

From: [Steve Linke](#)
To: [Eliane Paiva](#); [Nathan Schmidt](#); [Traffic](#)
Subject: Public comment on 6/30/2024 Agenda Item #3
Date: Friday, May 31, 2024 3:13:15 PM

Traffic Commission:

Another year, and another failure to comply with the Growth Management Plan (GMP) by not including the required multimodal level of service (MMLOS) monitoring in the annual GMP Monitoring Report.

Staff's "Recommended Action" for your commission is to "[recommend] to the City Council to **receive and file** the attached [GMP] Monitoring Report Circulation Section." However, when these items go to the City Council, the language undergoes a monumental change to, "Hold a public hearing and adopt a resolution accepting the [GMP] Monitoring Report and **finding that it satisfies the city's monitoring requirements.**" (emphasis added)

The Circulation Section presented to you does **not** satisfy the city's monitoring requirements, for the reasons I will detail below. **The commission should clarify in its motion that you are recommending "receipt and filing" of the Circulation Section in its current form, but that it does not satisfy the city's annual monitoring requirements due to the failure to include MMLOS monitoring.**

For reference, the GMP requires annual monitoring of its streets. Before the 2015 General Plan (GP) update, the GMP street standard and annual monitoring were exclusively related to congestion as measured by vehicle level of service (LOS). However, the 2015 GP update re-prioritized the vast majority of Carlsbad's streets to the pedestrian, bicycle, and/or transit modes of travel, switching the monitoring requirements to the MMLOS standard on those streets. This new MMLOS system was the justification to completely change the city's street priorities and performance standards in the GMP.

Year after year, monitoring report after monitoring report, the city has failed to include the required MMLOS street monitoring in their annual GMP Monitoring Reports. Every year, I point out the MMLOS monitoring requirement, and promises are made in the staff reports and the GMP Monitoring Reports themselves that the MMLOS monitoring will be presented "later in the year as a supplemental report." However, these reports are never done. This cycle has been going on now for 8+ years!

And, even if MMLOS monitoring results are eventually included, staff has argued that they do not have to enforce any deficiencies, in contradiction to both the spirit and rules of the 2015 GP update and its significant modification of the GMP.

Judge's opinion on GMP lawsuit

After my service on your commission and the GMP update citizens committee concluded last year, I was asked by an environmental group called North County Advocates to testify in a Superior Court lawsuit alleging that Carlsbad had not adequately enforced the voter-adopted GMP, and I agreed to testify. The trial focused on traffic, open space, and parks.

After carefully weighing substantial testimony and evidence from Mr. Frank, me, and several

other citizens and staff members, the judge came to the following conclusions:

First on traffic, the judge wrote: “The city has, in practice, taken the position that if [their] roads and intersections become too congested to meet the...[Growth Management] performance standard...then the city can modify the...standard and/or choose to exempt any roads and intersections that do not meet [it]. The court doubts that this is what the citizens had in mind when they voted to approve [Growth Management].”

On open space, the judge concluded: “[S]imilar to the traffic circulation issue...the city can claim compliance only because it has exempted 17 of the 25 zones from the performance standard...The court doubts that this is what the voters had in mind when they enacted Growth Management.”

And, finally, on parks, the judge stated: “The city claims to be in compliance with the... performance standard. But the city’s ‘compliance’ is achieved, if at all, only through use of questionable definitions [of park acreage that]...[a] reasonable person would not consider...to be ‘parks.’”

And the judge concluded: “The court believes that the city is not adhering to the spirit of Growth Management...From the court’s perspective, the city has implemented a purported growth management plan that is largely illusory because the city simply changes the plan or exempts itself from compliance whenever it cannot comply.”

The environmental group ending up losing the case on a technicality, and the case did not directly address the failure to do MMLOS monitoring. In any event, though, it is long past time for the city to comply with its GMP and GP requirements on MMLOS.

Best regards,
Steve Linke
Carlsbad

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