

From: [Council Internet Email](#)
To: [City Clerk](#)
Subject: FW: 6/25/2024 Item #10: FY 2022-23 GMP Monitoring Report - legally deficient
Date: Monday, June 24, 2024 8:53:18 AM

From: Steve Linke <splinke@gmail.com>
Sent: Monday, June 24, 2024 2:01 AM
To: Council Internet Email <council@carlsbadca.gov>
Subject: 6/25/2024 Item #10: FY 2022-23 GMP Monitoring Report - legally deficient

Carlsbad City Council:

You are being asked to adopt a resolution finding that the Fiscal Year 2022-23 Growth Management Program (GMP) Monitoring Report "satisfies the city's monitoring requirements." This finding does not reflect reality. This is the **eighth consecutive** annual GMP Monitoring Report, starting with the initial Fiscal Year 2015-16 report, that has failed to present the **required** monitoring of pedestrian, bicycle, and transit multimodal level of service (MMLOS). This report **DOES NOT SATISFY THE CITY'S LEGAL MONITORING REQUIREMENTS** and should be rejected!

Year after year, staff makes the same empty promise that the MMLOS monitoring will be presented "within a year" or "later this year" as a supplemental report. How long are they going to be allowed to continue doing this? It is a clear violation of the GMP.

Two years ago ([7/12/2022 Item #15](#)), I appeared before you as Vice Chair of the traffic commission after we voted to urge council to take action to compel staff to do MMLOS monitoring. However, even though this was a known topic for the council meeting, I was rebuffed by the City Attorney, because MMLOS was not included within the agenda item prepared by staff. Councilmember Acosta cited the minutes from the traffic commission meeting, in which Transportation Director Frank said his department was working diligently on MMLOS, and that he expected completion within 6 to 12 months, but here we are two more years later--still with no monitoring.

Here is a brief history with actual text related to MMLOS monitoring extracted from the last eight GMP Monitoring Reports.

FY 2015-16

Measuring the performance of non-vehicle modes of travel is a new requirement for the

city...Following the adoption of the General Plan and the new MMLOS standard, city staff immediately began the process of revising the MMLOS method...The revised MMLOS method is expected to be completed within next 12 months; therefore, this report does not include [MMLOS] for the pedestrian, bicycle and transit travel modes.

FY 2016-17

This report does not include circulation facility adequacy analysis...New traffic and mobility monitoring methodologies are being defined in the Evaluation and Monitoring (E&M) Manual that was under development at the time this report was being prepared. The E&M Manual is expected to be completed in the Summer of 2018...monitoring results are expected to be available shortly after the E&M Manual is finalized.

FY 2017-18

Linke note: No MMLOS data was reported.

FY 2018-19

Staff will initiate a task order with a consultant to update and revise the pedestrian, bicycle and transit MMLOS methodologies...Once the refined MMLOS Tool has been applied to the bicycle and pedestrian travel modes (and possibly to the transit travel mode) of the FY 2018-19 street typologies, staff will report those MMLOS results to the City Council later this year.

FY 2019-20

Staff will finalize the updates to the pedestrian, bicycle and transit MMLOS methodologies...Once City Council has approved the refined MMLOS Tool, staff will apply it to the city streets monitored in FY 2019-20 and present the MMLOS results to City Council later this year.

FY 2020-21

[S]taff will update the MMLOS methodologies, apply the revised MMLOS Tool on the street typologies for the FY 2020-21 GMP Monitoring Report, and then return to the Traffic & Mobility Commission to present the updated MMLOS monitoring results...

The Traffic and Mobility Commission considered this item on June 6, 2022...[and voted

to]...Appoint Vice-Chair Linke to represent the Traffic & Mobility Commission at the City Council meeting to speak to the commission's concerns for the need for multimodal level of service monitoring.

Linke note: This topic was then not included on the council agenda, so the City Attorney would not allow any action to be taken, nor did council vote to put it on a future agenda.

FY 2021-22

Staff will continue to work with the Traffic & Mobility Commission to finalize the update and revise the pedestrian, bicycle and transit MMLOS methodologies and report the MMLOS results...The status of the pedestrian, bicycle and transit travel modes will be reported separately in Summer 2023...

FY 2022-23

The FY 2022-23 Growth Management Program Monitoring Report is being presented to City Council with the status of the Vehicular LOS Standard, but not the status of the other modes because the proposed draft MMLOS methodology for those modes is still being vetted and has not been approved by City Council. Staff will present the FY2022-23 draft MMLOS analysis, including the proposed draft methodology developed by the Traffic Safety and Mobility Commission subcommittee, and the draft findings and recommendations, to City Council as a separate item later this year.

Despite all of the above promises over the last eight years--no MMLOS has ever been reported. A few weeks ago, I read excerpts from the October 2023 Superior Court Judge's order on a GMP enforcement lawsuit against the city, which read, in part:

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

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 lack of enforcement of the MMLOS monitoring requirement was not really a topic in

that trial, but it is certainly consistent with the city's attitude that it can just ignore any rules or policies that it does not care to follow or enforce. It's all illusory.

Best regards,

Steve Linke

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