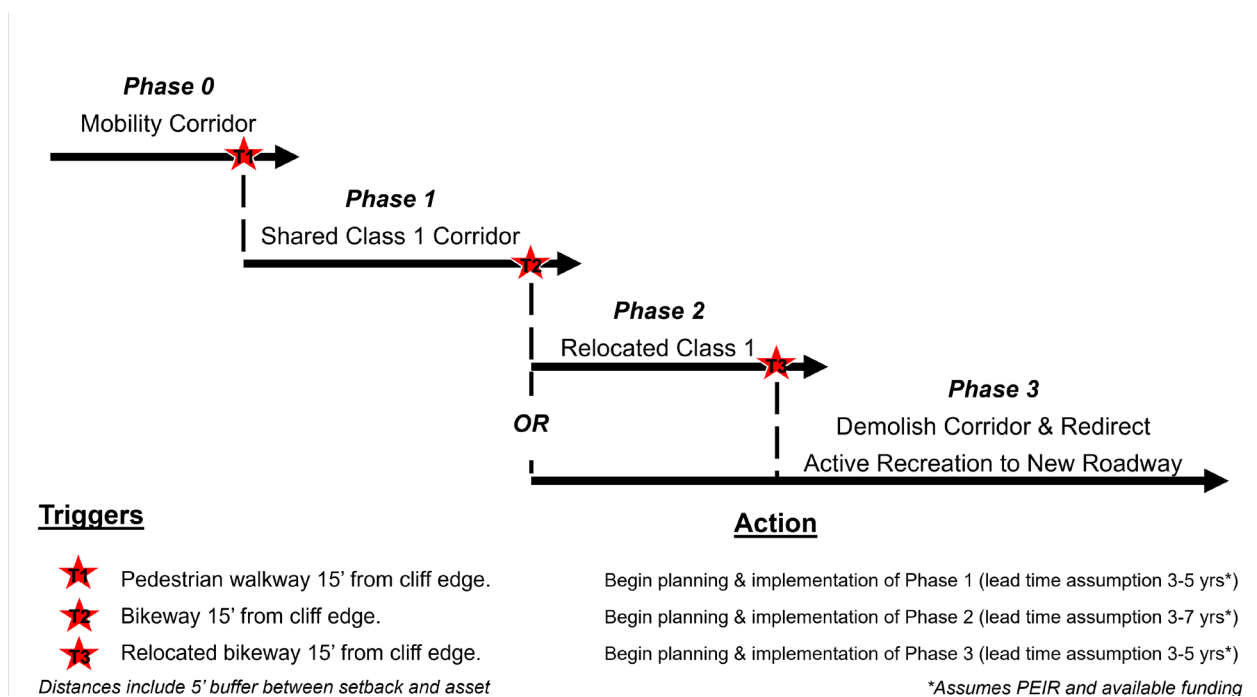


Figure 11. Adaptive Pathway for Palomar Airport Road Segment

The first line of infrastructure to be impacted by cliff erosion in the future would be the Class I pedestrian and bicycling trail in Phase 0, the as-built condition (Figure 12). The first adaptive phase is triggered once the cliff edge encroaches within 15' of the proposed pedestrian trail, which includes the 5' buffer. Phase 1 would then transition the pedestrian trail and bikeway into a shared use, Class 1 corridor (Figure 13). A combined pedestrian and bike corridor is a common configuration along the Coastal Rail Trail in North County San Diego, likely requiring a minimal learning curve for users as the pedestrians and bikes are merged into a single multi-use trail.

Palomar Airport Road Segment - Phase 0 (As-Built Condition)

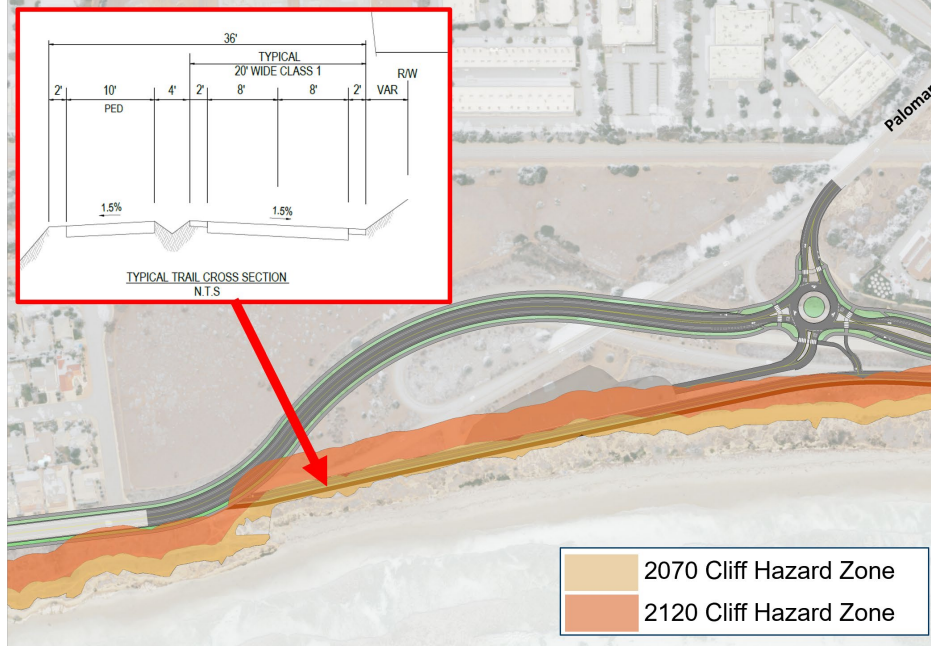


Figure 12. Phase 0 (as-built condition) of Palomar Airport Road Segment

Phase 1 (Mobility Corridor reduced to shared use Class 1 Corridor)

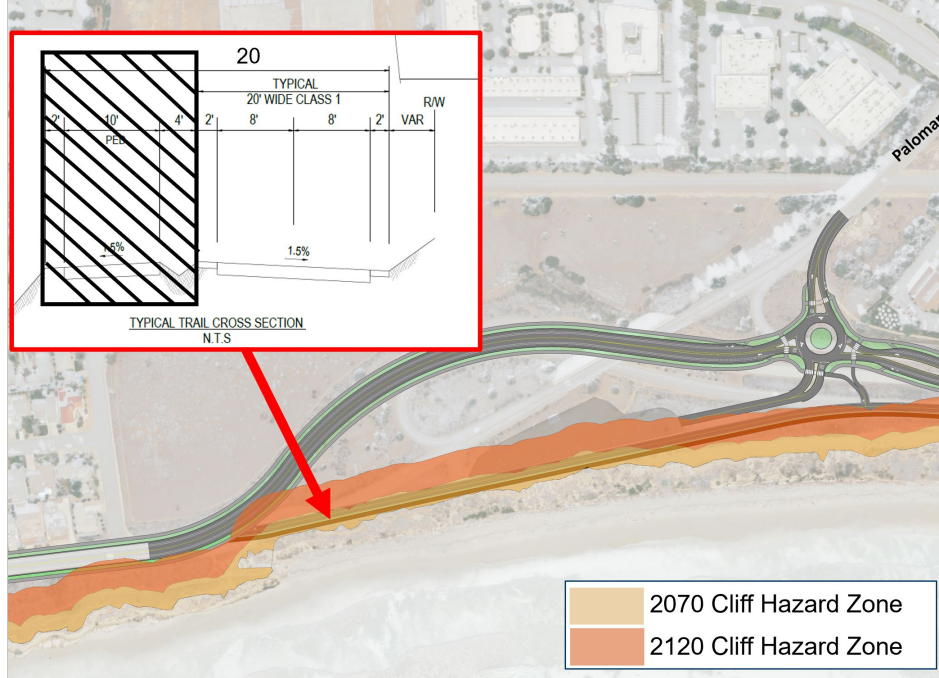


Figure 13. Palomar Airport Road Segment - Adaptive Phase 1

As the cliff top continues to erode and becomes within 15' from the shared use trail, the next phase would relocate the trail landward in incremental steps (Phase 2) (Figure 14). The relocated trails could be developed with low cost and less permanent materials, allowing for lower expenditure and increased flexibility in the modifications. As an

alternative phase to Phase 2 and/or when a trail would be infeasible, the city could decide to demolish the built trail corridor and redirect all active recreation to the proposed complete street roadway (Phase 3) (Figure 15).

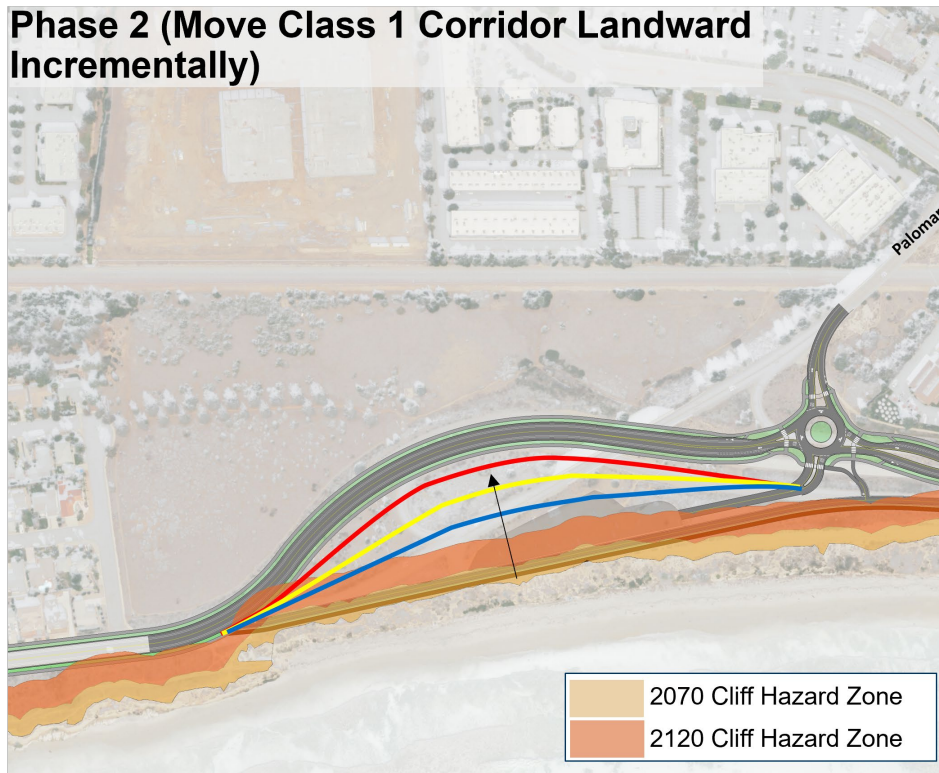


Figure 14. Palomar Airport Road Segment – Adaptive Phase 2

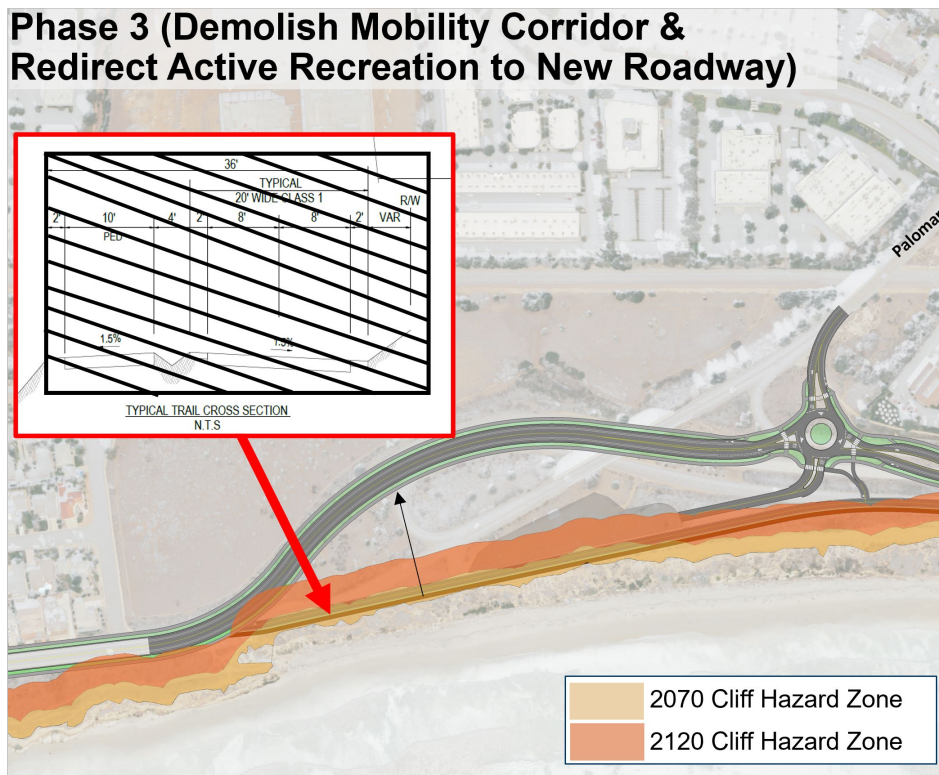
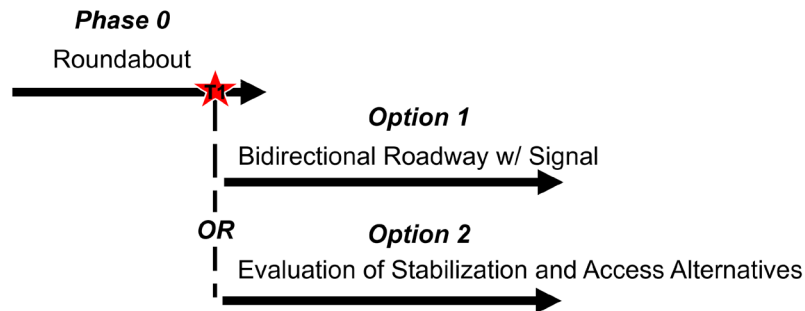


Figure 15. Palomar Airport Road Segment – Adaptive Phase 3

California State Parks owns and manages the land where informal parking occurs (commonly referred to as Turnarounds Lot). The city is actively coordinating with State Parks as part of this project; however, adaptation of the parking lot is not included in this Plan. Future phases of the project would provide more details on how the project interacts with this parking lot and how the parking lot could adapt over time.

4.3.2 Solamar Drive Segment

The main vulnerability of concern in the Solamar Drive Segment is cliff erosion. One phase with two potential options has been identified in the Adaptive Management Plan for this segment (Figure 16). The overall themes of these phases are to utilize the roundabout as long as feasible with options to explore increased access and stabilization (i.e. erosion control) alternatives as well as potentially changing the roundabout to a signal to regain some space.



Triggers

- ★ Class 1 Bikeway 15' from cliff edge. Begin planning & implementation of Phase 1 (lead time assumption 5-10 yrs*)
- Distance include 5' buffer between setback and asset* **Assumes PEIR and available funding*

Figure 16. Proposed Adaptive Pathways for Solamar Drive Segment

The first line of infrastructure to be impacted by cliff erosion in the future would be the pedestrian trail in Phase 0, the as-built condition (Figure 17). The 2070 Cliff Hazard Zone encroaches on the proposed pedestrian trail. By 2120, the Cliff Hazard Zone is projected to encroach to the middle of the proposed roundabout (Figure 17).

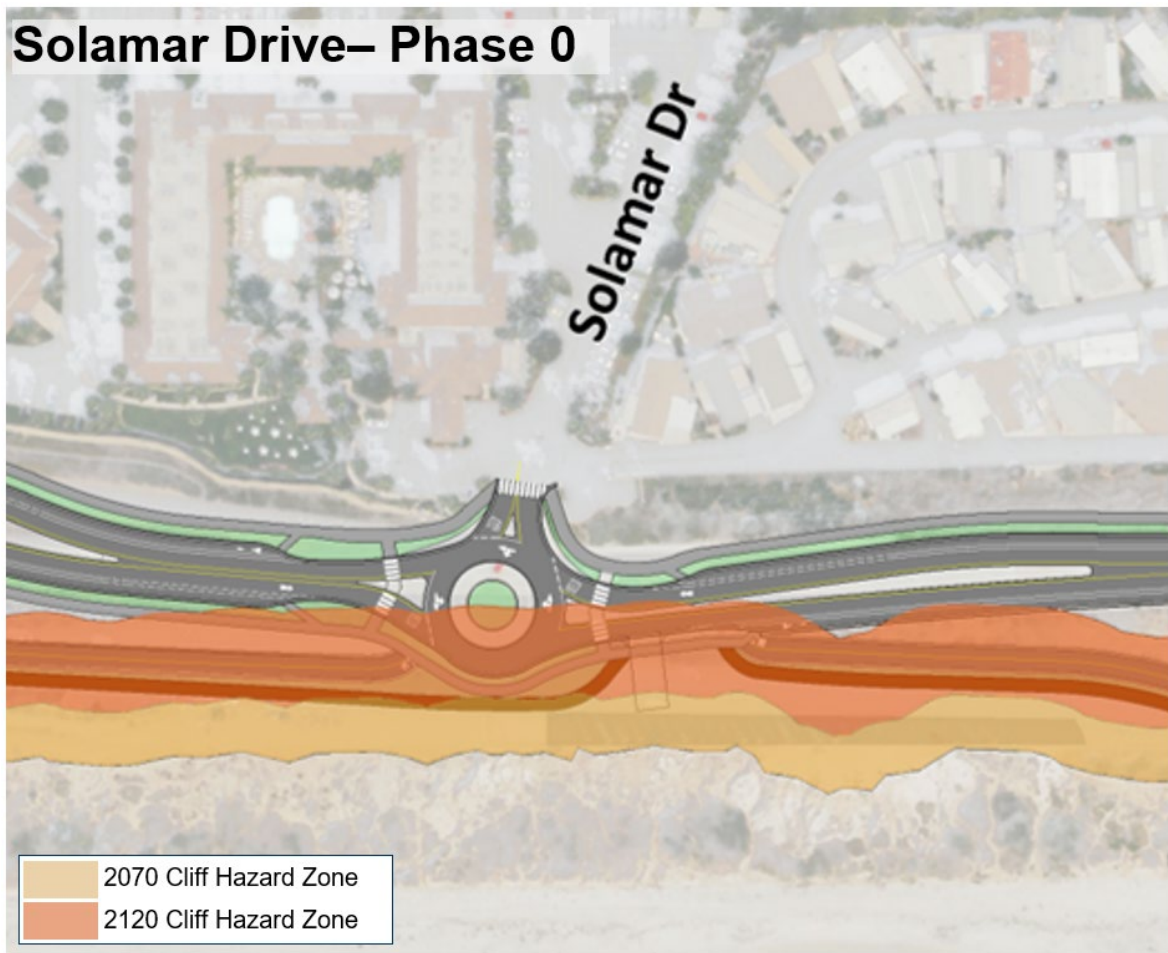


Figure 17. Phase 0 (as-built condition) of Solamar Drive Segment

Phase 0 (as-built) positions infrastructure as landward as possible to achieve the project goals. As the cliff erodes and encroaches on the roundabout, two options are available that would address the functionality and usability of the intersection and coastal resources. Option 1 would involve the planning and implementation of transitioning the roundabout to a signalized intersection that requires less space (Figure 18). Concurrently or independently to Option 1, Option 2 would explore cliff stabilization and erosion control techniques coordinated with a new formalized vertical access point to achieve multiple benefits at this location. For example, a wooden staircase, similar to nearby accessways, that blends into the coastal cliff landscape could be feasible at this location. An example of a nearby formalized cliff access point that could inform Option 2 is provided in Figure 19. This accessway would relieve the need for multiple desire paths that currently exist along the cliff face where beachgoers and surfers traverse down the cliff to reach the shore. A multi-benefit solution exists to provide cliff stabilization and erosion protection at the landing of this accessway on the beach. The erosion protection would be designed to the minimum necessary footprint and the accessway designed to allow safe and appropriate width access to the beach while increasing the stability of the cliff fronting the roundabout at Solamar Drive. Both Option 1 and Option 2 could be pursued once the cliff erodes within a distance of 15' from the vehicle lane which includes a 5' buffer.

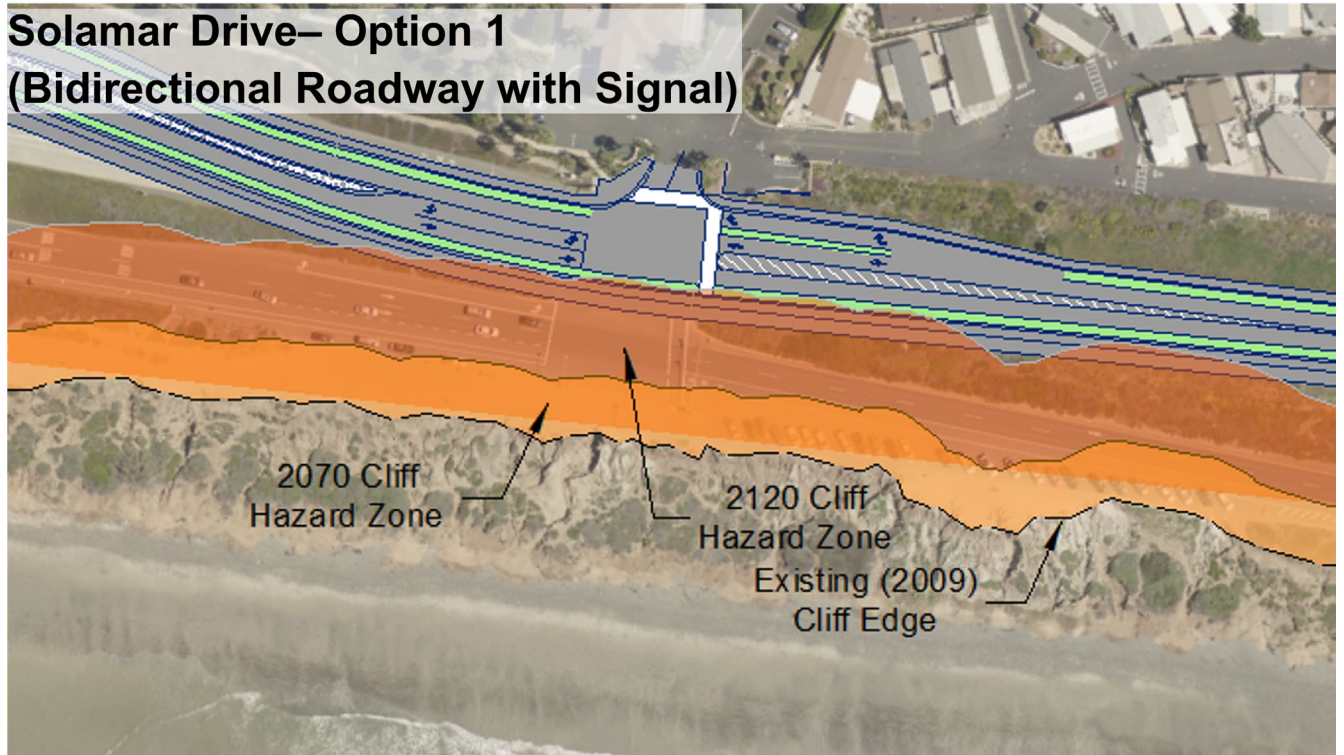


Figure 18. Solamar Drive Segment – Option 1



Figure 19. Current Intersection at Solamar Drive and Informal Beach Accessways (left) Compared with a Nearby Example of a Formalized Staircase at South Carlsbad State Beach (right) as an example to inform Option 2.

Source: Copyright © 2002-2019 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.californiacoastline.org

4.3.3 Las Encinas Creek Segment

The vulnerabilities in the Las Encinas Creek segment are cliff erosion and coastal flooding, with coastal flooding within the “dip in the road” along southbound Carlsbad Blvd at the mouth of Las Encinas Creek being the primary concern (Figure 20). Both of these vulnerabilities can be seen in present day as the cliffs have been protected by a rock revetment and the road periodically floods when waves overtop this structure.

Two different project options have been identified in this segment for how and when infrastructure is adapted each with different levels of hazard exposure. These options, called 1) Phased Adaptation and 2) Retreat Now, result in differing adaptation pathways. The Retreat Now option builds the project segment to the ultimate 2120 condition immediately, while the Phased Adaptation option repurposes the coastal infrastructure by creating a mobility corridor upon it in the as-built or Phase 0 of the project, to be used for as long as it is safe for the public. These options present key project decisions to be made by the City Council with input from the community and other affected stakeholders, and, ultimately, come down to how they would like to use these spaces now and in the future and what funding sources could be identified for improvements.

The Encina Wastewater Authority (EWA) provides wastewater treatment services to more than 379,000 residents in northwestern San Diego County with a facility located inland of the project area. The EWA has an existing ocean outfall that extends roughly 1.5 miles offshore to a water depth of 150ft. The outfall pipeline intersects southbound South Carlsbad Blvd approximately 200ft south from the centerline of the Las Encina Creek bridge (see callout for existing 48” EWA outfall in Figures 21 and 22). As-builts indicate that the pipeline is approximately 5ft below the current grade of the roadway. All adaptation options for the roadway will need to account for the protection of the existing EWA outfall pipeline. Further coordination with EWA will be needed during the next phase of this project (i.e., final engineering) to refine protection or accommodation options. as this infrastructure is outside of the City’s sole jurisdictional authority.

The two adaptation options being considered for the Las Encinas Creek Segment are further described below:

- **Phased Adaptation:** This would either leave in place or partially remove the southbound Carlsbad Blvd infrastructure for interim passive or active recreational uses until coastal hazards overwhelm the repurposed space. Once one of the identified triggers is met, the southbound roadway would be demolished, and recreational uses would shift to either the new complete street corridor or a new Class 1 boardwalk, depending on the identified trigger. Major infrastructure elements (e.g., the complete street roadway) would be constructed at its ultimate location while other temporary/movable, low-cost project features would provide amenities in the interim in spaces currently identified as being vulnerable to projected coastal hazards. The existing rock revetment will persist to support the use of the newly created space on the southbound roadway. Phased Adaptation is shown graphically in Figure 21.
- **Retreat Now:** This option refers to the naturalization of the southbound roadway area by removing infrastructure within the 2100 projected Coastal Hazard Zone and restoring the La Encinas Creek estuary system. More specifically, this alternative seeks to establish a more natural cross-shore gradient promoting morphological processes that support the formation and resilience of a coastal pocket beach, dune, and dune-slack wetlands. The Las Encinas Creek estuary and beach would be allowed to evolve naturally and without major maintenance after the project is constructed. The infrastructure to be removed includes the existing southbound Carlsbad Boulevard bridge structure, 1,300 LF of rock revetment, and the existing roadway surface (i.e., asphalt) and fill prism (i.e., compacted dirt used to form the roadbed). The goal would be to reuse rock from the deconstructed revetment in other areas of the larger project that may require stabilization material (e.g. bridge abutments or EWA outfall protection). The Retreat Now option is shown graphically in Figure 22.

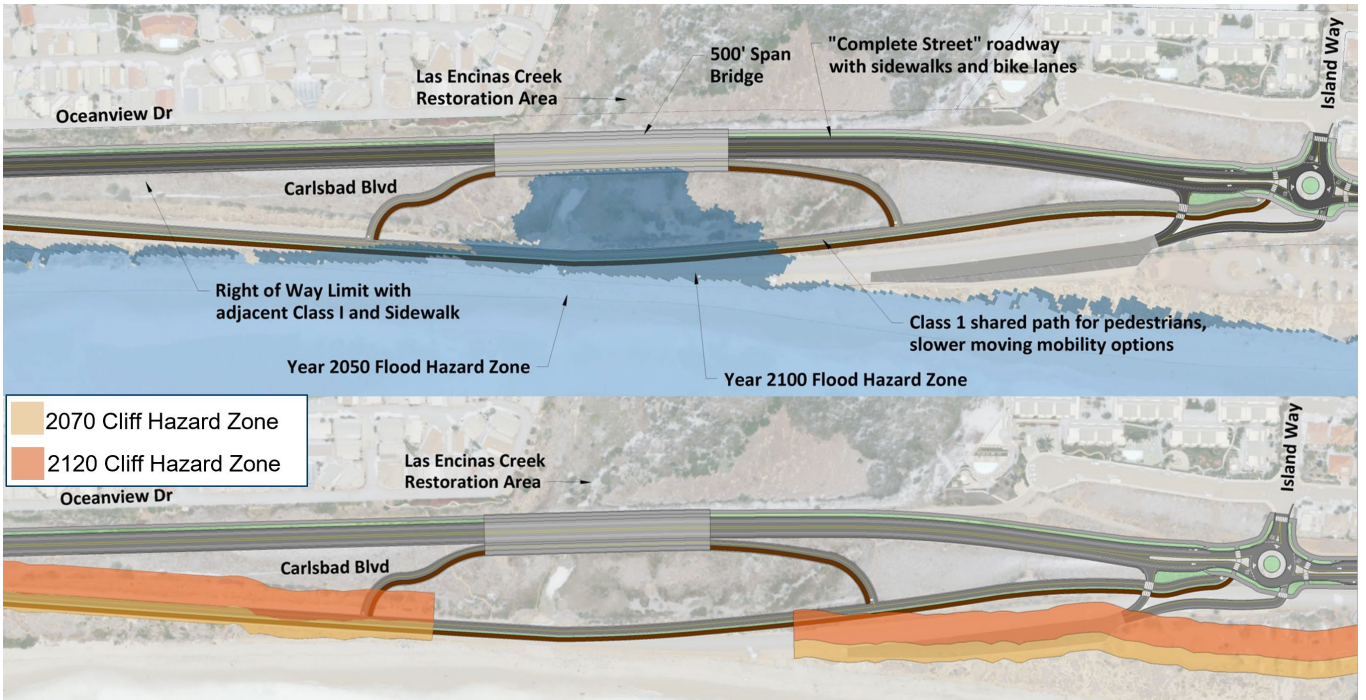


Figure 20. Phase 0 in the Las Encinas Segment overlaid with flood (top) and cliff erosion (bottom) hazards.

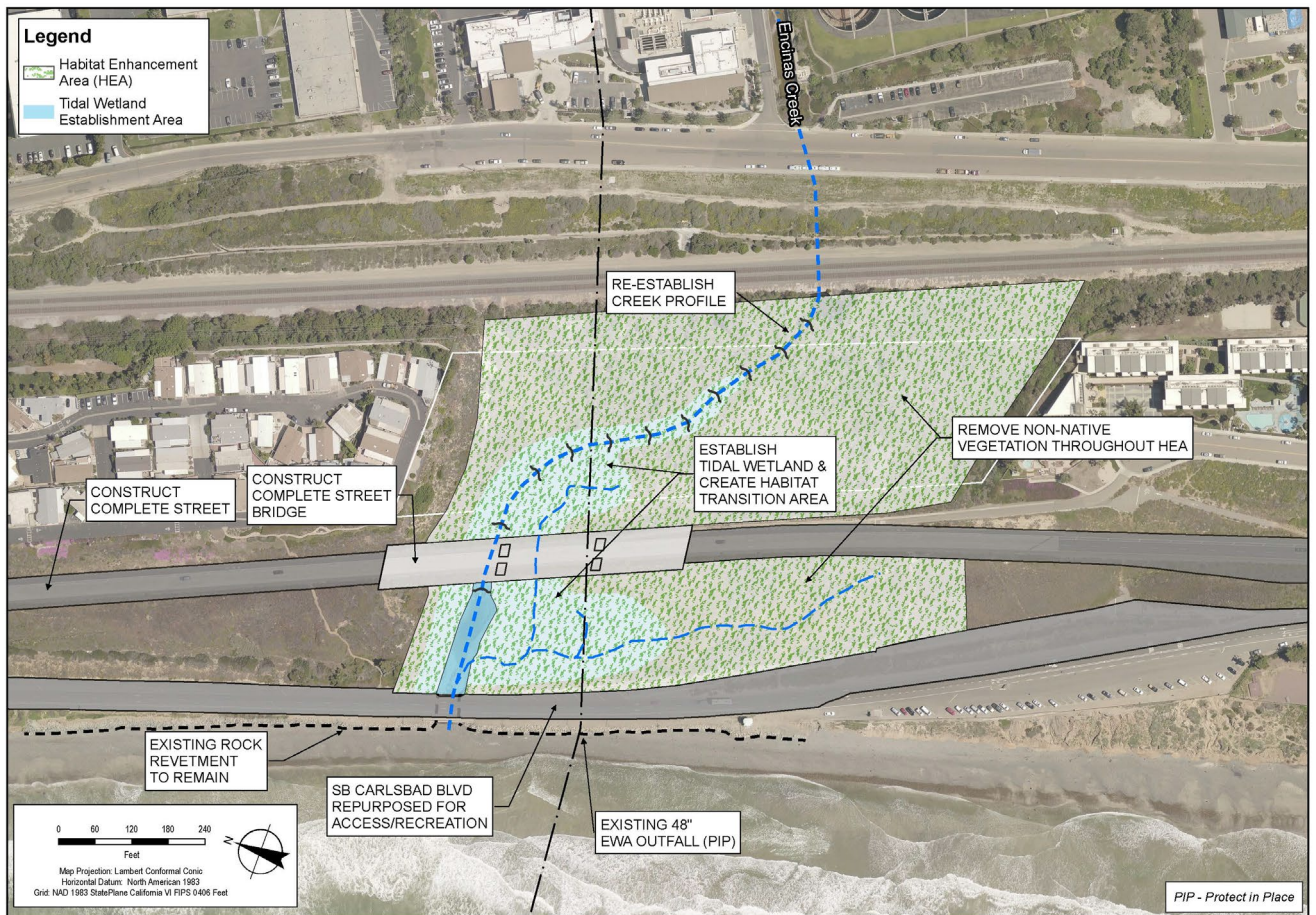


Figure 21. Phase 0 (as-built conditions) for the Phased Retreat Alternative

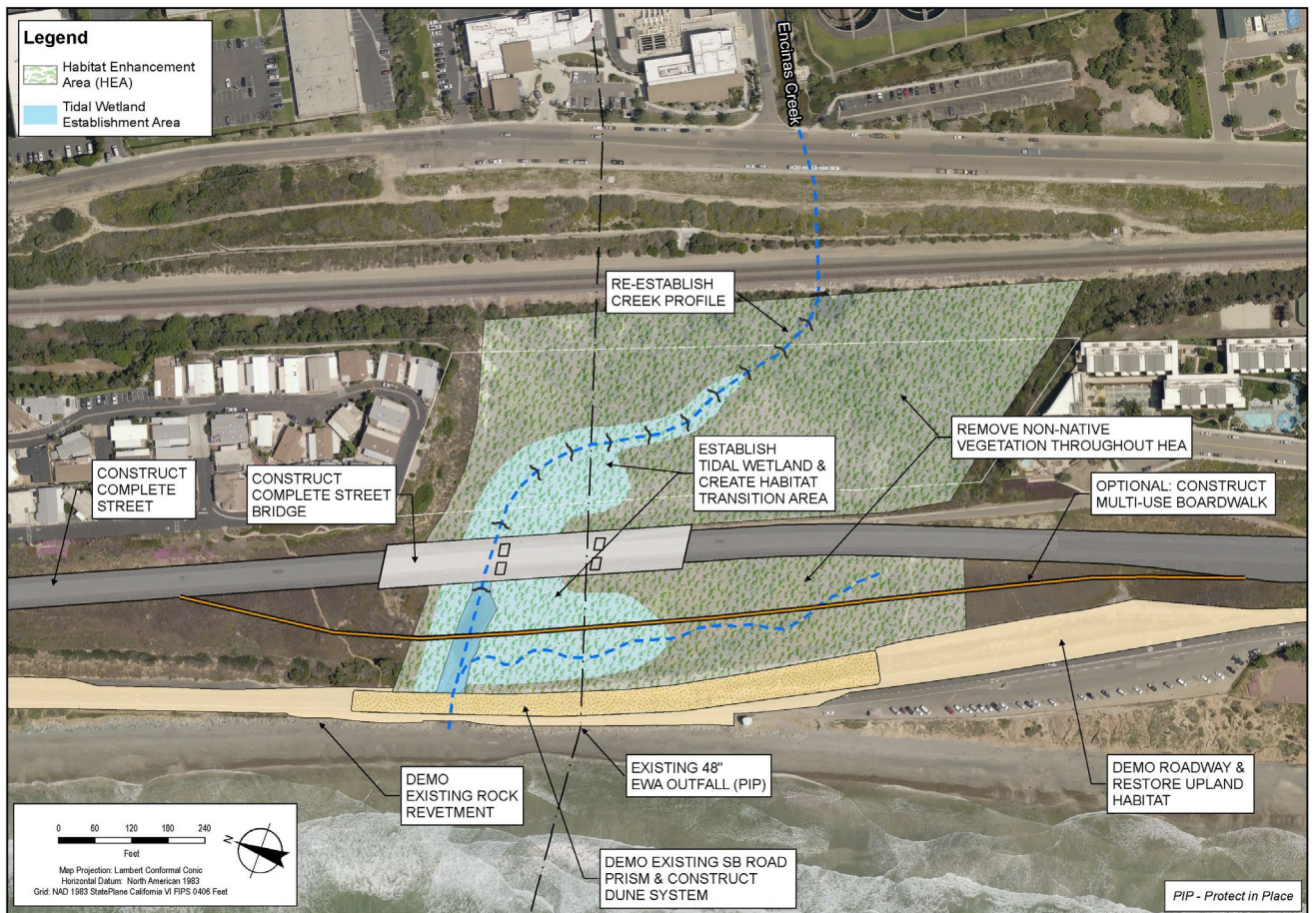
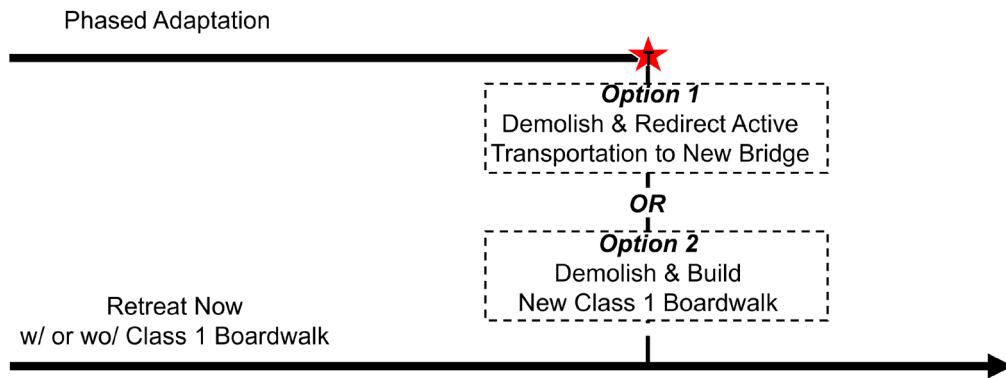


Figure 22. Phase 0 (as-built conditions) for the Retreat Now Alternative

4.3.3.1 Adaptive Pathways

Key themes around adaptive pathways for this segment hinge on which option is pursued in this segment (Phased Adaptation or Retreat Now). Since the Retreat Now option is built to a year 2120 resilient location, an adaptive pathway was not developed for that option. The proposed adaptive pathway for the Phased Adaptation option is shown in Figure 23. As shown, two triggers were identified that would signal the need to begin planning and implementation of the removal of the southbound roadway and shifting active transportation users to a new boardwalk or the complete street roadway and bridge. Triggers identified include rock revetment armoring integrity, and flood frequency. A lead time of five to 10 years was identified as sufficient time to plan and implement this management action, assuming the action is included in a programmatic environmental document (assumed PEIR) and funding exists.



Triggers

- ★ Armoring Integrity: Rock revetment repair & maintenance – need to extend or repair a significant segment of rock revetment (500 LF). Repair or damage exceeds \$5M (2023 dollars).
- ★ Flood Frequency: Significant overtopping of rock revetment and flooding of Mobility Corridor 10 times in one year (i.e., 12 month period).

Action

Begin planning & implementation of Option 1 or 2 (lead time assumption 5-10 yrs*)

**Assumes PEIR and available funding*

Figure 23. Adaptive Pathways for Las Encinas Creek Segment

4.3.3.2 Trade-offs between Phased Adaptation and Retreat Now Options

The options of Phased Adaptation and Retreat Now each have unique advantages, disadvantages, and trade-offs that warrant evaluation. Table 1 summarizes these to aid in the decision-making process.

Table 1. Summary of Key Advantages, Disadvantages and Trade-offs between the Phased Adaptation and Retreat Now Options

Category	Phased Adaptation	Retreat Now
Permitting and Construction: <i>Can all elements of the design be implemented at once?</i>	No. This option would occur in phases. Construction, disruption to traffic flows, and permitting would need to occur one or more times once a trigger is met.	Yes. This option would perform all actions at one time, not requiring any additional permitting or construction.
Financial: <i>What are the differences in costs between the two options (qualitatively)?</i>	<p>This option may be less expensive in the short-term because it would repurpose the existing southbound roadbed into a mobility corridor. Thus, the project would not require the demolition of the bridge, rock revetment or roadway.</p> <p>This option may have more expensive construction costs over a 20-50 year period because it results in more planning and construction activities spread out over time. Factors to consider include mobilization/demobilization, pulling construction permits (e.g., traffic control, etc.), escalation of material and labor costs, increase in construction costs, and scarcity of future funding. By waiting until impacts are realized, addressing all future adaptation needs and costs could vary greatly, likely being much higher than addressing components all at once.</p> <p>Additionally, this option does not take full advantage of the current availability of state and federal grants to support projects of this type. The availability of these funding sources for future phases of the project is unknown.</p>	<p>Higher costs to construct because it includes the demolition costs of the bridge, rock revetment and roadway. This option would need to protect the existing EWA outfall, likely with rock reused from onsite materials (deconstructed revetment), which adds additional cost in the short-term.</p> <p>This option may be less expensive over a 20-50 year period because it would construct everything at once in today's dollars (i.e., reduced escalation).</p> <p>Additionally, this option could take advantage of ample state and federal funding that exists for coastal resilience projects today. This funding is forecasted to be available at least over the next 5 years, which could support implementation costs.</p>
Coastal Hazards & Public Safety: <i>Would the option provide public protection from existing and projected future coastal hazards?</i>	Yes. This option would repurpose the roadway for recreational uses until it becomes unsafe to use for this purpose. The existing rock revetment would remain in place to protect the roadway from erosion. Triggers described within this plan identify when the space needs to be abandoned.	Yes. This option would relocate public infrastructure out of the Coastal Hazard Zone for the next 100 years. Recreational uses of the abandoned space would be protected through nature-based design techniques (e.g., cobble-sand dune system).
Sandy Beach: <i>Will the alternative sustain a dry, sandy beach in the study area?</i>	No. The existing beach is narrow. It is anticipated that with 1.7' of SLR, the existing narrow beach within the Las Encinas Creek study area will be completely eroded/inundated, assuming no other management actions occur.	Yes. This option is anticipated to result in a localized increase in beach area immediately through removal of the roadway. Preliminary modeling suggests this pocket beach may sustain through 6.6' of SLR as the beach and created dune are allowed to transgress landward.
Access: <i>What are the differences in public access and use between the two options?</i>	<p>This option provides active transportation along the southbound roadway, closer to the coast and similar to current conditions. Until triggers are met and the space needs to be abandoned, access would feel safer and likely more welcoming given the elimination of vehicular traffic.</p> <p>Recreational opportunities along the beach would remain constrained due to increasingly narrow beach widths as sea levels rise.</p>	<p>Active transportation uses would be focused along the enhanced roadway, which would be located further from the coast and elevated, a changed user experience from present day.</p> <p>The removal of the southbound roadway would enhance existing, and create new, recreational opportunities from the additional beach space.</p>
Habitat Restoration: <i>How would these options benefit the restoration of Las Encinas Creek?</i>	The southbound roadway area will be restored to coastal strand once the trigger is met. The area to be restored and viability of the habitat may be lower than if the habitat was built initially due to elevated water levels and more frequent wave attack.	This option restores the southbound roadway to coastal strand habitat immediately. The coastal strand habitat has more space and time to establish prior to increased water levels and wave attack, making it a more resilient system.

4.3.4 Island Way Segment

The main vulnerability of concern in the Island Way Segment is cliff erosion. The first line of infrastructure to be impacted by cliff erosion in the future would be the South Carlsbad State Parks Campground day use lot and overnight areas (Figure 24). Given that the proposed roadway is inland of these campground facilities and significantly inland from the cliff edge, an adaptive pathway was not developed for this segment. Instead, it is recommended that the city continues to coordinate with State Parks regarding their plans to adapt these facilities.

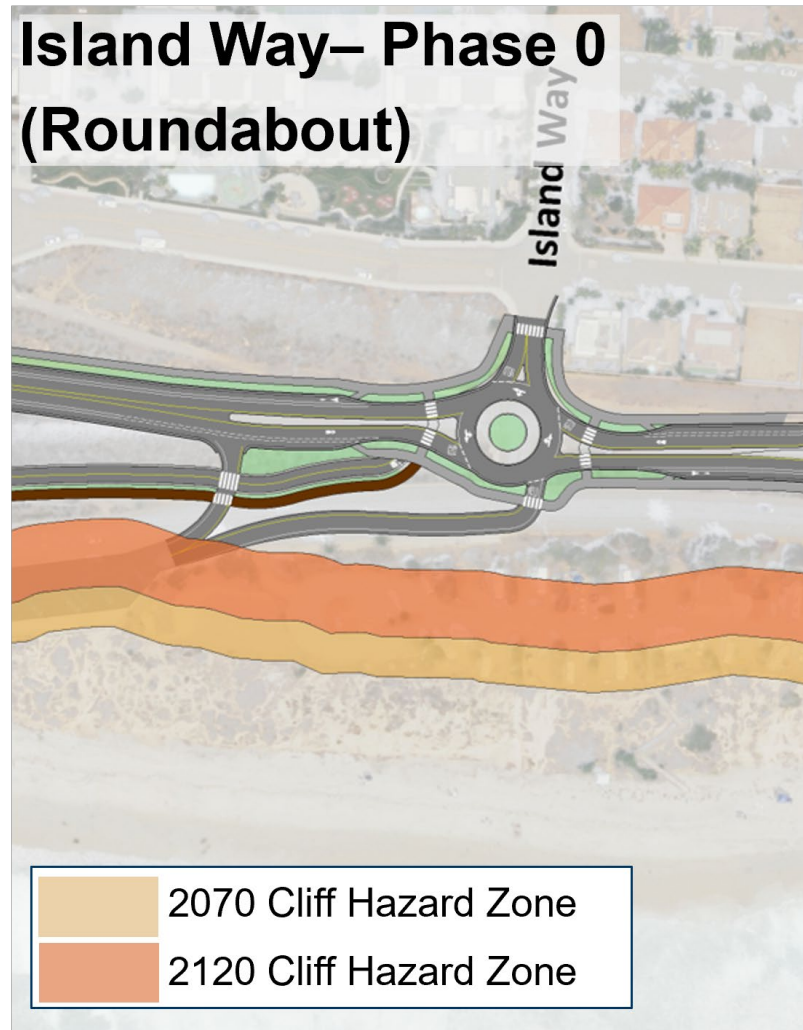


Figure 24. Phase 0 (as-built condition) of the Island Way Segment

5. Monitoring Framework

Based upon the thresholds identified within the adaptive pathways for each project segment, monitoring will be required to help understand when a threshold has been met. A monitoring framework was developed with potential methods and data collection frequencies shown in Table 2 below.

Table 2. Proposed Monitoring Activities to Inform Proposed Adaptive Pathways

Metric	Monitoring Method		Frequency
Cliff Erosion	High-tech / Data driven	Topographic surveys (traditional survey profiles, orthophotogrammetry, LiDAR)	Semi-annual Surveys Extreme Events
	Low-tech/ Interpretive	Site amenities (e.g., colored pavers, benchmarks, signs) indicating bluff top edge erosion and encroachment into established thresholds	Continuous
Beach Erosion	Beach profile surveys (back beach to depth of closure) Subaerial beach surveys via orthophotogrammetry or LiDAR		Semi-annual Surveys Extreme Events
Rock revetment / Armoring Integrity	Topographic Survey (traditional survey profiles, orthophotogrammetry, LiDAR) Structural condition inspection		Annual Post Extreme Events
Roadway Maintenance Costs	Financial tracking of cleanup and repair activities		Annual
Flood Frequency	Flood elevation thresholds (e.g., minor, moderate, significant) are determined and tracked by combined tide and wave observations outputs in coordination with SIO; Supplemented by site observations and closure tracking.		Continuous Extreme Events Annual
Public Access / Usability	Site Observations Closure Tracking Aggregated Big Data Sources		As Needed Extreme Events

Further description of the monitoring approach for each of the metrics is provided below:

- **Cliff Erosion:** Since the setback (i.e., distance from the cliff edge to the buffer) is a key threshold in the adaptive management pathways for the segments, cliff monitoring will be important to inform this plan. Two options exist to track cliff erosion in the project area – dubbed low-tech and high-tech options. The high-tech option leverages cliff monitoring currently performed by SIO periodically; however, monitoring at an increased frequency, such as semi-annual, may be necessary to detect and track changes. Monitoring can be performed via traditional survey methods or via drone or plane overflight using orthophotogrammetry or LiDAR methods. If the city notices significant erosion it may elect to complete an additional survey(s) accordingly. The low-tech option utilizes low-cost methods that may be adequate for certain areas along the project site given the nature of bluff erosion. Benchmarks integrated within the infrastructure amenities could serve as a passive method for tracking cliff erosion. For example, markers or pavers between the setback and buffer could have a progressive color scheme that would identify the setback encroaching on the buffer. Added benefits of this low-tech monitoring technique would be the easy ability of maintenance staff to track changes in the bluff visually, as well as serving as an educational opportunity for the public.
- **Beach Erosion:** Though not explicitly called out as a threshold in the adaptive management pathways, beach conditions have a significant effect on other metrics within this plan – specifically cliff erosion, armoring integrity and flood frequency. Thus, monitoring beach changes quarterly is recommended within the project area. Monitoring should consist of traditional beach profile surveys (back beach to depth of closure) or capturing the subaerial beach with orthophotogrammetric or LiDAR methods. SIO already performs quarterly beach monitoring at South Carlsbad State Beach that can be leveraged to track changes in beach conditions over time.

- Rock Revetment / Armoring Integrity: The rock revetment could shift and become increasingly destabilized as waves of greater magnitude more frequently impact the structure with SLR. The rock revetment is currently monitored annually as part of the city's CDP with the Coastal Commission. It is recommended that this program continue and potentially be increased in frequency as the structure becomes increasingly impacted (e.g., post-extreme event condition surveys). It is also recommended that a coastal engineer or a civil/structural engineer with experience with coastal structures inspect the structure annually to assess its condition.
- Roadway Maintenance Costs: Keeping a ledger on annual expenditures for roadway cleanup and repair is important to understand escalating costs of maintaining public use along the repurposed southbound roadway. This monitoring metric requires a city staff person to organize cost data from various departments into a ledger.
- Flood Frequency: This metric consists of partnering with SIO to use combined tidal conditions (predictions and observations) and wave modeling outputs to determine and validate flood elevation thresholds (e.g., minor, moderate, significant and track flooding over time. The exact elevation and oceanographic conditions to define significant flooding will be determined and validated at a later date. Once validated, this tool could be used to identify and track flood events to discern if the threshold of 10 flood events in 12 months is triggered. This information could be added to the existing SIO website and linked through a city webpage. Automated emails to city staff could be generated in anticipation of forecasted flood events. This could be supplemented with site observations captured during extreme events with a field sheet and/or photos.
- Public Access / Usability: Though not explicitly called out as a threshold in the adaptive management pathways, site usability is anticipated to change over time as assets experience impacts. These changes can be documented to supplement the objective thresholds selected (e.g., erosion, flooding, and armoring integrity). Methods for tracking this could include site observations, closure tracking of key pieces of infrastructure (e.g., bikeway, roadway, etc.) or through aggregated big data sources which can show usage patterns derived from cell phone data.

6. Conclusions

This Adaptive Management Plan presents adaptive pathways for the project, divided into four discrete segments. These pathways identify future management actions that will be taken once coastal hazards meet certain thresholds or triggers. These thresholds vary from proximity to the proposed infrastructure elements, flood frequency, and armoring integrity and maintenance costs. A monitoring framework was developed to help the city identify and track metrics over time to determine when thresholds are met.

The adaptive pathways for each of the four project segments are summarized below:

- Palomar Airport Road: Four potential adaptive phases were identified in the plan for this segment. The overall themes of these phases are to narrow and eventually relocate the proposed bikeway corridor over time with the goal of keeping this mobility corridor in close, but safe, distance from the ocean to maximize coastal views from the trails.
- Solamar Drive: One potential adaptive phase was identified in the plan for this segment with multiple options. The overall themes are to maximize the use and function of the roundabout and explore multi-benefit opportunities for enhanced access. One option is to evaluate erosion control and cliff stabilization methods which could be pursued in conjunction with a beach access stairway at this location. Another option would be to change the proposed roundabout to a signal to regain some space and distance from the cliff erosion hazard.
- Las Encinas Creek: Adaptive pathways for this segment hinge on which project option is pursued (i.e., Phased Adaptation or Retreat Now). Since the Retreat Now option is built to a year 2120 resilient location, an adaptive pathway was not developed for that option. The proposed adaptive pathway for the Phased Adaptation option includes two triggers that would signal the need to begin the planning and implementation of the removal of the southbound roadway and shifting active transportation users to a new boardwalk or the complete street roadway and bridge. Triggers identified include rock revetment armoring integrity and flood frequency.
- Island Way: Given that the proposed roadway is inland of State Parks campground facilities and significantly inland from the cliff edge, an adaptive pathway framework was not developed for this segment. Instead, it is recommended that the city continues to coordinate with State Parks regarding their plans to adapt these facilities.

It is important to note that the project is still in the preliminary engineering phase. Thus, this plan is based upon a conceptual understanding of how particular assets and features throughout the project are situated. This plan may require revision as additional engineering details are refined.

