



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** Randy Metz, Fire Marshal  
randy.metz@carlsbadca.gov, 760-602-4661

**Subject:** Public hearing to finalize the 2020 Weed Abatement Cost Report

**Recommended Action**

Hold a public hearing and adopt a resolution to approve the cost assessments for weed abatement activity and direct the city clerk to file a certified copy of the resolution with the San Diego County Assessor on or before Aug. 10, 2020.

**Executive Summary**

The City of Carlsbad conducts an annual Weed Abatement Program to eliminate fire hazards and nuisances caused by the accumulation of dry weeds and rubbish on vacant lots within the city. The Carlsbad City Council may declare weeds and rubbish on private property to be public nuisances under the terms of California Government Code Section 39560-39588.

This is the last of three reports for the Weed Abatement Program. Staff is recommending approval of the Weed Abatement Cost Report.

**Discussion**

The Fire Department completed its annual hazard survey and identified 172 parcels with potential hazards. At the City Council meeting on March 24, 2020, these parcels were declared to be public nuisances.

The Fire Department mailed notices to the affected property owners on March 25, 2020, explaining the City Council's action and informed them there would be a public hearing on April 21, 2020, at which they could voice any objections to their parcels being declared to be nuisances. Affected property owners were notified that any nuisances existing after May 15, 2020, would be subject to removal by the city and that any associated costs would be forwarded to the San Diego County Assessor to be included in the property tax bills for those properties.

At that public hearing, the City Council directed the fire chief to abate the declared nuisances (Resolution No. 2020-067).

The city's contractor, Habitat Restoration Sciences, completed weed abatement services including mowing and hand work on eight parcels.<sup>1</sup> The contractor's fee for these services is \$11,912.77. Each property owner will be charged for the work performed by the contractor plus an administration fee of \$271, which helps cover costs associated with contract administration, public notices and other administrative tasks. The total cost for weed abatement is \$14,080.77. This amount, broken down by parcel, will be forward to the county assessor for inclusion on each property's property tax bill. Exhibit 2 provides cost details for each property by assessor parcel number and address.

Government Code Section 395600, et. seq. outlines the enforcement process for weed abatement. To recover costs associated with weed abatement services, the City Council must assess and confirm the costs by holding a public hearing to consider any objections from property owners. Once the Weed Abatement Cost Report is confirmed by the City Council, the city clerk will file the resolution and final report with the San Diego County Assessor to place liens on the respective property tax bills, as described above.

### **Fiscal Analysis**

Sufficient funds are available for weed abatement expenditures in the current year's budget, and will be recouped on property tax bills in the following year.

Weed abatement expenditures have been expensed to the fire department's operating budget in the General Fund in the previous year. Payments received on property tax bills for these expenses will be deposited back into the city's General Fund.

### **Next Steps**

The city clerk will file a certified copy of the resolution and Weed Abatement Cost Report with the San Diego County Assessor on or before Aug. 10, 2020.

### **Environmental Evaluation (CEQA)**

This action does not constitute a "project" within the meaning of the California Environmental Quality Act under Public Resources Code section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

### **Public Notification and Outreach**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

### **Exhibits**

1. Resolution
2. Weed Abatement Cost Report
3. Fixed Charge Special Assessment
4. Certification of Fixed Charge Special Assessments
5. Notice of Public Hearing

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<sup>1</sup> Three of these properties have two owners each, so the charges will be split between those owners.

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACCEPTING THE 2020 WEED ABATEMENT COST REPORT AND DIRECTING THE CITY CLERK TO FILE A CERTIFIED COPY OF THE RESOLUTION WITH THE SAN DIEGO COUNTY ASSESSOR.

WHEREAS, weeds and rubbish exist or are likely to exist on vacant parcels throughout the city;  
and

WHEREAS, said weeds and rubbish, because of their combustibility, constitute a hazard to the safety of the public and to private property during the drier months of the year.

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 this Resolution, and all action subsequently taken in connection with it, is taken pursuant to the provisions of California Government Code Section 39560, et seq. (Alternate Procedures for Weed and Rubbish Abatement).
3. Words used in this Resolution and subsequent action in connection with it shall be defined as outlined in said code sections.
4. The City Council of the City of Carlsbad declares as public nuisances weeds and rubbish upon those certain parcels of private property in the City of Carlsbad described on attached Exhibit 2, incorporated by reference.
5. The City Council of the City of Carlsbad declared its intention to remove said weeds and rubbish. A virtual public hearing was held in the City Council Chambers at 1200 Carlsbad Village Drive, Carlsbad, California on July 28, 2020 at 3:00 pm to consider the final Weed Abatement Cost Report.
6. The Fire Chief of the City of Carlsbad is designated to perform the duties imposed on the superintendent by California Government Code Section 39560, et seq.
7. The affected property owners were notified that nuisances existing after May 15, 2020 are subject to abatement by the City of Carlsbad, and the cost of the abatement will appear on the property tax bill.

8. California Government Code Section 39560, et seq. requires a cost report for abatement services be submitted to the City Council for confirmation following a public hearing to consider any objections from property owners.
9. All protests and objections, other than those allowed and deleted from said report, if any, are hereby overruled and denied.
10. The report is confirmed and each of the amounts set forth herein are hereby assessed against the parcel of real property and shall constitute a special assessment and a lien against such parcel of land.
11. The City Clerk is hereby directed to forward a certified copy of this resolution with said report to the Office of the San Diego Assessor on or before August 10, 2020.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

**NOES:**

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)

Carlsbad Fire Department  
Private Lot Weed Abatement Accounting May 15, 2020 through July 10, 2020

Item #	APN	Address	Mow Size/Amt	Mow Dollar Amt	Mow Hrs	Mow Dollar Amt	Hand Work Sq Ft	Hand Dollar Amt	Hand Hr	Hand Work Dollar Amt	Contract Charges	Admin Charge	Total Cost	
1	2061920700	B W LIVING TRUST 08-10-88 C/O BETTY WOOD P O BOX 2794	D	\$85.00		\$0.00	16560	\$745.20		\$0.00	\$830.20	\$271.00	\$1,101.20	
2	2071004800	PACIFIC LEGACY HOMES INC 16870 W BERNARDO DR #400 SAN DIEGO CA 92127-1678	E		5	\$375.00	19995	\$899.78	48	\$1,680.00	\$2,954.78	\$271.00	\$3,225.78	
3	2154914601 2154914602	OPTIMAL RETIREMENT LLC PO BOX 503928 SAN DIEGO, CA 92150	E			\$0.00	21208	\$954.36	8	\$280.00	\$1,234.36	\$271.00	\$1,505.36	
4	2154914701 2154914702	OPTIMAL RETIREMENT LLC PO BOX 503928 SAN DIEGO, CA 92150	E		25	\$1,875.00	7965	\$358.43	30	\$1,050.00	\$3,283.43	\$271.00	\$3,554.43	
5	2154600600	ABEDI REZA AND FARIDI EFFAT 1 RUE RENOIR COTO DE CAZA CA 92679	E			\$0.00		\$0.00	20	\$700.00	\$700.00	\$271.00	\$971.00	
6	2154001500	CARLSBAD SECURITY INC C/O SEABOARD ELECTRONICS INC 70 CHURCH ST NEW ROCHELLE NY 10805	E		2	\$150.00		\$0.00	12	\$420.00	\$570.00	\$271.00	\$841.00	
7	2161242601 2161242602	FERREIRA HENRIQUE 7752 ALCAMO RD SAN DIEGO CA 92126-2502 RHEE JOHNNY GYLLENHAMMER JOHN 9800D TOPANGA CANYON BLVD # 610 CHATSWORTH CA 91311-4005	D			\$0.00		\$0.00	20	\$700.00	\$700.00	\$271.00	\$971.00	
8	2232501200	KO SUNG-TAO/LIN MALI 42 BAYBROOK LN OAK BROOK IL 60523-1638	D			\$0.00	24000	\$1,080.00	16	\$560.00	\$1,640.00	\$271.00	\$1,911.00	
<b>Totals</b>												\$11,912.77	\$2,168.00	\$14,080.77
Item #8	Totals: 8 Parcels												Average per parcel cost of Contract Charges	\$1,489.01
11 parcels charges with divided interest														
The total charges were rounded to even cents for County Assessor														

FIXED CHARGE SPECIAL ASSESSMENT  
INPUT FORMAT FOR TYPEWRITTEN LIST

City: City of Carlsbad

Submitted By: Megan VanZandt

Type of Assessment: Weed Abatement

Telephone No: 760-602-4665

Fund Number: 601004

FAX No.: 760-602-8561

E-mail Address: [monty.kalin@carlsbadca.gov](mailto:monty.kalin@carlsbadca.gov)

PARCEL NUMBER				AMOUNT	*FOR STATE ROLL ONLY*		AUDITOR'S USE ONLY
BOOK	PAGE	PARCEL	UNDIVIDED INTEREST		TAX RATE AREA*	ASSESSEE NUMBER*	
XXX	XXX	XX	XX	XX,XXX.XX	XXXXX	XXXX	X
206	192	7		\$ 1,101.20			
207	100	48		\$ 3,225.78			
215	400	15		\$ 841.00			
215	491	46	01	\$ 752.68			
215	491	46	02	\$ 752.68			
215	491	47	01	\$ 1,777.22			
215	491	47	02	\$ 1,777.21			
215	460	6		\$ 971.00			
216	124	26	01	\$ 485.50			
216	124	26	02	\$ 485.50			
223	250	12		\$ 1,911.00			
			Total	\$ 14,080.77			

Aug 10, 2020

County of San Diego  
Auditor and Controller  
Property Tax Services  
1600 Pacific Coast Highway, Room 077  
San Diego, CA 92101

**CERTIFICATION OF FIXED CHARGE SPECIAL ASSESSMENTS**

This letter certifies that according to the records of the City of Carlsbad that all assessments and special taxes are in compliance with Article XIIC and D of the Constitution of the State of California that the total number of parcels subject to Fixed Charge Special Assessments and the dollar amount by fund 2019/20 are as listed below:

<u>Fund No.</u>	<u>Count</u>	<u>Amount</u>
601004	8	\$14,080.77

Certified by:

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Barbara Engleson  
City Clerk

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the City Council of the City of Carlsbad will hold a public hearing on Tuesday, July 28, 2020 at the Council Chamber, 1200 Carlsbad Village Drive, Carlsbad, California, at 3 p.m., to hear objections of property owners concerning costs of weed abatement activity on private properties, to approve cost assessments for weed abatement activity, and to direct the City Clerk to file a certified copy of the Weed Abatement Resolution with the San Diego County Auditor on or before Aug. 10, 2020.

Individuals wishing to speak on this proposal are cordially invited to participate in this public hearing. Per State of California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding City Council and other public meetings electronically or by teleconferencing. The meeting can be viewed online at [www.carlsbadca.gov](http://www.carlsbadca.gov) or on the city's cable channel. The Carlsbad City Council welcomes your participation. During the COVID-19 public health emergency, the city has provided two easy ways for community members to provide comments during a City Council meeting:

### Verbally

Sign up to provide verbal comments by phone by filling out an online registration form by 2 p.m. the day of the meeting. You will receive a confirmation message with instruction about how to call into the meeting.

### In writing

E-mail your comments to [clerk@carlsbadca.gov](mailto:clerk@carlsbadca.gov). Emails received by 2 p.m. will be provided to the City Council prior to the start of the meeting. Other comments will be included with the meeting record. **Emailed comments will not be read out loud during the meeting.** Please indicate the agenda item number in your email subject line.

Copies of the staff report will be available after **Friday, July 24, 2020**. If you have any questions, please contact Fire Marshal Randy Metz in the Fire Department at 760-602-4661 or [randy.metz@carlsbadca.gov](mailto:randy.metz@carlsbadca.gov).

If you challenge the Weed Abatement Resolution in court, you may be limited to only raising issues presented at the public hearing described in this notice or in written correspondence delivered prior to the public hearing to the City of Carlsbad, Attn: City Clerk's Office, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.

PUBLISH DATE: July 17, 2020



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** Esteban Danna, Associate Planner  
 esteban.danna@carlsbadca.gov, 760-602-4629

**Subject:** An amendment to the Carlsbad Corporate Plaza Specific Plan to remove a 6,000-Square-Foot Limitation on Medical Office Use and a Minor Site Development Plan and Coastal Development Permit to Allow the Construction of a 35,360-Square-Foot, Two-Level Parking Structure Serving Existing Office Buildings at 6183-6185 Paseo del Norte

**Project Name:** Carlsbad Corporate Plaza Parking Structure  
**Project No.:** AMEND 2019-0002/SDP 2019-0003/CDP 2019-0005

**Recommended Action**

That the City Council hold a public hearing to:

1. Introduce an ordinance amending the Carlsbad Corporate Plaza Specific Plan (SP 23(H)) to remove the 6,000-square-foot limitation on medical office use for existing office buildings located at 6183-6185 Paseo del Norte within the Mello II segment of the Local Coastal Program and Local Facilities Management Zone 3
2. Adopt a resolution approving Minor Site Development Plan 2019-0002 and Coastal Development Permit 2019-0003 to allow the construction of a 35,360-square-foot, two-level parking structure located over an existing parking lot serving existing office buildings at 6183-6185 Paseo del Norte within the Mello II segment of the Local Coastal Program and Local Facilities Management Zone 3.

**Executive Summary**

The applicant proposes to convert two existing buildings located at 6183-6185 Paseo del Norte (Exhibit 3) from general office use to medical office use. Because the underlying Carlsbad Corporate Plaza Specific Plan limits medical office use to a maximum total of 6,000 square feet, the applicant is asking for a specific plan amendment to remove the limitation. The specific plan amendment requires City Council approval.

Because medical office uses require more parking than general office uses, additional parking spaces are required. A proposed two-story parking garage will replace the existing surface parking lot and will provide enough stalls to meet the parking requirements for medical office

use for the entire project. The proposed parking structure requires approval of a minor site development permit and coastal development permit. On June 3, 2020, the Planning Commission conducted a public hearing and unanimously recommended approval of the project to the City Council.

## Discussion

### **Overview**

The property is located at 6183-6185 Paseo del Norte (Exhibit 3) and is subject to the Carlsbad Corporate Plaza Specific Plan. The specific plan allows for a variety of uses, such as general office, medical office (with a maximum of 6,000 square feet) and other professional office uses. The two existing office buildings, totaling 64,761 square feet, were built in 1998 and have been used predominately for general office use. The applicant seeks to convert the two office buildings to exclusive medical office use. To accomplish this proposal, two actions must be approved:

- A specific plan amendment to remove a 6,000 square-foot maximum size limitation on medical office uses
- A minor site development plan and coastal development permit to allow the construction of a parking structure to serve the medical use since medical offices require more parking spaces than general office uses.

### **Medical office use**

When the office buildings were constructed, it was assumed that most of the units would be occupied by general office use, which requires a lower parking ratio than medical office use. As a result, a restriction was included in the specific plan that limited medical offices to a maximum total of 6,000 square-feet. With the construction of the proposed parking structure, staff supports the removal of the 6,000 square-foot limitation because the new parking structure will provide enough parking stalls to accommodate the required parking ratio of one parking space for each 200 square feet of medical office area. Additionally, the use is consistent with the General Plan's land use designation for the property and the project complies with the requirements of the zoning district in which it is located.

### **Parking structure**

The property currently provides a surface parking lot with 306 stalls. To accommodate medical office use, the code requires a minimum of 341 parking spaces. The applicant is proposing to build a two-story parking structure that will accommodate 351 stalls. The structure will be roughly 16 feet high and 35,360 square feet. The structure will be located over the existing parking lot and will be extensively landscaped to soften its appearance. All aspects of the proposed parking structure, including parking space dimensions, aisle widths and landscaping comply with all applicable requirements.

Construction of the parking structure will not significantly impact current tenants or neighboring property owners. The applicant has prepared an interim parking plan to address the parking needs of the existing businesses operating in the buildings during all phases of construction. As part of the plan, the applicant has secured the use of 50 additional parking spaces on two neighboring properties and will deploy the use of a comprehensive rideshare

program for employees. Additionally, the office buildings are currently 37% vacant and will retain that vacancy rate until completion of the parking structure.

The proposed Specific Plan document was presented to the Planning Commission as new text instead of as an amendment to Exhibit A of City Council Ordinance NS-487 dated April 7, 1999. This was done in order to bring the document to a contemporary format, which is easier to read and comprehend (Exhibit 4).

### **Planning Commission hearing**

The project was presented before the Planning Commission (Exhibits 5 and 6) on June 3, 2020. One member of the public raised concerns about the proposed action; specifically, its compliance with the city's Climate Action Plan and vehicle miles traveled requirements.

Regarding compliance with the climate plan, in keeping with the city's Climate Action Plan consistency checklist (Form P-30), the applicant proposes to install photovoltaic panels on the existing buildings, bike racks, bike lockers, vanpool parking stalls and electric vehicle charging stations. With these measures, the project complies with all applicable requirements of the climate plan.

Regarding the vehicle miles traveled concerns, California Environmental Quality Act Guidelines Sections 15007(b) and 15064.3(c) state that amendments to the guidelines must be applied prospectively. Vehicle miles traveled analysis, as required by the environmental Guidelines Section 15064.3, will only be mandatory for projects for which the lead agency, the City of Carlsbad, makes a CEQA determination on or after July 1, 2020, as approved in City Council Resolution 2020-114 on June 16, 2020. In this case, the city planner made a CEQA determination for this project on May 28, 2020, so the project is not subject to vehicle miles travelled requirements. Fairness and the need for finality require that the propriety of an agency's action be determined under the regulations in effect on the date on which the final CEQA document is presented for public review. (*Long Beach Savings and Loan Association v. Long Beach Redevelopment Agency* (1986) 188 Cal. App. 3d 249, 261). In keeping with this ruling and state law, the project complies with all applicable traffic analysis requirements.

The Planning Commission deliberated and unanimously recommended approval of the project to the City Council by a vote of 7-0 through Planning Commission resolution nos. 7371 and 7372 (Exhibits 7 and 8).

### **Further revisions to the specific plan text**

Following the Planning Commission action on June 3, staff is recommending that additional corrections be made to the Specific Plan amendment to further clarify the intent of the initial changes. The recommended additional corrections are entirely consistent with the spirit and intent of the Planning Commission's recommendation. Specifically, the proposed text modifications are intended to clarify that a "single-level structure" refers to a two-story parking structure with ground floor parking and one additional level of structured parking. Text modifications were also needed to clarify the removal of the 6,000 square-foot limit for medical use. The proposed changes are reflected in ~~strikeout~~/underline format in Exhibit 9.

### **Fiscal Analysis**

All required improvements needed to serve this project will be funded by the developer.

### **Next Steps**

The City Council's action on this item is final. With the council's approval the applicant will submit construction plans to the city for a check of building plans, and, upon their approval, will be issued a building permit for construction of the project.

### **Environmental Evaluation (CEQA)**

The city planner has determined that the project belongs to a class of projects that the state secretary for resources has found do not have a significant impact on the environment, so the project is categorically exempt from the requirement for the preparation of an environmental document in keeping with California Environmental Quality Act Guidelines Section 15061(B)(3) (the general rule or common sense exception) and City of Carlsbad Municipal Code Section 19.04.070(A)(1)(c) (for Specific Plan amendment 2019-0002), and CEQA Guidelines Section 15332 – In-Fill Development Projects (for Minor Site Development Plan and Coastal Development Permit SDP 2019-0003/CDP 2019-0005). A notice of exemption will be filed by the city planner upon project approval.

### **Public Notification and Outreach**

The project is subject to City Council Policy No. 84 – Development Project Public Involvement Policy. The applicant mailed an early public notice to owners of all properties within 600 feet and occupants within 100 feet of the subject property boundary on April 25, 2019. A letter was also mailed to the Alta Mira Home Owners Association board for distribution to members of the community who live outside of the 600-foot radius.

On May 8, 2019, an informational meeting was held with 23 interested neighbors. The applicant gave an overview of the proposed project and answered questions. The applicant subsequently held an additional meeting with residents and two additional meetings with the homeowners' association board to address neighbors' concerns. The early public notice and the informational meetings described above satisfy the requirements of City Council Policy No. 84. Information regarding public notification of this item such as mailings, public hearing notices posted in a local newspaper and on the city website are available in the Office of the City Clerk.

### **Exhibits**

1. Ordinance
2. Resolution
3. Location map
4. Specific plan document revisions
5. Planning Commission staff report dated June 3, 2020
6. Excerpts of Planning Commission minutes dated June 3, 2020
7. Planning Commission Resolution No. 7371
8. Planning Commission Resolution No. 7372
9. Revisions to specific plan document made after Planning Commission hearing

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING THE CARLSBAD CORPORATE PLAZA SPECIFIC PLAN (SP 23(H)) TO REMOVE THE 6,000-SQUARE-FOOT LIMITATION ON MEDICAL OFFICE USE FOR EXISTING OFFICE BUILDINGS LOCATED AT 6183-6185 PASEO DEL NORTE WITHIN THE MELLO II SEGMENT OF THE CITY'S LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 3.

CASE NAME: CARLSBAD CORPORATE PLAZA PARKING STRUCTURE

CASE NO.: AMEND 2019-0002

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

WHEREAS, the Carlsbad Corporate Plaza Specific Plan (SP 23) was originally adopted by City Council Ordinance No. 9293 on March 21, 1972 and has been amended several times and contains the uses, development standards and design guidelines for the development of the Specific Plan area; and

WHEREAS, the Carlsbad Corporate Plaza Specific Plan is the implementing ordinance for this property; and

WHEREAS, the City Council of the City of Carlsbad has reviewed and considered a Specific Plan Amendment (AMEND 2019-0002); and

WHEREAS, the amendment to remove the existing 6,000-square-foot limitation on medical office use will allow the two existing buildings, currently used as a combination of general offices and medical offices, to be used entirely as medical offices; and

WHEREAS, medical offices are listed as a permitted use in the Carlsbad Corporate Plaza Specific Plan and a parking structure is allowed with the approval of a minor site development plan and coastal development permit; and

WHEREAS, after procedures in accordance with requirements of law, the City Council has determined that the public interest indicates that said Specific Plan Amendment (AMEND 2019-0002) be approved.

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

1. The above recitations are true and correct.
2. That the Specific Plan Amendment AMEND 2019-0002 (Attachment A), is adopted. The Carlsbad Corporate Plaza Specific Plan shall constitute the zoning for the property and all development of the property shall conform to the Specific Plan.
3. That the findings and conditions of the Planning Commission in Planning Commission Resolution No. 7371 shall also constitute the findings and conditions of the City Council.

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 the full text of the ordinance or a summary of the ordinance prepared by the City Attorney 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 \_\_\_\_\_, 2020, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CELIA A. BREWER, City Attorney

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)

**CARLSBAD CORPORATE PLAZA  
SPECIFIC PLAN  
AMEND 2019-0002  
(AMENDMENT TO SP 23H)**

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

Applicant:

**Nextmed III**  
6125 Paseo Del Norte Ste 210  
Carlsbad, CA 92011

Project Site:

6183 & 6185 Paseo Del Norte  
APN: 211-040-18

Prepared by:

**Hofman Planning & Engineering**  
3152 Lionshead Avenue  
Carlsbad, CA 92010

Forwarded on June 3, 2020 by Planning Commission Resolution (7371)  
Approved on XXXX XX, 2020 by City Council Ordinance (XXXX)

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# I. INTRODUCTION

## A. PURPOSE AND SCOPE

The purpose of the Carlsbad Corporate Plaza Specific Plan (CCPSP) amendment is to allow for the creation of a parking structure at the Carlsbad Corporate Plaza and to allow for the use of the office buildings located at 6183 and 6185 Paseo Del Norte as 100 percent medical offices to serve both residents of Carlsbad and the larger region. In doing so, the plan aims to achieve an objective of the City of Carlsbad's General Plan by providing opportunities for continued economic growth and vitality that enhance Carlsbad's position as a premier regional employment center and by managing parking in an efficient manner.

The CCPSP is adopted pursuant to the provisions of Government Code Sections 65450 et. seq. and the Land Use Element of the City of Carlsbad General Plan.

## B. LOCATION AND PLANNING AREA INFORMATION

The Carlsbad Corporate Plaza Specific Plan area is located at 6183 and 6185 Paseo Del Norte (APN 211-040-18-00). The 4.59 acre area is located entirely within the boundary of Local Facilities Management Zone 3. The plan area is described as Parcel 3, in the City of Carlsbad, County of San Diego, State of California, according to map thereof No. 3415, filed in the Office of the Recorder of San Diego County on January 21, 1975. The Specific Plan area is located within the Coastal Zone.

A regional and vicinity map depicting the location of the property within the County and within the City of Carlsbad are provided in Figure 1 (page 3) and Figure 2 (page 4). The boundaries of the CCPSP are shown in Figure 3 on page 5.

Additionally, the plan area is located within the McClellan-Palomar Airport Influence Area, but outside of the Flight Activity Zone. The entire Specific Plan Area is outside the limits of the six Safety Zones as shown in the Airport Land Use Compatibility Plan for the McClellan-Palomar Airport, amended December 1, 2011.

## C. HISTORY

Specific Plan 23 was originally adopted on March 7, 1972 by City Council Ordinance No. 9293. In the years between 1972 and 1999, Specific Plan 23 was amended eight times [SP 23 (A-H)].

- SP 23 [PC reso 755; CC reso 1955; CC ORD 9293]: First phase of an adult community located east of the I-5 freeway (1972).
- SP 23(A) [PC reso 776; CC reso 2011; CC ORD 9308/9309]: Change of zoning for a 3.05 acre parcel from R-1-10,000 and M to PC and the creation of an SP for the northern M zoned properties (1972).
- SP 23(B) [PC reso 811; CC reso 2060; CC ORD 9325]: Phase “C” of Alta Mira properties (1972).
- SP 23(C) [Ordinance unknown]: Remove Motel 6 from provisions of SP 23 (1981).
- SP 23(D) [Denied]: Denial of request for amendments and site development plan for 150 apartments on Neighborhood Commercial 8 acres (1983).
- SP 23(E) [PC reso 2368; CC ORD 9747]: Approval of office and mini warehouse facility on the 8 acre Neighborhood Commercial site (1985).
- SP 23 (F) [PC reso 3461; CC ORD NS-224]: Deletion of Condition 13 to SP 23(E) (1992).
- SP 23 (G) [PC reso 4184; CC ORD NS-437]: Carlsbad Corporate Plaza site plan and building design (1998).
- SP 23 (H) [PC reso 4517; CC ORD NS-487]: Establishment of list of allowable uses for the Carlsbad Corporate Plaza site; medical uses limited to a maximum of 6,000 square feet at 6183 & 6185 Paseo Del Norte (1999).

## D. REGULATORY SPECIFIC PLAN

The CCPSP is a regulatory document that only manages land uses. It is not a policy document, and does not introduce any new policy objectives. The amendment to SP 23(H) provides for a parking structure and medical office uses within the boundaries of the Carlsbad Corporate Plaza site.

Figure 1: REGIONAL MAP – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN



Figure 2: VICINITY MAP – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN

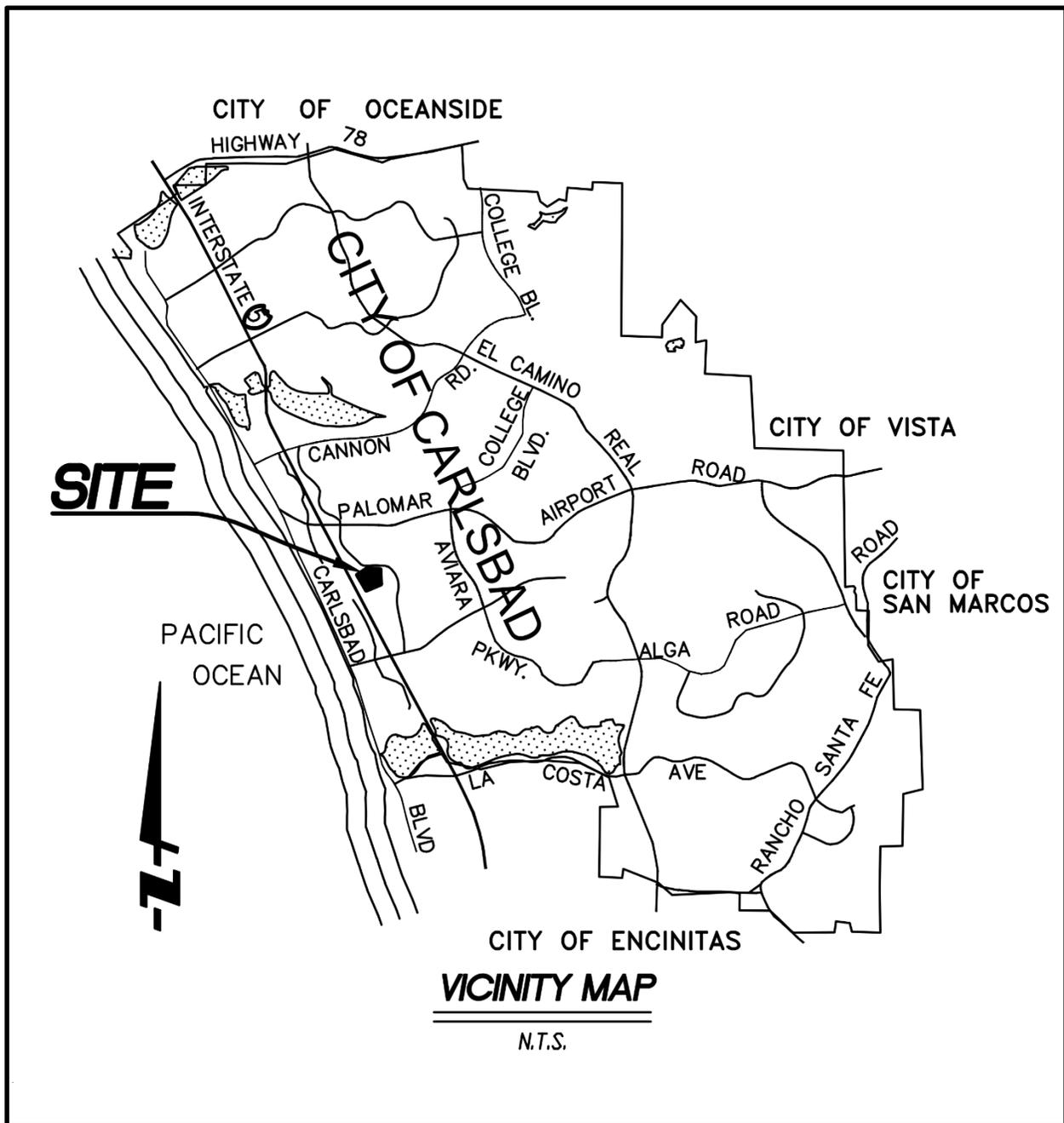
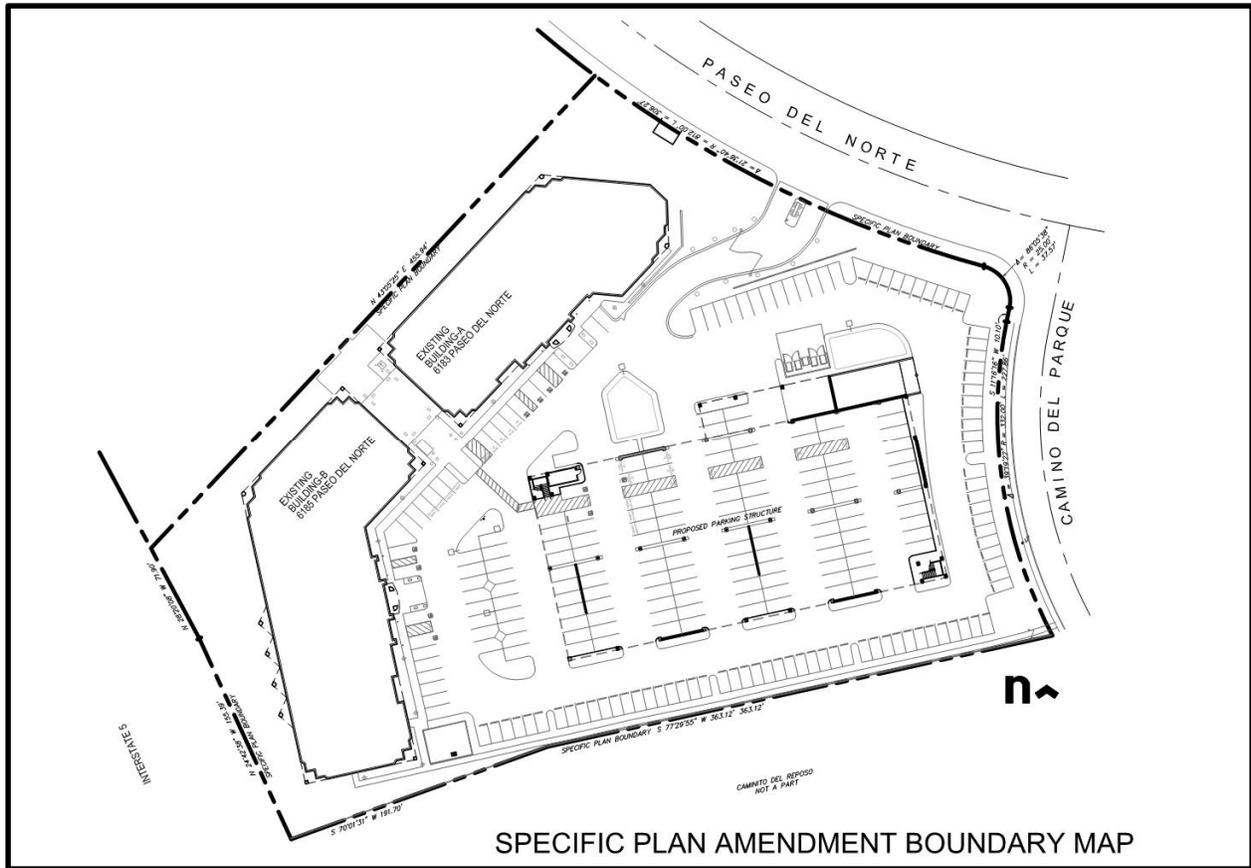


FIGURE 3: LAND USE PLAN – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN



## II. LAND USES

The Carlsbad Corporate Plaza Specific Plan allows the permitted uses, conditionally permitted uses, and development standards as follows:

### A. PERMITTED USES

1. All uses permitted in the Office (O) zone.
2. Two-level parking structure
3. Other uses similar to those listed above which the City Planner may determine to fall within the intent and purposes of this Specific Plan, are of comparable nature, and will not be detrimental to property in the vicinity.
4. During parking structure construction phase, 7,500 sf of new medical uses may be permitted as approved by the City Planner. In making this determination the City Planner shall find that adequate offsite and onsite parking measures are in place to ensure that adequate parking will be maintained during construction for all existing uses.

### B. USES ALLOWED WITH A CONDITIONAL USE PERMIT

1. All uses conditionally allowed in the O zone.

### C. SETBACKS

1. Front Yard and Street Side Yard
  - a. Building: The front yard or side street yard shall have an average setback of 35 feet; however, the setback shall not be less than 25 feet. Parking shall be allowed within the setback, but the parking field must be located a minimum of 10' from the property line.
  - b. Parking Structure: Front and Street side setbacks for a parking structure shall be a minimum of 50 feet from the property line.
2. Side Yard – Interior
  - a. Building: All interior side yards shall have a minimum setback of 10 feet. Any parking field must be located a minimum of 10 feet from the property line.
  - b. Parking Structure: Interior side yard setbacks for a parking structure shall be a minimum of 50 feet from the property line.
3. Rear Yard:
  - a. The rear yard setback shall be a minimum of 25 feet from the property line for all structures and/or parking fields.

## E. PARKING

1. Parking shall be calculated pursuant to CMC 21.42.020 except as provided in E.2. below.
2. Parking calculations shall be based upon the Gross Leasable Area of the Carlsbad Corporate Plaza office buildings.
  - a. Gross Leasable Area is defined as the actual area that is leased and privately used by a tenant. This area does not include the common areas accessible to all tenants of the buildings, nor the non-usable square footages e.g. hallways, common restrooms, etc.

## III. Signage

All Signage shall be subject to Chapter 21.41 (Sign Ordinance) of the Carlsbad Municipal Code.

## IV. INFRASTRUCTURE PLAN AND IMPLEMENTATION MEASURES

The infrastructure improvements planned for and approved as part of Local Facilities Management Zone 3 and the City of Carlsbad Capital Improvement Plan, remain applicable and satisfactory for the CCPSP for all categories.

- Comply with the current requirements of state and regional storm water management and quality criteria.

## V. SPECIFIC PLAN ADMINISTRATION

As contained in Section 65450, et. seq. of the California Government Code, the CCPSP shall be amended in the same manner as the General Plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The CCPSP may not be amended unless the proposed amendment is consistent with the City of Carlsbad's General Plan. Additionally, amendment of the CCPSP shall be subject to the local requirements of Chapter 21.52 of the Carlsbad Municipal Code.

**RESOLUTION NO.** \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MINOR SITE DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A 35,360-SQUARE-FOOT, TWO-LEVEL PARKING STRUCTURE LOCATED OVER AN EXISTING PARKING LOT SERVING EXISTING OFFICE BUILDINGS LOCATED AT 6183-6185 PASEO DEL NORTE WITHIN THE MELLO II SEGMENT OF THE CITY'S LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 3

CASE NAME: CARLSBAD CORPORATE PLAZA PARKING STRUCTURE

CASE NO.: SDP 2019-0003/CDP 2019-0005

WHEREAS, the City Council of the City of Carlsbad, California has determined that pursuant to the provisions of the Municipal Code, the Planning Commission did, on June 3, 2020, hold a duly noticed public hearing as prescribed by law to consider Minor Site Development Plan SDP 2019-0003 and Coastal Development Permit CDP 2019-0005, as referenced in Planning Commission Resolution No. 7372; and the Planning Commission adopted Planning Commission Resolution No. 7372 recommending to the City Council that it be approved; and

WHEREAS, the City Council of the City of Carlsbad, held a duly noticed public hearing to consider said Minor Site Development Plan and Coastal Development Permit; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Minor Site Development Plan and Coastal Development Permit.

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 recommendation of the Planning Commission for the approval of Minor Site Development Plan SDP 2019-0003 and Coastal Development Permit CDP 2019-0005, is

approved, and that the findings and conditions of the Planning Commission contained in Planning Commission Resolution No. 7372 on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

3. This action is final the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

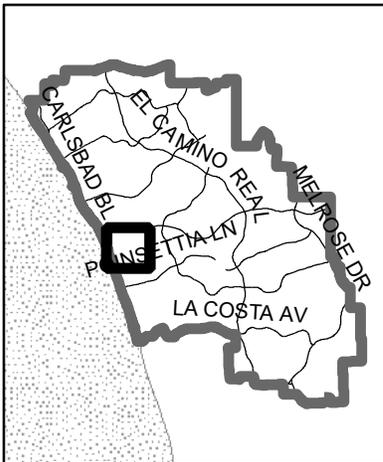
NAYS:

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)



**SITE MAP**



NOT TO SCALE

# CARLSBAD CORPORATE PLAZA PARKING STRUCTURE AMEND 2019-0002/SDP 2019-0003/CDP 2019-0005

~~CARLSBAD CORPORATE PLAZA  
ALLOWED USES  
SP 23(H)~~

Intent and Purpose

~~The intent and purpose of the Specific Plan is to provide an area of low intensity business and professional offices which are in operation during standard business hours, 8 a.m. 5 p.m. Monday through Friday, are not dependent on either street or freeway frontage for signage identification, and usually limit client visits through appointments.~~

Permitted Uses

~~Accountants~~

~~Administrative and Executive Offices~~

~~Advertising Agencies~~

~~Architects, Planners, and Engineers~~

~~Attorneys~~

~~Banks and other Financial Institutions without drive-thru facilities~~

~~Company and Corporate Headquarters~~

~~Commercial Artists~~

~~Dentists, doctors, chiropractors up to a site maximum of 6,000 square feet~~

~~Electronic Data Processing and Record Keeping Services~~

~~General Contractor (Offices only, no storage of equipment or materials)~~

~~Government Offices~~

~~Insurance Agencies~~

~~Labor Union Offices (no hiring halls)~~

~~Management Consultants~~

~~Offices, Business, and Professional~~

~~Photographers~~

~~Real Estate and Related Services~~

~~Signs subject to the provisions of Chapter 21.41~~

~~\_\_\_\_\_ and the Carlsbad Corporate Plaza Sign Program~~

~~Stockbrokers~~

~~Title and Trust Companies~~

~~Travel Agencies~~

~~Other uses similar to those listed above which the Planning Director may determine to fall within the intent and purposes of this Specific Plan, are of comparable nature, and will not be detrimental to property in the vicinity.~~

Uses Allowed with a Conditional Use Permit

~~Adult Education Schools~~

**CARLSBAD CORPORATE PLAZA**  
**SPECIFIC PLAN**  
**AMEND 2019-0002**  
**(AMENDMENT TO SP 23H)**

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

Applicant:

**Nextmed III**  
6125 Paseo Del Norte Ste 210  
Carlsbad, CA 92011

Project Site:

6183 & 6185 Paseo Del Norte  
APN: 211-040-18

Prepared by:

**Hofman Planning & Engineering**  
3152 Lionshead Avenue  
Carlsbad, CA 92010

Forwarded on June 3, 2020 by Planning Commission Resolution (7371)  
Approved on XXXX XX, 2020 by City Council Ordinance (XXXX)

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## I. INTRODUCTION

### A. PURPOSE AND SCOPE

The purpose of the Carlsbad Corporate Plaza Specific Plan (CCPSP) amendment is to allow for the creation of a parking structure at the Carlsbad Corporate Plaza and to allow for the use of the office buildings located at 6183 and 6185 Paseo Del Norte as 100 percent medical offices to serve both residents of Carlsbad and the larger region. In doing so, the plan aims to achieve an objective of the City of Carlsbad's General Plan by providing opportunities for continued economic growth and vitality that enhance Carlsbad's position as a premier regional employment center and by managing parking in an efficient manner.

The CCPSP is adopted pursuant to the provisions of Government Code Sections 65450 et. seq. and the Land Use Element of the City of Carlsbad General Plan.

### B. LOCATION AND PLANNING AREA INFORMATION

The Carlsbad Corporate Plaza Specific Plan area is located at 6183 and 6185 Paseo Del Norte (APN 211-040-18-00). The 4.59 acre area is located entirely within the boundary of Local Facilities Management Zone 3. The plan area is described as Parcel 3, in the City of Carlsbad, County of San Diego, State of California, according to map thereof No. 3415, filed in the Office of the Recorder of San Diego County on January 21, 1975. The Specific Plan area is located within the Coastal Zone.

A regional and vicinity map depicting the location of the property within the County and within the City of Carlsbad are provided in Figure 1 (page 3) and Figure 2 (page 4). The boundaries of the CCPSP are shown in Figure 3 on page 5.

Additionally, the plan area is located within the McClellan-Palomar Airport Influence Area, but outside of the Flight Activity Zone. The entire Specific Plan Area is outside the limits of the six Safety Zones as shown in the Airport Land Use Compatibility Plan for the McClellan-Palomar Airport, amended December 1, 2011.

## C. HISTORY

Specific Plan 23 was originally adopted on March 7, 1972 by City Council Ordinance No. 9293. In the years between 1972 and 1999, Specific Plan 23 was amended eight times [SP 23 (A-H)].

- SP 23 [PC reso 755; CC reso 1955; CC ORD 9293]: First phase of an adult community located east of the I-5 freeway (1972).
- SP 23(A) [PC reso 776; CC reso 2011; CC ORD 9308/9309]: Change of zoning for a 3.05 acre parcel from R-1-10,000 and M to PC and the creation of an SP for the northern M zoned properties (1972).
- SP 23(B) [PC reso 811; CC reso 2060; CC ORD 9325]: Phase “C” of Alta Mira properties (1972).
- SP 23(C) [Ordinance unknown]: Remove Motel 6 from provisions of SP 23 (1981).
- SP 23(D) [Denied]: Denial of request for amendments and site development plan for 150 apartments on Neighborhood Commercial 8 acres (1983).
- SP 23(E) [PC reso 2368; CC ORD 9747]: Approval of office and mini warehouse facility on the 8 acre Neighborhood Commercial site (1985).
- SP 23 (F) [PC reso 3461; CC ORD NS-224]: Deletion of Condition 13 to SP 23(E) (1992).
- SP 23 (G) [PC reso 4184; CC ORD NS-437]: Carlsbad Corporate Plaza site plan and building design (1998).
- SP 23 (H) [PC reso 4517; CC ORD NS-487]: Establishment of list of allowable uses for the Carlsbad Corporate Plaza site; medical uses limited to a maximum of 6,000 square feet at 6183 & 6185 Paseo Del Norte (1999).

The current amendment will allow all permitted uses allowed in the O (Office) zone (CMC Chapter 21.27).

## D. REGULATORY SPECIFIC PLAN

The CCPSP is a regulatory document that only manages land uses. It is not a policy document, and does not introduce any new policy objectives. The amendment to SP 23(H) provides for a parking structure and medical office uses within the boundaries of the Carlsbad Corporate Plaza site.



Figure 2: VICINITY MAP – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN

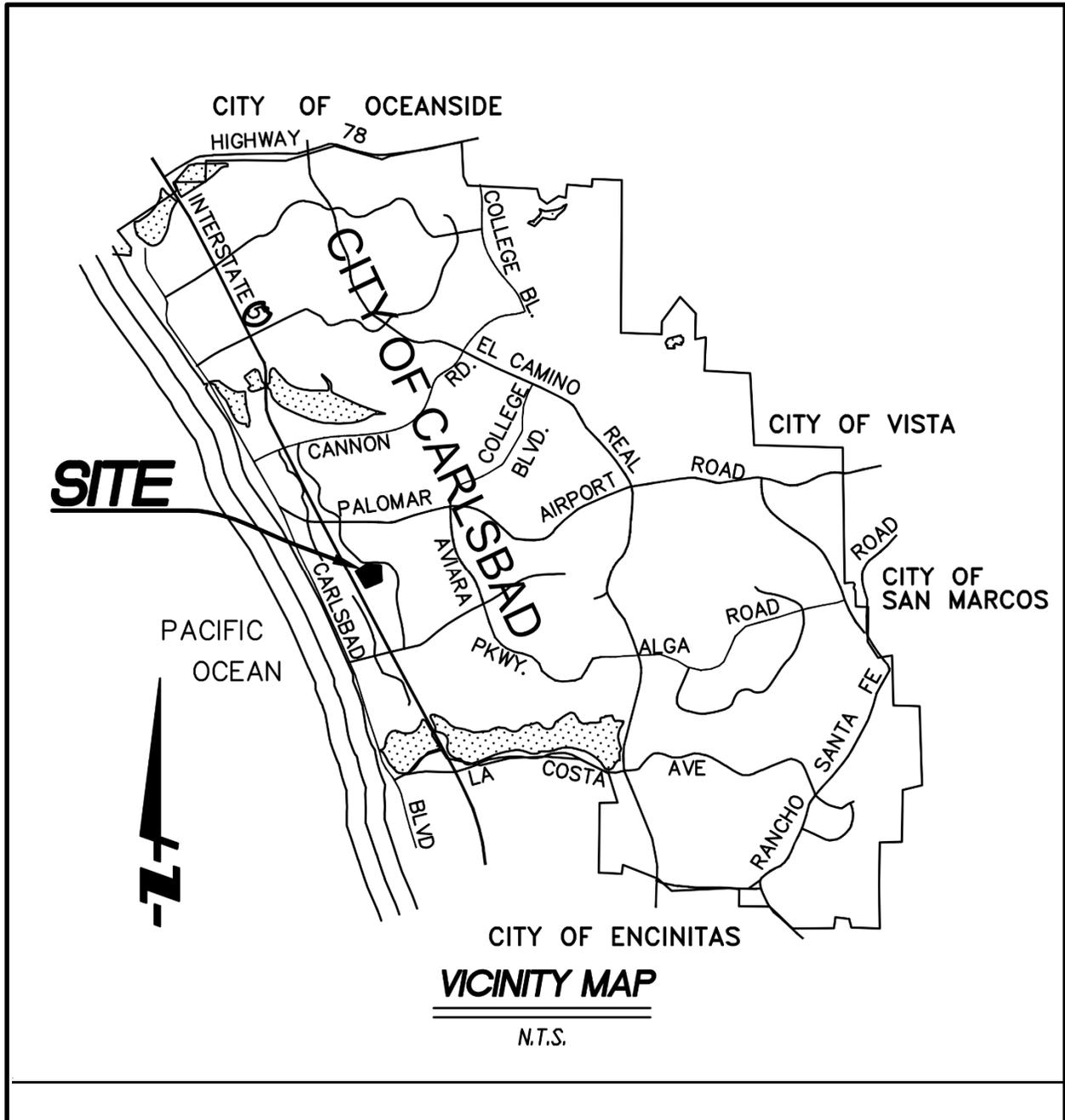
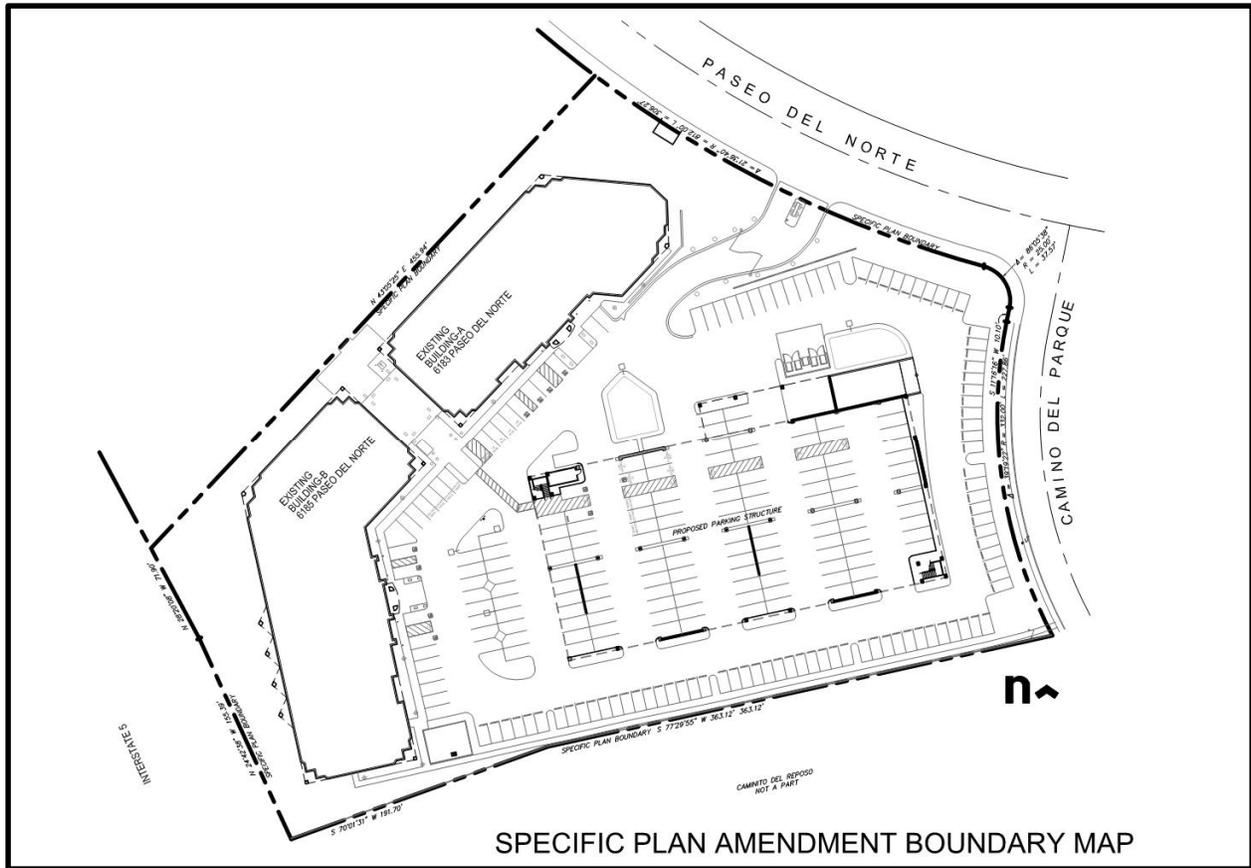


FIGURE 3: LAND USE PLAN – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN



## II. LAND USES

The Carlsbad Corporate Plaza Specific Plan currently allows the permitted and conditionally permitted land uses of the underlying P-C zone and by SP 23 (H), but limits the square footage for medical office uses to 6,000 square feet. The subject amendment deletes the 6,000 square footage limit for medical facilities that was established pursuant to SP 23 (H). The amended CCPSP additionally allows for the construction of a single-level parking structure on the site.

### A. PERMITTED USES

1. All uses permitted in the Office (O) zone.
2. Single-level parking structure
3. Other uses similar to those listed above which the City Planner may determine to fall within the intent and purposes of this Specific Plan, are of comparable nature, and will not be detrimental to property in the vicinity.
4. During parking structure construction phase, 7,500 sf of new medical uses may be permitted as approved by the City Planner. In making this determination the City Planner shall find that adequate offsite and onsite parking measures are in place to ensure that adequate parking will be maintained during construction for all existing uses.

### B. USES ALLOWED WITH A CONDITIONAL USE PERMIT

1. All uses conditionally allowed in the O zone.

### C. SETBACKS

1. Front Yard and Street Side Yard
  - a. Building: The front yard or side street yard shall have an average setback of 35 feet; however, the setback shall not be less than 25 feet. Parking shall be allowed within the setback, but the parking field must be located a minimum of 10' from the property line.
  - b. Parking Structure: Front and Street side setbacks for a parking structure shall be a minimum of 50 feet from the property line.
2. Side Yard – Interior

- a. Building: All interior side yards shall have a minimum setback of 10 feet. Any parking field must be located a minimum of 10 feet from the property line.
- b. Parking Structure: Interior side yard setbacks for a parking structure shall be a minimum of 50 feet from the property line.
3. Rear Yard:
  - a. The rear yard setback shall be a minimum of 25 feet from the property line for all structures and/or parking fields.

#### E. PARKING

1. Parking shall be calculated pursuant to CMC 21.42.020 except as provided in E.2. below.
2. Parking calculations shall be based upon the Gross Leasable Area of the Carlsbad Corporate Plaza office buildings.
  - a. Gross Leasable Area is defined as the actual area that is leased and privately used by a tenant. This area does not include the common areas accessible to all tenants of the buildings, nor the non-usable square footages e.g. hallways, common restrooms, etc.

### III. Signage

All Signage shall be subject to Chapter 21.41 (Sign Ordinance) of the Carlsbad Municipal Code.

## IV. INFRASTRUCTURE PLAN AND IMPLEMENTATION MEASURES

The infrastructure improvements planned for and approved as part of Local Facilities Management Zone 3 and the City of Carlsbad Capital Improvement Plan, remain applicable and satisfactory for the CCPSP for all categories.

- Comply with the current requirements of state and regional storm water management and quality criteria.

## V. SPECIFIC PLAN ADMINISTRATION

As contained in Section 65450, et. seq. of the California Government Code, the CCPSP shall be amended in the same manner as the General Plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The CCPSP may not be amended unless the proposed amendment is consistent with the City of Carlsbad's General Plan. Additionally, amendment of the CCPSP shall be subject to the local requirements of Chapter 21.52 of the Carlsbad Municipal Code.



PLANNING COMMISSION

# Staff Report

Item No.

3

P.C. AGENDA OF: June 3, 2020

Application complete date: April 17, 2020

Project Planner: Esteban Danna

Project Engineer: Tim Carroll

**SUBJECT:** AMEND 2019-0002/SDP 2019-0003/CDP 2019-0005 (DEV2018-0131) – CARLSBAD CORPORATE PLAZA PARKING STRUCTURE – Request for a recommendation of approval of an amendment to Specific Plan 23(H) to remove the 6,000-square-foot limit for medical office use and a Minor Site Development Plan and Coastal Development Permit to allow the construction of a 35,360-square-foot, single-level parking structure located over an existing parking lot serving an existing office building located at 6183-6185 Paseo del Norte within the Mello II Segment of the Local Coastal Program (LCP) and Local Facilities Management Zone 3. The project site is not within the appealable area of the California Coastal Commission. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15061(B)(3) – General Rule – and City of Carlsbad Municipal Code Section 19.04.070(A)(1)(c), and Section 15332 – In-Fill Development Projects – of the state CEQA Guidelines.

## I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution Nos. 7371 and 7372 **RECOMMENDING APPROVAL** of Specific Plan Amendment AMEND 2019-0002, Minor Site Development Plan SDP 2019-0003, and Coastal Development Permit CDP 2019-0005 based upon the findings and subject to the conditions contained therein.

## II. BACKGROUND AND PROJECT DESCRIPTION

### Background

Specific Plan 23, Carlsbad Corporate Plaza Specific Plan, was adopted in 1972 for a 50-acre residential development. Later that same year, the amendment A was adopted to expand the Specific Plan area to create a total of eight acres of Neighborhood Commercial Zoning within the Specific Plan area and to include properties zoned Industrial (M) north on Paseo del Norte. Amendment B was also adopted in 1972 to approve the Alta Mira development. The California Motel 6 was removed from the Specific Plan area in 1981 by amendment C. Amendment D was a denial of a request for a site development plan for 150 apartments on an 8-acre Neighborhood Commercial property (1983).

In 1985, amendment E to SP 23 was approved to include specific development plans for an office complex on the southern portion and a self-storage facility on the northern portion of the Neighborhood Commercial eight acres. Regarding the office portion, amendment E did not specify as to the types of office uses that would be allowed. No development standards for the site were established other than the site plan itself. In 1993, the City Council approved amendment F to separate the self-storage facility



from the office project and the self-storage project was constructed. The office component was built after amendment G was approved in January 1998. Although the Specific Plan was amended to reflect new architecture and site design, the plan did not address allowed uses once the project was built. In 1999, amendment H established the allowed uses and development standards for the subject site as those found in the Planned Industrial Zone in Carlsbad Municipal Code (CMC) Section 21.34.070. Additionally, amendment H permitted up to 6,000 square feet of medical office use. The property’s parking constraints contributed to the 6,000-square-foot limit.

Project Description

The project proposes to convert the use of the existing two buildings, totaling 64,761 square feet, from a combination of general office/medical office to medical office use. Because medical office uses require more parking spaces than general office uses, the addition of parking spaces is required. To accomplish this, the project consists of two components. The first component proposes to amend the Specific Plan to remove the existing 6,000-square-foot limit on medical office use. The amended Specific Plan is included as an exhibit to the draft ordinance attached to Resolution No. 7371 (Attachment 1). This amendment allows 100 percent of the office space on the property to be medical office uses. The second component of the project consists of a Minor Site Development Plan and Coastal Development Permit to allow the construction of the parking structure. The proposed parking structure is a single-level, 16’-6” tall, and 35,360 square feet in size. It will be located over the parking lot serving the existing office and medical office buildings. The proposed parking structure will add 45 parking spaces, bringing the total number of parking spaces to 351. The increase in the number of parking spaces accommodates the increased parking requirement for medical office uses.

Table “A” below includes the General Plan designations, zoning and current land uses of the project site and surrounding properties.

**TABLE A – General Plan Designations**

Location	General Plan Designation	Zoning	Current Land Use
Site	Office (O)	Planned Community (P-C)	General office/medical office
North	General Commercial (GC)	Planned Community (P-C)	Self-storage facility
South	Residential, 4-8 du/ac (R-8)	Planned Community (P-C)	Residential
East	Residential, 4-8 du/ac (R-8)	Planned Community (P-C)	Residential
West	Transportation Corridor (TC)	Transportation Corridor (T-C)	Interstate 5 freeway

**III. ANALYSIS**

The project is subject to the following plans, ordinances, and standards:

- A. General Plan – Office (O) Land Use Designation;
- B. Carlsbad Corporate Plaza Specific Plan (SP 23(H)) and Title 21 (Zoning Ordinance) CMC Chapters 21.06, 21.27, 21.34, 21.38, and 21.44;
- C. Coastal Development Regulations for the Mello II Segment of the LCP and the Coastal Resource Protection Overlay Zone (CMC Chapters 21.201 and 21.203);
- D. McClellan-Palomar Airport Land Use Compatibility Plan; and
- E. Growth Management Ordinance (CMC Chapter 21.90).

The recommendation for approval of this project was developed by analyzing the project’s consistency with the applicable policies and regulations listed above. The following analysis section discusses compliance with each of these regulations/policies utilizing both text and tables.

**A. General Plan - Office (O) Land Use Designation**

A General Plan Land Use designation of Office (O) allows for a variety of uses such as general office, medical office, and other professional uses. The amendment to the Carlsbad Corporate Center Specific Plan is in compliance with the applicable General Plan Goals, Objectives, and Policies. The project complies with Elements of the General Plan as outlined in Table “B” below.

**TABLE B – GENERAL PLAN COMPLIANCE**

Element	Goal & Policies	Project Consistency	Comply
Land Use and Community Design	<p><u>Goal 2-G.3</u>                      Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.</p> <p><u>Goal 2-G.8</u>                      Provide opportunities for continued economic growth and vitality that enhance Carlsbad’s position as a premier regional employment center.</p>	The proposed change of use and construction of a parking structure efficiently accommodates in-demand medical office uses as well as the corresponding increased parking demand. The change from general office/ medical office mix to allow all medical office is compatible with the surrounding residential and commercial uses. Additionally, the change of use provides economic growth and employment opportunities for multiple large- and small-scale health care businesses.	Yes
Mobility	<p><u>Goal 3-G.4</u>                      Manage parking to support all modes of transportation and ensure efficient use of land.</p> <p><u>Policy 3-P.5</u>                      Require developers to construct or pay their fair share toward improvements for all travel modes consistent with the Mobility Element, the Growth Management Plan, and specific impacts associated with their development.</p>	The project generates a net gain of 2,219 average daily trips (ADTs). The additional traffic will not adversely impact the nearby intersections and freeway on/off ramps. The proposal does not require improvements to the existing street system as the change of use does not result in a significant increase in traffic. The project meets the minimum parking requirements for the proposed use.	Yes
Public Safety	<p><u>Goal 6-G.1</u>                      Minimize injury, loss of life, and damage to property resulting</p>	The proposed parking structure is designed to be in conformance with drainage, flood control, and seismic design standards. The	Yes

Element	Goal & Policies	Project Consistency	Comply
	<p>from fire, flood, hazardous material release.</p> <p><u>Policy 6-P.6</u>                      Enforce the requirements of Titles 18, 20, and 21 pertaining to drainage and flood control when reviewing applications for building permits and subdivisions.</p> <p><u>Policy 6-P.34</u>                      Enforce the Uniform Building and Fire codes, adopted by the city, to provide fire protection standards for all existing and proposed structures., or seismic disasters.</p>	<p>project will meet all required Building and Fire codes. The project is required to develop and implement a program of “best management practices” for the elimination and reduction of pollutants which enter into and/or are transported within storm drainage facilities.</p>	
<p>Economy, Business Diversity, and Tourism</p>	<p><u>8-G.1</u>                      In partnership with business and community groups, proactively engage in the city’s economic development.</p>	<p>The proposed change of use to in-demand medical office uses promotes economic development by allowing new health care businesses to operate in the city.</p>	<p>Yes</p>
<p>Sustainability</p>	<p><u>Goal 9-G-2</u>                      Undertake initiatives to enhance sustainability by reducing the community’s greenhouse gas (GHG) emissions and fostering green development patterns – including buildings, sites, and landscapes.</p> <p><u>Policy 9-P.1</u>                      Enforce the Climate Action Plan as the city’s strategy to reduce greenhouse gas emissions.</p>	<p>The city’s Climate Action Plan (CAP) ordinances have requirements related to energy efficiency, photovoltaic and electric vehicle charging. The proposed project will include the addition of a photovoltaic energy system for the existing buildings as well as new electric vehicle charging systems.</p>	<p>Yes</p>

As indicated above, the amended Specific Plan complies with the goals, objectives, and policies of the various elements of the General Plan and can therefore be found to be consistent with the General Plan. The subject Specific Plan will continue to be the controlling document for the property. It will continue to further the objectives and policies of the General Plan and not obstruct their attainment. All infrastructure needed to serve the property is presently in place in accordance with the Zone 3 Local Facilities Management Plan.

**B. Carlsbad Corporate Plaza Specific Plan (SP 23(H)) and CMC Chapters 21.06, 21.27, 21.34, 21.38, and 21.44**

The proposed Specific Plan amendment is a property owner-initiated amendment to remove the medical office use area limitation that was incorporated in a previous Specific Plan amendment. The property is zoned Planned Community (P-C) (CMC Chapter 21.38). The P-C zone defers permitted uses and development standards to the governing Specific Plan. SP 23 (H), the governing Specific Plan, defers development standards for the property to the requirements set forth by the Planned Industrial (P-M) zone (CMC Chapter 21.34). The subject amendment proposes to defer permitted uses and development standards to the Office (O) zoning district as stated in CMC Chapter 21.27, with the exception of setbacks, which are outlined in the amended Specific Plan and shown on Table “C” below. Both CMC Chapters 21.27 and 21.34 require developments to obtain approval of a Minor Site Development Plan pursuant to CMC Chapter 21.06.

As seen in Table “C” below, the proposed project complies with the development standards and design guidelines contained in the Specific Plan.

**TABLE C: SPECIFIC PLAN/ZONING ORDINANCE COMPLIANCE**

Standard	Required/Allowed	Proposed/Provided	Comply?
<b>Building Height</b>	35 feet	33'-2"	Yes
<b>Setbacks (for parking structure only)</b>			Yes
-Front	50 ft. minimum	51 ft.	
-Side	50 ft. minimum	56 ft.	
<b>Building Coverage</b>	50%	37%	Yes
<b>Parking (Medical Use)</b>	349 spaces	351 spaces	Yes

The project is also subject to the parking chapter of the zoning ordinance (CMC Chapter 21.44). The proposed total number of parking spaces complies with the minimum required parking ratio of one parking space per 200 square feet of medical office area. All aspects of the proposed parking structure, including parking space dimensions, aisle widths, and landscaping comply with all applicable requirements set forth in CMC Chapter 21.44.

The existing businesses will continue to operate during the construction of the parking structure. The applicant has prepared an interim parking plan to address the parking needs of the existing businesses operating in the buildings during all phases of construction. Currently, approximately 37 percent of both buildings combined are vacant, and will remain vacant until completion of the parking structure which temporarily decreases the parking demand. Additionally, the applicant has secured the use of 50 additional parking spaces on two neighboring properties and will deploy the use of a comprehensive rideshare program for business employees. The interim parking plan is attached (Attachment 5).

**C. Coastal Development Regulations for the Mello II Segment of the LCP and the Coastal Resource Protection Overlay Zone (CMC Chapters 21.201 and 21.203)**

The project site is located within the Mello II Segment of the Local Coastal Program (LCP), but is not within the appealable jurisdiction of the California Coastal Commission. The site is also located within and subject to the Coastal Resource Protection Overlay Zone. The project is consistent with the relevant

policies of the Mello II Segment of the LCP and the Coastal Resource Protection Overlay Zone as discussed below.

1. Mello II Segment of the Certified Local Coastal Program and all applicable policies:

The Specific Plan implements the intent of the Office (O) General Plan Land Use designation and LCP Land Use designation. The Carlsbad Corporate Plaza Specific Plan is the implementing ordinance for, and is consistent with, the LCP. The proposed parking structure will not result in any conflicts with the provisions of the LCP. Specific Mello II Land Use Policies that are applicable to this site include Policy 1-1, Allowable Land Uses, and Policy 7-10, Parking. The proposed project is consistent with Policy 1-1 because the parking structure is consistent with provisions for on-site parking to support allowed uses in the Specific Plan and General Plan Land Use designations as discussed above. Policy 7-10 addresses parking standards in the CMC. As noted previously, the parking structure will result in a net increase in the overall parking supply on the property to accommodate the parking requirements for medical office uses. The project does not preclude any recreational opportunities or shoreline access as the property is not located adjacent to any waterways or bodies of water. The project will not obstruct views of the coastline as seen from public lands or public rights-of-way.

2. Coastal Resource Protection Overlay Zone

The project is consistent with the provisions of the Coastal Resource Protection Overlay Zone (CMC Chapter 21.203 of the Zoning Ordinance) in that the project will adhere to the City's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual and Jurisdictional Runoff Management Program (JRMP) to avoid increased urban run-off, pollutants and soil erosion. No development is proposed in areas of natural steep slopes ( $\geq 25\%$  gradient) and no native vegetation is located on the subject property. In addition, the site is not located in an area prone to landslides, or susceptible to accelerated erosion, floods or liquefaction.

**D. McClellan-Palomar Airport Land Use Compatibility Plan**

The proposed project falls within the Airport Influence Area (AIA) boundaries of the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP). All projects within the AIA are required to be reviewed for consistency with the goals and policies of the ALUCP. The ALUCP identifies four types of airport impacts that must be considered for each development: Noise, Safety, Airspace Protection, and Overflight. The project is consistent with the ALUCP in that 1) the existing buildings and proposed parking structure are located outside of the 60 dB CNEL noise contour and thus are not impacted by airport noise; 2) the existing buildings and proposed parking structure are well below the Federal Aviation Regulation (FAR) Part 77 obstruction surface of 402 feet AMSL at the project site, and thus notification is not required; 3) although this project is within the Airport Overflight Notification Area, the use is nonresidential development, and thus, the recordation of an overflight notification is not required; and 4) the project site is located outside Safety Zones 1-6, thus, the proposed land use is considered compatible within the AIA.

**E. Growth Management Ordinance (CMC Chapter 21.90)**

The proposed change of use and construction of a parking structure is located on an existing developed site within Local Facilities Management Plan Zone 3 and will not result in increased public facilities demands; therefore, the proposal will not exceed performance standards for public facilities.

**IV. ENVIRONMENTAL REVIEW**

The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment; therefore, the project is categorically exempt from the requirement for the preparation of an environmental document pursuant to CEQA Guidelines Section 15061(B)(3) (General Rule) and City of Carlsbad Municipal Code Section 19.04.070(A)(1)(c) and Section 15332 – In-Fill Development Projects – of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption will be filed by the City Planner upon project approval.

**ATTACHMENTS:**

1. Planning Commission Resolution No. 7371 AMEND 2019-0002
2. Planning Commission Resolution No. 7372 SDP 2019-0003/CDP 2019-0005
3. Location Map
4. Disclosure Statement
5. Interim Parking Plan
6. Reduced Exhibits
7. Exhibits "A" – "G" dated June 3, 2020
8. Public Comments



SITE MAP



NOT TO SCALE

# CARLSBAD CORPORATE PLAZA PARKING STRUCTURE AMEND 2019-0002/SDP 2019-0003/CDP 2019-0005



DISCLOSURE STATEMENT  
P- 1(A)

Development Services

Planning Division  
1635 Faraday Avenue  
(760) 602-4610  
www.carlsbadca.gov

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

**Note:**

**Person** is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

**Agents** may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

- 1. **APPLICANT** (Not the applicant's agent)  
Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person <u>Scott Leggett</u>	Corp/Part <u>Nextmed III</u>
Title _____	Title _____
Address <u>6125 Paseo Del Norte Ste 210, Carlsbad, CA</u>	Address <u>6125 Paseo Del Norte Ste 210, Carlsbad, CA</u>

- 2. **OWNER** (Not the owner's agent)  
Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person <u>Scott Leggett</u>	Corp/Part <u>Nextmed III</u>
Title _____	Title _____
Address <u>6125 Paseo Del Norte Ste 210</u> <u>Carlsbad, CA 92011</u>	Address <u>6125 Paseo Del Norte Ste 210</u> <u>Carlsbad, CA 92011</u>

3 NON-PROFIT ORGANIZATION OR TRUST

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust _____	Non Profit/Trust _____
Title _____	Title _____
Address _____	Address _____
_____	_____

4 Have you had more than \$500 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

Yes  No If yes, please indicate person(s): \_\_\_\_\_

\_\_\_\_\_

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

Scott Leggett 10/3/18  
Signature of owner/date

Scott Leggett 10/3/18  
Signature of applicant/date

Scott Leggett  
Print or type name of owner

Scott Leggett  
Print or type name of applicant

Bill Hofman 10/15/18  
Signature of owner/applicant's agent if applicable/date

BILL HOFMAN, HOFMAN PLANNING AND ENGINEERING  
Print or type name of owner/applicant's agent

## NEXTMED PARKING MEMO

To: Esteban Danna

From: Hofman Planning & Engineering

Date: March 31, 2020

Re: Carlsbad Corporate Plaza Parking Accommodations During Construction

Attachment(s): 1. Carlsbad Corporate Plaza Parking Structure- Phasing & Logistics Plan  
2. NextMed Tenant Parking Analysis

The following memo has been prepared by the Hofman Planning & Engineering staff for the Carlsbad Corporate Plaza Parking Structure, located at 6183 & 6185 Paseo Del Norte, Carlsbad, CA 92011 to create a solution for parking spaces that will be occupied during the varying phases of construction. During site construction for the NextMed Parking Garage, Hofman Planning & Engineering has been working with the applicant to establish a temporary parking situation to accommodate the patients and staff in the building during the various construction phases.

#### The Data

Currently, there is one vacant space in the office complex. Two surveys were conducted in February at the Carlsbad Corporate Plaza parking lot during peak hours to see the existing parking demand with the low vacancy rate. The results of these surveys can be seen in the table below. Of the 324 total parking spaces available, the average amount of open spaces available during peak operation is 145 spaces or 45 percent of the total parking lot. So even with a relatively low vacancy rate, there is a larger amount of excess parking available during peak hours.

	Date	Peak Operating Hours	Time of Survey	Open Spaces Available	Total Spaces
NextMed Project Site	2/13/20	10a.m.- 12p.m.	11:30	138	324

	Date	Peak Operating Hours	Time of Survey	Open Spaces Available	Total Spaces
NextMed Project Site	2/25/20	10a.m.- 12p.m.	11:30	152	324

We expect that construction will begin on the parking structure in July of this year. At this time, there will be several suites that will become vacant due to lease expirations. Attachment 2 shows the suites that will become vacant in July. The total vacant net usable square footage will be 24,207 net USF. This vacancy will last throughout the construction phase because the applicant wants to hold these vacant offices for new

medical users after Specific Plan approval. For all remaining suites still being used during construction, the estimated occupancy rate for general office space would be about 4 people for every 1,000 sq. ft. or/and 3 people for every 1,000 sq. ft. for medical space.

**Offsite Parking** - The applicant has entered into agreement with the Green Dragon Museum and Tavern to allow for the applicant’s tenants to use 30 parking spaces on its site. This parking is in close proximity to the project site at 6115 Paseo Del Norte. Two surveys were also taken at this site to determine the parking spaces available during peak business hours. These results are shown in the table below and it was found that there is a significant surplus of spaces. This agreement will help offset the amount of parking spaces lost during construction of the parking structure.

Location	Date	Peak Operating Hours	Time of Survey	Open Spaces Available	Total Spaces
The Green Dragon Tavern	2/13/20	12:00-1:00	12:06	151	192

Location	Date	Peak Operating Hours	Time of Survey	Open Spaces Available	Total Spaces
The Green Dragon Tavern	2/25/20	12:00-1:00	12:00	71	192

The applicant will also be providing a minimum of 20 additional parking spaces at his other building located just to the north of this property at 6125 Paseo del Norte. This will also help with the temporary parking deficit during construction. The table below illustrates that the 20 parking spaces offered by the applicant will not inhibit the availability of the applicant’s space availability for their business.

Location	Date	Time of Survey	Opens Spaces Available	Total Spaces
Applicants Office (6125 Paseo Del Norte)	2/24/20	11:15	25	90

Location	Date	Time of Survey	Opens Spaces Available	Total Spaces
Applicants Office (6125 Paseo Del Norte)	2/26/20	1:45	34	90

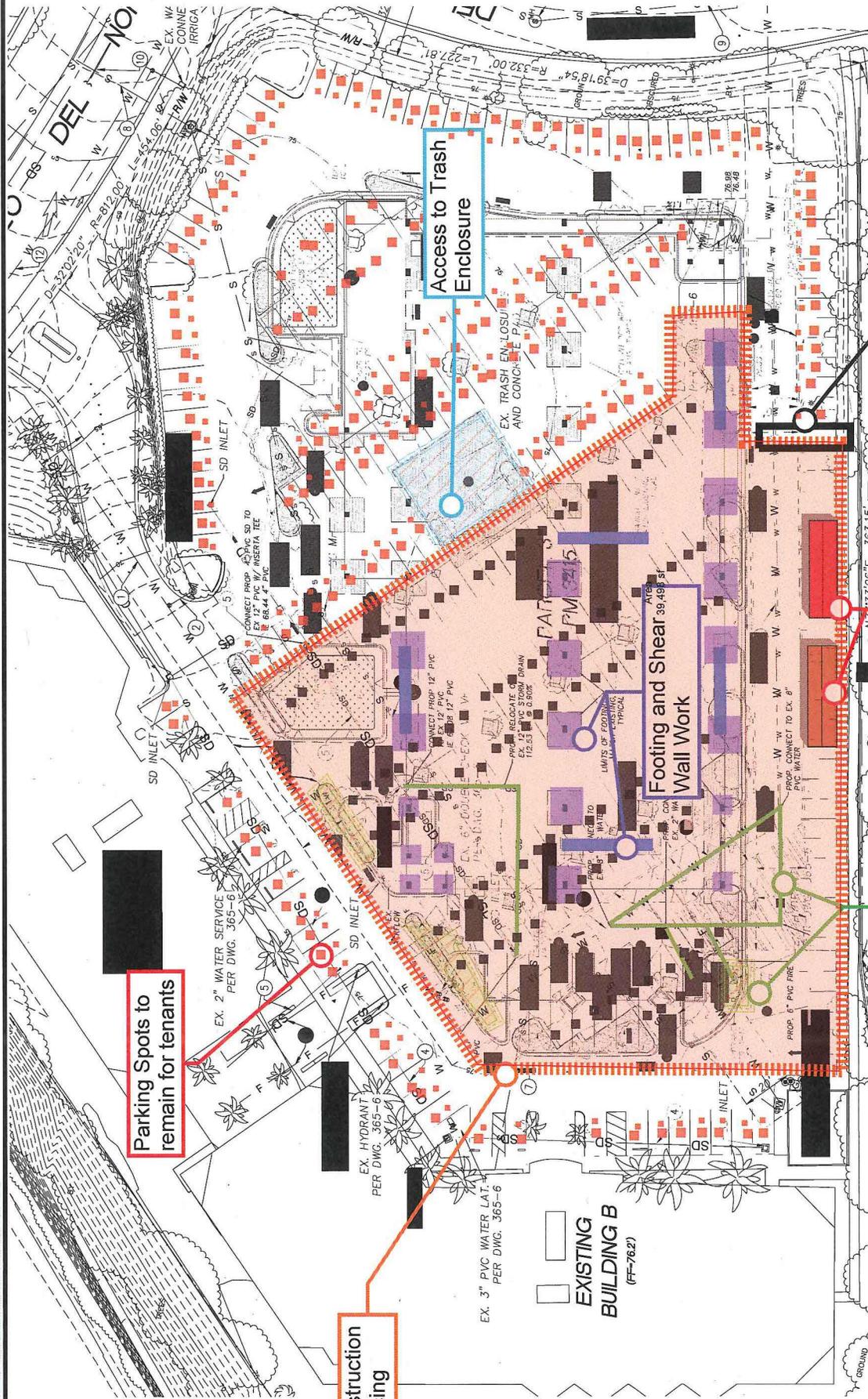
**Parking Alternatives** – The applicant will also be providing other alternatives to his tenants to get them to work without the need for a car. He will offer ride share vouchers to those employees who would rather commute to work via Uber or Lyft. Also, meetings will be set up with the office tenants to encourage carpooling with one another during construction to further reduce parking demand. The applicant has discussed rideshare with the building occupants and estimates that approximately 50-60% of staff will make use of this service. All employees/tenants will be asked to use either the off-site parking or ride share program so all remaining parking on-site will be open to patients/customers. Collectively, the additional 50 parking spaces and the provision of ride share vouchers and increased carpooling will adequately offset the amount of parking spaces lost during the construction phase.

**Parking Analysis** – At staff's request, the Table for Attachment 2, presents an analysis of parking availability during the construction phase of the parking structure. This table identifies the usage of the two office buildings as of July 2020. This is the expected time of the beginning of construction of the parking garage. As of July 2020, there will be a total 4,902 sf of medical use and a total of 24,207 sf of vacant space. This will reduce the parking demand during the construction phase by the same amount. Also, an employee survey was conducted, and the building manager has reported that the average employee amount is 3 employees per 1000 sf of medical space and 4 employees per 1000 sf of office space. With the addition of the 50 off site spaces at the Green Dragon Tavern (6115 Paseo Del Norte) and the applicant's office (6125 Paseo del Norte) and the assumption that about 50-60 percent of employees will take advantage of the ride share coupons that will be available during construction, there will be adequate parking to serve the project during all phases of construction.

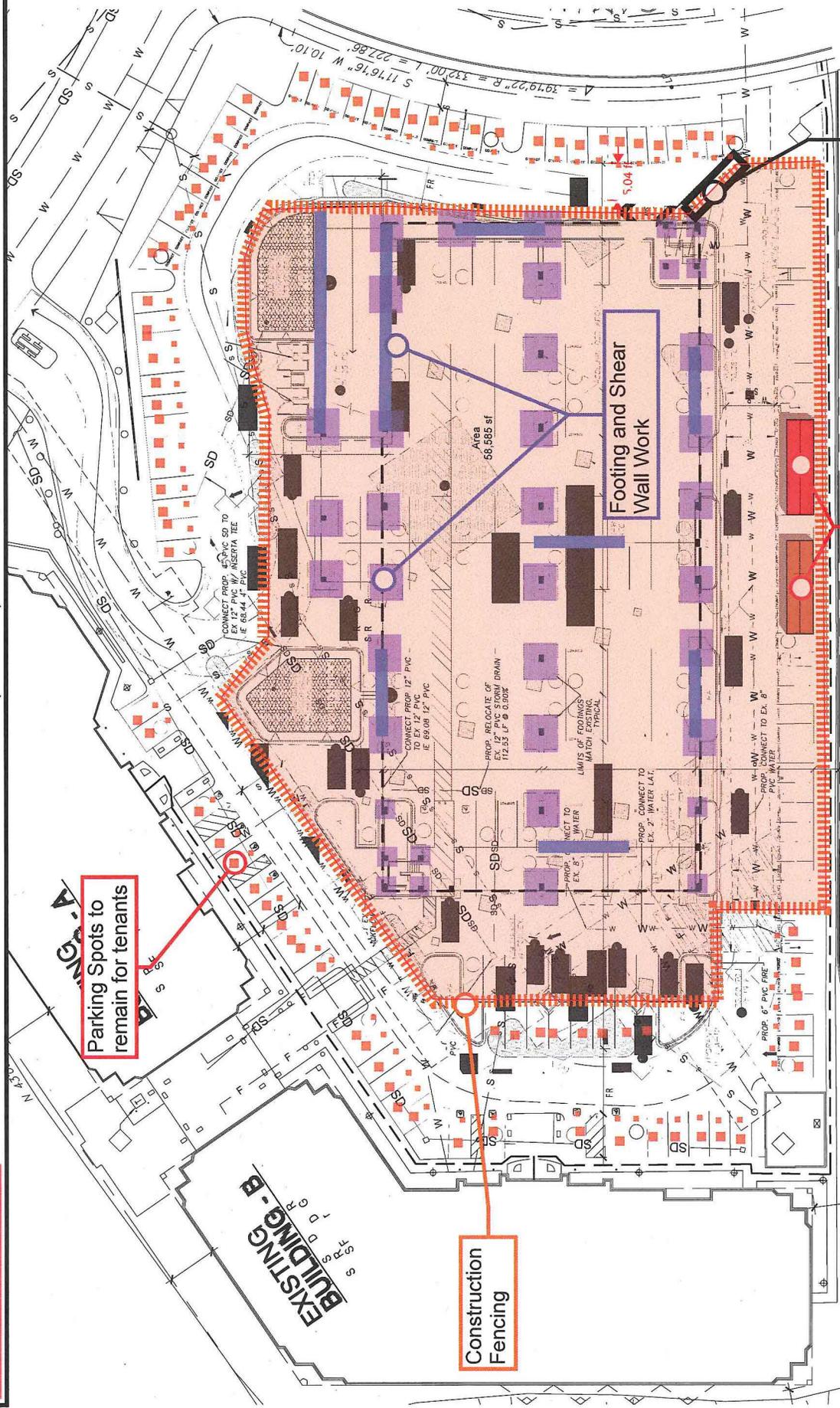
Attached are the construction phases shown in the Carlsbad Corporate Plaza Parking Structure- Phasing & Logistics Plan, Attachment 1, following this memo. In the depiction, you can find the four different phases and areas that will be affected by construction activities. Phase 1 of construction will be approximately 2-3 months, Phase 2 will be approximately 1 month, Phase 3 will be approximately 2-3 months and Phase 4 will be approximately 1 month but will no longer impact parking on the project site during the last phase of construction.

We are and will be making a continuous effort to accommodate those affected or those who will be affected throughout the various stages of construction in an ongoing attempt to create minimal disturbance.

# ATTACHMENT 1: PHASING & LOGISTICS PLAN



Description	Quantity	Unit	Count
Proposed Public Parking During Construction	146		
Staging for project within Construction Area			



Parking Spots to remain for tenants

Construction Fencing

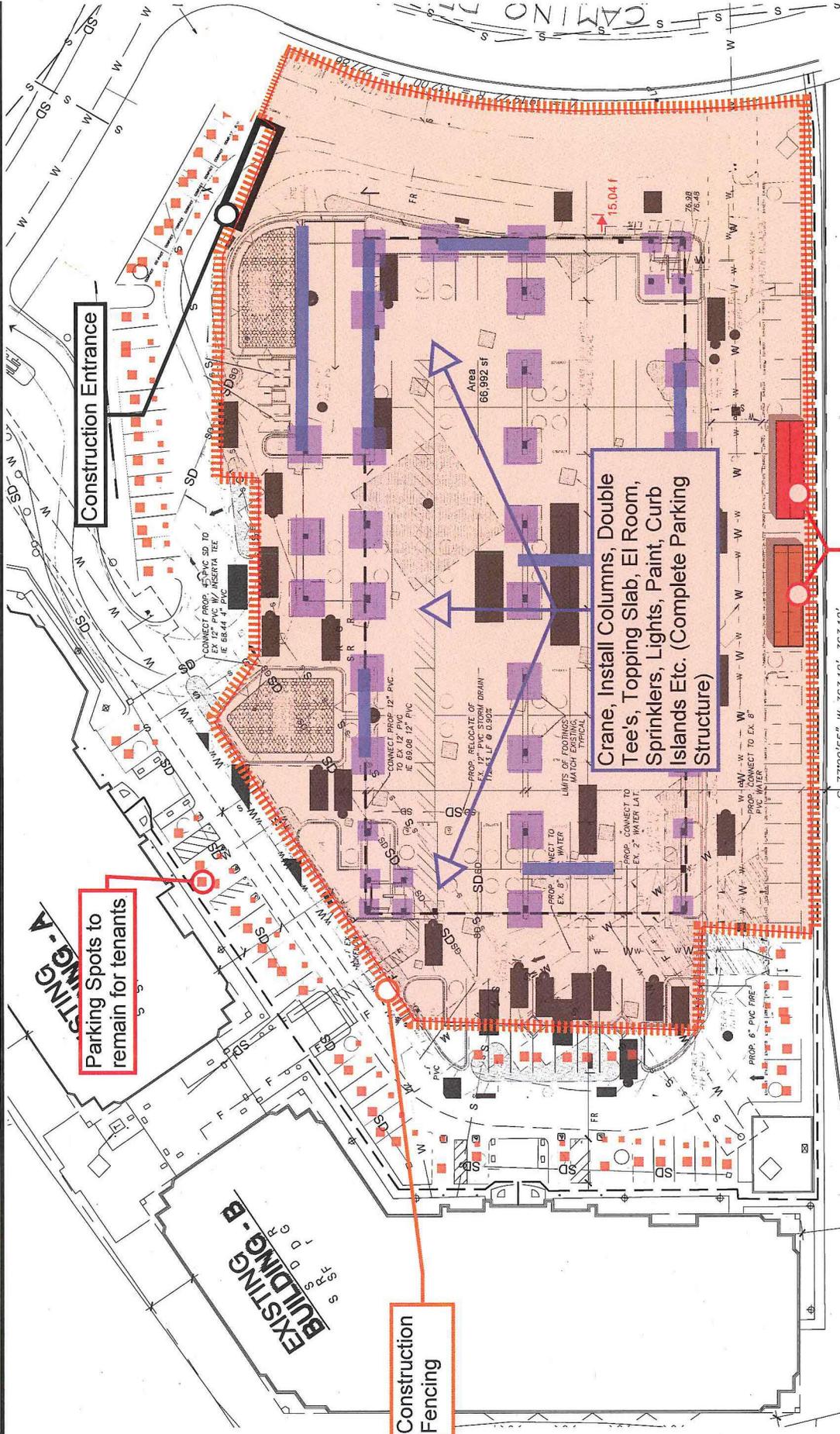
Footing and Shear Wall Work

Lusardi Superintendent and Tool Trailer

Construction Entrance

Staging for project within Construction Area

Proposed Public Parking During Construction  
Quantity 79  
Unit Count



Slaging for project within Construction Area

Description	Quantity	Unit
Proposed Public Parking During Construction	57	Count



# ATTACHMENT 2: NEXTMED TENANT PARKING ANALYSIS

## NextMed Tenants Parking Analysis as of July 2020

6183 Suite #	Tenant	Net Usable Square Feet	Req Parking for Tenants	Number of Employees
83-100	One Stop Enterprises	2,320	9	9
83-110	Montecatini	2,526	10	10
83-120	Montecatini	882	4	4
83-140	Vacant	834		
83-150	Vacant	1,068		
83-160	Adecco	3,280	13	13
83-180	Montecatini	2,822	11	11
83-200	CRC/Acadia	3,561	14	14
83-210	Vacant	2,554		
83-250	Vacant	1,436		
83-260	Vacant	4,689		
83-280	All Seasons Escrow	1,630	7	7
83-290	Michael Tracy, MD	1,046	5	3
	<b>BUILDING TOTAL</b>	28,648		
<b>6185</b>				
<b>Suite #</b>				
85-100	Vacant	3,810		
85-110	Valley Radiology	3,856	19	12
85-140	Vacant	1,968		
85-150	Vacant	6,287		
85-150A	Vacant	1,561		
85-200	Ostendo Technologies	18,631	75	75
	<b>BUILDING TOTAL</b>	36,113		
	<b>PROJECT TOTAL</b>	<b>64,761</b>	<b>167</b>	<b>157</b>
	Total Vacant SF	24,207		
	Percent Vacant	37.38		
Medical SF	4,902			
Surveyed Parking	179			
<i>*Highlighted cells denote medical use</i>				

Parkng Analysis During Construction		
	Occupied Square Feet	Required Spaces
General Office	35,652	143
Medical Office	4,902	25
Total	40,554	167

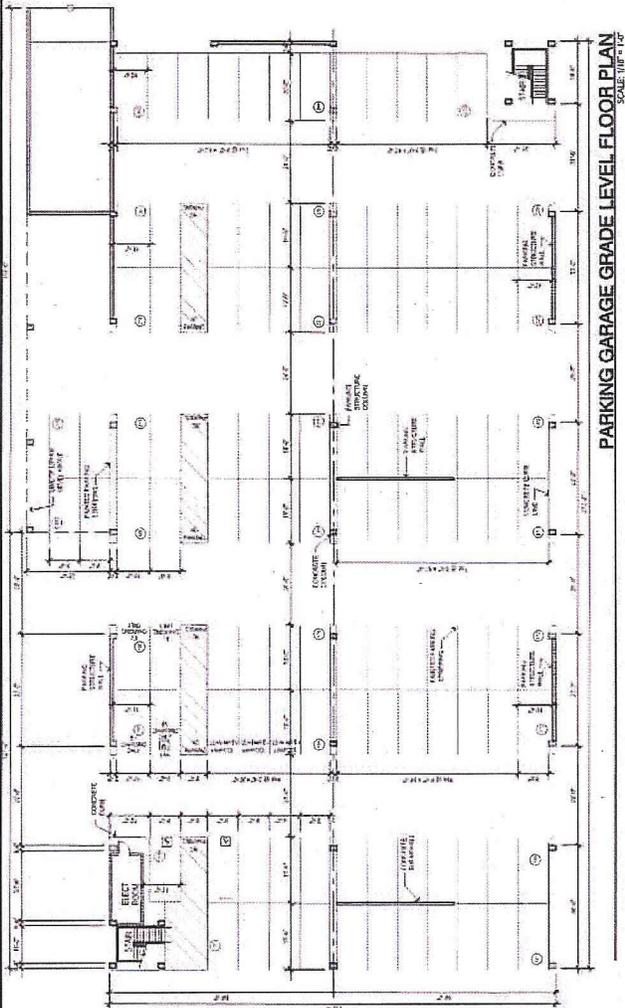
	Spaces Available Phase 1	Spaces Available Phase 2	Spaces Available Phase 3
On Site	146	79	57
Off Site	50	50	50
Total	196	129	107
Surplus/Deficit	29	-38	-60
Ride Share	79	79	79
Surplus/Deficit	108	41	19

Proposed Parking During Construction					
	Parking Demand	Onsite	Offsite	Rideshare	Surplus/Deficit
Phase 1	167	146	50	79	108
Phase 2	167	79	50	79	41
Phase 3	167	57	50	79	19
Phase 4	351	351			0

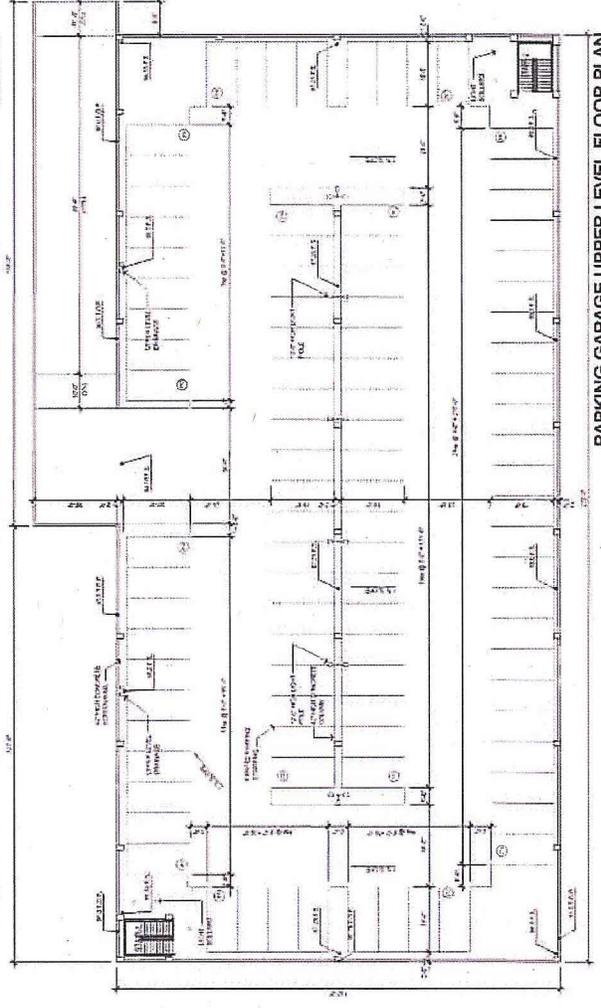




AMEND 2019-0002SDP 2019-0003SDP 2019-0005 (05/20/19-0181)



PARKING GARAGE GRADE LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"



PARKING GARAGE UPPER LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"

**LIGHTING NOTES**

ROOF TOP LIGHT FIXTURES SHALL BE 12'-0" MAX. ABOVE PARKING STRUCTURE ROOF AREA.  
PHOTOMETRIC STUDY: SEE ATTACHED EXHIBIT - E1  
SHIELDING OF POLE TOP FIXTURES: ALL POLE MOUNTED LIGHT FIXTURES ON THE PARKING STRUCTURE ROOF SHALL BE SHIELDED TO PREVENT LIGHT SPILLAGE AND LIGHT IS DIRECTLY VISIBLE FROM ADJACENT RESIDENTIAL USES.  
AFTER HOUR LIGHTING INTENSITY: THE PARKING STRUCTURE SHALL BE BUILT TO THE FULL INTENSITY OF DESIGN LIGHT LEVELS OF APPROX. 40 FOOT CANSIES SHALL BE REQUIRED TO SUPPORT 10 TO MEET MINIMUM EXPRESS ILLUMINATION LEVEL REQUIREMENTS.

ISSUE DATES:	2019
PLANNING:	
DEVELOPMENT:	
PLAN CHECK:	
END SET:	
PERMIT SET:	
CONSTRUCTION SET:	
DRAWING DATE:	05/20/19
CREATED BY:	JK
DRAWN BY:	
SCALE:	AS SHOWN
AUT NUMBER:	19001.501
SHEET NUMBER:	











**EXISTING UTILITY DATA TABLE**

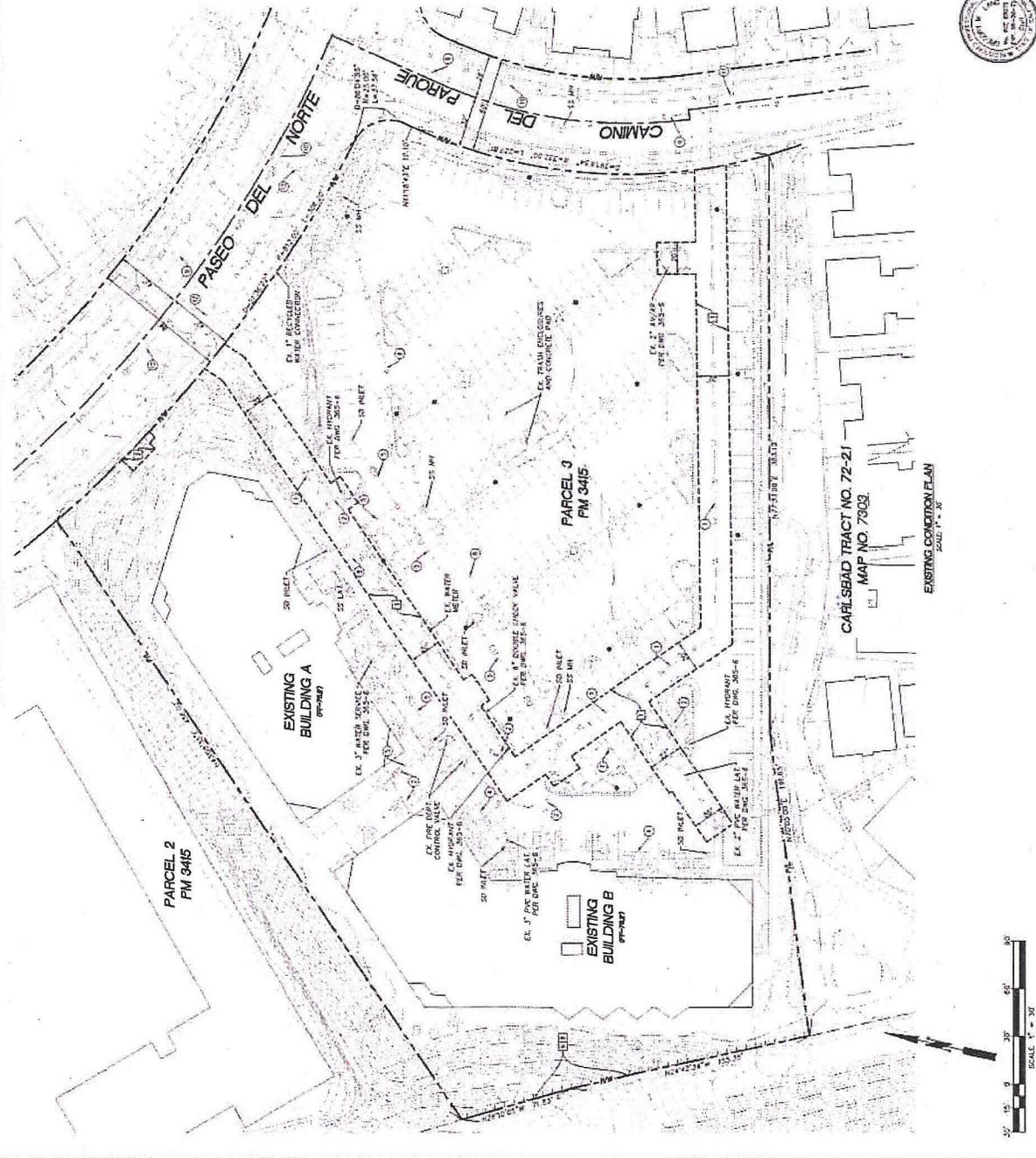
NO.	DESCRIPTION	REFERENCE/DWG./NO.	DATE
1	8" PVC WATER	CITY OF CARLSBAD PER DWG. 305-6	SEE SHEET C-4
2	8" PVC WATER	CITY OF CARLSBAD PER DWG. 305-6	SEE SHEET C-4
3	8" PVC STORM DRAIN	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
4	10" PVC STORM DRAIN	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
5	12" PVC STORM DRAIN	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
6	15" PVC STORM DRAIN	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
7	4" PVC LIQUID	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
8	8" PVC SEWER	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
9	10" PVC SEWER	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
10	12" PVC SEWER	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
11	15" PVC SEWER	CARLSBAD CORPORATE FLAZA, 9/22/79	PROJECT
12	8" ASP WATER	NOTED ON CITY OF CARLSBAD PER DWG. 305-6	PROJECT
13	10" ASP WATER	NOTED ON CITY OF CARLSBAD PER DWG. 305-6	PROJECT
14	8" SEWER LATERAL	CITY OF CARLSBAD PER DWG. 184-10	PROJECT

**NOTES**  
 1. SEE CONDUIT PLAN, SHEET C-1, FOR DESIGNATION OF DATE INFORMATION TO BE REMOVED OR RELOCATED.  
 2. FOR UTILITY CHANGES, SEE SHEET C-4.

**EASEMENT TABLE**

NO.	APPROX. REFERENCE	DATE	EXPIRATION
1	CARLSBAD MUNICIPAL WATER BELL	DOC. 2012-008705	JANUARY 31, 2012 TO REMAIN
2	PUBLIC UTILITIES TELEPHONE COMPANY	DOC. 1985-008303	AUGUST 1, 2000 TO REMAIN
3	SOGAE	1991-000917	JANUARY 2, 1991 TO REMAIN
4	SOGAE	1991-022408	APRIL 27, 1993 TO REMAIN
5	SOGAE	1993-056608	SEPTEMBER 4, 1998 TO REMAIN
6	STATE OF CALIFORNIA	1960-0919	MAY 31, 1966 TO REMAIN
7	POWER LINE	POWER MAP NO. 3115	JANUARY 21, 1975 TO REMAIN
8	ADVERTISED RIGHTS	DOC. NO. 27424	FEBRUARY 16, 1945 TO REMAIN

\*\* THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED/PLOTTED FROM RECORD INFORMATION.  
 \*\*\* ACCESS RIGHTS REIMBURSED PER DOC. NO. 27424.



**C-2**  
 SHEET CITY OF CARLSBAD PER DWG. 305-6  
 SITE DEVELOPMENT PLAN 6  
**NEXTMED PARKING STRUCTURE**  
 CARLSBAD CORPORATE FLAZA  
 PROJECT NO. 202-0022  
 DATE: 08/11/2020  
 DRAWN BY: [Name]

**PASCO LARET SUITER & ASSOCIATES**  
 CIVIL ENGINEER - LAND PLANNING & SURVEYING  
 151 North Highway 161, Ste. A, Escondido, CA 92025  
 (951) 941-8111 | (951) 941-8112 | planning@pasco.com



SEP (ARCH) 2009-0000  
 SEP (ARCH) 2009-0002  
 SP (ARCH) 2009-0002

**LEGEND**

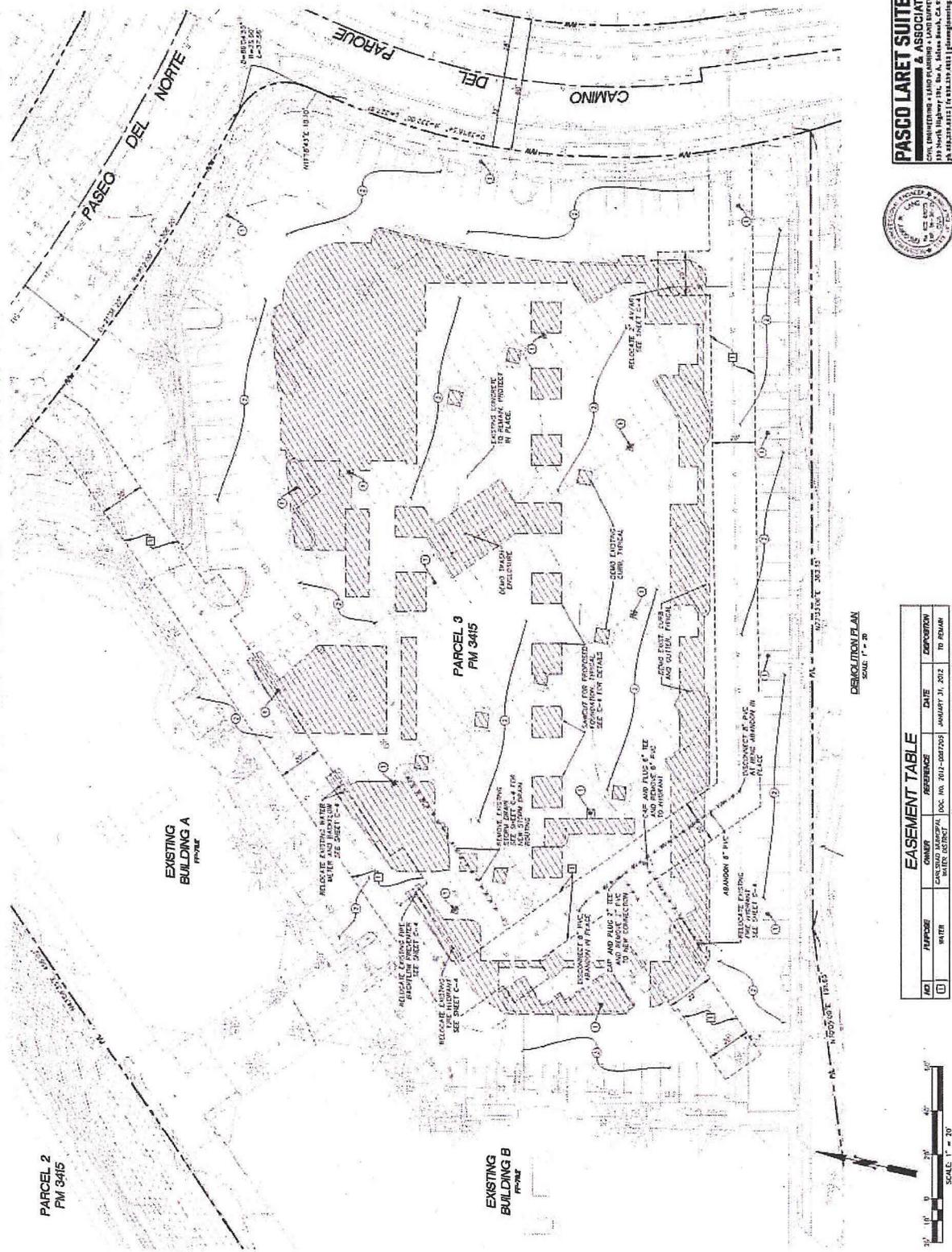
- EXISTING AREA PAINTMENT AND CURB COLOR (SHOWN IN LIGHTS 2)
- ABANDON WARE UNIT

**CONSTRUCTION NOTES**

- 1 REMOVE EXISTING LIGHT FIXTURE, POLE, AND BASE.
- 2 EXISTING ASPHALT PAVING TO REMAIN, PROTECT IN PLACE.

**NOTES**

- 1 REMOVAL OF ASPHALT INCLUDES ALL RELATED ITEMS INCLUDING CURB, GUTTERS, AND SIGNAGE THAT WOULD BE IN DIRECT CONTACT WITH THE PROPOSED CONSTRUCTION.
- 2 ITEMS INCLUDING BUT NOT LIMITED TO CURB, GUTTERS, PAVEMENT, PLANTS, TREES, AND/OR INFRASTRUCTURE, DAMAGE TO EXISTING UTILITIES, AND/OR OTHER ITEMS SHALL BE REPAIRED TO COMPLY WITH THE PROPOSED CONSTRUCTION OF PROJECT.
- 3 UTILITY REMOVAL SHOWN IS BASED ON AVAILABLE AS-BUILT INFORMATION AND SURVEY.



PARCEL 2  
 FM 3415

EXISTING  
 BUILDING A  
 FLOOR

PARCEL 3  
 FM 3415

EXISTING  
 BUILDING B  
 FLOOR

C-3

SHEET 3  
 CITY OF CARLSBAD  
 SITE DEVELOPMENT PLAN 6

**NEXTMED PARKING STRUCTURE**  
 CARLSBAD CORPORATE PLAZA

PROJECT # 09-0000  
 DATE 09/15/09  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**PASCO LARET SUITER ASSOCIATES**  
 2000 CONSTRUCTION LANE, PASADENA, CA 91101  
 110 North Highway 91, Ste A, Silver Lake, CA 91769  
 TEL: 951.853.1111 FAX: 951.853.1111



**EASEMENT TABLE**

NO.	PURPOSE	OWNER	REFERENCE	DATE	EXPIRATION
1	WATER	CARLSBAD MUNICIPAL WATER DISTRICT	DOC. NO. 2012-0087200	JANUARY 31, 2012	TO REMAIN



DEMOLITION PLAN  
 SCALE: 1" = 20'



SP (MARCH 2020) 2020-0000  
 CITY OF CARLSBAD  
 SP (MARCH 2020) 2020-0000

**LEGEND**

- 3/8" Ø I.C.
- 3/8" Ø I.C.
- 4" CURB AND GUTTER (TYPE 4)
- 4" CURB
- 3" CONCRETE PERMANENT GUTTER
- PROPOSED WATER LINE (PWT 600x8)
- PVC 150MM (6" DIA) (PWT 600x8)
- 150MM (6" DIA) PVC (PWT 600x8)
- PROPOSED DRAIN AND GUTTER
- 6" ALUMINUM DRAIN (TYPE 1)
- RAINAGE PATTERN
- PLANTER AREA
- 3:1 (DOWN) SLOPE (UNLESS NOTED)
- ADJUST PAVEMENT MATCH TO PWT SECTION
- APPROXIMATE 4" OVERLAY
- APPROXIMATE 4" OVERLAY (SEE DETAIL ON SHEET 9)
- VOIDED LAUNCH (14.000 5')
- PROPOSED PAVED WALKWAY
- CONCRETE DETAIL (14.000 9')
- EXISTING CONTOURS

**CONSTRUCTION NOTES**

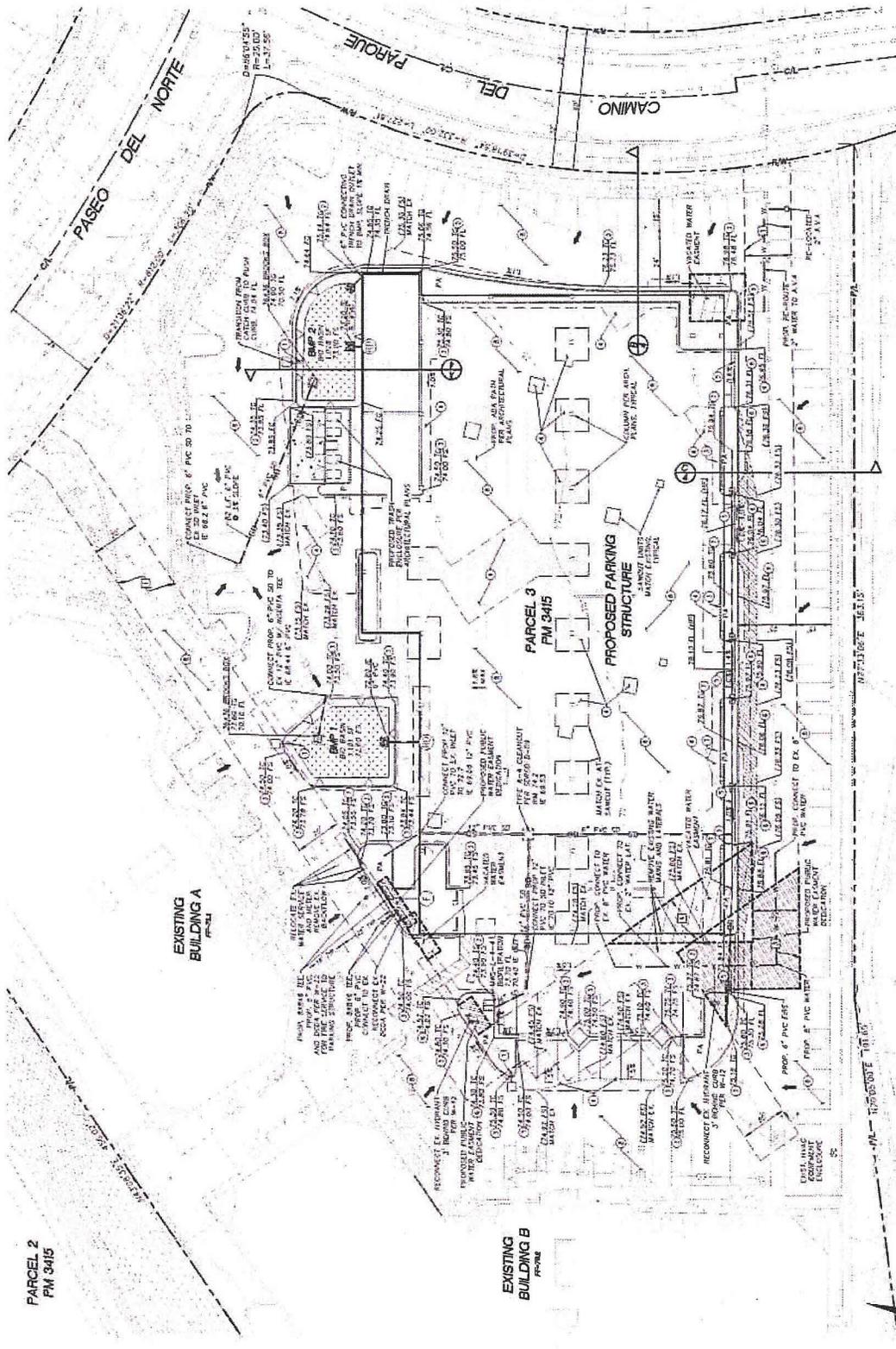
1. NEW LIGHT FIXTURE, POLE, AND BASE PER LIGHTING PLAN.
2. TYPE 3" CURB AND GUTTER PER SECTION 6-2.
3. 4" CURB PER SECTION 6-1.
4. ASPHALT PAVING, MATCH EXISTING PAVEMENT SECTION.
5. 3" PERMANENT GUTTER PER DETAIL, SHEET C-5.
6. 4" CURB GUTTER.
7. 4" ALUMINUM DRAIN.
8. EXISTING PAVEMENT TO REMAIN, PROJECT IN PLACE.
9. UPPER DECK ROOF DRAIN DOWNSPOUT LOCATION.
10. PWT SERVICE POINT OF CONNECTION.

**NOTES**

1. FOR PARKING, TURNING AND ADA PATH OF TRAVEL REFER TO THE PLANNING AREAS (PWA) REFER TO LANDSCAPE ARCHITECTURE.
2. FOR THE PLANNING AREAS (PWA) REFER TO LANDSCAPE ARCHITECTURE.

**TDM NOTE**

FOR TDM INFORMATION, REFER TO THE PROJECT REFERENCE PLAN, SHEET TDM-001, 002, 003, 004.



**C-5**  
 FILE NUMBER: 2020-0000  
 SHEET 5 CITY OF CARLSBAD SHEET 6  
 SITE DEVELOPMENT PLAN  
**NEXTMED PARKING STRUCTURE**  
 CARLSBAD CORPORATE PLAZA  
 PROJECT NO: 2020-0000  
 DATE: 03/11/2020  
 DRAWN BY: JLD  
 CHECKED BY: JLD



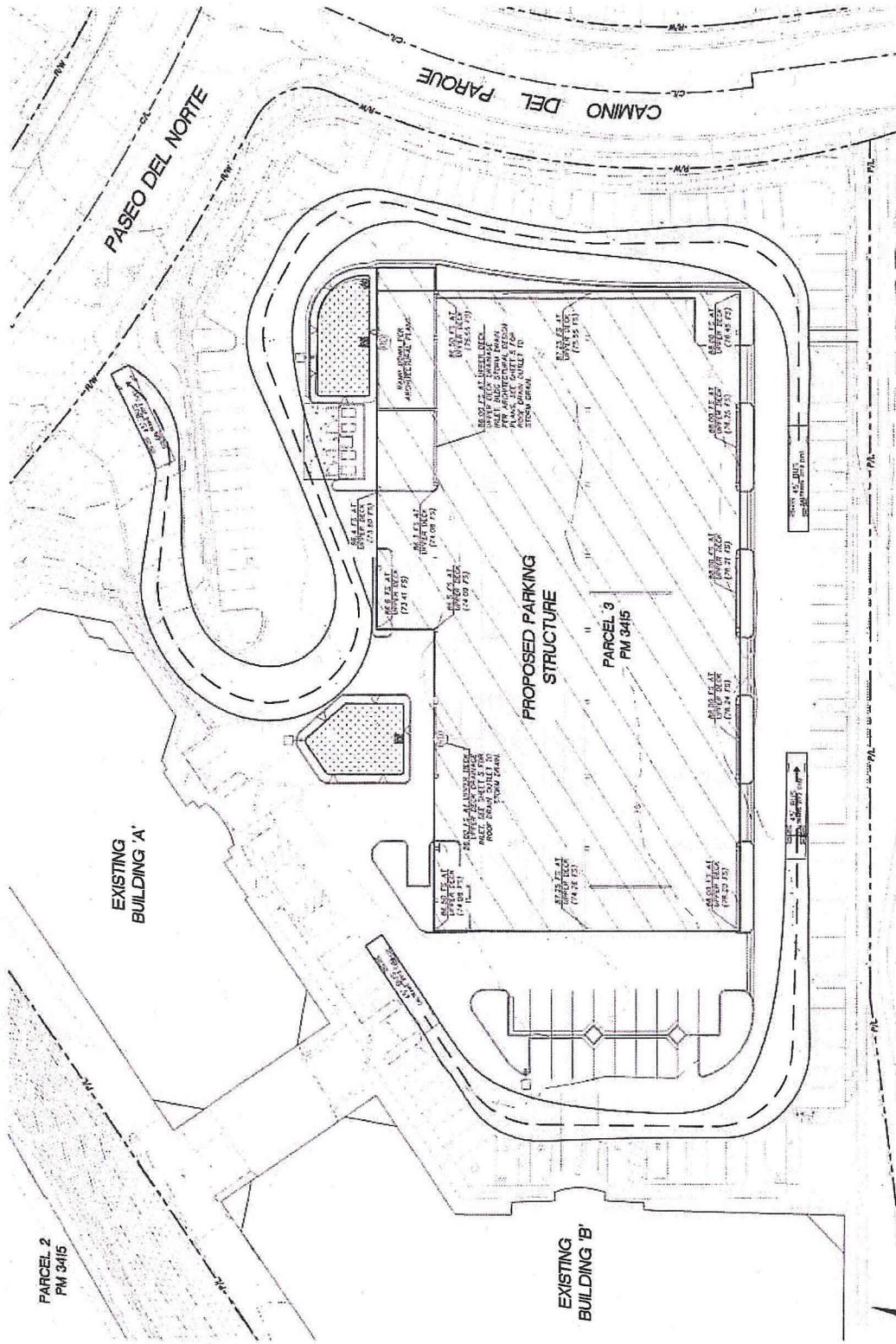
**PASCO LARET SUIITER & ASSOCIATES**  
 1000 AMERICAN LANE, SUITE 200, CARLSBAD, CA 92008  
 TEL: 760.439.8112 | FAX: 760.439.8111 | jpasco@pasco.com

**SITE GRADING AND UTILITY PLAN**  
 SCALE: 1" = 30'

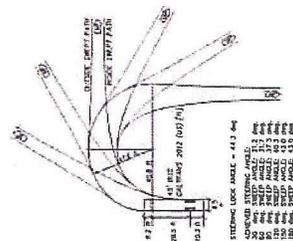
NO.	PURPOSE	OWNER	REFERENCE	DATE	DEVELOPMENT
1	WATER	CARLSBAD MUNICIPAL	DOC. 2014-0012005	JANUARY 31, 2012	TO REMAIN
2	PUBLIC UTILITIES	PASCO LARET SUIITER & ASSOCIATES	DOC. 2020-0000000	AUGUST 1, 2020	TO REMAIN
3	WATER	CARLSBAD MUNICIPAL	DOC. 2014-0012005	MARCH 6, 2012	TO REMAIN
4	WATER	CARLSBAD MUNICIPAL	DOC. 2014-0012005	MARCH 6, 2012	TO REMAIN



SEP 14 2019 2:02 PM  
 10/17/2019 2:02 PM  
 SP (AMENDED) 2019.002



**NOTES**  
 1. PARKING STRUCTURE AND IMPROVED SIGNAGE AND PAINTAGE  
 2. SEE TRUCK TURNING ANALYSIS  
 3. SEE TRUCKING AND DELIVERY



**TRUCK TURNING ANALYSIS**  
 (TRUCK: 2019.002 (41.2 FT))  
 (SCALE: 1" = 20' TRUCKS)

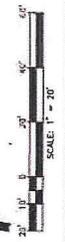
C-6  
 CITY OF CARLSBAD SHEET 6  
 SITE DEVELOPMENT PLAN

**NEXTMED PARKING STRUCTURE**  
 CARLSBAD CORPORATE PLAZA  
 PROJECT NO. 2019.002  
 DATE: 09/14/2019

**PASCO LARET SUITER & ASSOCIATES**  
 2000 COMMERCIAL CENTER RD., THE A. LARET BANK, CA 92011  
 760.441.2211 | PLANNING@pascolaret.com



EMERGENCY VEHICLE TURNING ANALYSIS  
 SCALE: 1" = 20'







WATER AREA USE MAP

REVISION DATES

ISSUE DATES

PLANNING DEVELOPMENT

PLANS/DECS

BOULEV

PERMIT SETS

CONSTRUCTION PERM

DRAWING DATE: 11/02/2019

CHECKED BY:

DRAWN BY:

RS

LA

SCALE: 1"=50'-0"

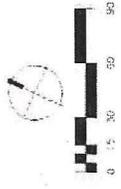
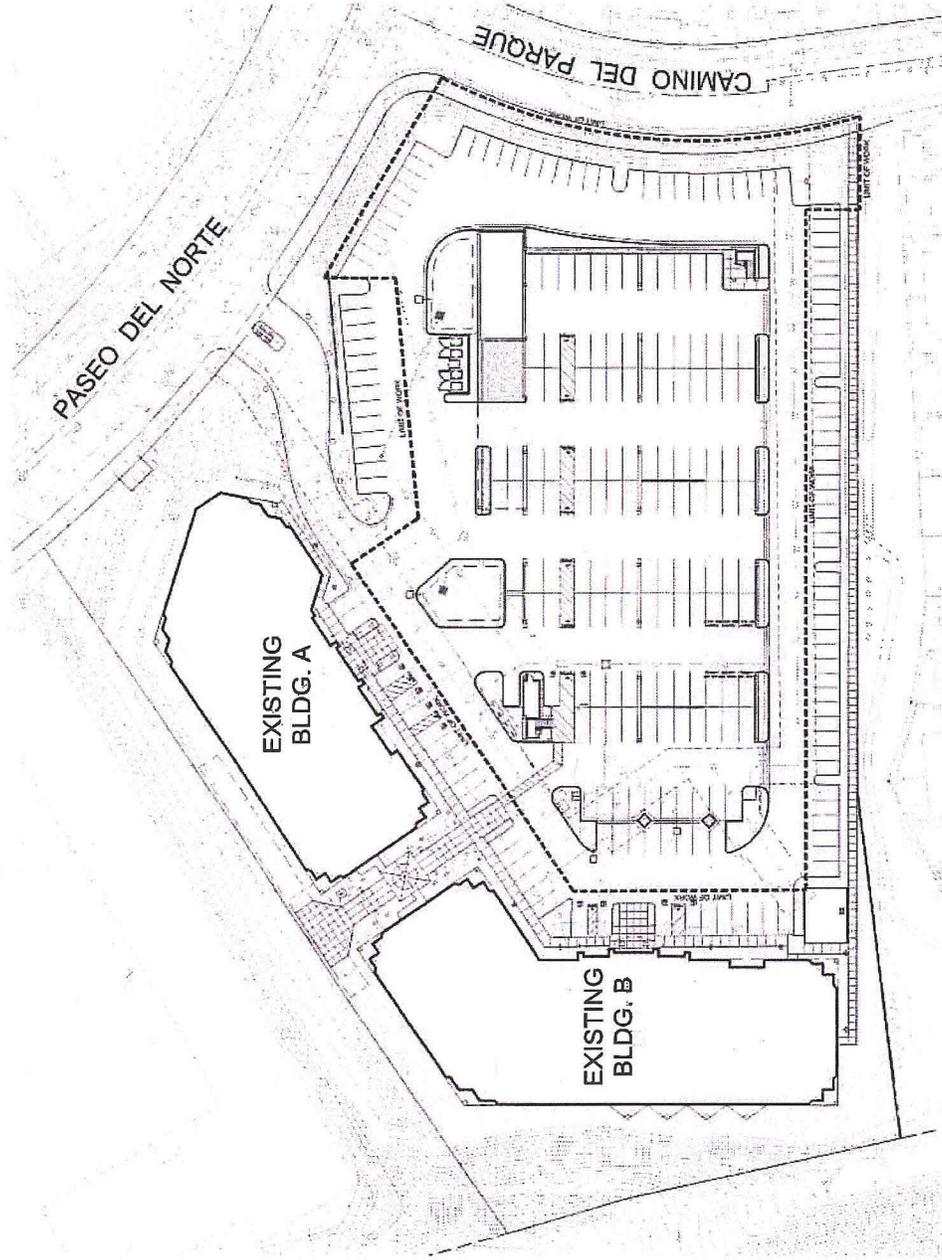
JOB NUMBER: 19003-021

SHEET NUMBER:

RECYCLED WATER USE

AREA	DESCRIPTION	PERCENTAGE OF TOTAL WATER DEMAND	PERCENTAGE OF TOTAL RECYCLED WATER
10072 B F		46.93%	1.17%
TOTAL UNDESIGNED AREA		46.93%	1.17%
TOTAL AREA IRRIGATED WITH RECYCLED WATER		46.93%	1.17%

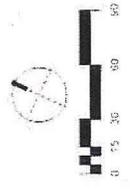
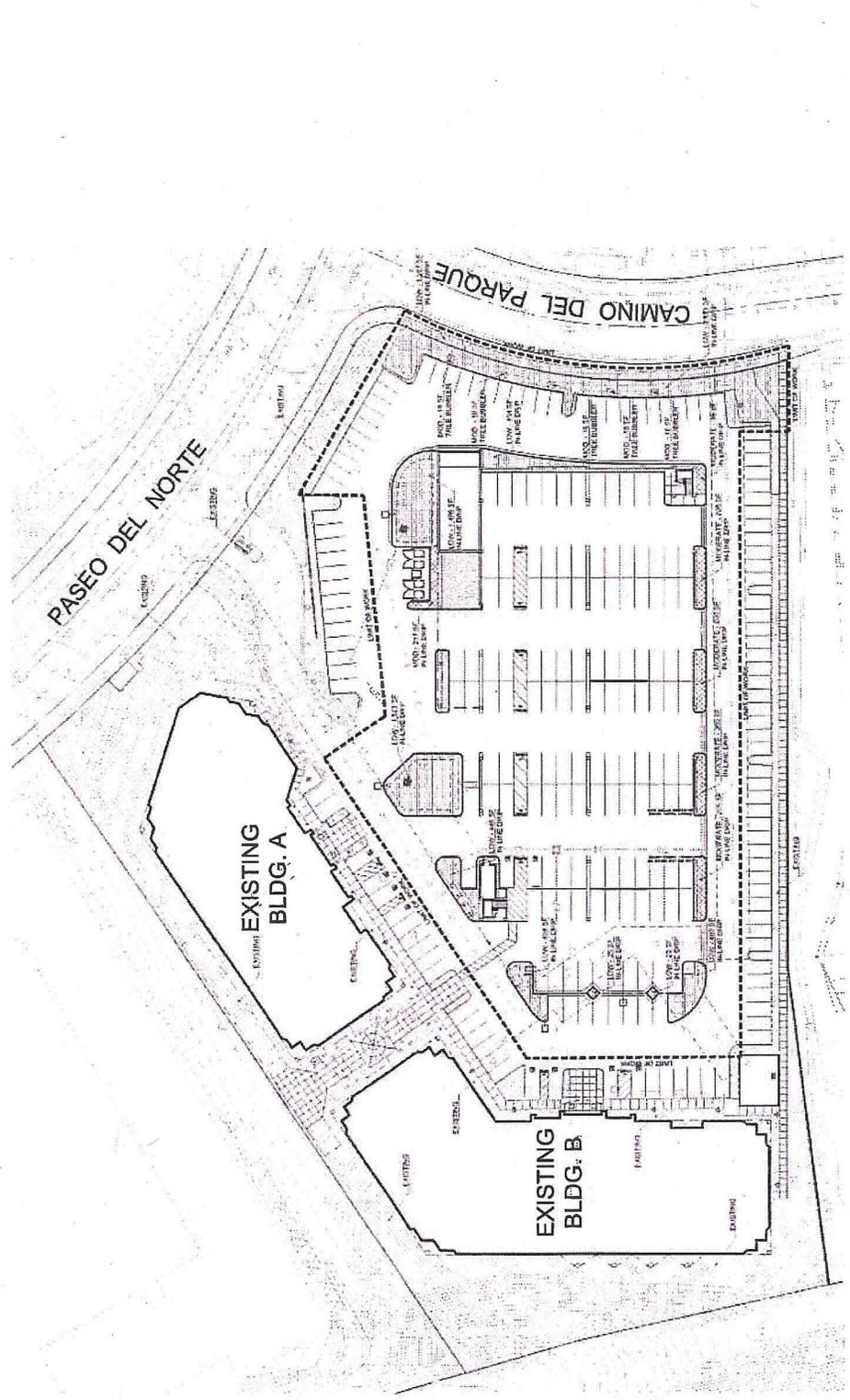
NOTE: ALL NEW VALVES MUST BE HIGH PRIORITY TO BE RECYCLED WATER. IF ANY OTHER VALVES ARE REPAIRED, CONVERTED TO DRIP IRRIGATION, OR IF OTHER MODIFICATIONS ARE MADE DOWNSTREAM OF EXISTING VALVES, A FIELD LINE IS NOT REQUIRED.





**HYDROZONE DIAGRAM**  
 REVISION DATES:  
 ISSUE DATES:  
 PLANNING:  
 DEVELOPMENT:  
 PLAN CHECK:  
 PERMIT SET:  
 CONSTRUCTION SET:  
 CONTRACT DATE:  
 CHECKDATE: 01/20/19  
 DRAWN BY: RS  
 SCALE: 1/8" = 1'-0"  
 SHEET NO: LA  
 SHEET TOTAL: 1000/301  
 SHEET NUMBER: 1000/301

**L4.1**



REVISION DATES

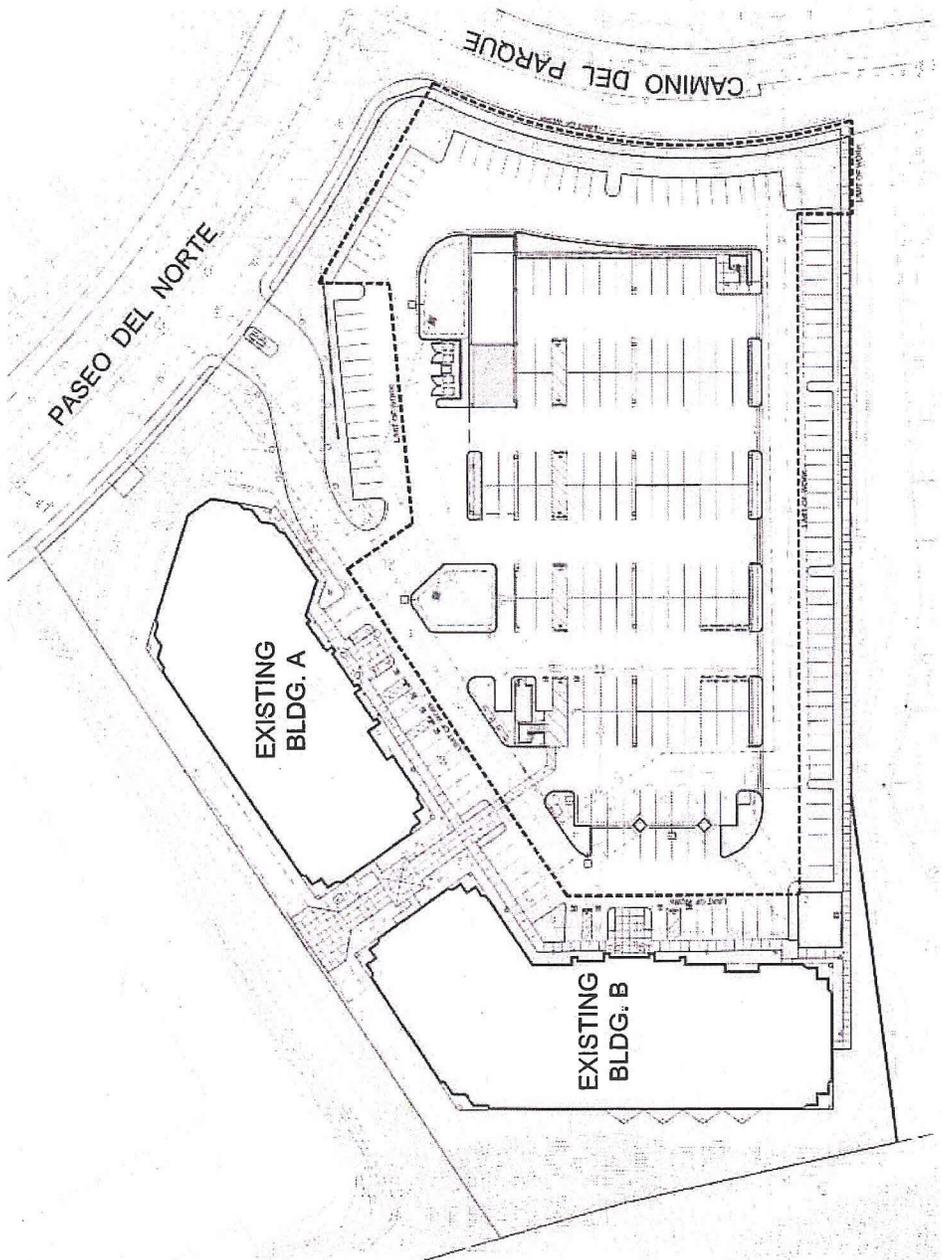
NO. DATE	DESCRIPTION
01 08/20/20	ISSUED FOR PERMITS
02 09/01/20	REVISED PER COMMENTS
03 09/01/20	REVISED PER COMMENTS
04 09/01/20	REVISED PER COMMENTS
05 09/01/20	REVISED PER COMMENTS
06 09/01/20	REVISED PER COMMENTS
07 09/01/20	REVISED PER COMMENTS
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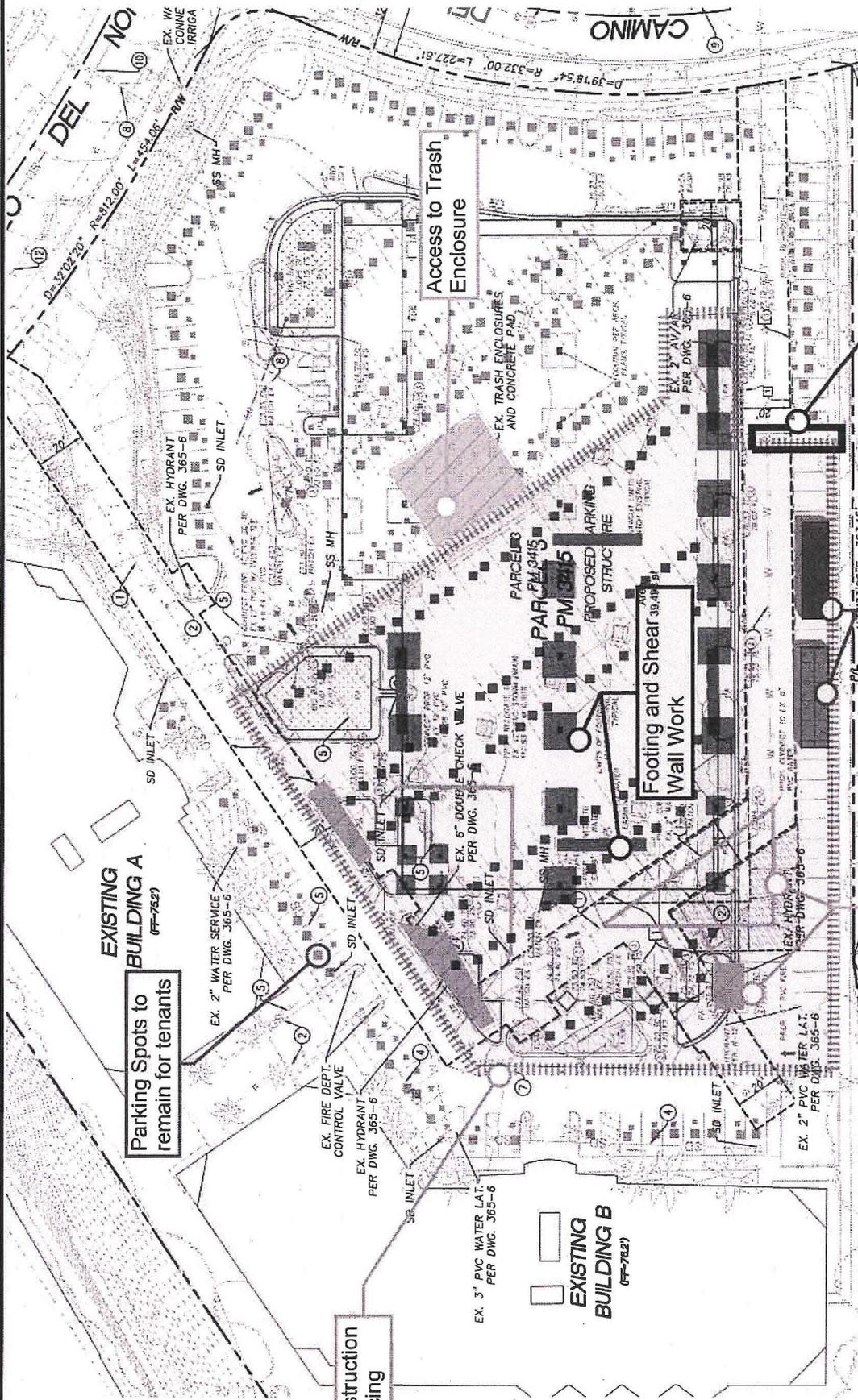
L5.1

**LANDSCAPE MAINTENANCE RESPONSIBILITIES**

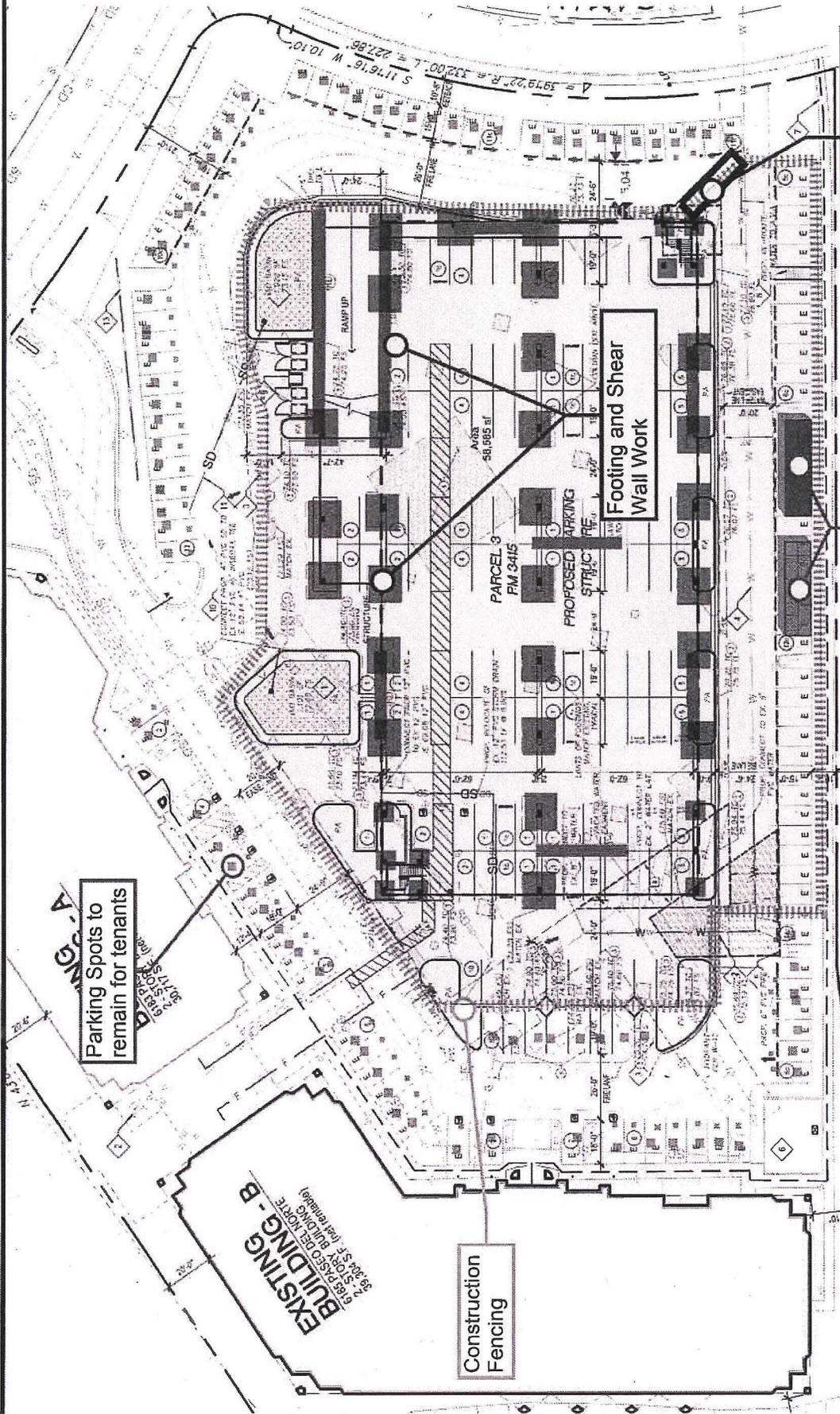
1. MAINTENANCE OF EXISTING LANDSCAPE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
2. MAINTENANCE OF EXISTING LANDSCAPE AND NEW LANDSCAPE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
3. ALL EXISTING LANDSCAPE AREAS TO REMAIN THAT ARE DAMAGED BY CONSTRUCTION SHALL BE REPAIRED/REPLACED IN KIND.

NOT TO SCALE UNLESS INDICATED OTHERWISE





Description	Quantity	Unit	Construction Area	Count
Proposed Public Parking During Construction	146			Count



Parking Spots to remain for tenants

Construction Fencing

Footing and Shear Wall Work

Construction Entrance

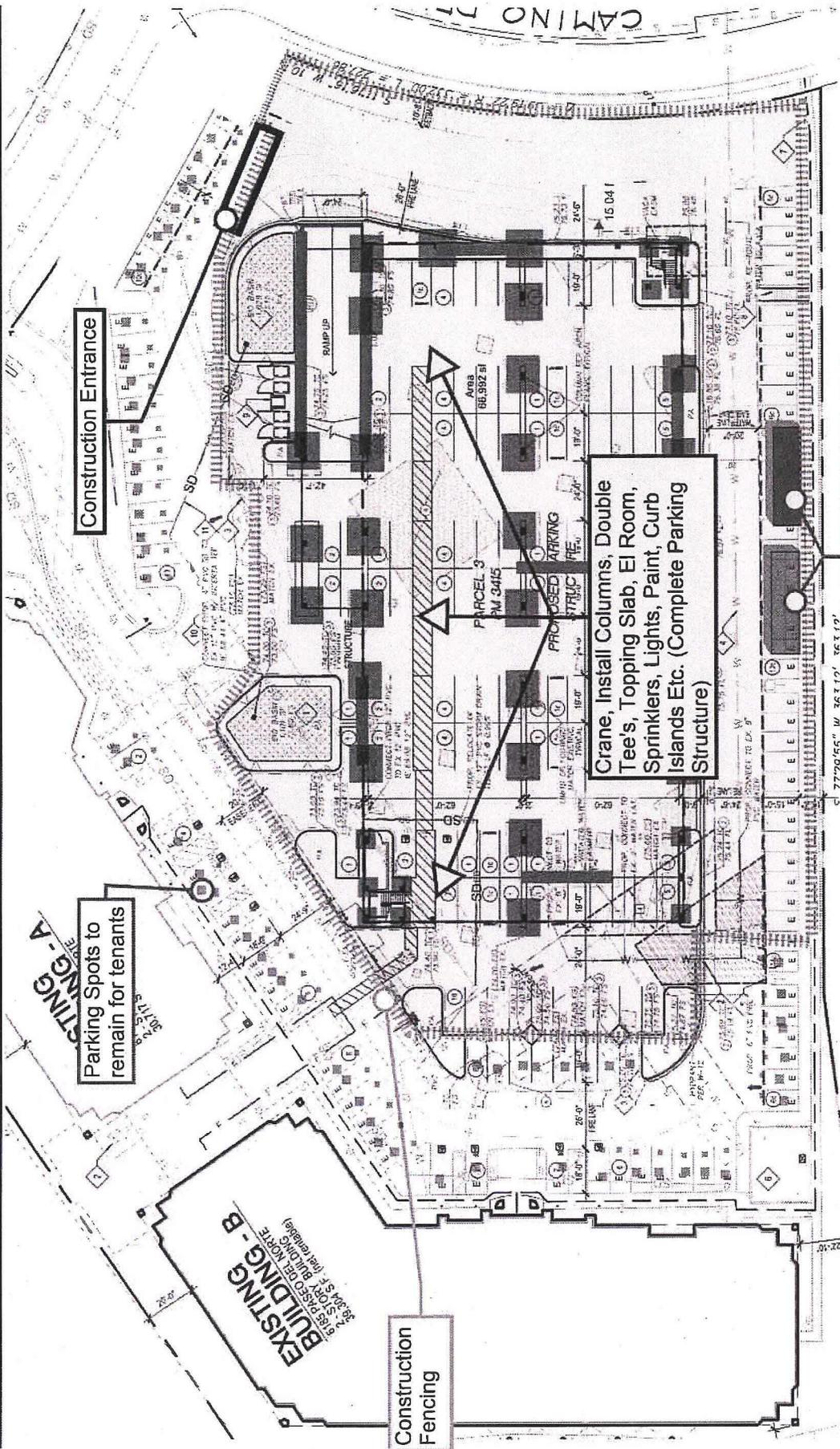
Lusardi Superintendent and Tool Trailer

Staging for project within Construction Area

Description	Quantity	Unit
Proposed Public Parking During Construction	79	Count

05/22/2019

Carlsbad Corporate Plaza Parking Structure  
 Phasing and Logistics Plan - PRELIMINARY  
 Phase 3 (2-3 Months)



Parking Spots to remain for tenants

Construction Entrance

Construction Fencing

Crane, Install Columns, Double Tee's, Topping Slab, El Room, Sprinklers, Lights, Paint, Curb Islands Etc. (Complete Parking Structure)

Lusardi Superintendent and Tool Trailer

Staging for project within Construction Area

Description	Quantity	Unit
Proposed Public Parking During Construction	57	Count





5/22/2020

Dear Madame Chairman and Planning Commissioners,

This letter is written on behalf of the Board of the Alta Mira I Homeowner's Association to voice our support for the proposed development of a parking structure at the Carlsbad Corporate Plaza located immediately adjacent to our property boundary.

Knowing that a project of this kind could significantly impact our residents, Mr. Scott Leggett and members of his team reached out to us very early in the process to identify and work out issues. We met with Mr. Leggett and his team on four occasions and, through this process, successfully came to resolution of all our issues.

Over the course of these four meetings, members of our Board and residents of our neighborhood were able to voice their specific concerns with the project. Mr. Leggett and his team diligently worked with our community to address each and every one of the issues that had been raised. Not only did Mr. Leggett adequately satisfy our requests, but he went above and beyond what was expected and really illustrated his dedication and willingness to be a good neighbor to our community. Therefore, we would like to voice our full support of this project.

Sincerely,



Michael Anderson, Board President  
 Altamira No. 1 Homeowners Association



**TRANSACTION DETAILS**

**Reference Number**  
604212F6-2B10-4655-ADC7-66CC8438F454

**Transaction Type**  
Signature Request

**Sent At**  
05/21/2020 13:24 EDT

**Executed At**  
05/21/2020 15:25 EDT

**Identity Method**  
email

**Distribution Method**  
email

**Signed Checksum**  
14389d421d9529fe881a50ae9a1622dc53d175ffc87a3d62693f3a665b3eb844

**Signer Sequencing**  
Disabled

**Document Passcode**  
Disabled

**DOCUMENT DETAILS**

**Document Name**  
Altamira Letter Of Support

**Filename**  
altamira\_letter\_of\_support.docx

**Pages**  
1 page

**Content Type**  
application/vnd.openxmlformats-officedocument.wordprocessingml.document

**File Size**  
367 KB

**Original Checksum**  
8faa4b20eb84531b4d7f453e49f2aadc3ba92db2ee5b2abf61e492f23b6ee0e

**SIGNERS**

SIGNER	E-SIGNATURE	EVENTS
<b>Name</b> Michael Anderson <b>Email</b> mike.anderson.aquatics@gmail.com <b>Components</b> 1	<b>Status</b> signed <b>Multi-factor Digital Fingerprint Checksum</b> 3bd54d779342bbe576d4f49237d1e6966fb887d7576b0c86c6a2b608ec9c53fe3 <b>IP Address</b> 76.176.160.140 <b>Device</b> Mobile Safari via iOS <b>Drawn Signature</b>  <b>Signature Reference ID</b> 26792F4B <b>Signature Biometric Count</b> 308	<b>Viewed At</b> 05/21/2020 15:24 EDT <b>Identity Authenticated At</b> 05/21/2020 15:25 EDT <b>Signed At</b> 05/21/2020 15:25 EDT

**AUDITS**

TIMESTAMP	AUDIT
05/21/2020 15:25 EDT	Michael Anderson (mike.anderson.aquatics@gmail.com) signed the document on Mobile Safari via iOS from 76.176.160.140.
05/21/2020 15:25 EDT	Michael Anderson (mike.anderson.aquatics@gmail.com) authenticated via email on Mobile Safari via iOS from 76.176.160.140.
05/21/2020 15:24 EDT	Michael Anderson (mike.anderson.aquatics@gmail.com) viewed the document on Mobile Safari via iOS from 76.176.160.140.
05/21/2020 13:24 EDT	Michael Anderson (mike.anderson.aquatics@gmail.com) was emailed a link to sign.
05/21/2020 13:24 EDT	Kyle Kruger (kkruger@waltersmanagement.com) created document 'altamira_letter_of_support.docx' on Chrome via Windows from 12.175.75.220.

**From:** [Diane Nygaard](#)  
**To:** [Planning](#)  
**Cc:** [Phil Diehl](#)  
**Subject:** Public Comments # 3-Corporate Plaza Parking Structure  
**Date:** Wednesday, June 03, 2020 5:48:35 AM

---

Please read these comments into the record.

Honorable Chair and Commissioners

For over a hundred years our country has subsidized the automobile at the expense of the environment- but today we know better.

This project reminds us of the Joni Mitchell song- only in this case they paved paradise to add a second story parking lot.

We urge you to reject this project tonight until the following issues are addressed:

1. Common sense says that a project that generates a net increase of 2,219 Average Daily Trips will impact air quality and Green House Gasses. But this was considered CEQA exempt and no such analysis was done.
2. The General Plan requires consideration of "flexible" parking and TDM strategies ( Policies 3-P.38 and 3-p.41) Neither was discussed in the staff report.
3. Last year the city adopted a TDM ordinance- that is supposed to be triggered by 110 trips or 50k sq ft- yet there was no discussion of that. However the interim parking plan includes employee ride share coupons that reduced parking demand by 79 spaces. If that plan were continued no additional parking spaces are even needed!
4. For the last 2 years the city has required most traffic studies to consider both Level of Service and VMT. Effective July 1 the state requires VMT as the CEQA threshold. Yet no VMT analysis was done for this project that is described as having regional impacts.

Whatever loopholes allowed this project to get this far without really looking at the implications need to be addressed tonight.

Our children and grandchildren are asking us to take climate change seriously. Please listen to those voices and reject this project until all of these issues have been considered.

Diane Nygaard  
On behalf of Preserve Calavera

[CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.](#)

Chair Anderson asked if there were any members of the public who wished to speak on the project. Seeing none, she opened and closed public testimony at 3:54 p.m.

**ACTION:**

Motion by Commission Meenes, seconded by Commissioner Luna, to adopt Resolution No. 7368 Motion carried, 7/0.

3. **AMEND 2019-0002/SDP 2019-0003/CDP 2019-0005 (DEV2018-0131) – CARLSBAD CORPORATE PLAZA PARKING STRUCTURE** – Request for a recommendation of approval of an amendment to Specific Plan 23(H) to remove the 6,000-square-foot limit for medical office use and a Minor Site Development Plan and Coastal Development Permit to allow the construction of a 35,360-square-foot, single-level parking structure located over an existing parking lot serving an existing office building located at 6183-6185 Paseo del Norte within the Mello II Segment of the Local Coastal Program (LCP) and Local Facilities Management Zone 3. The project site is not within the appealable area of the California Coastal Commission. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15061(B)(3) – General Rule – and City of Carlsbad Municipal Code Section 19.04.070(A)(1)(c) , and Section 15332 – In-Fill Development Projects – of the state CEQA Guidelines.

City Planner Neu introduced Agenda Item 3 and stated Associate Planner Danna would make the staff presentation (on file in the Planning Division).

**DISCLOSURES:**

Commissioners Geldner, Meenes, and Stine disclosed they drove through the parking lot on the site.

Commissioner Geldner asked if the design of the turn coming down the ramp could be modified and or fixed. She stated it is a tight turn that may cause vehicles to hit the curb.

Applicant Bill Hofman and property owner Scott Leggett stated they are aware of the area Commissioner Geldner mentioned and will look at improving it.

Chair Anderson asked if there were any members of the public who wished to speak on the project and opened public testimony at 4:29 p.m.

*Diane Nygaard, on behalf of Preserve Calavera, submitted comments in opposition of the project including concerns about impacts on air quality, the lack of flexible parking, TDM strategies in the staff report, the continuation of ride sharing options and the lack of a VMT analysis.*

Chair Anderson asked if there were any additional members of the public who wished to speak on the project. Seeing none, she closed public testimony at 4:31 p.m.

Engineering Manager Geldert stated the project is not subject to VMT due to the project being heard prior to July 1, 2020 and a traffic analysis was conducted.

**ACTION:**

Motion by Commissioner Luna, seconded by Commissioner Geldner, to adopt Resolution No. 7371 and 7372. Motion carried, 7/0.

Chair Anderson called for a break at 4:39 p.m. The meeting reconvened at 4:50 p.m.

4. **CUP 2019-0032 (DEV2019-0179) – TRAILBLAZER PARK WCF** - Request for approval of a Conditional Use Permit to allow the installation, operation, and maintenance of a temporary Wireless Communications Facility (WCF) consisting of two 55-foot-tall ground mounted faux mono-eucalyptus trees and an equipment enclosure constructed of an 8'-6" tall tan vinyl fence with lattice located on a graded 5.54-acre site at 3465 Trailblazer Way, in the Open Space (O-S) zone, within Planning Area 12 of the Robertson Ranch Master Plan and in Local Facilities Management Zone 14. The City Planner has determined that the project belongs to a class of projects that the State Secretary of Resources has found not to have a significant impact on the environment, and is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15303 – New Construction of Small Structures, of the State CEQA Guidelines.

City Planner Neu introduced Agenda Item 4 and stated Senior Planner Jones would make the staff presentation (on file in the Planning Division).

Commissioner Luna recused herself from the hearing due to her living within 600 feet of the proposed project.

Senior Planner Jones gave the staff presentation.

**DISCLOSURES:**

Chair Anderson, Commissioners Geldner, Lafferty, Merz, Meenes, and Stine disclosed they drove by the site.

**APPLICANT QUESTIONS:**

Commissioner Meenes asked what will change in the future that will enable the cell site to find a permanent location.

Paul Peckens, of Crown Castle, stated technology may change, real estate, economic concerns, as well as property owners may change their mind about leasing land. He stated they are focusing on the immediate need of relocating the cell site from the current location in order to continue providing coverage to the area.

Commissioners Merz and Stine asked for information on EMF exposure from the cell sites.

Steve Kennedy, of Biwabkos Consultants, explained that as you move away from the cell site the RF emission decreases. He stated that all 4 carriers create one fourth of the general public limit as determined by the FCC. As you move away, and at different elevations, the exposure ranges from 21 to about 2 percent of that limit. He stated the energy levels dissipate significantly and very fast as you move

**PLANNING COMMISSION RESOLUTION NO. 7371**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO SPECIFIC PLAN 23(H) TO REMOVE THE 6,000-SQUARE-FOOT LIMIT FOR MEDICAL OFFICE USE FOR THE PURPOSE OF ALLOWING WITH THE APPROVAL OF A MINOR SITE DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT THE CONSTRUCTION OF A 35,360-SQUARE-FOOT, SINGLE-LEVEL PARKING STRUCTURE LOCATED OVER AN EXISTING PARKING LOT SERVING AN EXISTING OFFICE LOCATED AT 6183-6185 PASEO DEL NORTE WITHIN THE MELLO II SEGMENT OF THE CITY'S LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 3.

CASE NAME: CARLSBAD CORPORATE PLAZA PARKING STRUCTURE  
CASE NO.: AMEND 2019-0002

WHEREAS, **Scott Leggett**, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by **Nextmed III**, "Owner," described as

**PARCEL 3 OF PARCEL MAP NO. 3415, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 21, 1975 AS FILE NO. 75-014212 OF OFFICIAL RECORDS**

("the Property"); and

WHEREAS, said verified application constitutes a request for a Specific Plan Amendment, on file in the Carlsbad Planning Division, **AMEND 2019-0002 – CARLSBAD CORPORATE PLAZA PARKING STRUCTURE** as provided by Government Code Section 65453; and

WHEREAS, the proposed Specific Plan Amendment **AMEND 2019-0002 – CARLSBAD CORPORATE PLAZA PARKING** is set forth and attached in the draft City Council Ordinance, Exhibit "X" dated, June 3, 2020, and attached hereto; and

WHEREAS, the Planning Commission did, on **June 3, 2020**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Specific Plan **Amendment**; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of

Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Planning Commission **RECOMMENDS APPROVAL** of **AMEND 2019-0002 – Carlsbad Corporate Plaza Parking Structure** based on the following findings and subject to the following conditions:

**Findings:**

1. The **Planning Commission** finds that the project, as conditioned herein, is in conformance with the Elements of the city's General Plan, Specific Plan **SP 23(H)** based on the facts set forth in the staff report dated **June 3, 2020 including, but not limited to the following: Land Use and Community Design, Mobility, Public Safety, Economy, Business Diversity, and Tourism, and Sustainability** elements of the General Plan as well as provisions in Specific Plan **SP 23(H)**.
2. The proposed plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the city in that **the proposed increase in medical office use and the construction of the parking structure are compatible with the surrounding residential and commercial uses and the project will meet all required building safety and fire codes.**
3. All necessary public facilities can be provided concurrent with need, and adequate provisions have been provided to implement those portions of the capital improvement program applicable to the subject property in that **the proposed change of use and construction of a parking structure are proposed on an existing developed site within Local Facilities Management Plan Zone 3 and will not result in increased public facilities demands; therefore, the proposal will not exceed performance standards for public facilities.**
4. The proposed commercial and industrial uses will be appropriate in area, location, and overall design to the purpose intended in that **the removal of the limit on medical office uses is appropriate for the uses set forth by the Specific Plan.** The design and development standards are such as to create an environment of sustained desirability and stability in that **the proposed parking structure complies with the design guidelines and development standards set forth by the Specific Plan.** Such development will meet performance standards established by this title in that **the addition of parking will be in compliance with the minimum parking requirements for medical office uses.**
5. The streets and thoroughfares proposed are suitable and adequate to carry the anticipated traffic thereon in that **the proposed change of use to medical office does not significantly increase traffic circulation as the project generates a net gain of 2,219 average daily trips (ADTs).**
6. Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities of the types needed at such location proposed in that **the change of use accommodates in-demand medical office uses as well as the corresponding increased parking demand. The proposed project also provides economic growth and employment opportunities for multiple large- and small-scale health care businesses.**

7. The area surrounding the development is or can be planned and zoned in coordination and substantial compatibility with the development in that **the existing surrounding residential and commercial development is part of the Specific Plan and no additional changes are proposed.**
8. The proposed plan will contribute to the balance of land use so that local residents may work and shop in the community in which they live in that **the change of use provides economic growth and employment opportunities for multiple large- and small-scale health care businesses.**
9. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment; therefore, the project is categorically exempt from the requirement for the preparation of an environmental document pursuant to **Section 15061(B)(3) (General Rule)** of the California Environmental Quality Act (CEQA) Guidelines and **City of Carlsbad Municipal Code Chapter 19.04.070(A)(1)(c) general rule exemptions, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, in that the proposed amendment to the Specific Plan is similar to a minor zone code amendment that does not lead to physical improvements beyond those that would otherwise be typically exempted.**
10. The Planning Commission has reviewed each of the exactions imposed on the Developer contained in this resolution, and hereby finds, in this case, that the exactions are imposed to mitigate impacts caused by or reasonably related to the project, and the extent and the degree of the exaction is in rough proportionality to the impact caused by the project.

**Conditions:**

1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the city shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the city's approval of this **Specific Plan Amendment.**
2. Staff is authorized and directed to make, or require Developer to make, all corrections and modifications to the **Specific Plan document(s)** necessary to make them internally consistent and in conformity with final action on the project. Development shall occur substantially as shown in the approved Exhibits. Any proposed development, different from this approval, shall require an amendment to this approval.
3. **Within one (1) month of this approval, the applicant shall submit to the City Planner a digital copy and a camera-ready master copy of the Carlsbad Corporate Plaza Specific Plan, as amended, in addition to the required number of bound copies.**
4. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.

5. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
  
6. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the city arising, directly or indirectly, from (a) city's approval and issuance of this **Specific Plan Amendment**, (b) city's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the city's approval is not validated.

**NOTICE**

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a) and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on **June 3, 2020**, by the following vote, to wit:

AYES: Chair Anderson, Commissioners Geldner, Lafferty, Luna, Meenes, Merz, and Stine

NOES:

ABSENT:

ABSTAIN:



---

VELYN ANDERSON, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:



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DON NEU  
City Planner

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CARLSBAD CORPORATE PLAZA SPECIFIC PLAN (SP 23(H)) TO REMOVE THE 6,000-SQUARE-FOOT LIMIT FOR MEDICAL OFFICE USE FOR THE PURPOSE OF ALLOWING WITH THE APPROVAL OF A MINOR SITE DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT THE CONSTRUCTION OF A 35,360-SQUARE-FOOT, SINGLE-LEVEL PARKING STRUCTURE LOCATED OVER AN EXISTING PARKING LOT SERVING AN EXISTING OFFICE LOCATED AT 6183-6185 PASEO DEL NORTE WITHIN THE MELLO II SEGMENT OF THE CITY'S LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 3.

CASE NAME: CARLSBAD CORPORATE PLAZA PARKING STRUCTURE  
CASE NO.: AMEND 2019-0002

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

WHEREAS, the Carlsbad Corporate Plaza Specific Plan (SP 23) was originally adopted by City Council Ordinance No. 9293 on March 21, 1972 and has been amended several times and contains the uses, development standards and design guidelines for the development of the Specific Plan area; and

WHEREAS, the Carlsbad Corporate Plaza Specific Plan is the implementing ordinance for this property; and

WHEREAS, the City Council of the City of Carlsbad has reviewed and considered a Specific Plan Amendment (AMEND 2019-0002); and

WHEREAS, the amendment to remove the existing 6,000-square-foot limit on medical office use will allow the two existing buildings, currently used as a combination of general offices and medical offices, to be used entirely as medical offices; and

WHEREAS, medical offices are listed as a permitted use in the Carlsbad Corporate Plaza Specific Plan and a parking structure is allowed with the approval of a minor site development plan and coastal development permit; and

WHEREAS, after procedures in accordance with requirements of law, the City Council has determined that the public interest indicates that said Specific Plan Amendment (AMEND 2019-0002) be approved.

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

1. The above recitations are true and correct.
2. That the Specific Plan AMEND 2019-0002, on file in the Planning Division, and incorporated herein by reference, is adopted. The Carlsbad Corporate Plaza Specific Plan shall constitute the zoning for the property and all development of the property shall conform to the Specific Plan.
3. That the Carlsbad Corporate Plaza Specific Plan, as amended by Specific Plan Amendment AMEND 2019-0002, dated June 3, 2020, is approved.
4. That Specific Plan Amendment (AMEND 2019-0002) amends Carlsbad Corporate Plaza Specific Plan, as shown on the attached "Exhibit AMEND 2019-0002".
5. That the findings and conditions of the Planning Commission in Planning Commission Resolution No. 7371 shall also constitute the findings and conditions of the City Council.

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 the full text of the ordinance or a summary of the ordinance prepared by the City Attorney 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 \_\_\_\_\_, 2020, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

---

CELIA A. BREWER, City Attorney

---

MATT HALL, Mayor

---

BARBARA ENGLESON, City Clerk

(SEAL)

**CARLSBAD CORPORATE PLAZA  
SPECIFIC PLAN  
AMEND 2019-0002  
(AMENDMENT TO SP 23H)**

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

Applicant:

**Nextmed III**  
6125 Paseo Del Norte Ste 210  
Carlsbad, CA 92011

Project Site:

6183 & 6185 Paseo Del Norte  
APN: 211-040-18

Prepared by:

**Hofman Planning & Engineering**  
3152 Lionshead Avenue  
Carlsbad, CA 92010

Forwarded on XXX YY, 2019 by Planning Commission Resolution (xxxx)  
Approved on XXXX Y, 2019 by City Council Ordinance (2019-yyy)

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## I. INTRODUCTION

### A. PURPOSE AND SCOPE

The purpose of the Carlsbad Corporate Plaza Specific Plan (CCPSP) amendment is to allow for the creation of a parking structure at the Carlsbad Corporate Plaza and to allow for the use of the office buildings located at 6183 and 6185 Paseo Del Norte as 100 percent medical offices to serve both residents of Carlsbad and the larger region. In doing so, the plan aims to achieve an objective of the City of Carlsbad's General Plan by providing opportunities for continued economic growth and vitality that enhance Carlsbad's position as a premier regional employment center and by managing parking in an efficient manner.

The CCPSP is adopted pursuant to the provisions of Government Code Sections 65450 et. seq. and the Land Use Element of the City of Carlsbad General Plan.

### B. LOCATION AND PLANNING AREA INFORMATION

The Carlsbad Corporate Plaza Specific Plan area is located at 6183 and 6185 Paseo Del Norte (APN 211-040-18-00). The 4.59 acre area is located entirely within the boundary of Local Facilities Management Zone 3. The plan area is described as Parcel 3, in the City of Carlsbad, County of San Diego, State of California, according to map thereof No. 3415, filed in the Office of the Recorder of San Diego County on January 21, 1975. The Specific Plan area is located within the Coastal Zone.

A regional and vicinity map depicting the location of the property within the County and within the City of Carlsbad are provided in Figure 1 (page 3) and Figure 2 (page 4). The boundaries of the CCPSP are shown in Figure 3 on page 5.

Additionally, the plan area is located within the McClellan-Palomar Airport Influence Area, but outside of the Flight Activity Zone. The entire Specific Plan Area is outside the limits of the six Safety Zones as shown in the Airport Land Use Compatibility Plan for the McClellan-Palomar Airport, amended December 1, 2011.

## C. HISTORY

Specific Plan 23 was originally adopted on March 7, 1972 by City Council Ordinance No. 9293. In the years between 1972 and 1999, Specific Plan 23 was amended eight times [SP 23 (A-H)].

- SP 23 [PC reso 755; CC reso 1955; CC ORD 9293]: First phase of an adult community located east of the I-5 freeway (1972).
- SP 23(A) [PC reso 776; CC reso 2011; CC ORD 9308/9309]: Change of zoning for a 3.05 acre parcel from R-1-10,000 and M to PC and the creation of an SP for the northern M zoned properties (1972).
- SP 23(B) [PC reso 811; CC reso 2060; CC ORD 9325]: Phase “C” of Alta Mira properties (1972).
- SP 23(C) [Ordinance unknown]: Remove Motel 6 from provisions of SP 23 (1981).
- SP 23(D) [Denied]: Denial of request for amendments and site development plan for 150 apartments on Neighborhood Commercial 8 acres (1983).
- SP 23(E) [PC reso 2368; CC ORD 9747]: Approval of office and mini warehouse facility on the 8 acre Neighborhood Commercial site (1985).
- SP 23 (F) [PC reso 3461; CC ORD NS-224]: Deletion of Condition 13 to SP 23(E) (1992).
- SP 23 (G) [PC reso 4184; CC ORD NS-437]: Carlsbad Corporate Plaza site plan and building design (1998).
- SP 23 (H) [PC reso 4517; CC ORD NS-487]: Establishment of list of allowable uses for the Carlsbad Corporate Plaza site; medical uses limited to a maximum of 6,000 square feet at 6183 & 6185 Paseo Del Norte (1999).

The current amendment will allow all permitted uses allowed in the O (Office) zone (CMC Chapter 21.27).

## D. REGULATORY SPECIFIC PLAN

The CCPSP is a regulatory document that only manages land uses. It is not a policy document, and does not introduce any new policy objectives. The amendment to SP 23(H) provides for a parking structure and medical office uses within the boundaries of the Carlsbad Corporate Plaza site.



Figure 2: VICINITY MAP – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN

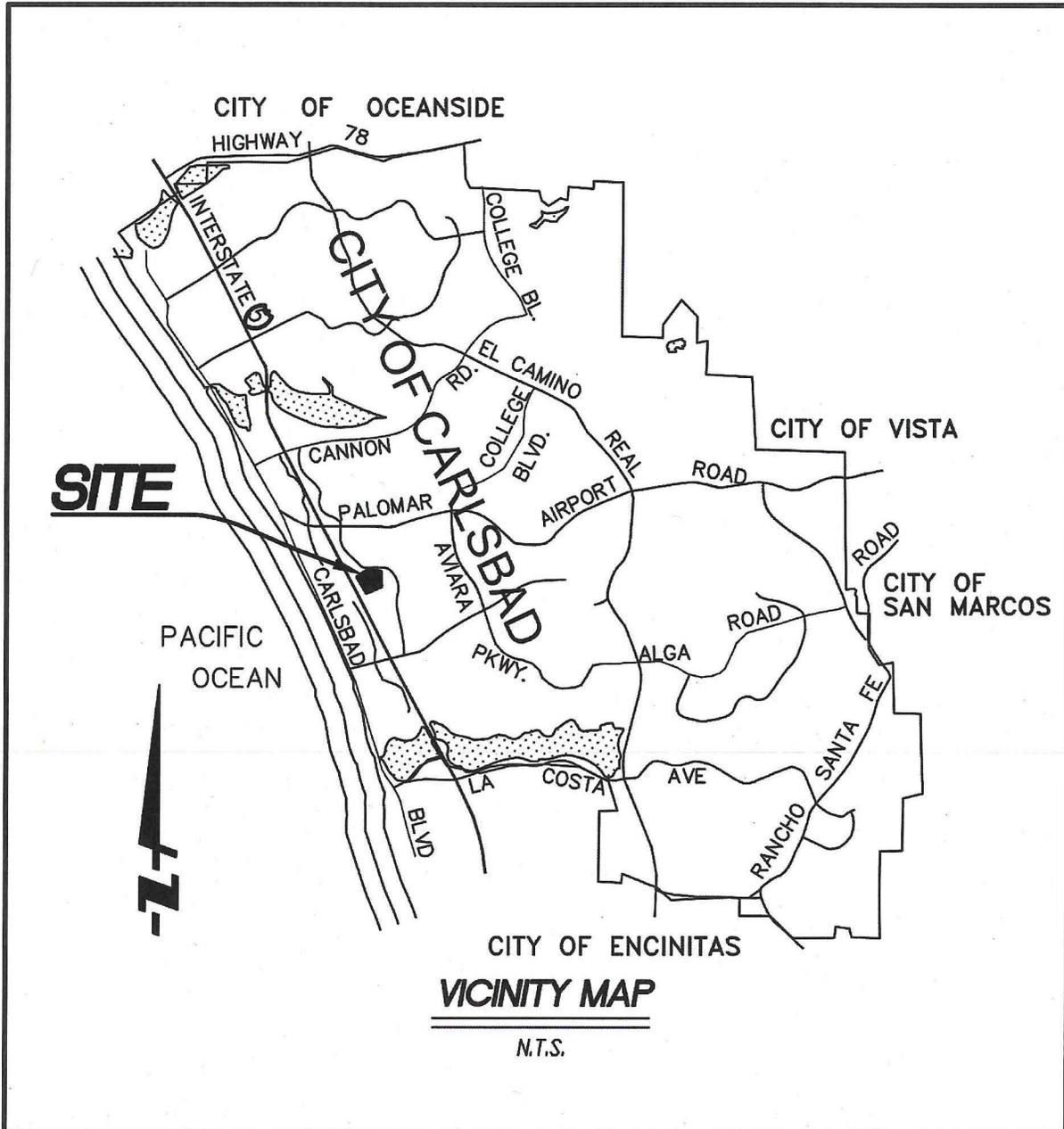
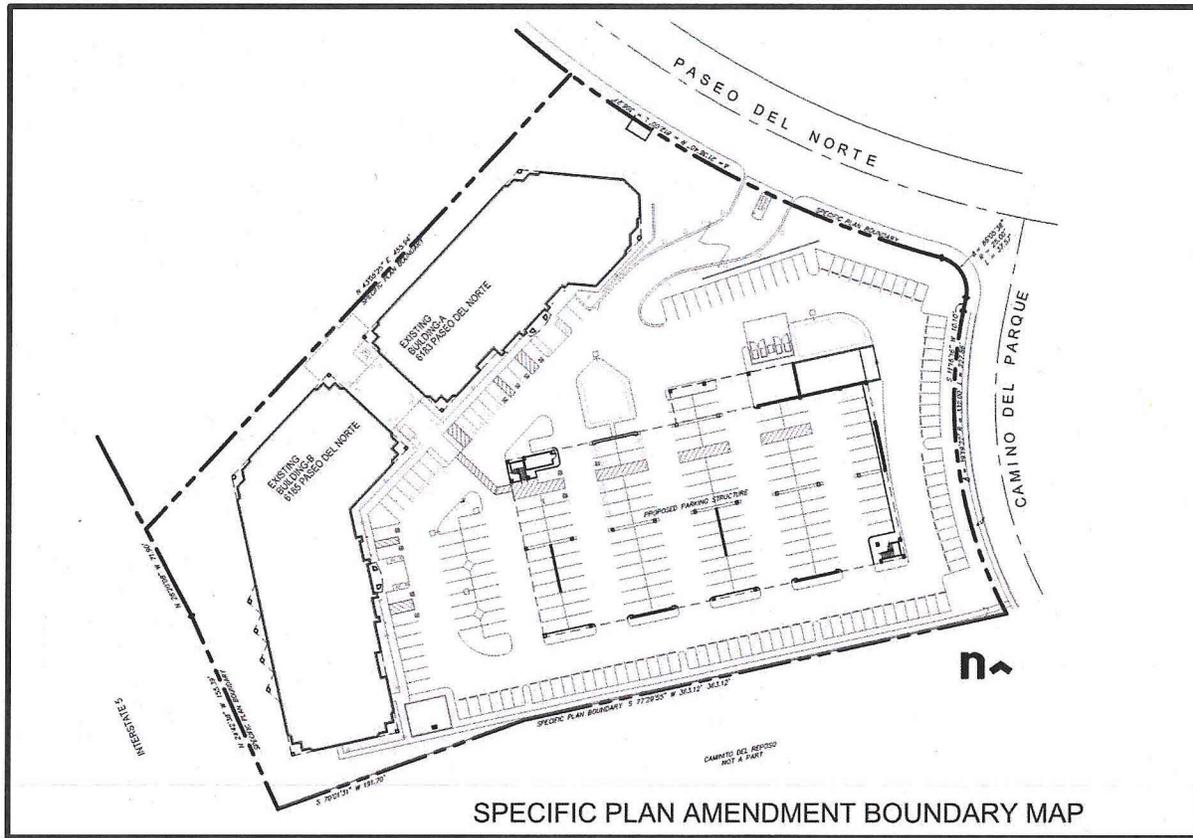


FIGURE 3: LAND USE PLAN – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN



## II. LAND USES

The Carlsbad Corporate Plaza Specific Plan currently allows the permitted and conditionally permitted land uses of the underlying P-C zone and by SP 23 (H), but limits the square footage for medical office uses to 6,000 square feet. The subject amendment deletes the 6,000 square footage limit for medical facilities that was established pursuant to SP 23 (H). The amended CCPSP additionally allows for the construction of a single-level parking structure on the site.

### A. PERMITTED USES

1. All uses permitted in the Office (O) zone.
2. Single-level parking structure
3. Other uses similar to those listed above which the City Planner may determine to fall within the intent and purposes of this Specific Plan, are of comparable nature, and will not be detrimental to property in the vicinity.
4. During parking structure construction phase, 7,500 sf of new medical uses may be permitted as approved by the City Planner. In making this determination the City Planner shall find that adequate offsite and onsite parking measures are in place to ensure that adequate parking will be maintained during construction for all existing uses.

### B. USES ALLOWED WITH A CONDITIONAL USE PERMIT

1. All uses conditionally allowed in the O zone.

### C. SETBACKS

1. Front Yard and Street Side Yard
  - a. Building: The front yard or side street yard shall have an average setback of 35 feet; however, the setback shall not be less than 25 feet. Parking shall be allowed within the setback, but the parking field must be located a minimum of 10' from the property line.
  - b. Parking Structure: Front and Street side setbacks for a parking structure shall be a minimum of 50 feet from the property line.
2. Side Yard – Interior
  - a. Building: All interior side yards shall have a minimum setback of 10 feet. Any parking field must be located a minimum of 10 feet from the property line.
  - b. Parking Structure: Interior side yard setbacks for a parking structure shall be a minimum of 50 feet from the property line.

3. Rear Yard:

- a. The rear yard setback shall be a minimum of 25 feet from the property line for all structures and/or parking fields.

**E. PARKING**

1. Parking shall be calculated pursuant to CMC 21.42.020 except as provided in E.2. below.
2. Parking calculations shall be based upon the Gross Leasable Area of the Carlsbad Corporate Plaza office buildings.
  - a. Gross Leasable Area is defined as the actual area that is leased and privately used by a tenant. This area does not include the common areas accessible to all tenants of the buildings, nor the non-usable square footages e.g. hallways, common restrooms, etc.

**III. Signage**

All Signage shall be subject to Chapter 21.41 (Sign Ordinance) of the Carlsbad Municipal Code.

**IV. INFRASTRUCTURE PLAN AND IMPLEMENTATION MEASURES**

The infrastructure improvements planned for and approved as part of Local Facilities Management Zone 3 and the City of Carlsbad Capital Improvement Plan, remain applicable and satisfactory for the CCPSP for all categories.

- Comply with the current requirements of state and regional storm water management and quality criteria.

**V. SPECIFIC PLAN ADMINISTRATION**

As contained in Section 65450, et. seq. of the California Government Code, the CCPSP shall be amended in the same manner as the General Plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The CCPSP

may not be amended unless the proposed amendment is consistent with the City of Carlsbad's General Plan. Additionally, amendment of the CCPSP shall be subject to the local requirements of Chapter 21.52 of the Carlsbad Municipal Code.

**PLANNING COMMISSION RESOLUTION NO. 7372**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A MINOR SITE DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A 35,360-SQUARE-FOOT, SINGLE-LEVEL PARKING STRUCTURE LOCATED OVER AN EXISTING PARKING LOT SERVING AN EXISTING OFFICE LOCATED AT 6183-6185 PASEO DEL NORTE WITHIN THE MELLO II SEGMENT OF THE CITY'S LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 3

CASE NAME: CARLSBAD CORPORATE PLAZA PARKING STRUCTURE  
 CASE NO.: SDP 2019-0003/CDP 2019-0005

WHEREAS, **Scott Leggett**, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by **Nextmed III**, "Owner," described as

**PARCEL 3 OF PARCEL MAP NO. 3415, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 21, 1975 AS FILE NO. 75-014212 OF OFFICIAL RECORDS**

("the Property"); and

WHEREAS, said verified application constitutes a request for a Minor Site Development Plan and Coastal Development Permit as shown on Exhibits "A" – "G" dated **June 3, 2020** on file in the Carlsbad Planning Division, **CARLSBAD CORPORATE PLAZA PARKING STRUCTURE – SDP 2019-0003/CDP 2019-0005** – as provided by SP 23(H) and Government Code Section 65453, and Chapters 21.06, 21.27, 21.34, 21.38, and 21.44 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **June 3, 2020**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Minor Site Development Plan and Coastal Development Permit.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.

- B) That based on the evidence presented at the public hearing, the Planning Commission **RECOMMENDS APPROVAL** of **SDP 2019-0003/CDP 2019-0005 – Carlsbad Corporate Plaza Parking Structure** based on the following findings and subject to the following conditions:

**Findings:**

**Minor Site Development Plan SDP 2019-0003**

1. That the proposed development or use is consistent with the General Plan and any applicable master plan or specific plan, complies with all applicable provisions of Chapter 21.06 of the Carlsbad Municipal Code, and all other applicable provisions of this code, in that **the proposed change of use and construction of a parking structure comply with the policies of the General Plan, the standards set forth by the Carlsbad Corporate Plaza Specific Plan and the zoning ordinance. The change to medical office is a permitted use within the property's land use designation and is compatible with the surrounding residential and commercial uses. The construction of the parking structure complies with the requirements set forth by the parking chapter of the zoning ordinance.**
2. That the requested development or use is properly related to the site, surroundings and environmental settings, will not be detrimental to existing development or uses or to development or uses specifically permitted in the area in which the proposed development or use is to be located, and will not adversely impact the site, surroundings or traffic circulation, in that **the proposed increase in medical office use and the construction of the parking structure are compatible with the surrounding residential and commercial uses. The project will meet all required building safety and fire codes. Additionally, the removal of the limit on medical office uses is appropriate for the uses set forth by the Specific Plan and the proposed change to medical office does not significantly increase traffic circulation.**
3. That the site for the intended development or use is adequate in size and shape to accommodate the use, in that **the site is already developed with two buildings totaling 64,761 square feet. The proposed change in use is compatible with the size and shape of the site and the construction of the parking structure adequately fits within a portion of the existing parking lot.**
4. That all yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested development or use to existing or permitted future development or use in the neighborhood will be provided and maintained, in that **the proposed use and parking structure comply with the requirements set forth by the Specific Plan and zoning ordinance.**
5. That the street systems serving the proposed development or use is adequate to properly handle all traffic generated by the proposed use, in that **the change of use does not significantly increase traffic circulation as the project generates a net gain of 2,219 average daily trips (ADTs).**

**Coastal Development Permit CDP 2019-0005**

6. That the proposed development is in conformance with the Certified Local Coastal Program and all applicable policies in that **the proposed change in use and construction of parking structure are consistent with the relevant policies of the Mello II Segment of the Local Coastal Program,**

the Coastal Program implementing ordinance (Carlsbad Corporate Plaza Specific Plan), and the Coastal Resource Protection Overlay Zone. In addition, the project is consistent with the surrounding development, which consists of commercial and residential uses.

7. The proposal is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act in that **the site does not have frontage along the coastline and no public opportunities for coastal shoreline access are available from the subject site. Furthermore, the site is not suited for water-oriented recreation activities.**
8. The project is consistent with the provisions of the Coastal Resource Protection Overlay Zone (Chapter 21.203 of the Zoning Ordinance) in that the project will adhere to the city's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual and Jurisdictional Runoff Management Program (JRMP) to avoid increased urban runoff, pollutants, and soil erosion. No steep slopes or native vegetation is located on the subject property and the site is not located in an area prone to landslides, or susceptible to accelerated erosion, floods, or liquefaction.
9. The City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment; therefore, the project is categorically exempt from the requirement for the preparation of an environmental document pursuant to **Section 15332 – In-Fill Development Projects** – of the California Environmental Quality Act (CEQA) Guidelines. The staff report includes an additional exemption for the Specific Plan Amendment component of the project.

**Conditions:**

1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the city shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the city's approval of this **Site Development Plan, and Coastal Development Permit.**
2. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
3. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
4. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and

costs, including court costs and attorney's fees incurred by the city arising, directly or indirectly, from (a) city's approval and issuance of this **Site Development Plan, and Coastal Development Permit**, (b) city's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the city's approval is not validated.

5. Prior to submittal of the building plans, improvement plans, grading plans, or final map, whichever occurs first, developer shall submit to the City Planner, a 24" x 36" copy of the (**Tentative Map/Site Plan or other**), conceptual grading plan and preliminary utility plan reflecting the conditions approved by the final decision-making body. The copy shall be submitted to the City Planner, reviewed and, if found acceptable, signed by the city's project planner and project engineer. If no changes were required, the approved exhibits shall fulfill this condition.
6. Prior to the issuance of a building permit, the Developer shall provide proof to the Building Division from the **Carlsbad Unified School District** that this project has satisfied its obligation to provide school facilities.
7. This project shall comply with all conditions and mitigation measures which are required as part of the **Zone 3 Local Facilities Management Plan** and any amendments made to that Plan prior to the issuance of building permits.
8. This approval shall become null and void if building permits are not issued for this project within 24 months from the date of project approval.
9. This approval is granted subject to the approval of an **Amendment to the Carlsbad Corporate Plaza Specific Plan (AMEND 2019-0002)** and is subject to all conditions contained in Planning Commission Resolution No. **7371** for those other approvals incorporated herein by reference.
10. Prior to the issuance of the **grading permit**, Developer shall submit to the city a Notice of Restriction executed by the owner of the real property to be developed. Said notice is to be filed in the office of the County Recorder, subject to the satisfaction of the City Planner, notifying all interested parties and successors in interest that the City of Carlsbad has issued a(n) **Site Development Plan and Coastal Development Permit** by Resolution(s) No. **7372** on the property. Said Notice of Restriction shall note the property description, location of the file containing complete project details and all conditions of approval as well as any conditions or restrictions specified for inclusion in the Notice of Restriction. The City Planner has the authority to execute and record an amendment to the notice which modifies or terminates said notice upon a showing of good cause by the Developer or successor in interest.
11. Developer shall implement the "**Carlsbad Corporate Plaza Parking Accommodations During Construction**," "**Carlsbad Corporate Plaza Parking Structure – Phasing & Logistics Plan**," and "**NextMed Tenant Parking Analysis**," prepared by Hofman Planning & Engineering dated March 31, 2020 as an interim parking plan as presented in Attachment 5 of the project staff report. If a decrease in the vacancy rate occurs during the construction of the parking structure, the

Developer shall submit for and obtain City Planner approval of a revised parking plan showing parking compliance.

12. Prior to the commencement of any ground disturbing activities, the project developer shall:
  - a. Retain the services of a qualified paleontologist who shall be on-site for the original cutting of previously undisturbed native soil (part-time for marine terrace deposit areas and full-time for Santiago Formation deposit areas). The paleontologist shall recover any discovered fossils and is empowered to temporarily divert or halt grading to allow recovery in a timely manner. Fossils shall be treated appropriately, catalogued, and deposited with pertinent field notes, photos, and maps, etc., as a donation with financial support for initial specimen storage in a scientific institution with permanent paleontological collections.
  - b. Retain the services of a qualified archaeologist who shall be on-site for ground disturbing activities. In the event cultural material is encountered, the archaeologist is empowered to temporarily divert or halt grading to allow for coordination with the Luiseño Native American monitor and to determine the significance of the discovery. The archaeologist shall follow all standard procedures for cultural materials that are not Tribal Cultural Resources.
  - c. Enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians or other Luiseño tribe that meets all standard requirements of the tribe for such Agreements. This agreement will address provision of a Luiseño Native American monitor and contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist.

**Engineering:**

**General**

13. Prior to hauling dirt or construction materials to or from any proposed construction site within this project, developer shall apply for and obtain approval from, the city engineer for the proposed haul route.
14. This project is approved upon the express condition that building permits will not be issued for the development of the subject property, unless the district engineer has determined that adequate water and sewer facilities are available at the time of permit issuance and will continue to be available until time of occupancy.
15. Developer shall install sight distance corridors at all street intersections and driveways in accordance with City Engineering Standards. The property owner shall maintain this condition.

## Fees/Agreements

16. Developer shall cause property owner to execute and submit to the city engineer for recordation, the city's standard form Geologic Failure Hold Harmless Agreement.
17. Developer shall cause property owner to execute and submit to the city engineer for recordation the city's standard form Drainage Hold Harmless Agreement.
18. Developer shall cause property owner to submit an executed copy to the city engineer for recordation a city standard Permanent Stormwater Quality Best Management Practice Maintenance Agreement.
19. Developer shall cause property owner to apply for, execute, and submit, to the city engineer for recordation, an Encroachment Agreement covering private storm drain, water services, fire services, sewer laterals and trees located over existing public right-of-way or easements as shown on the site plan. Developer shall pay processing fees per the city's latest fee schedule.
20. **Developer shall implement Transportation System Management strategies per the city's Mobility Element policy 3-P.11. Prior to issuance of a building or grading permit, developer shall pay for the installation of one traffic signal controller.**
21. **Developer shall comply with the Transportation Demand Management ordinance per Carlsbad Municipal Code section 18.51 and Mobility Element policy 3-P.11. Prior to grading or building permit issuance, the Developer shall submit a Tier 3 Transportation Demand Management Plan to the satisfaction of the city engineer.**
22. **The developer shall install the following transportation demand management infrastructure measures, in accordance with the project Transportation Demand Management Plan, to the satisfaction of the City Engineer:**
  - a) **Bike repair station (1 ea.).**
  - b) **Public bike parking spaces (18 ea.).**
  - c) **Car/van pool spaces (8 ea.).**
  - d) **Passenger loading zone (1 ea.).**

## Grading

23. Based upon a review of the proposed grading and the grading quantities shown on the site plan, a grading permit for this project is required. Developer shall prepare and submit plans and technical studies/reports as required by city engineer, post security and pay all applicable grading plan review and permit fees per the city's latest fee schedule.
24. Prior to approval of the grading plans, the applicant shall submit a Construction Plan to the city engineer for review and approval. Said Plan may be required to include, but not be limited to, identifying the location of the construction trailer, material staging, material deliveries, bathroom facilities, parking of construction vehicles, employee parking, construction fencing and gates, obtaining any necessary permission for off-site encroachment, addressing pedestrian safety, and

identifying time restrictions for various construction activities. All material staging, construction trailers, bathroom facilities, etc. shall be located outside the public right-of-way unless otherwise approved by the city engineer or Construction Management & Inspection engineering manager.

### **Storm Water Quality**

25. Developer shall comply with the city's Stormwater Regulations, latest version, and shall implement best management practices at all times. Best management practices include but are not limited to pollution control practices or devices, erosion control to prevent silt runoff during construction, general housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants to stormwater, receiving water or stormwater conveyance system to the maximum extent practicable. Developer shall notify prospective owners and tenants of the above requirements.
26. Developer shall complete and submit to the city engineer a Determination of Project's SWPPP Tier Level and Construction Threat Level Form pursuant to City Engineering Standards. Developer shall also submit the appropriate Tier level Storm Water Compliance form and appropriate Tier level Storm Water Pollution Prevention Plan (SWPPP) to the satisfaction of the city engineer. Developer shall pay all applicable SWPPP plan review and inspection fees per the city's latest fee schedule.
27. This project is subject to 'Priority Development Project' requirements. Developer shall prepare and process a Storm Water Quality Management Plan (SWQMP), subject to city engineer approval, to comply with the Carlsbad BMP Design Manual latest version. The final SWQMP required by this condition shall be reviewed and approved by the city engineer with final grading plans. Developer shall pay all applicable SWQMP plan review and inspection fees per the city's latest fee schedule.
28. Developer is responsible to ensure that all final design plans (grading plans, improvement plans, landscape plans, building plans, etc.) incorporate all source control, site design, pollutant control BMP and applicable hydromodification measures.

### **Dedications/Improvements**

29. Developer shall cause owner to dedicate to the city and/or other appropriate entities an easement for water main purposes as shown on the site plan. The offer shall be made by a separate recorded document. All land so offered shall be free and clear of all liens and encumbrances and without cost to the city. Streets that are already public are not required to be rededicated. Additional easements may be required at final design to the satisfaction of the city engineer.
30. Developer shall design the private drainage systems, as shown on the site plan to the satisfaction of the city engineer. All private drainage systems (12" diameter storm drain and larger) shall be inspected by the city. Developer shall pay the standard improvement plan check and inspection fees for private drainage systems.
31. Developer shall prepare and process public improvement plans and, prior to city engineer

approval of said plans, shall execute a city standard development Improvement Agreement to install and shall post security in accordance with C.M.C. Section 20.16.070 for public improvements shown on the site plan. Said improvements shall be installed to city standards to the satisfaction of the city engineer. These improvements include, but are not limited to:

- A. Water main re-location.
- B. Water meter and valve re-locations.

Developer shall pay the standard improvement plan check and inspection fees in accordance with the fee schedule. Improvements listed above shall be constructed within 36 months of approval of the subdivision or development improvement agreement or such other time as provided in said agreement.

- 32. Developer shall design, and obtain approval from the city engineer, the structural section for the access aisles with a traffic index of 5.0 in accordance with city standards due to truck access through the parking area and/or aisles with an ADT greater than 500. Prior to completion of grading, the final structural pavement design of the aisle ways shall be submitted together with required R-value soil test information subject to the review and approval of the city engineer.

#### **Utilities**

- 33. Developer shall meet with the fire marshal to determine if fire protection measures (fire flows, fire hydrant locations, building sprinklers) are required to serve the project.
- 34. Developer shall design and agree to construct public facilities within public right-of-way or within minimum 20-foot wide easements granted to the district or the City of Carlsbad. At the discretion of the district or city engineer, wider easements may be required for adequate maintenance, access and/or joint utility purposes.
- 35. The developer shall agree to design landscape and irrigation plans utilizing recycled water as a source and prepare and submit a colored recycled water use map to the Planning Department for processing and approval by the district engineer.
- 36. Developer shall install potable water and/or recycled water services and meters at locations approved by the district engineer. The locations of said services shall be reflected on improvement plans.
- 37. The developer shall design and agree to construct public water, sewer, and recycled water facilities substantially as shown on the site plan to the satisfaction of the district engineer and city engineer.

#### **Code Reminders**

- 38. Prior to the issuance of a building permit, Developer shall pay the Local Facilities Management fee for Zone 3 as required by Carlsbad Municipal Code Section 21.90.050.
- 39. Approval of this request shall not excuse compliance with all applicable sections of the Zoning Ordinance and all other applicable city ordinances in effect at time of building permit issuance, except as otherwise specifically provided herein.

40. The project shall comply with the latest nonresidential disabled access requirements pursuant to Title 24 of the California Building Code.
41. Premise identification (addresses) shall be provided consistent with Carlsbad Municipal Code Section 17.04.060.
42. Developer shall pay planned local area drainage fees in accordance with Section 15.08.020 of the City of Carlsbad Municipal Code to the satisfaction of the city engineer.
43. Developer shall pay traffic impact and sewer impact fees based on Section 18.42 and Section 13.10 of the City of Carlsbad Municipal Code, respectively. The Average Daily Trips (ADT) and floor area contained in the staff report and shown on the site plan are for planning purposes only.

**NOTICE**

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a) and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on **June 3, 2020**, by the following vote, to wit:

AYES: Chair Anderson, Commissioners Geldner, Lafferty, Luna, Meenes, Merz, and Stine

NOES:

ABSENT:

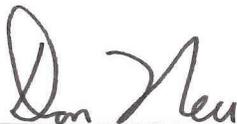
ABSTAIN:



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VELYN ANDERSON, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:



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DON NEU  
City Planner

**CARLSBAD CORPORATE PLAZA  
SPECIFIC PLAN  
AMEND 2019-0002  
(AMENDMENT TO SP 23H)**

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

Applicant:

**Nextmed III**  
6125 Paseo Del Norte Ste 210  
Carlsbad, CA 92011

Project Site:

6183 & 6185 Paseo Del Norte  
APN: 211-040-18

Prepared by:

**Hofman Planning & Engineering**  
3152 Lionshead Avenue  
Carlsbad, CA 92010

Forwarded on June 3, 2020 by Planning Commission Resolution (7371)  
Approved on XX XXXX, 2020 by City Council Ordinance (XXXX)

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# I. INTRODUCTION

## A. PURPOSE AND SCOPE

The purpose of the Carlsbad Corporate Plaza Specific Plan (CCPSP) amendment is to allow for the creation of a parking structure at the Carlsbad Corporate Plaza and to allow for the use of the office buildings located at 6183 and 6185 Paseo Del Norte as 100 percent medical offices to serve both residents of Carlsbad and the larger region. In doing so, the plan aims to achieve an objective of the City of Carlsbad's General Plan by providing opportunities for continued economic growth and vitality that enhance Carlsbad's position as a premier regional employment center and by managing parking in an efficient manner.

The CCPSP is adopted pursuant to the provisions of Government Code Sections 65450 et. seq. and the Land Use Element of the City of Carlsbad General Plan.

## B. LOCATION AND PLANNING AREA INFORMATION

The Carlsbad Corporate Plaza Specific Plan area is located at 6183 and 6185 Paseo Del Norte (APN 211-040-18-00). The 4.59 acre area is located entirely within the boundary of Local Facilities Management Zone 3. The plan area is described as Parcel 3, in the City of Carlsbad, County of San Diego, State of California, according to map thereof No. 3415, filed in the Office of the Recorder of San Diego County on January 21, 1975. The Specific Plan area is located within the Coastal Zone.

A regional and vicinity map depicting the location of the property within the County and within the City of Carlsbad are provided in Figure 1 (page 3) and Figure 2 (page 4). The boundaries of the CCPSP are shown in Figure 3 on page 5.

Additionally, the plan area is located within the McClellan-Palomar Airport Influence Area, but outside of the Flight Activity Zone. The entire Specific Plan Area is outside the limits of the six Safety Zones as shown in the Airport Land Use Compatibility Plan for the McClellan-Palomar Airport, amended December 1, 2011.

## C. HISTORY

Specific Plan 23 was originally adopted on March 7, 1972 by City Council Ordinance No. 9293. In the years between 1972 and 1999, Specific Plan 23 was amended eight times [SP 23 (A-H)].

- SP 23 [PC reso 755; CC reso 1955; CC ORD 9293]: First phase of an adult community located east of the I-5 freeway (1972).
- SP 23(A) [PC reso 776; CC reso 2011; CC ORD 9308/9309]: Change of zoning for a 3.05 acre parcel from R-1-10,000 and M to PC and the creation of an SP for the northern M zoned properties (1972).
- SP 23(B) [PC reso 811; CC reso 2060; CC ORD 9325]: Phase “C” of Alta Mira properties (1972).
- SP 23(C) [Ordinance unknown]: Remove Motel 6 from provisions of SP 23 (1981).
- SP 23(D) [Denied]: Denial of request for amendments and site development plan for 150 apartments on Neighborhood Commercial 8 acres (1983).
- SP 23(E) [PC reso 2368; CC ORD 9747]: Approval of office and mini warehouse facility on the 8 acre Neighborhood Commercial site (1985).
- SP 23 (F) [PC reso 3461; CC ORD NS-224]: Deletion of Condition 13 to SP 23(E) (1992).
- SP 23 (G) [PC reso 4184; CC ORD NS-437]: Carlsbad Corporate Plaza site plan and building design (1998).
- SP 23 (H) [PC reso 4517; CC ORD NS-487]: Establishment of list of allowable uses for the Carlsbad Corporate Plaza site; medical uses limited to a maximum of 6,000 square feet at 6183 & 6185 Paseo Del Norte (1999).

~~The current amendment will allow all permitted uses allowed in the O (Office) zone (GMC Chapter 21.27).~~

## D. REGULATORY SPECIFIC PLAN

The CCPSP is a regulatory document that only manages land uses. It is not a policy document, and does not introduce any new policy objectives. The amendment to SP 23(H) provides for a parking structure and medical office uses within the boundaries of the Carlsbad Corporate Plaza site.



Figure 2: VICINITY MAP – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN

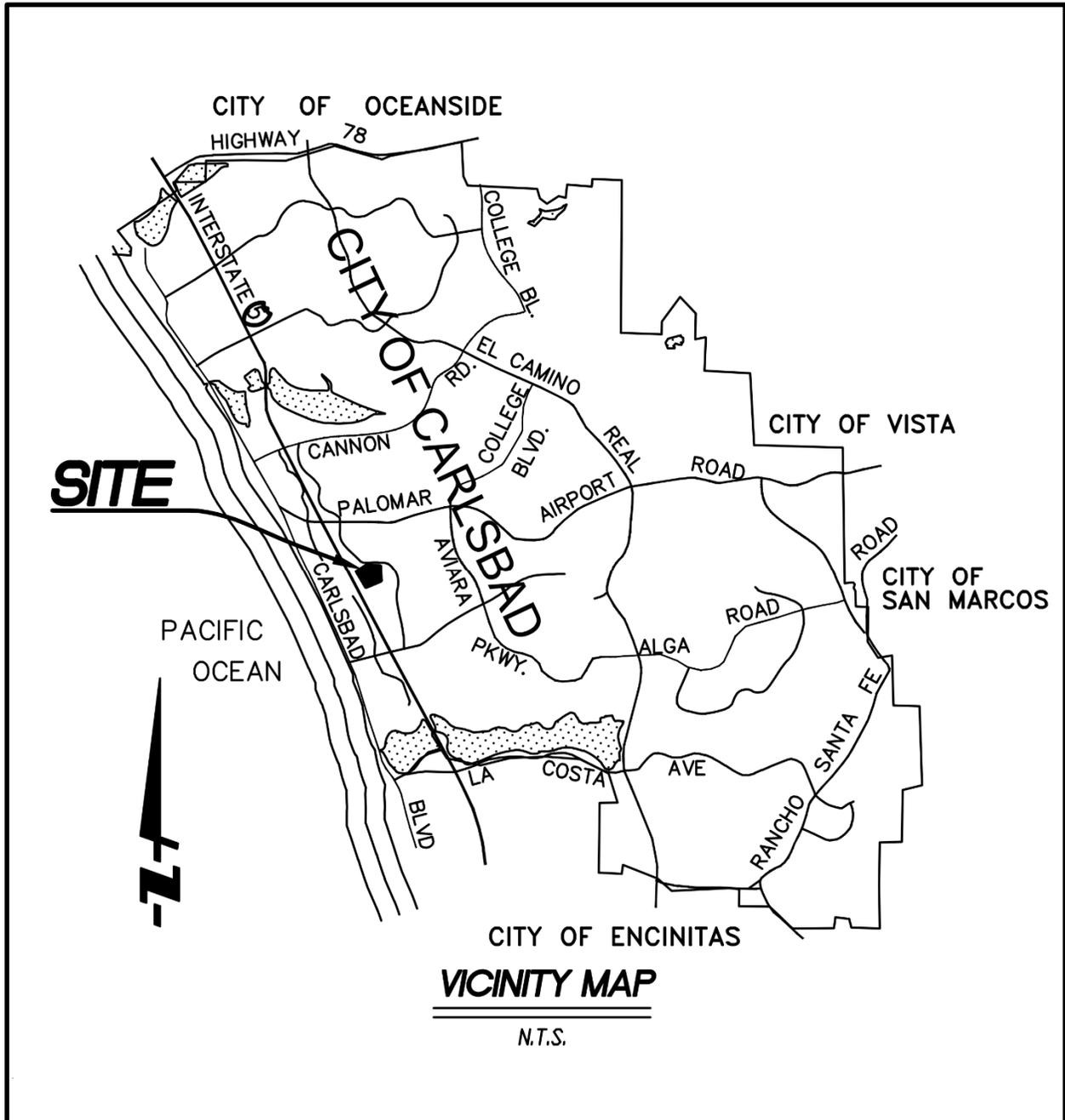
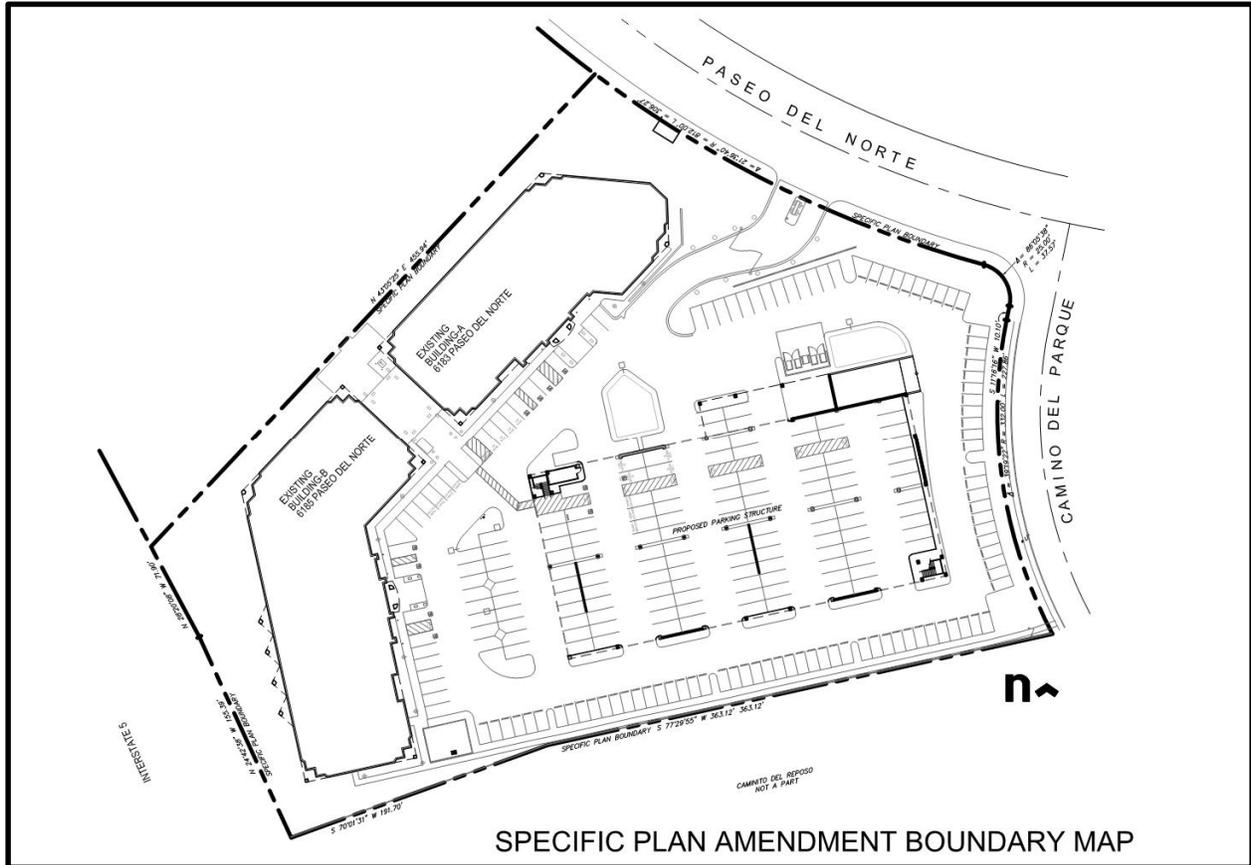


FIGURE 3: LAND USE PLAN – CARLSBAD CORPORATE PLAZA SPECIFIC PLAN



## II. LAND USES

The Carlsbad Corporate Plaza Specific Plan ~~currently~~ allows the permitted uses, and conditionally permitted land uses, and development standards as follows: ~~of the underlying P-C zone and by SP-23 (H), but limits the square footage for medical office uses to 6,000 square feet. The subject amendment deletes the 6,000 square footage limit for medical facilities that was established pursuant to SP-23 (H). The amended CCPSP additionally allows for the construction of a single-level parking structure on the site.~~

### A. PERMITTED USES

1. All uses permitted in the Office (O) zone.
2. ~~Single~~Two-level parking structure
3. Other uses similar to those listed above which the City Planner may determine to fall within the intent and purposes of this Specific Plan, are of comparable nature, and will not be detrimental to property in the vicinity.
4. During parking structure construction phase, 7,500 sf of new medical uses may be permitted as approved by the City Planner. In making this determination the City Planner shall find that adequate offsite and onsite parking measures are in place to ensure that adequate parking will be maintained during construction for all existing uses.

### B. USES ALLOWED WITH A CONDITIONAL USE PERMIT

1. All uses conditionally allowed in the O zone.

### C. SETBACKS

1. Front Yard and Street Side Yard
  - a. Building: The front yard or side street yard shall have an average setback of 35 feet; however, the setback shall not be less than 25 feet. Parking shall be allowed within the setback, but the parking field must be located a minimum of 10' from the property line.
  - b. Parking Structure: Front and Street side setbacks for a parking structure shall be a minimum of 50 feet from the property line.
2. Side Yard – Interior
  - a. Building: All interior side yards shall have a minimum setback of 10 feet. Any parking field must be located a minimum of 10 feet from the property line.

- b. Parking Structure: Interior side yard setbacks for a parking structure shall be a minimum of 50 feet from the property line.
  3. Rear Yard:
    - a. The rear yard setback shall be a minimum of 25 feet from the property line for all structures and/or parking fields.

#### E. PARKING

1. Parking shall be calculated pursuant to CMC 21.42.020 except as provided in E.2. below.
2. Parking calculations shall be based upon the Gross Leasable Area of the Carlsbad Corporate Plaza office buildings.
  - a. Gross Leasable Area is defined as the actual area that is leased and privately used by a tenant. This area does not include the common areas accessible to all tenants of the buildings, nor the non-usable square footages e.g. hallways, common restrooms, etc.

### III. Signage

All Signage shall be subject to Chapter 21.41 (Sign Ordinance) of the Carlsbad Municipal Code.

## IV. INFRASTRUCTURE PLAN AND IMPLEMENTATION MEASURES

The infrastructure improvements planned for and approved as part of Local Facilities Management Zone 3 and the City of Carlsbad Capital Improvement Plan, remain applicable and satisfactory for the CCPSP for all categories.

- Comply with the current requirements of state and regional storm water management and quality criteria.

## V. SPECIFIC PLAN ADMINISTRATION

As contained in Section 65450, et. seq. of the California Government Code, the CCPSP shall be amended in the same manner as the General Plan, except that a

specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The CCPSP may not be amended unless the proposed amendment is consistent with the City of Carlsbad's General Plan. Additionally, amendment of the CCPSP shall be subject to the local requirements of Chapter 21.52 of the Carlsbad Municipal Code.



## CITY COUNCIL Staff Report

**Meeting Date:** July 28, 2020  
**To:** Mayor and City Council  
**From:** Scott Chadwick, City Manager  
**Staff Contact:** Geoff Patnoe, Assistant City Manager  
Geoff.patnoe@carlsbadca.gov, 760-434-2820  
**Subject:** COVID-19 Actions and Expenditures Report

### Recommended Action

Receive a report on recent actions and expenditures related to the city's response to the COVID-19 pandemic and provide direction as appropriate.

### Executive Summary/Discussion

At the April 7, 2020, City Council meeting, the City Council voted unanimously to direct staff to return to the City Council with financial expenditure reports relating to the city's response to the COVID-19 pandemic. The city manager further committed to provide a bi-weekly update to the City Council on recent actions and expenditures related to the city's response to the pandemic. Staff from the following major service areas will provide a verbal report relating to current statistics, data, programming and relevant communications:

- City Manager's Office
- Emergency Operations
- Community Services
- Police
- Fire
- Economic Revitalization and Recovery
- Administrative Services

### Fiscal Analysis

None.

### Next Steps

Staff will continue to provide the reports bi-weekly until the end of the emergency.

### Environmental Evaluation (CEQA)

Pursuant to Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

**Public Notification**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

**Exhibits**

None



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** Allegra Frost, Deputy City Attorney  
allegra.frost@carlsbad.ca, 760-573-1125

**Subject:** Administrative Enforcement of the Facial Covering Requirements of State and County Public Health Orders

### Recommended Action

Consider adopting a resolution that would allow for the administrative enforcement of the San Diego County public health order, including the face-covering requirements.

### Executive Summary

The City Council approved a minute motion at its July 14, 2020 meeting that directed staff to provide the council with administrative enforcement options for obtaining compliance with the state and county orders requiring people to wear facial coverings in certain situations. As staff noted in that meeting, criminal enforcement as a method of obtaining compliance with the facial covering requirement presents unique constitutional challenges. Because of these challenges, law enforcement agencies across California have preferred other methods, such as education and the distribution of complimentary face coverings, over criminal enforcement.

Administrative enforcement, a method undertaken by a handful of Southern California cities, would allow the city to issue administrative citations, in accordance with Chapter 1.10 of the Carlsbad Municipal Code, for violations of the facial covering requirement. This report explains how such enforcement could be enacted and implemented, the benefits to the public health it might provide, as well as the significant constitutional challenges that would remain.

### Discussion

#### **Background**

The health and safety of the public has been the city's highest priority during the COVID-19 pandemic. The city has followed California and San Diego County public health order and related protocols in making the difficult decisions involved in its response to this crisis.

A major part of the city's efforts has been to encourage people to cover their faces with masks when they leave their homes and cannot maintain the physical distance required to slow the spread of this disease. City police officers, city staff and volunteers have done extensive education efforts and handed out more than 178,000 masks to community members and visitors, particularly along the beach, one of the city's most trafficked areas, and in group

homes and to the homeless. The city has used its communications channels – its website, and social media platforms – to encourage and educate the public about the importance of face covering. Staff have also put up signs at entrances to city property and are placing more than 100 banners, some in Spanish, at key points around the city in the public right of way to remind the public of the face-covering requirement. Despite the city’s public education campaign, there have been complaints that some people are not wearing face coverings when required by the public health order. This has led some community members to call for enforcement of the public health order, not just education.

To staff’s knowledge, no law enforcement agency in San Diego County has cited or arrested anyone for violating the public health order by failing to wear a facial covering. Several other cities in California, including Beverly Hills, Calabasas, Manhattan Beach, Santa Monica, and West Hollywood, have authorized administrative enforcement of the face-covering requirement. Manhattan Beach has begun using a contractor to issue a limited number of administrative citations for violations of its face-covering requirement.

Cities nationwide are grappling with the question of how to get people to comply with the public health orders that require facial coverings. Very few cities have issued citations because the requirements and the exceptions to the requirements make it difficult for officers to meet the legal standard necessary to stop and temporarily detain someone, as explained below.

#### **San Diego County Public Health Order’s face-covering requirement**

The public health order states, “All persons two years of age or older who are present in the county shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering as described and required in (the) California Department of Public Health Face Covering Guidance.”<sup>1</sup>

The public health order requires everyone two years of age or older to wear a face covering in the following situations:

- When inside of, or in line to enter, any indoor public space
- When obtaining services from the healthcare sector
- When waiting for or riding public transportation, in a taxi, a private car service, or a ride-sharing vehicle
- While working, if the person is also:
  - Interacting in-person with any member of the public
  - In any space visited by members of the public
  - In any space where food is prepared or packaged for others
  - In common areas, such as hallways, stairways, elevators, and parking facilities
  - In any room or enclosed area where other people (except members of the person’s household or residence) are present, when unable to physically distance
- When driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present

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<sup>1</sup> The state face covering protocols are available at:  
[https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings\\_06-18-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf)

- When outdoors in public spaces, if maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible

The public health order generally does not require a person to wear a face covering if the person is walking outdoors in a public place and maintaining a six-foot distance from others who are not in the person's household. This means seeing someone walking around outdoors without a face covering, whether alone or with others, is not, by itself, an indication that the person is failing to comply with the face-covering requirement.

The public health order also exempts eight categories of people from the face-covering requirement. These include people:

1. Younger than 2, as noted above
2. With a medical condition, mental health condition, or disability that prevents wearing a face covering
3. Who are hearing impaired, or communicating with a person who is hearing impaired
4. For whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines
5. Obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service
6. Seated at a restaurant or other establishment that offers food or beverage service while eating or drinking, if they can maintain a distance of at least six feet away from persons who are not members of the same household or residence
7. Engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others
8. Who are incarcerated

While some of these exemptions can be readily determined, others cannot, particularly the exemptions for medical conditions, mental health conditions, disabilities and outdoor recreation with household members. Consequently, even in situations in which the public health order might otherwise require a person to wear a face covering, such as in an indoor public place, the absence of a face covering is not necessarily a failure to comply with the public health order.

The public health order authorizes police departments to enforce the order under California Government Code sections 26602 and 41601 and Health and Safety Code Section 101029. Violations of the public health order may be prosecuted as a misdemeanor with fines of up to \$1,000 and imprisonment for up to 90 days.

### **Administrative enforcement**

In addition to criminal misdemeanor enforcement, the City Council may authorize administrative citations with accompanying fines for individuals and businesses who fail to comply with the requirements contained in the public health order.

Administrative citations are similar to infractions, such as minor traffic violations, in the sense that the penalty is a fine and does not include incarceration. However, an administrative citation is processed within the city and does not go through the court system, so there is no court hearing and no impact on the person's criminal record. A city zoning violation is an example of an administrative citation. It comes with fines for failing to comply and continuing failure may result in increased fines or perhaps other sanctions, though not a jail or prison sentence.

In Carlsbad, the city's authority and procedures for processing administrative citations are contained in Chapter 1.10 of the Carlsbad Municipal Code. That chapter states that an enforcement officer who observes a violation of the municipal code may issue an administrative citation to the responsible party. Carlsbad Municipal Code section 1.10.080 states that the enforcement official will issue a notice of violation before issuing an administrative citation. However, the proposed resolution would allow the enforcement officer to immediately issue an administrative citation.

The penalties would be \$100 for the first violation, \$200 for a second violation committed within one year of the first violation, and \$500 for a third violation or subsequent violations committed within a year of the first violation. These penalties are established by section 1.10.100(A) of the Municipal Code, in accordance with the amounts authorized by California Government Code sections 36900(b)-(d) and 53069.4(a)(1). Failure to pay an administrative citation penalty results in late fees, which the city may collect by filing a civil action or other legal remedy. Anyone who receives an administrative citation may contest the citation by requesting an administrative hearing with an administrative hearing officer.

The city has existing contracts in place with three administrative hearing officers, if they are needed. If the City Council chooses to authorize enforcement of the public health order using the city's administrative citation process, we recommend the city also develop internal procedures for issuing administrative citations.

### **Benefits of administrative enforcement**

Administrative citations do not go onto a person's criminal history. They would also allow the city to avoid the backlog and partial shutdown currently impacting the courts because of the COVID-19 pandemic. The proposed resolution would also provide the city with another tool to help obtain compliance with the public health order. For example, the ability to issue administrative citations to businesses violating the public health order could be helpful in obtaining compliance, including when working in partnership with the county's Safe Reopening Compliance Team.

### **Issues to consider**

Although the City Council has the authority to authorize administrative enforcement of the face-covering requirement, both criminal and administrative enforcement are complicated by significant legal and practical considerations. Notably, changing the nature of a citation from criminal to administrative does not avoid the constitutional issues discussed below. Tasking

someone other than a police officer with administrative enforcement of the face-covering requirement would require further evaluation.

An officer may initiate a consensual encounter by asking a person for information. However, for an officer to temporarily detain someone for investigative purposes or prevent them from leaving while a ticket is issued, the Fourth Amendment of the U.S. Constitution requires the officer to have a reasonable suspicion that the person is engaged in a crime. (See *Terry v. Ohio*, 392 U.S. 1 (1968)). Reasonable suspicion requires more than a hunch or an unspecific suspicion. The officer must have a specific, articulable, and objective factual basis to believe the person stopped is engaged in a crime. (*People v. Wells*, 38 Cal. 4th 1078, 1083 (2006)).

There is no clear dividing line between a consensual encounter and a temporary detention. A consensual encounter becomes a detention, which is subject to the Fourth Amendment, when a reasonable person would have believed they were not free to leave. (*U.S. v. Mendenhall*, 446 U.S. 544, 554 (1980)). The test is necessarily imprecise and assesses the officers conduct, taken as a whole. (*Michigan v. Chesternut*, 486 U.S. 567, 574 (1988)). When an officer issues a citation, the person is temporarily detained while the citation is issued. Therefore, if someone without a face covering does not voluntarily cooperate with the officer's requests, the officer would not be able to stop the person to investigate or issue a citation unless the officer can establish reasonable suspicion that the person is engaged in a crime. In other words, the officer needs a specific, articulable and objective factual basis for believing that none of the exemptions apply before conducting an investigatory stop or a temporary detention.

For example, if an officer observes a small group of people outdoors without face coverings, the officer could ask if they would be willing to answer some questions. However, if they say "no" or walk away, the officer could not stop them to ask any additional questions, unless the officer had a specific, articulable, and objective factual basis for believing they do not have a medical or mental health condition or disability that prevents them from wearing face coverings, are not hearing impaired or communicating with a person who is hearing impaired and are not members of the same household or residence. Aside from the Fourth Amendment restrictions, there are also privacy concerns to bear in mind: asking a suspected violator about a personal health issue could violate his or her medical privacy rights.

There are also practical law enforcement issues to consider in enforcement of the face-covering requirement. Any time an officer detains someone for an investigation, there is always the risk of conflict and resistance. Any such contact has the potential to escalate into a situation where an officer needs to restrain the person or make an arrest. A public confrontation between an officer and someone refusing to wear a face covering could impair the productive relationship the Police Department has worked to build with the community and even result in injuries to a suspect or an officer. This does not mean that enforcement is impossible, but enforcement would likely require a unique set of facts.

### **Proposed resolution**

The resolution offered for the council's consideration would find that an emergency order is necessary to protect the residents, visitors, and general public of Carlsbad to keep them safe and healthy and to slow the spread of COVID-19. (Exhibit 1) It would adopt the requirements of the public health order as regulations of the City of Carlsbad under section 6.04.100(A)(6)(a) of

the Carlsbad Municipal Code, which defines the powers and duties of the director and assistant director of emergency services.

Police could enforce the emergency order by issuing administrative citations in accordance with Chapter 1.10 of the municipal code, Administrative Code Enforcement Remedies, except that an officer would not have to issue a notice of violation before issuing an administrative citation.

#### **Fiscal Analysis**

The cost of implementing administrative enforcement of the face-covering requirement would depend on how many citations are issued and whether the persons cited appeal the citations.

#### **Next Steps**

If the City Council approves the resolution adopting the public health order requirements as City regulations, administrative enforcement would be another available method for obtaining compliance with the requirements of the public health order, including the face-covering requirements.

#### **Environmental Evaluation (CEQA)**

This action does not constitute a “project” within the meaning of the California Environmental Quality Act under Public Resources Code section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

#### **Public Notification and Outreach**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

#### **Exhibits**

1. Resolution

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ISSUING AN EMERGENCY ORDER MANDATING FACE COVERINGS FOR ALL PERSONS WITHIN CARLSBAD CITY LIMITS IN ACCORDANCE WITH THE MOST RECENT SAN DIEGO COUNTY ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS AND THE MOST RECENT CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FACE COVERING GUIDANCE.

WHEREAS, international, national, state, and local health and governmental authorities have declared a public health emergency due to an outbreak of a highly transmittable respiratory disease, referred to as COVID-19; and

WHEREAS, COVID-19 symptoms include fever, cough, shortness of breath, nausea, loss of smell or taste and many other wide-ranging symptoms; and those who have been afflicted have experienced a wide spectrum of severity in symptoms ranging from asymptomatic to death; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the spread of COVID-19, which was ratified by the San Diego County Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization began characterizing COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of the spread of COVID-19; and

WHEREAS, on March 17, 2020, the City Council of the City of Carlsbad passed a resolution ratifying a declaration of local emergency to provide the city with more flexibility and greater access to resources as it responds to the COVID-19 public health emergency; and

WHEREAS, effective May 1, 2020, the San Diego County Health Order (“County Health Order”) and all revised versions since this date have required, among other health and safety precautions, that “all persons two years old and older who are present in the county shall have possession of a face

covering described in California Department of Public Health Face Covering Guidance issued on April 1, 2020, when they leave their home or place of residence and shall wear the face covering whenever they are in a business or within six feet of another person who is not a member of their family or household;” an exemption was made for persons with a medical or mental health condition or developmental disability that prevents wearing a face covering; and

WHEREAS, on May 7, 2020, the California State Public Health Officer issued an order that stated that COVID-19 continues to present a significant risk to the health of individuals throughout California, but consistent with Californians’ mitigation efforts and other factors, determined that the statewide data supported the gradual movement of the entire state from Stage 1 to Stage 2 of California’s Pandemic Resilience Roadmap, while authorizing local health jurisdictions to implement or continue more restrictive public health measures if warranted; and

WHEREAS, on May 25, 2020, the California Department of Health, while recognizing that COVID-19 is still present in State communities and that maintaining physical distance, wearing face coverings in public, and washing hands frequently are more important than ever, announced the statewide opening of in-store retail shopping, under previously issued guidance and subject to approval by county public health departments, and issued guidelines for in-person protests and events designed for political expression; and public health measures if warranted; and

WHEREAS, on June 18, 2020, the California Department of Public Health issued Guidance for the Use of Face Coverings mandating the use of cloth face coverings by the general public under specified circumstances when outside the home including when inside of, or in line to enter, any indoor space and while outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible; and

WHEREAS, on June 28, 2020, in light of current rates of disease transmission in some counties and the need to reduce non-essential gatherings where mixing and disease spread occur, the California Department of Public Health ordered the closure in certain counties, including the surrounding counties of Los Angeles and Imperial, of bars, brewpubs, breweries, and pubs not offering sit-down, dine-in meals that had reopened in accordance with prior state and local guidance and reemphasized that alcohol can only be sold in such establishments in the same transaction as a meal; the San Diego

County Health Officer adopted such requirement in a revised County Health Order effective July 1, 2020 and;

WHEREAS, on July 3, 2020, San Diego County was added to the state’s coronavirus monitoring list, including 22 other counties across the state, due to a rise in reported COVID-19 case rates; and

WHEREAS, the amended County Health Order effective July 15, 2020, further clarifies the county’s face-covering requirement by ordering that “all persons two years of age or older who are present in the county shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering as described and required in California Department of Public Health Face Covering Guidance issued on June 17, 2020, (available at:

[https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID19/Guidance-for-Face-Coverings\\_06-18-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID19/Guidance-for-Face-Coverings_06-18-2020.pdf)”); and

WHEREAS, the most recent County Health Order effective July 21, 2020, places a substantial restriction on the community in the interests of minimizing the spread of COVID-19 by prohibiting all public, charter and private schools from holding classes on the school campus and requiring that these schools instead conduct distance learning only as required by the state’s Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year, as well as similar in-person learning restrictions for colleges and universities; and

WHEREAS, the Carlsbad City Council, the Director of Emergency Services, and city staff including the Carlsbad Police Department have urged residents to follow the orders of the San Diego County Health Officer, including the requirements to stay home except to take care of essential needs or go to an essential place of business and limited other exceptions, the wearing of face coverings, social distancing, and avoidance of gatherings, among other precautions; and

WHEREAS, despite the mandates of the County Health Orders, the efforts of the city to urge compliance, and the efforts of law enforcement to encourage voluntary compliance and the issuance of citations for select County Health Order violations that also violate the Carlsbad Municipal Code, many persons or businesses within the City of Carlsbad continue to fail to comply with the County Health Order, and particularly its requirements concerning the wearing of face coverings, thereby placing themselves and others at risk of contracting COVID-19; and

WHEREAS, the transmission of COVID-19 continues to increase in the State of California and particularly in San Diego County and the City of Carlsbad, and there is a significant risk of widespread transmission of COVID-19 into the County of San Diego and the City of Carlsbad without the adoption of stricter measures to slow its spread; and

WHEREAS, as of July 21, 2020 the City of Carlsbad has had a cumulative total of 395 confirmed cases of COVID-19, with an estimated 149 active cases; as of July 20, 2020, the County of San Diego has had a cumulative total of 24,135 confirmed cases of COVID-19; and

WHEREAS, numerous and reputable scientific studies suggest that social distancing, avoidance of public or private gatherings (as defined in the most recent County Health Order), and the use of cloth face coverings by the public may help reduce COVID-19 disease transmission by reducing the release of infectious particles into the air when someone speaks, coughs, or sneezes, especially in the case of asymptomatic and pre-symptomatic persons or those with mild symptoms who do not realize that they are infectious and contagious; and

WHEREAS, California Government Code section 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, and Health and Safety Code section 120175.5 (b) provides that all governmental entities in the county shall take necessary measures within the governmental entity's control to ensure compliance with the County Health Order; and

WHEREAS, the City Council of the City of Carlsbad, California has determined that in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary and prudent to adopt a local emergency order that mirrors that of the County of San Diego's most recent County Health Order with an option for local administrative enforcement as permitted by applicable law.

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 of the City of Carlsbad hereby finds that an emergency order is necessary to protect the residents, visitors, and general public of Carlsbad in order to keep them safe and healthy and to slow the spread of COVID-19.

3. The definitions in the most recent County Health Order apply to the words and phrases used in this Order unless context dictates otherwise.
4. The City Council of the City of Carlsbad hereby issues an Emergency Order mandating that all directives included in the most recent County Health Order, including references therein to the California Department of Public Health's Guidance for the Use of Face Coverings, and any subsequent amendments and successors thereto, are hereby adopted as rules and regulations of the City of Carlsbad pursuant to subsections 6.04.100(A)(6)(a) and 6.04.100(A)(6)(e) of the Carlsbad Municipal Code.
5. The Director of Emergency Services or designee may promulgate regulations to implement the provisions of this Order. No person shall fail to comply with any such regulation.
6. The Director of Emergency Services or designee is authorized to deputize additional persons to issue administrative citations for violations of this Order, as amended from time to time, pursuant to sections 1.10.010 and 1.10.020 of the Carlsbad Municipal Code.
7. The Director of Emergency Services or designee is authorized to enter into any contracts related to the enforcement of this Order, as amended from time to time.
8. Should the directives of the State's Face Covering Guidance, the County Health Order, this Order, or any regulations promulgated thereunder conflict, the stricter regulation shall apply.
9. Section 4 of this Order and any regulations promulgated under Section 5 of this Order shall be enforceable by: (a) the Carlsbad Police Department and any city officer or employee granted authority to issue written notices to appear pursuant to Carlsbad Municipal Code section 1.08, to be enforced as a misdemeanor pursuant to Government Code section 8665 or Carlsbad Municipal Code section 6.04.130; or (b) any enforcement officer as defined in Carlsbad Municipal Code section 1.10.010, through the issuance of an administrative citation under Carlsbad Municipal Code section 6.04.130, in accordance with Chapter 1.10 of the Carlsbad Municipal Code. The issuance of a Notice of Violation is not necessary prior to issuing an administrative citation, and all corrective

actions shall be immediately required. Pursuant to section 1.10.100(A) of the Carlsbad Municipal Code, the amount of the administrative penalty for a violation of any provision of, or any regulations issued under, this Order shall be as authorized in California Government Code sections 36900(b)-(d) and 53069.4(a)(1). As of the date of this Order, these penalty amounts are \$100 for the first violation; \$200 for a second violation committed within one year for the first violation; and \$500 for a third violation or subsequent violations committed within one year of the first violation. Each day or portion of a day that any person violates or continues to violate any provision of, or any regulations issued under, this Order constitutes a separate violation and may be charged and punished separately.

10. Pursuant to Carlsbad Municipal Code section 1.10.110(B), the failure of any person to pay an administrative penalty or late fee within the time specified on the administrative citation without the filing of an appeal will result in the assessment of an additional late fee. The amount of the late fee is 100% of the total amount of the administrative penalty and will be assessed independent of whether the violation has subsequently been corrected.
11. This Order shall take effect immediately and, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services shall remain in effect until \_\_\_\_\_.
12. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The City Council hereby declares that it would have adopted this Order, and any Supplement thereto, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the resolution would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** Jeff Murphy, Community Development Director  
Jeff.Murphy@carlsbadca.gov, 760-602-2783

**Subject:** Empower the Director of Emergency Services to Temporarily Suspend or Modify Certain Land Development Standards to Mitigate the Economic Effects of the COVID-19 Pandemic State of Emergency on Local Businesses

**Recommended Action**

Adopt a resolution empowering the director of emergency services to temporarily suspend or modify certain land development standards to mitigate the economic effects of the COVID-19 pandemic state of emergency on local businesses.

**Executive Summary**

With the ongoing closures associated with the COVID-19 pandemic, businesses are struggling to find ways to continue operations, even on a limited basis. While the city has found creative solutions to allow temporary activation of areas such as private parking lots and sidewalk dining, city regulations do not provide enough flexibility to allow certain solutions that could further help businesses operate during these unprecedented times.

On July 20, 2020, the Ad Hoc City Council Economic Revitalization Subcommittee recommended temporarily suspending or modifying certain land development standards in the Village & Barrio Master Plan area to allow more flexibility in the use of public street parking and business frontage areas. The subcommittee also recommended clarifying some confusion over the purpose and intent of the special event on private property permits for the temporary activation of uses in private parking lots.

If the City Council supports the recommendations of the subcommittee, the attached resolution will empower of the director of emergency services (city manager) under Carlsbad Municipal Code Chapter 6.04, Emergency Services, to temporarily suspend or modify certain land development standards for the duration of the local COVID-19 pandemic state of emergency.

**Discussion**  
**Background**

The COVID-19 pandemic has had a significant impact on the economy. The public health orders that have mandated the closure of businesses, or modified operations, have impacted businesses particularly in the food and beverage, retail and personal services sectors. According to the California Employment Development Department, June unemployment in Carlsbad stands at 12.6% compared to an average of 2.9% in 2019. During a recent city survey of businesses on the impact of the COVID-19 pandemic, 51% of the businesses surveyed reported they had to lay off workers due to the pandemic. In addition, 87% of the businesses surveyed reported they saw a decrease in revenue during the state of emergency and 53% of those saw a reduction of revenue of more than 50%.

At the July 14, 2020, City Council meeting, during a discussion of the COVID-19 Actions and Expenditures Report, the council expressed interest in allowing a temporary suspension of certain requirements governing curb cafés in the Village & Barrio Master Plan area (Exhibit 2). In response, staff identified those sections within the master plan that complicate the city's ability to allow for workable solutions for curb cafés, sidewalk cafés and outdoor displays and developed recommendations on how best to allow for the temporary suspension of those regulations to assist struggling businesses.

Staff presented the information to the Ad Hoc City Council Economic Revitalization Subcommittee on July 20, 2020 (Exhibit 3). The subcommittee considered the information and recommended suspending certain standards for curb cafés, sidewalk cafés and outdoor displays in the Village & Barrio Master Plan area as well as clarifying the use of private property permits, as detailed in this report.

Should the City Council support the recommendations of the subcommittee, the attached resolution will empower of the director of emergency services (city manager) under Carlsbad Municipal Code Chapter 6.04, Emergency Services, to temporarily suspend or modify these standards for the duration of the local COVID-19 pandemic state of emergency, as noted above. Once the City Council ends the local state of emergency, the temporary suspension of the standards will also end and any improvements allowed under the suspended or modified standards must be removed. Businesses that wish to maintain the improvements will be required to comply with current codes and permitting requirements.

The following sections defines curb cafes, sidewalk cafes and outdoor displays and provide overviews of the requirements within the master plan that prevent businesses from using these tools to expand their operations outdoors during the COVID-19 pandemic state of emergency, followed by the subcommittee's recommendations for removing the impediments.

### **Curb cafés**

A curb café is a deck structure that allows for outdoor seating to extend from the sidewalk into the parking lane for the purposes of food and/or beverage serving.



- The master plan prohibits curb cafés when a city parking study shows an on-street public parking occupancy of >85% (Sections 2.6.5.A.2 & 4 and 4.a).

The latest study (<https://www.carlsbadca.gov/services/depts/planning/psreports.asp>) shows that the downtown area largely exceeds this threshold. The subcommittee supported the suspension of this requirement for the duration of the emergency. Because businesses are operating at a significantly reduced occupancy, there has been a noticeable reduction in the number of automobiles in the area, resulting in a reduced need for parking in the downtown area.

- Additional parking is required in cases where both a curb café and a sidewalk café (see description below) are proposed (Section 2.6.5.A.9.c and Table 2-3). The subcommittee supported the suspension of this requirement for the duration of the emergency for the same reasons specified above.
- The maximum size of curb cafés is limited to two parking stalls (Section 2.6.5.A.5). Some business owners are wanting to use more stalls, as many as four, to accommodate more seating to help offset their loss of indoor space. The subcommittee did not provide a recommendation for this requirement, but raised the following concerns:
  - Whether a business that activates both a private parking lot and curb café has an unfair business advantage over a business that relies entirely on street parking. To address this concern, a restriction has been added to the attached resolution limiting businesses to either a private property permit or a right-of-way use permit for a curb café, but not both.
  - Parking stalls are not assigned to specific businesses but provide parking for all establishments in the downtown area. The subcommittee raised concerns that too many curb cafés could cut into public street parking for non-restaurant businesses. If the number of parking stalls used for a curb café increases from two to four, the curb café should still be limited in size to within the frontage of the business it serves, as currently required under Section 2.6.5.A.6 of the Village & Barrio Master Plan. The attached resolution reflects this requirement.

At its meeting on July 20, the subcommittee requested additional information about the business makeup of the downtown area. Staff will provide that information at the subcommittee's next meeting on July 27, 2020. Any further recommendations by the subcommittee following that meeting will be reported at the City Council meeting on July 28.

### **Sidewalk cafés**

A sidewalk café is an outdoor extension of a food and/or beverage serving use where exterior seating occurs partially or wholly on public property.

- Sidewalk cafés are limited to the area most directly located in front of the businesses they serve (Section 2.6.5.B.3). The subcommittee recommended that these requirements be suspended for the duration of the emergency if written permission to expand into the frontage areas of adjacent establishments is granted by the affected business and property owner(s).

### **Outdoor displays**

An outdoor display is a temporary display of merchandise by a business that is limited in size, duration and location and placed partially or wholly on public property.

- Businesses are limited to one outdoor display (Section 2.6.5.C.1) that cannot encroach upon the frontage of an adjacent business (Section 2.6.5.C.3). The subcommittee recommended that the one display limit be suspended for the duration of the emergency and that displays be allowed to encroach into adjacent frontage with written authorization from the affected business and property owner.
- The subcommittee further recommended that the area eligible for outdoor displays be expanded to allow services and functions related to the business (e.g., cashiering, hairstylist, barbers, manicurists and estheticians) to the extent that other county and state regulations allow. Because of state and county health orders and social distancing criteria, many businesses are prevented from having too many patrons inside their establishment to peruse and purchase merchandise, or are prevented from operating indoors at all. These restrictions have led businesses to display more product, and perform more services, outside of their stores. All other requirements specified under the master plan (Section Sections 2.6.5.C.2 and 4 through 7) would still apply.



It should be noted that outside the Village & Barrio Master Plan area, the Community Development Department issues special event on private property permits that allow similar types of business uses to temporarily operate outside during the emergency in private parking lots and private common areas. The section below provides more information.

### **Private property permits**

On June 9, 2020, an additional materials memo was provided to the City Council regarding the use and purpose of the special event on private property permit (Exhibit 4). In short, Carlsbad Municipal Code Section 8.17 regulates special events that may affect traffic, public right-of-way, fire and police services, and/or often requires direct involvement of city staff. Examples of special events may include parades, concerts, demonstrations, public assemblies and spectator and participation sports such as marathons, bicycle races and tournaments.

The code recognizes that some special events are minor in scope and scale, held entirely on private property and do not impact public roads or services. These functions may involve weekend sales, store reopening or special business events that occur for a short duration, typically in a business's parking lot or private common area. The special event regulations authorize these forms of special events with the approval of a special event on private property permit. This is an administrative permit issued by the community development director for a minor event or function held entirely on private property that does not require a traffic control plan or impact public road segments or intersections beyond normal operations. Since June, the department has issued close to 20 special event on private property permits to allow businesses, most of which have been restaurants, to successfully activate their parking lots to operate on a limited basis.

Under Title 21, Zoning, of the Carlsbad Municipal Code, many zones that allow commercial and retail businesses include a limitation requiring that all operations be conducted wholly within a building (Exhibit 5). The intent of this limitation is to prevent business activities from regularly and consistently being conducted outdoors where they may adversely impact neighboring properties. While special events conducted under a special event on private property permit are traditionally short-lived, the COVID protocols, though considered temporary, are expected to remain in place for the foreseeable future. To minimize any potential confusion, the subcommittee recommended that temporary activation of private property such as parking lots be authorized during the emergency, even in zones that require that commercial and retail activity be conducted within a structure. This would include allowing businesses such as gyms, churches, restaurants, salons and other similar retail uses to operate in private parking lots and private common areas.

#### **Fiscal Analysis**

None.

#### **Next Steps**

The Director of Emergency Services will issue an emergency order temporarily suspending or modifying the identified land development standards. Because the Village & Barrio Master Plan area is partially located in the Coastal Zone and Title 21, Zoning, of the Carlsbad Municipal Code applies to properties located in the Coastal Zone, staff will contact the Coastal Commission to secure the agency's concurrence on the temporary measures authorized in this report. Staff will also inform and educate Carlsbad businesses of the allowance and walk them through the permitting process.

#### **Environmental Evaluation (CEQA)**

This action is statutorily exempt from the California Environmental Quality Act under California Public Resources Code Section 20180(b)(4), specific actions necessary to prevent or mitigate an emergency, and is categorically exempt from CEQA under CEQA Guidelines 15301, existing facilities, and 15304(e), minor temporary use of land having negligible or no permanent effects on the environment.

### **Public Notification**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours prior to the scheduled meeting date. Notice of the meeting was also posted on social media and on the city's website.

### **Exhibits**

1. Resolution
2. Referenced sections of the Village & Barrio Master Plan
3. July 20, 2020, presentation and memo to ad hoc committee
4. June 9, 2020, Additional Materials Memo to City Council
5. Referenced zones requiring uses contained within a structure

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, EMPOWERING THE DIRECTOR OF EMERGENCY SERVICES TO TEMPORARILY SUSPEND OR MODIFY CERTAIN LAND DEVELOPMENT STANDARDS TO MITIGATE THE ECONOMIC EFFECTS OF THE COVID-19 PANDEMIC STATE OF EMERGENCY ON LOCAL BUSINESSES

WHEREAS, Carlsbad Municipal Code Section 6.04.090(A) designates the City Manager as the Director of Emergency Services (Director); and

WHEREAS, Carlsbad Municipal Code Section 6.04.100(A)(6)(e) empowers the Director, in the event of a proclamation of a local or statewide emergency, to execute any special powers conferred upon him by City Council resolution; and

WHEREAS, on Jan. 31, 2020, the Secretary of the United States Department of Public Health and Human Services declared a public health emergency as a result of the COVID-19 pandemic; and

WHEREAS, on Feb. 14, 2020, the San Diego County Health Officer declared a local health emergency as a result of the COVID-19 pandemic, which the San Diego County Board of Supervisors subsequently ratified; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a statewide state of emergency as a result of the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Director proclaimed a local state of emergency as a result of the COVID-19 pandemic, which the City Council subsequently ratified and extended; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing individuals living in California to comply with a State Public Health Officer order to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations at critical infrastructure sectors; and

WHEREAS, on May 4, 2020, Governor Newsom issued Executive Order N-60-20 allowing non-essential businesses to reopen in four stages in compliance with criteria set by the State Public Health Officer and based on certain public health criteria being met on a county-by-county basis; and

WHEREAS, by June 19, 2020, dine-in restaurants, alcohol-serving businesses offering dine-in meals, personal care services businesses and other businesses in Carlsbad were permitted to reopen subject to compliance with safe reopening plans; and

WHEREAS, because of increased rates of COVID-19 infection, on July 13, 2020, the State Public Health Officer issued an order and on July 14, 2020, the San Diego County Public Health Officer issued an order (collectively, "Public Health Orders") restricting indoor operations at dine-in restaurants, alcohol-serving businesses offering dine-in meals, and businesses offering certain personal care services, including nail salons, hair salons, and barbershops; and

WHEREAS, as a result of the Public Health Orders, as of July 15, 2020, dine-in restaurants, alcohol-serving businesses offering dine-in meals, and businesses offering certain personal care services, including nail salons, hair salons, and barbershops, in the Village and Barrio Master Plan area and other businesses throughout Carlsbad must cease or reduce all indoor operations for a potentially prolonged period of time; and

WHEREAS, strict compliance with certain land development standards in the Village and Barrio Master Plan and Title 21, Zoning, of the Carlsbad Municipal Code hinders Carlsbad businesses from moving their operations outdoors, which could lead to their closure and harm their economic viability; and

WHEREAS, it is in the public interest to take steps to ensure local businesses remain economically viable during the COVID-19 pandemic state of emergency; and

WHEREAS, adopting this resolution will empower the Director to temporarily suspend or modify the land development standards identified in Attachment A to support local businesses and maintain their economic viability, to ensure the availability of important services to local residents, and to promote a stable business and job market for employers and employees to return to once the COVID-19 pandemic state of emergency is abated; and

WHEREAS, adopting this resolution is necessary and appropriate to mitigate the immediate threats to the public health, safety, and welfare of residents and local businesses from the significant economic impacts of the COVID-19 pandemic by assisting businesses to successfully reopen and remain open in compliance with the Public Health Orders.

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 Director is empowered to temporarily suspend or modify the land development standards identified in Attachment A.

3. That the authorization provided to the Director in this resolution shall remain in effect for the duration of the local COVID-19 pandemic emergency unless terminated earlier by City Council action.
4. That upon the expiration or termination of the authorization provided to the Director in this resolution, the temporary suspension or modification of the land development standards identified in Attachment A will be of no further force and effect, all improvements for any temporary outdoor business use must be immediately removed, and all outdoor spaces must be returned to the condition they were in just prior to their temporary outdoor business use.
5. That the Director may take any further action necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)

**LAND DEVELOPMENT STANDARDS TEMPORARILY SUSPENDED OR MODIFIED DURING THE  
LOCAL COVID-19 PANDEMIC STATE OF EMERGENCY**

**A. Curb Cafés (Section 2.6.5.A of the Village & Barrio Master Plan)**

The following standards are temporarily suspended or modified for a curb café, which is defined under the master plan as a temporary deck structure for a food and/or beverage serving use that allows for outdoor seating to extend from the sidewalk and into the parking lane.

1. The following provision of Sections 2.6.5.A.2 is suspended.

Curb cafes are temporary structures on public streets. The city engineer may require their temporary or permanent removal to accommodate street or other infrastructure improvements or maintenance or to ensure adequate public parking is maintained. ~~In the Coastal Zone, if city authorized parking studies indicate public parking occupancy within a quarter mile radius of the curb café is 85 percent or more for five consecutive years, the curb café shall be removed unless the applicant can secure replacement public parking within the quarter mile radius equal to the number of on-street parking spaces impacted by the curb café.~~

2. The following provision of Sections 2.6.5.A.4 is suspended

~~No more than four curb cafes may be permitted per street block (see definition in appendix A); however, this maximum may be reduced for the following reasons:~~

~~a. No curb cafes shall be permitted on any street block that has an on-street public parking occupancy of 85 percent or more based on the most recent City authorized parking study or other information the city engineer accepts.~~

b. The city engineer may limit the number of curb cafes or deny a curb cafe due to reasons of public health, safety or welfare, such as lack of adequate infrastructure, topography, bike lanes, and proximity to driveways, intersections, and residences.

3. Sections 2.6.5.A.9.c is suspended.

~~c. Parking as required by Section 2.6.6.~~

4. Sections 2.6.5.A.5 is modified as follows.

The maximum size of curb cafes shall be limited to ~~two~~ four diagonal or parallel parking spaces. Where parking spaces are not demarcated, the ~~two~~ four parking space maximum shall still apply and shall be based on dimensional parking standards approved by the city engineer.

5. Eating/drinking establishments that are issued a Private Property Permit to activate a private parking lot or private common area shall not be eligible for a right-of-way use permit for a curb café.

**B. Sidewalk Café (Section 2.6.5.B of the Village & Barrio Master Plan)**

The following standards are temporarily modified for a sidewalk café, which is defined under the master plan as an outdoor extension of a food and/or beverage serving use where exterior seating occurs partially or wholly on public property.

1. Section 2.6.5.B.3 is modified as follows.

The sidewalk cafe shall be restricted to the frontage(s) of the business it serves and shall not encroach on the frontage of any adjacent business, unless authorization is granted in writing from the adjacent business/property owner.

**C. Outdoor display (Section 2.6.5.C of the Village & Barrio Master Plan)**

The following standards are temporarily suspended or modified for an outdoor display, which is defined under the master plan as a temporary display of merchandise by a business that is limited in size, duration and location and placed partially or wholly on public property.

1. Section 2.6.5.C.1 is suspended.

~~One outdoor display may be located outside the walls of the business space it serves and within the public right-of-way.~~

2. Uses, services and operations associated with the business shall be allowed to temporarily occupy that space reserved for outdoor displays consistent with the standards specified in Sections 2.6.5.C.2 and 4 through 7.

3. Section 2.6.5.C.3 is modified as follows.

The outdoor display shall be placed adjacent to and parallel to the subject business. The display shall not be placed adjacent to the street curb, perpendicular to the business, or as part of a curb cafe. The outdoor display shall not encroach upon the frontage of an adjacent business, unless authorization is granted in writing from the adjacent business.

**D. Private Property Permit (Carlsbad Municipal Code Section 8.17)**

The temporary outdoor activation of private property such as parking lots and common areas to allow the continued operations and services of businesses affected by COVID may be authorized upon approval of a Private Property Permit, even in zones that require that commercial and retail activity be conducted within a structure, including, Carlsbad Municipal Code Sections 21.26.020(1), 21.28.020(1), 21.30.020(2), and 21.31.070(A).

## 2.6 AREA-WIDE

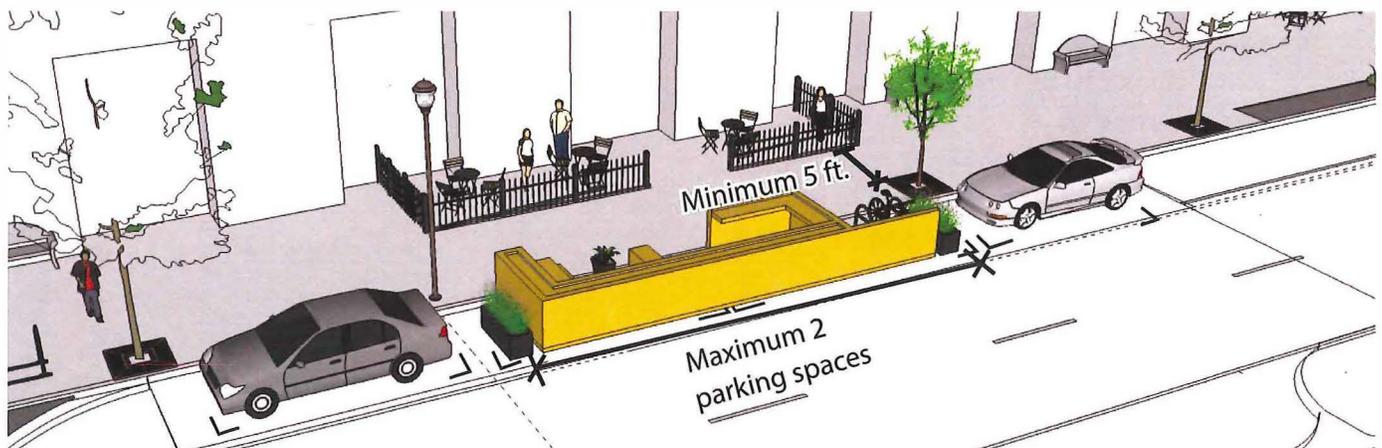
### 2.6.5 RIGHT OF WAY USES

#### Standard

#### A. CURB CAFES

1. Curb cafes are prohibited on Carlsbad Boulevard, Carlsbad Village Drive, Laguna Drive, and any alley.
2. Curb cafes are temporary structures on public streets. The city engineer may require their temporary or permanent removal to accommodate street or other infrastructure improvements or maintenance or to ensure adequate public parking is maintained. In the Coastal Zone, if city-authorized parking studies indicate public parking occupancy within a quarter-mile radius of the curb café is 85 percent or more for five consecutive years, the curb café shall be removed unless the applicant can secure replacement public parking within the quarter-mile radius equal to the number of on-street parking spaces impacted by the curb café.
3. The city engineer may require the design of curb cafes to allow for street or other infrastructure improvements or maintenance.
4. No more than four curb cafes may be permitted per street block (see definition in appendix A); however, this maximum may be reduced for the following reasons:
  - a. No curb cafes shall be permitted on any street block that has an on-street public parking occupancy of 85 percent or more based on the most recent City-authorized parking study or other information the city engineer accepts.
  - b. The city engineer may limit the number of curb cafes or deny a curb cafe due to reasons of public health, safety or welfare, such as lack of adequate infrastructure, topography, bike lanes, and proximity to driveways, intersections, and residences.
5. The maximum size of curb cafes shall be limited to two diagonal or parallel parking spaces. Where parking spaces are not demarcated, the two parking space maximum shall still apply and shall be based on dimensional parking standards approved by the city engineer.
6. The maximum length and size of the curb cafe shall generally be restricted to the length of the building/tenant space the curb cafe serves. The curb cafe shall be "most-directly" in front of the business it serves. Accordingly, some curb cafes may be limited to no more than one parking space.

#### Interpretation



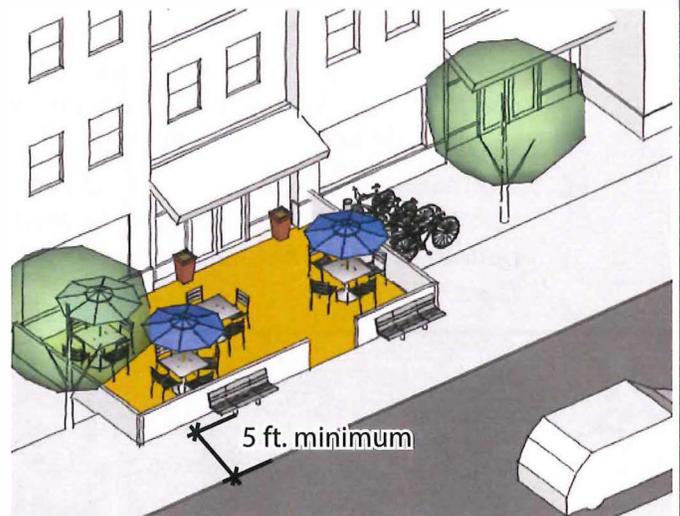
## 2.6 AREA-WIDE

### 2.6.5 RIGHT OF WAY USES

7. A minimum sidewalk width of 5 feet, free of curbs and any obstructions, shall be maintained.
8. An accessible path of travel to the curb cafe shall be provided.
9. Before placement or use of a curb cafe, the following requirements shall be satisfied:
  - a. Approval of a Right-of-way Use Permit and other permits as determined necessary by the city engineer.
  - b. A signed Encroachment Agreement with the city.
  - c. Parking as required by Section 2.6.6.
  - d. Payment of the use fee.
10. No signs, including signs prohibited by CMC Section 21.41.030, or objects that would distract or impair motorists, shall be attached or displayed on any part of the curb café.
11. Curb cafes may be in addition to outdoor dining on private property and sidewalk cafes.

#### B. SIDEWALK CAFES

1. Sidewalk cafes may be in addition to outdoor seating areas on private property and curb cafes.
2. Parking shall be provided as required by Section 2.6.
3. The sidewalk cafe shall be restricted to the frontage(s) of the business it serves and shall not encroach on the frontage of any adjacent business.
4. No signs, including signs prohibited by CMC Section 21.41.030, or objects that would distract or impair motorists, shall be attached or displayed on any part of the sidewalk cafe.
5. A minimum unobstructed walkway width of five feet to building entries shall be maintained.
6. A minimum sidewalk width of 5 feet, free of curbs and any obstructions, shall be maintained.
7. Before placement or use of a sidewalk cafe in the right of way, the following requirements shall be satisfied:
  - a. Approval of a Right-of-way Use Permit and other permits as determined necessary by the city engineer.
  - b. A signed Encroachment Agreement with the city if determined necessary by the city engineer.

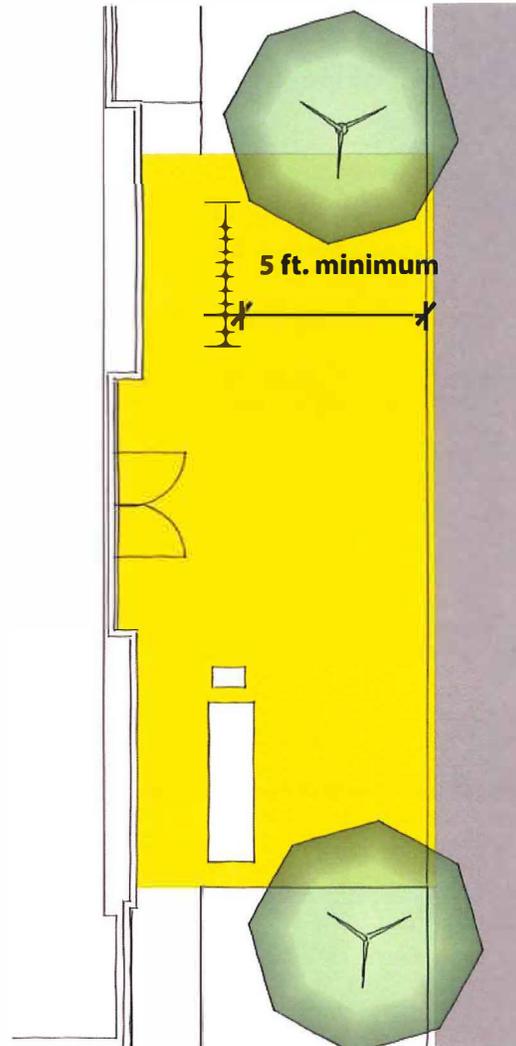


## 2.6 AREA-WIDE

### 2.6.5 RIGHT OF WAY USES

#### C. OUTDOOR DISPLAY

1. One outdoor display may be located outside the walls of the business space it serves and within the public right-of-way.
2. The outdoor display shall be placed outside during business hours only.
3. The outdoor display shall be placed adjacent to and parallel to the subject business. The display shall not be placed adjacent to the street curb, perpendicular to the business, or as part of a curb cafe. The outdoor display shall not encroach upon the frontage of an adjacent business.
4. No signs, including signs prohibited by CMC Section 21.41.030, or objects that would distract or impair motorists, shall be attached or displayed on any part of the outdoor display.
5. A minimum unobstructed walkway width of 5 feet to building entries shall be maintained.
6. A minimum sidewalk width of 5 feet, free of curbs and any obstructions, shall be maintained.
7. Before placement or use of an outdoor display in the right of way, a Right-of-way Use Permit must be approved by the city engineer.



## 2.6 AREA-WIDE

### 2.6.6 PARKING

#### A. PARKING SPACES REQUIRED

1. For residential uses, required parking spaces shall be provided on-site. For non-residential uses, including non-residential uses in a mixed-use format, required parking may be provided on-site and/or off-site according to the provisions of this section.
2. Parking spaces shall be provided per Table 2-3.
3. Parking requirement calculations resulting in a fraction shall be rounded up to the next whole number if the fraction is 0.5 or higher or rounded down if the fraction is below 0.5.
4. References to spaces per square foot (sf) are to be computed on the basis of gross floor area, unless otherwise specified.

**Table 2-3, Parking Requirements**

<b>RESIDENTIAL</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Accessory Dwelling Unit	<ul style="list-style-type: none"> <li>• One space, in addition to the parking requirement for the primary use (single, one-family dwelling).</li> <li>• Tandem parking is permitted.</li> <li>• Parking exceptions exist for accessory dwelling units. Refer to CMC Section 21.10.030 D.10.s</li> </ul>
One-family and Two-family Dwellings	Two spaces per dwelling. Spaces shall be garaged. Tandem parking is permitted.
Multiple-family Dwellings (except as noted, there is no distinction between condominiums and apartments)	
Studio and one bedroom units	One space per unit. For condominiums, the space must be covered.
Units with two or more bedrooms (all districts except BP and BC)	One and a half spaces per unit. For condominiums, one space must be covered. Tandem parking is permitted.
Units with two or more bedrooms (BP and BC only)	Two spaces per unit. For condominiums, one space must be covered. Tandem parking is permitted.
Visitor parking (applies in the BP and BC districts only)	<ul style="list-style-type: none"> <li>• Projects with 10 or fewer units: 0.30 space per unit</li> <li>• Projects with 11 or more units: 0.25 space per unit</li> </ul>
Housing for Senior Citizens	Same as multiple-family dwellings plus one space for an onsite manager's unit (when provided).
Live/Work Unit	One additional space above residential use requirement (per unit).
Managed Living Unit	0.50 parking space per unit
Mixed-Use	<ul style="list-style-type: none"> <li>• The residential use shall meet the multiple-family dwelling parking requirement.</li> <li>• The non-residential use shall meet the parking requirement specified for the applicable use in this table.</li> </ul>
Residential Care Facility	Two spaces, plus one space per every three beds.

**Table 2-3, Parking Requirements (Continued)**

<b>OFFICE</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Business and Professional Office	One space per 415 square feet
Medical Office	One space per 355 square feet

<b>LODGING</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Bed and Breakfast Inn	Two spaces for owner's unit (one covered) plus one space per guest room
Hotel/Motel	One space per guest room
Timeshare Project	One space per guest room

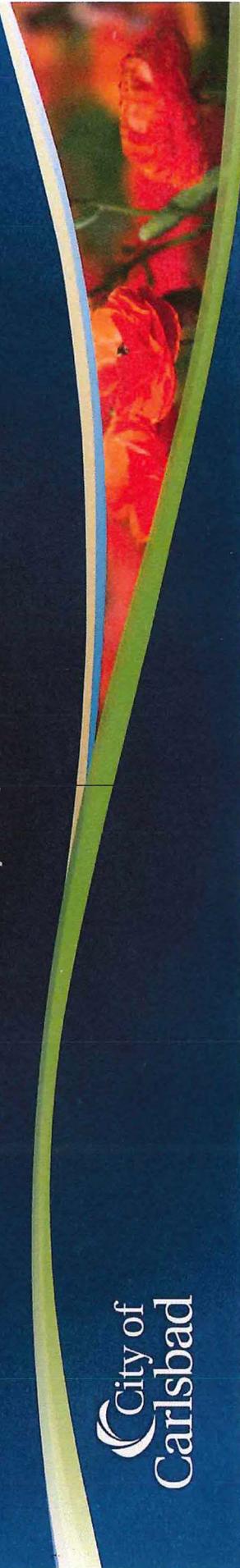
<b>RETAIL</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Brewery/Distillery/Winery	<ul style="list-style-type: none"> <li>If incidental to a restaurant use, one space per 415 square feet</li> <li>If sole use, one space per 150 square feet for the tasting room and one space per 415 square feet for all other uses (e.g. production, storage, and retail sales).</li> </ul>
Business/Professional Services	One space per 415 square feet
Convenience Store	One space per 240 square feet
Financial Institution (e.g., bank)	One space per 355 square feet
Furniture and Appliance Sales	One space per 715 square feet
Personal Services	One space per 415 square feet
Restaurant	One space per 170 square feet
Restaurant, Delicatessen	One space per 300 square feet
Restaurant, Fast Food	One space per 240 square feet
Restaurant, Limited Take-Out Service	One space per 300 square feet
Outdoor Dining on Private Property (accessory to a permitted or conditionally permitted food and/or beverage use)	<ul style="list-style-type: none"> <li>No parking requirement if outdoor seating area is equal to or less than the indoor seating area.</li> <li>For any outdoor seating area that exceeds the indoor seating area, parking shall be based on the applicable restaurant rate, for the excess area.</li> </ul>
Retail/Commercial Business	One space per 415 square feet

**Table 2-3, Parking Requirements (Continued)**

<b>CIVIC</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Cultural Facility	One space per 595 square feet
<b>EDUCATION</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Child Day Care Center	One space per employee plus a minimum of one space per ten children.
Education Facility, Other	One space per 240 square feet
<b>OTHER</b>	
<b>GENERAL USE</b>	<b>PARKING REQUIREMENT</b>
Athletic and Health Clubs, Gymnasium, and Physical Conditioning Business	<ul style="list-style-type: none"> <li>• One space per 240 square feet</li> </ul>
Automotive Service and Gasoline Station	<ul style="list-style-type: none"> <li>• Up to three bays: four spaces</li> <li>• Four or more bays: four spaces plus two spaces per bay in excess of three.</li> <li>• Work bays do not count as parking spaces.</li> <li>• If no work bays, one space per 355 sf, excluding gas pumps.</li> </ul>
Professional Care Facility	0.45 parking space per every bed.
Public assembly (e.g., place of worship, cinema, theater)	One space per each five seats or one space per 120 square feet of assembly area, whichever is greater.
Right of Way Uses	
Curb café or sidewalk café	<ul style="list-style-type: none"> <li>• For a curb café or sidewalk café, no parking required.</li> <li>• For a curb café <u>and</u> sidewalk café, parking shall be required based on the greater of the two seating areas and the applicable restaurant rate. If equal in area, the parking required shall be based on only one of the café uses.</li> </ul>
Outdoor display	No parking requirement

# Temporary Regulatory Relief during COVID

Jeff Murphy  
Community Development Director  
July 20, 2020



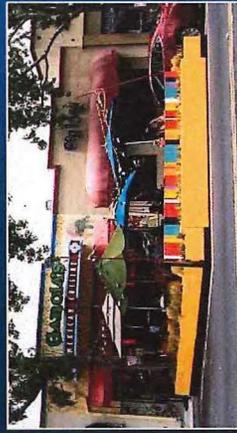
# Background

- Two-dozen businesses using parking lots for services
- Working with several others to activate space
- But more is needed, businesses looking to...
  - ✓ Expand into on-street parking stalls
  - ✓ Allow activities normally conducted inside, outdoors

# *Background*

- July 14, 2020, City Council expressed interest in allowing temporary exemptions for certain requirements for curbside cafés.
- Staff has identified options for the Subcommittee recommendation.

# Curb Cafés



- Current restrictions
  - ✓ On-street public parking occupancy >85%
  - ✓ Parking required for sidewalk & curbside café
  - ✓ Limit size of curbside café to two stalls

# Outdoor Displays



- Current restrictions
  - ✓ One display per business
  - ✓ Only along frontage (applies to curb café, outdoor display and sidewalk café)
  - ✓ Does not permit business operations (i.e., barber, hairstylist, cashiering)

# *Private Property Permit*

- Code requires uses to be conducted indoors
- Code allows outdoor temporary events on private property
- COVID protocols expected in foreseeable future

## *Private Property Permit*

- To avoid confusion, clarify that activation is only authorized for duration of the emergency
- Allows uses to temporarily operate outdoors such gyms, churches, barbershops, salons
- Subject to County/State allowance

## *Next Steps*

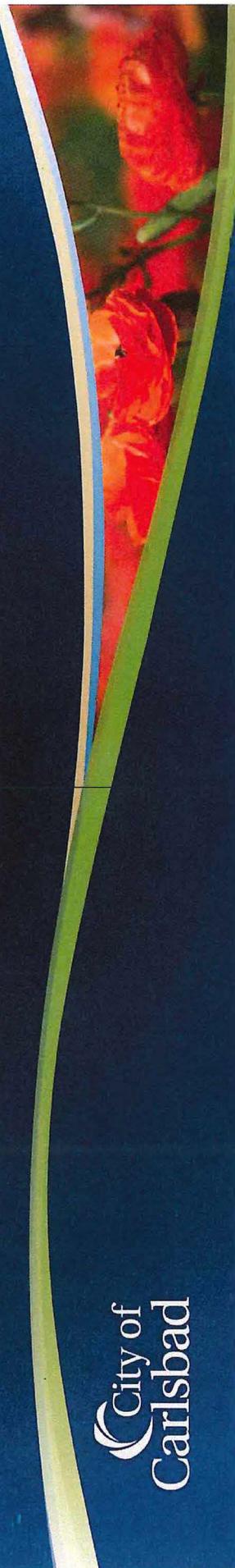
- Input/recommendations from subcommittee
- Resolution to City Council augmenting the powers of the Director of Emergency Services
- Target hearing, July 28, 2020

# Temporary Regulatory Relief during COVID

Jeff Murphy

Community Development Director

July 20, 2020



July 20, 2020

**To:** Ad Hoc City Council Economic Revitalization Subcommittee  
**From:** Jeff Murphy, Community Development Director  
**Via:** Gary Barberio, Deputy City Manager  
**Re:** **Improving the city's ability to provide temporary relief for businesses in the Village & Barrio Master Plan area during the COVID-19 emergency**

With the ongoing closures associated with the COVID pandemic, businesses are struggling to find ways to continue operations even on a limited basis. While staff has found creative solutions to allow temporary activation of areas like private parking lots and sidewalk dining, city regulations do not provide enough flexibility to allow certain solutions that could help businesses operate during these unprecedented times.

On July 14, 2020 during discussions on City Council agenda item #15 (COVID-19 Actions and Expenditures Report), the City Council expressed interest in allowing temporary exemptions for certain requirements governing curb cafes in the Village/Barrio Master Plan area. In response, staff has identified below those sections within the plan that complicate the city's ability to allow for workable solutions, accompanied by recommendations on how best to modify/deviate from those regulations to assist struggling businesses. Staff is seeking input and recommendations from the subcommittee regarding these proposed allowances.

Following subcommittee review, staff will bring forward a resolution for the City Council's consideration that will augment the powers of the Director of Emergency Services (City Manager) under Carlsbad Municipal Code Chapter 6.04 to authorize him to make these temporary allowances for the duration of the COVID-19 pandemic emergency. If approved, it is intended that all temporary improvements/allowances granted under this authority shall be removed once the emergency order has been rescinded. Businesses that wish to maintain the improvements will be required to comply with current codes and permitting requirements as stipulated under the current municipal code.

#### **CURB CAFES**

A curb café is defined as a deck structure that allows for outdoor seating to extend from the sidewalk into the parking lane for the purposes of food and/or beverage serving use. The following parking requirements within the master plan prevent businesses from using this tool.

1. The master plan prohibits curb café's when a city parking study shows an on-street public parking occupancy of >85% (Sections 2.6.5.A.2 & 4.a). The latest study

<https://www.carlsbadca.gov/services/depts/planning/psreports.asp> shows that the downtown area largely exceeds this threshold. Staff recommends that this requirement be suspended for the duration of the emergency. Since businesses are operating at roughly 50% occupancy, there has been a noticeable reduction in the number of automobiles in the area, resulting in a reduced need for parking in the downtown area.



Curb Café on State Street

2. Additional parking is required in cases where both a sidewalk café<sup>1</sup> AND a curb café is proposed (Section 2.6.5.9.c and Table 2-3). Staff recommends that this requirement be suspended for the duration of the emergency for the same reasons specified in paragraph 1.
3. The maximum size of curb cafés is limited to two parking stalls (Section 2.6.5.5). Some owners are wanting to use more stalls to accommodate more seating. Staff recommends that the number of stalls be increased from two stalls to a maximum of four stalls for the duration of the emergency. While this represents a potential doubling of the size of a curb café, due to social distancing requirements, it is anticipated that occupancy of the curb café would not exceed 50%.

### OUTDOOR DISPLAYS

An outdoor display is a temporary display of merchandise by a business that is limited in size, duration and location and placed partially or wholly on public property. Section 2.6.5.C.1 of the master plan limits businesses to only one display that can be located within the public right-of-way.



Because of social distancing criteria, businesses are prevented from having too many patrons inside their establishment to peruse and purchase merchandise. As such, businesses are seeking to display more product outside of their stores. Staff recommends that this restriction be suspended and not limited to only the display of merchandise, but expanded to include services and functions related to the business (e.g., cashiering, cutting hair) to the extent that other county and state regulations allow. It should be noted that outside the Village/Barrio Master Plan area, the department issues Private Property Permits that allow similar types of business uses to temporarily operate during the emergency in private parking lots and private common areas. See section "Private Property Permits" below for more information. All other requirements specified under the master plan such as unobstructed walkways (Section 2.6.5.C.5) and limited business hours (Section 2.6.5.C.2) shall remain.

### FRONTAGE LIMITATIONS

Under the master plan, curb cafés, outdoor displays and sidewalk cafés are limited to the area most directly located in front of the businesses they serve. (Section 2.6.5.A.6, 2.6.5.C.3 and 2.6.5.B.3, respectively). Staff recommends that these requirements be suspended for the duration of the emergency if written permission to expand into the frontage areas of adjacent establishments is granted by the affected business owner(s).

### PRIVATE PROPERTY PERMIT

On June 9, 2020, an additional materials memo was provided to the City Council regarding the use and purpose of the Private Property Permit (Attachment B). In short, Carlsbad Municipal Code Section 8.17 regulates special events that may affect traffic, public right-of-way, fire and police services, and/or often requires direct involvement of city staff. Examples of special events may include parades, concerts,

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<sup>1</sup> Sidewalk Café is defined as an outdoor extension of a food and/or beverage serving use where exterior seating occurs partially or wholly on public property.

demonstrations, public assemblies and spectator and participation sports like marathons, bicycle races and tournaments.

The code recognizes that some special events are minor in scope and scale, held entirely on private property and do not impact public roads or services. These functions may involve weekend sales, store reopening or special business events that occur for a short duration, typically in a business's parking lot or private common area.

The special event regulations authorize these forms of special events with the approval of a Private Property Permit. This is an administrative permit issued by the Community Development Director for a minor event or function held entirely on private property that does not require a traffic control plan or impact public road segments or intersections beyond normal operations. Additionally, events that qualify for this permit are not subject to the standards and processes required for a typical special event permit.

Many zones that allow commercial and retail uses include a limitation requiring that all uses be conducted wholly within a building (Attachment C). The intent of this limitation is to prevent business activities from regularly and consistently being conducted outdoors where they may adversely impact neighboring properties. While special events conducted under a Private Property Permit are short-lived, the COVID protocols are expected to remain in place for the foreseeable future. As such, to minimize any potential confusion, staff recommends that temporary activation of private property such as parking lots be authorized during the emergency, even in zones that require that commercial and retail activity be conducted within a structure.

Attachment A: Section 2.6.5 and 2.6.6 of the Village/Barrio Specific Plan

Attachment B: June 9, 2020 Additional Materials Memo to City Council

Attachment C: Zones requiring uses contained within a structure

cc: Scott Chadwick, City Manager  
Celia Brewer, City Attorney  
Cindie McMahon, Assistant City Attorney  
David Graham, Chief Innovation Officer

All Receive - Agenda Item # 7  
 For the Information of the:  
 CITY COUNCIL  
 Date 6/9/20 CA  CC   
 CM  ACM  DCM (3)



## *Council Memorandum*

June 9, 2020

**To:** Honorable Mayor Hall and Members of the City Council  
**From:** Gary Barberio, Deputy City Manager, Community Services  
 David Graham, Chief Innovation Officer  
 Jeff Murphy, Community Development Director  
**Via:** Geoff Patnoe, Assistant City Manager   
**Re:** **Additional Materials Related to Staff Report Item No.7 – COVID-19 Actions and Expenditures Report**

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In response to the COVID-19 health emergency the State of California and County of San Diego require Carlsbad companies to implement adaptations to business operations to reduce the likelihood of disease transmission. Through ongoing engagement with the business community, the Community Development Department and Office of Innovation and Economic Development have identified that the expansion of operations onto sidewalks and activation of private parking lots can help mitigate the loss of usable indoor space.

This memorandum provides information on how the city will process permits for Carlsbad businesses requesting to utilize their private parking lots and/or city sidewalks to expand operations during the COVID-19 social distancing protocols.

### **Background**

With the state and county health officer's recent approval to move farther through stage 2 of California's reopening plan, dine-in restaurants and in-store retail have been allowed to reopen with modifications. Additionally, the California State Department of Alcoholic Beverage Control has also recently granted further regulatory relief that allows for expanded on-site sale privileges for license owners.

Because businesses will be required to enact social distancing and follow other restrictions to prevent the spread of the coronavirus, their ability to accommodate typical customer traffic within their establishments will be limited. As such, businesses may request the use of their private parking lots and/or public sidewalks to help maintain distance protocols while improving their ability to accommodate customers.

On June 1, 2020 an informational item on temporary outdoor activation in response to COVID-19 was presented to the Ad Hoc City Council Economic Revitalization Subcommittee. The information provided, and further detail are provided in this memorandum.

Honorable Mayor Hall and Members of the City Council

June 9, 2020

Page 2

### **Discussion**

Attachment A outlines the requirements and permitting processes to allow businesses to temporarily utilize their private parking lots, or the public sidewalk outside of their establishment, while the mandated social distancing criteria is in place. Important process takeaways are as follows:

- Permit authority is currently in place; no City Council action is necessary to implement
- Permits are administrative and approved by the Community Development Director
- Permits are given high priority and processed within two business days
- A private property permit is free; right-of-way use permit is \$381
- Permits are valid for one year or until protocols change, whichever comes first

### **Next Steps**

Staff will be posting information on the website and actively advising business owners of this available option. A joint communication from the Carlsbad Chamber of Commerce, Carlsbad Village Association and City of Carlsbad will be issued on June 10, 2020 with information regarding the temporary use of private parking lots and public sidewalks for business use during the COVID-19 social distancing protocols. This information will also be posted to the city's COVID-19 business resources page and will be regularly discussed during business community engagement.

Attachment: A. Permit processing protocols for allowing temporary use of private parking lots and public sidewalks for business use during the COVID-19 social distancing requirements.

cc: Scott Chadwick, City Manager  
Celia Brewer, City Attorney  
Ron Kemp, Deputy City Attorney  
Michael Calderwood, Carlsbad Fire Chief  
Neil Gallucci, Carlsbad Police Chief

## Permit processing protocols for allowing temporary use of private parking lots and public sidewalks for business use during COVID-19 social distancing restrictions

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Below summarizes the permit requirements to allow for the temporary use of private parking lots and public sidewalks. Private property permits shall be valid for one year from the date of issuance or until the state and county health office releases businesses from the coronavirus social distancing protocols or impose new restrictions/limitations, whichever comes first.

### **A. PRIVATE PARKING LOTS**

#### **1. Authority**

Carlsbad Municipal Code §8.17 (Special Events) defines and establishes the authority for approving a "Private Property Permit."<sup>1</sup>

#### **2. Permit Submittal Requirements**

The business/property owner shall submit the following information to the Community Development Department:

- Private Property Special Event Permit Application (no fee is required for this application)
- Copy of ABC application, if applicable
- Detailed description of outdoor operations (i.e., intended use, occupancy levels, hours of operation)
- Fully dimensioned, to-scale site plan of proposed area showing the following:
  - Parking area showing parking stalls
  - Temporary structures and location
  - Location of proposed customer areas
  - Path of travel from existing structure to outdoor area
  - ADA access and path of travel
  - If a portion of the parking lot will still be accessible to vehicles,
    - Types and location of temporary protective barriers
    - Vehicle paths of travel
  - The following notes must be clearly shown on the plans:
    - "The total number of tables/chairs placed outside shall not exceed the total number of tables/chairs removed from inside the building required for social distancing."
    - "Egress routes shall be clear and maintained and at all times"

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<sup>1</sup> [§8.17.020](#) defines a "Private Property Permit" as an administrative permit issued by the community development director for a minor event/function held entirely on private property; §8.17.020 defines a "Minor Event" as a special event that does not require a traffic control plan or impact public road segments or intersections beyond normal operations; [§8.17.040](#) exempts Private Property Permits from a Special Event Permit.

## Attachment A

### Permit processing protocols for allowing temporary use of private parking lots and public sidewalks for business use during COVID-19 social distancing requirements

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- “Dedicated fire lanes shall be accessible at all times”
- “ADA and pedestrian access shall be maintained at all times.”
- “Any accessible parking stalls shall remain open for parking”

#### 3. Permit Review Criteria

Once submitted, the application packet will be routed (same day) to the following points of contact for processing:

- Development Services Manager, Community Development Dept. (lead)
- Building Official, Community Development Dept., Building & Code Enforcement
- Assistant Fire Marshal, Carlsbad Fire Dept.
- Community Services Officer, Carlsbad Police Dept.

When reviewing applications, staff will focus on the following standards.

- Compliance with applicable Fire Code requirements
  - A separate Tent Permit may be required from the Fire Dept for certain size canopies.
- Compliance with applicable Building Code requirements, including ADA requirements
- Vehicle path of travel and temporary barriers provide a safe and navigable layout
- All required notes, conditions are clearly shown on the plans.

Permit reviews are to be completed within two business days from submittal date and provided to the permit lead. A meeting with the applicant shall be scheduled as soon as possible to address any deficiencies or issues. Every attempt should be made to resolve conflicts and issue the permit within the two-day period.

#### **A. PUBLIC SIDEWALKS (only within the Village and Barrio Master Plan area)**

##### 1. Authority

Pursuant to section 2.6.5.B of the [Carlsbad Village and Barrio Master Plan](#), a right-of-way use permit (charged as a “minor right-of-way permit” under the fee ordinance) is required for sidewalk cafés and outdoor displays. Section [11.16.030](#) of the Carlsbad Municipal Code authorizes the city engineer to issue right-of-way permits, including right-of-way use permits.

All standards of the Carlsbad Village and Barrio Master Plan section 2.6.5.B Sidewalk Cafe shall apply to establishments wishing to utilize the public sidewalk for operations during social distancing restrictions.

Exception: Because the business operations and improvements in the right-of-way are temporary (no permanent structures authorized), pursuant to the authority granted under Section 2.6.5.B.7.b of the Master Plan, the city engineer has determined that an Encroachment Agreement is not necessary for right-of-way use permits issued under these protocols.

##### 2. Permit Submittal Requirements

The business/property owner shall submit the following information to the Community Development Department:

**Permit processing protocols for allowing temporary use of private parking lots and public sidewalks for business use during COVID-19 social distancing requirements**

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- Right-of-way use permit application [Form E-12](#)
- Submittal requirements pursuant to [Form E-12A](#), excluding checklist item #7
- A permit fee of \$381
- Copy of ABC application, if applicable
- Detailed description of outdoor operations (include use, occupancy levels, hours of operation)
- Fully dimensioned to-scale site plan of proposed area showing the following:
  - Six-foot minimum unobstructed ADA path of travel, to maintain social distancing
  - Pictures supporting the site plan
  - Description and photos (if available) of proposed tables, chairs, displays and temporary fencing to be used in the right-of-way.
- The following notes shall be included on the plans:
  - “No permanent fixtures shall be allowed in the public right-of-way.”
  - “ADA and pedestrian access shall be maintained at all times.”
  - “Sidewalk, planter and adjacent gutter areas shall always be kept free of litter and debris.”
  - “A six-foot horizontal and seven-foot vertical clear path of travel shall always be maintained.”
  - “Approved tables, chairs, displays and temporary fencing shall be kept clean and free of graffiti, rust, chipped/scratched paint.”

Once submitted, the application packet will be routed (same day) to the Engineering Technician, Community Development Dept./Land Development Engineering for review and processing. Permit reviews are to be completed within two business days from submittal date. A meeting with the applicant shall be scheduled as soon as possible to address any deficiencies or issues. Every attempt should be made to resolve conflicts and issue the permit within the two-day period.

**3. Permit Review Criteria**

Compliance with the submittal requirements described above and Section 2.6.5.B of the Carlsbad Village and Barrio Master Plan (as modified herein).

**Carlsbad Municipal Code**

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[Title 21 ZONING](#)

[Chapter 21.26 C-1 NEIGHBORHOOD COMMERCIAL ZONE](#)

**21.26.020 Limitations on permitted uses.**

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Every nonresidential use permitted shall be subject to the following conditions and limitations:

1. All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, nurseries for sale of plants and flowers and other enterprises customarily conducted in the open;
2. Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted herein;
3. Storage shall be limited to accessory storage of commodities sold at retail on the premises. (Ord. CS-172 § IV, 2012; Ord. NS-492 § 3, 1999; Ord. NS-439 § 3, 1998; Ord. 9224 § 2, 1969; Ord. 9060 § 1001)

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**Carlsbad Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 21 ZONING](#)[Chapter 21.28 C-2 GENERAL COMMERCIAL ZONE](#)**21.28.020 Limitations on permitted uses.**

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Every nonresidential use permitted in the C-2 zone shall be subject to the following conditions and limitations:

1. All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open.
2. Products made incident to a permitted use and manufactured or processed on the premises shall be sold only at retail on the premises, and not more than five persons may be employed in such manufacturing, processing and treatment of products.
3. Storage shall be limited to accessory storage of commodities sold at retail on the premises. (Ord. CS-172 § VIII, 2012; Ord. NS-492 § 6, 1999; Ord. NS-439 § 6, 1998; Ord. 9224 § 2, 1969; Ord. 9060 § 1101)

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[Title 21 ZONING](#)

[Chapter 21.30 C-M HEAVY COMMERCIAL—LIMITED INDUSTRIAL ZONE](#)

**21.30.020 Limitations on permitted uses.**

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Every use permitted shall be subject to the following conditions and limitations:

(1) When an industrial area fronts or sides upon a thoroughfare, the opposite side of which is classified for "R" purposes, there shall be maintained a building line setback of ten percent of the average depth of the lots in each block of such industrial area, provided such setback shall not be less than ten feet nor exceed fifty feet in depth. A minimum strip of landscaping approved by the planning commission shall be maintained along all frontage of the setback area. In addition thereto, the following uses may be permitted in such setback area:

- (A) Landscaping,
- (B) Motor vehicle parking (only if surfaced in such manner as to eliminate dust or mud),
- (C) Employees recreational area without structures,
- (D) Driveways (only if surfaced in such manner as to eliminate dust or mud),
- (E) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock,
- (F) An ornamental open type fence not over eight feet in height, made of material such as woven wire, wood, welded wire, chain link or wrought iron;

(2) All uses shall be conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than five feet in height, except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open, provided such exclusion shall not include storage yards, contractor's yards and like uses;

(3) All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, mud, smoke, vibration or other similar causes. (Ord. NS-492 § 9, 1999; Ord. NS-439 § 9, 1998; Ord. 9060 § 1201)

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Every nonresidential use permitted shall be subject to the following conditions and limitations:

- A. **Conduct Uses in Buildings.** All uses shall be conducted wholly within a building, except such uses as gasoline stations, nurseries for sale of plants and flowers, uses set out in Section [21.31.060](#), and other enterprises customarily conducted in the open or otherwise as identified and permitted in a site development plan. The city planner is authorized to make any necessary interpretations of this subsection;
- B. **On-Site Manufacture of Goods.** Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing of products permitted herein;
- C. **Storage shall be limited to:**
  1. Accessory storage of commodities to be sold at retail on the premises; and
  2. Materials to be recycled. (Ord. CS-172 § XIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-765 § 3, 2005)

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CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** John Kim, City Traffic Engineer  
John.kim@carlsbadca.gov, 760-602-2757

Tom Frank, Transportation Director  
Tom.frank@carlsbadca.gov, 760-602-2766

**Subject:** Analysis and Options on Physical Changes to College Boulevard, from Carlsbad Village Drive to Cannon Road

### Recommended Actions

1. Receive a presentation regarding options on roadway safety and possible physical changes to College Boulevard, from Carlsbad Village Drive to Cannon Road
2. Approve staff recommendation and adopt a resolution to install as many as 11 speed feedback signs on College Boulevard north of Cannon Road

### Executive Summary

On Sept. 24, 2019, after hearing a presentation on installing speed feedback signs on College Boulevard to address concerns about speeding, the City Council approved a minute motion directing staff to come back to the council with options for physical changes to the segment of College Boulevard from Carlsbad Village Drive to Cannon Road, along with an analysis of these changes that takes into account any potential unintended consequences. This report offers options on proposed improvements to College Boulevard in response to concerns of vehicle speeding. Staff have analyzed various approaches to slow traffic on this stretch of roadway and are now recommending the city install permanent speed feedback signs along this segment, for the reasons detailed below.

This report also provides an analysis of the possible consequences of the various options along with collision data on this roadway and an overview of measures staff have taken to improve transportation safety on College Boulevard.

### Discussion

#### **College Boulevard background**

College Boulevard is designated as an arterial street in the General Plan's Mobility Element. The Mobility Element defines arterial streets as primary vehicle routes through the city for both local and regional vehicle trips. It was built around 2000 in keeping with the standards for a major arterial road defined in the prior General Plan's Circulation Element, designed to carry 20,000 to 40,000 vehicles per day at 50 mph. Traffic counts, taken before the COVID-19

pandemic, indicate that the average daily traffic is about 22,000 vehicles per day. The roadway speed limit is currently posted at 45 mph, consistent with the required engineering and traffic survey and within 5 mph of the prevailing speeds, as required by the California Vehicle Code.

College Boulevard features two vehicle lanes in each direction separated by a raised median and, where warranted, intersections with traffic signals. Marked bicycle lanes are provided on both sides of the roadway and no on-street parking is allowed. As part of the 2017 Overlay Project, the travel-lane widths were reduced to 11 feet and bicycle lanes were enhanced with painted buffers to help separate bicyclists from vehicular traffic. The primary land uses along this portion of the roadway are single-family residential developments. Sage Creek High School is located on the northeast corner of College Boulevard and Cannon Road. There are also three trailhead access points to the Calavera Hills Nature Preserve along the east side of College Boulevard, between Carlsbad Village Drive and Cannon Road.

### Roadway safety issues

As part of this analysis, staff investigated records of collisions, or traffic accidents. Reported collisions can help staff identify possible collision patterns and help staff prioritize resources. The number of reported collisions on College Boulevard and the collision rate – collisions per million vehicle miles – are shown in the table below.

**Number of collisions and collision rates on College Boulevard by year**

Segment	2015		2016		2017		2018		2019	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
North of Carlsbad Village Drive	2	0.32	4	0.64	4	0.64	6	0.97	2	0.16
South of Carlsbad Village Drive	6	0.72	3	0.36	11	1.32	5	0.6	4	0.48
<b>All of College Boulevard</b>	<b>8</b>	<b>0.53</b>	<b>7</b>	<b>0.46</b>	<b>13</b>	<b>0.86</b>	<b>10</b>	<b>0.66</b>	<b>5</b>	<b>0.33</b>

We can look at the State of California’s collision data published in 2016 for comparison. For a similar classification of roadway, a four-lane divided highway in an urban setting, the collision rate was found to be 1.43 collisions per million vehicle miles. Collision rates on College Boulevard compare favorably to this average.

As a result of the concerns brought to our attention by residents, staff has been working with residents, school parents and principals and the Police Department to enhance safety on College Boulevard, including the portion of roadway between Carlsbad Village Drive and the northern city limits, over the past several years.

Some of the improvements that city staff have already implemented include:

- Traffic signal modification at College Boulevard and Rich Field Drive: A supplemental traffic signal indication has been installed on the southwest corner of College Boulevard and Rich Field Drive to address concerns about motorists running red lights. This supplemental traffic signal indication increases the visibility of the signal for northbound drivers.
- Portable speed feedback signs: Temporary speed feedback signs have been deployed on College Boulevard, Rich Field Drive and Strata Drive to inform drivers of their traveling speed and encourage them to slow down.
- Adult crossing guards on College Boulevard and Tamarack Avenue: To assist school pedestrians going to and leaving school, staff has worked with the Police Department to provide adult crossing guards on College Boulevard at Tamarack Avenue, both northbound and southbound, during school hours.
- Traffic signal timing enhancements at College Boulevard and Tamarack Avenue: Staff has implemented lead pedestrian intervals to enhance pedestrian safety. This allows pedestrians to begin their crossing while all the vehicle signal indications are still red, giving pedestrians a head start when entering the intersection. This feature increases the visibility of crossing pedestrians, enhances safety for pedestrians who may be slower to start into the intersection and increases the likelihood of motorists yielding to pedestrians. The duration of the lead pedestrian intervals has also recently been extended.

On Jan. 27, 2020, staff met with residents concerned with traffic safety in the vicinity of Calavera Hills elementary and middle schools, with a focus on the portion of College Boulevard between Carlsbad Village Drive and the north city limits. Based on the concerns heard at the meeting, staff committed to issuing work orders for “TURNING VEHICLES YIELD TO PEDESTRIANS” signs at the intersection of College Boulevard and Tamarack Avenue in both the northbound and southbound lanes. After this work is completed, all approaches to these two intersections will have signage directing motorists to yield to pedestrians.

Staff is currently investigating a request for “NO RIGHT TURN ON RED” signs at the intersection of College Boulevard and Tamarack Avenue, again for both northbound and southbound traffic. Because this sign would impact peak-hour school traffic and possibly result in increased congestion, staff must conduct a more formal evaluation, including looking at turning movement volumes and prevailing traffic patterns during school drop-off and pick-up times.

### **City guidelines**

In 2015, the city updated the General Plan and included a new Mobility Element to replace the previous Circulation Element. The Mobility Element moved away from previous plans that focused on vehicle travel and instead takes what is called a complete streets approach to help balance the needs of all users of the street, including not just motorists but pedestrians, bicyclists children, people with disabilities, seniors, movers of commercial goods and people using public transportation.

The new Mobility Element was intended to give the city flexibility on how the streets are utilized, based on their unique characteristics. The city can consider options on improvements to streets that would help achieve the complete streets vision found in the Mobility Element.

Traffic calming on residential streets is formalized through the Carlsbad Residential Traffic Management Program, which includes tools such as speed humps and traffic circles that are intended for low-volume and low-speed streets. Traffic calming on non-residential streets, such as on College Boulevard, can be proposed by staff using the recommendations and guidance found in the Mobility Element of the General Plan.

In response to City Council direction, staff developed several options for traffic calming consisting of physical changes and other measures on College Boulevard that could reduce vehicle speeds and address other concerns regarding pedestrian safety. Each option has potential advantages and disadvantages. Additionally, some of the options may come with unintended consequences.

When considering options, it is important to remember that College Boulevard is defined as an arterial street in the Mobility Element serving as a primary vehicle route through the city for both local and regional vehicle trips.

The Mobility Element lists several related policies regarding street design and connectivity including:

- *3-P.15 Evaluate methods and transportation facility improvements to promote biking, walking, safer street crossings, and attractive streetscapes. The City Council shall have the sole discretion to approve any such road diet or vehicle traffic calming improvements that would reduce vehicle capacity to or below a LOS D<sup>1</sup>; this also applies to streets where the vehicle is not subject to the MMLOS standard as specified in Table 3-1.*
- *3-P.17 Consider innovative design and program solutions to improve the mobility, efficiency, connectivity, and safety of the transportation system. Innovative design solutions include, but are not limited to, traffic calming devices, roundabouts, traffic circles, curb extensions, separated bicycle infrastructure.*

### **Possible impacts of changes on College Boulevard**

While changing the design of a road is possible, any proposed changes should be thoroughly studied and publicly vetted to consider how these changes may alter travel patterns throughout the surrounding road network. College Boulevard serves as a primary commuter route through the city, with many users ultimately moving between State Route 78 and Interstate 5, among other routes included in the city's road network provided in Exhibit 1.

The city does not have regulatory authority over I-5 or SR-78, and has no control over managing traffic on those freeways. When these freeways reach capacity, some motorists use city arterial

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<sup>1</sup> This refers to the level of service for all modes of transportation included in the Mobility Element. MMLOS refers to multimodal level of service, again reflecting the need to provide for all means of getting around the city.

streets to get around the congestion. Residents of adjacent communities also use Carlsbad's regional infrastructure to bypass freeway congestion.

Traffic generally seeks equilibrium. Changes to College Boulevard may impact critical congestion points and traffic patterns throughout the area. The current ongoing project to widen I-5 between Manchester Avenue and SR-78 is targeted for completion in 2022. When completed, the improvements will likely move the congestion points along the I-5 corridor and change commuter patterns both regionally and locally.

The congestion at the SR-78/I-5 interchange during the morning peak will likely resume once traffic demand returns post-COVID-19, and this interchange is not programmed for replacement in the foreseeable future. With the return of congestion associated with normal traffic patterns, morning commuters will resume searching for the quickest path from westbound SR-78 to southbound I-5. The same travel patterns will likely reverse during the afternoon commute. Navigation applications such as Waze and Google Maps help find the quickest paths for commuters and often divert trips from congested freeways (such as I-5 or SR-78) onto local streets to the dismay of residents in neighborhoods along those programmed routes.

An increase in the capacity of these commuter routes through the city would likely increase traffic volume on the commuter route when the adjacent freeway is congested. Likewise, a reduction of roadway capacity of commuter routes will redistribute the displaced vehicles to an alternate route, possibly to smaller roadways such as residential streets, another arterial or collector, or to the adjacent freeway. Traffic congestion tends to maintain equilibrium, while traffic volumes increase to the point that congestion delays discourage additional peak-period vehicle trips. Expanding congested roads attracts latent demand, shifts trips from other routes, times and modes, and encourages longer and more frequent travel.

### **Options to calm traffic on College Boulevard**

In response to City Council direction, staff developed several options for traffic calming consisting of physical changes and other measures on College Boulevard which could reduce vehicle speeds and address other concerns regarding pedestrian safety. Considering that most of the public feedback received was focused on the intersections along College Boulevard, the options considered by staff focused mainly on intersection improvements. These options are summarized below and further detailed in Exhibit 2.

The options are:

#### Option 1 – Radar speed feedback signs

Based on concerns associated with drivers violating the posted speed limit of 45 mph on College Boulevard and in compliance with the recommendations found in the General Plan's Mobility Element, staff recommends installation of up to 11 permanent speed feedback signs along College Boulevard north of Cannon Road. This option will cost approximately \$160,000 to \$195,000 to implement.

In addition to the six to eight speed feedback signs that were originally recommended between Cannon Road and Carlsbad Village Drive, staff recommends increasing the scope of this effort to include the concerns surrounding the schools in the Calavera Hills

area and to add speed feedback signs between Carlsbad Village Drive and the north city limits. These devices will serve to educate motorists and have been found to help reduce speeding.

The Police Department will also continue traffic enforcement on College Boulevard. The new speed feedback signs will have the ability to transmit data directly to the Traffic Management Center and provide staff with data on vehicle speeds so that the Police Department can provide focused enforcement based on actual behavior. Sufficient funds exist in the fiscal year 2019-20 Capital Improvement Program budget to pay for as many as 11 speed feedback signs, which will take approximately eight to 10 months to design and install.

#### Option 2 - Redesign the road segment with a lower design speed

College Boulevard could be redesigned to a lower design speed, keeping the current four-lane configuration and existing traffic signal controls. Improvements could include narrower travel lanes, revised medians, reduced corner and horizontal deflection radii, and revised access pathways. This option costs approximately \$4 million to \$6 million.

Advantages of this option include improving safety by reducing the vehicle speeds and shorter pedestrian crossing distances. Additionally, drivers would be familiar with two vehicular travel lanes and traffic signals.

Disadvantages include the lack of traffic calming benefits provided by the existing traffic signals, possible impacts to the existing bike lanes at intersections, high costs, reduced roadway capacity and undetermined public support, which would require an extensive public input process. An unintended consequence of this option is the increase of travel times along the corridor due to increased congestion and the possible redirection of traffic to other routes, including residential streets. Considering that the option would result in a reduction in capacity from existing conditions, the Growth Management Plan would need to be revised to address the change.

#### Option 3 – Single-lane roundabouts with road diet

Single-lane roundabouts could be considered at the currently signal-controlled intersections on College Boulevard. This option would require a road diet to convert the existing two-lane roadway in each direction to a single lane in each direction, which costs approximately \$6 million to \$8 million.

Advantages of this option include the increased safety and traffic calming benefits of roundabouts over conventional traffic signals.

Disadvantages include cost, reduced roadway capacity and undetermined public support, which would require an extensive public input process. An unintended consequence of this option may include redirecting traffic to other routes due to increased travel times, and the need to revise the Growth Management Plan considering the option would result in a reduction in capacity from the existing conditions.

#### Option 4 – Two-lane roundabouts

Two-lane roundabouts could be considered on College Boulevard. This option would maintain two vehicle lanes and buffered bicycle lanes in each direction, which costs approximately \$8 million to \$12 million.

The advantages of this option include the increased safety and traffic calming benefits of roundabouts over conventional traffic signals. This option could increase the capacity of the road segment, which could also be considered a disadvantage.

This option could result in an increase in capacity to approximately 40,000 average daily trips for this road segment. This significant increase in capacity could result in increased traffic volumes and congestion on other arterial road segments that connect to this segment of College Boulevard if implemented. The other disadvantages associated with this option include high costs, need for additional right-of-way to accommodate the two-lane roundabouts, impacts to bicyclists at the intersections and undetermined public support, which would require an extensive public input process.

#### Option 5 - Vertical deflection – speed tables and cushions<sup>2</sup>

The vertical deflection option, that is, raised elements in the roadway to slow traffic, could include speed tables at the crosswalks at each intersection near the schools. These features would need to be augmented with speed cushions at regular intervals to promote speeds to maintain an average speed of 35 to 40 mph. The tables and cushions would be designed to encourage crossing speeds approximately 20 to 30 mph. This option costs approximately \$2 million to \$4 million.

The challenges with this option would be the additional slowing and accelerating along the segment caused by the additional measures. This would also be the least environmentally sustainable alternative because drivers would need to slow down as they approach the measures and speed up after traversing them, which would burn more fuel, generate more noise and emissions and therefore is not a preferred option. The street segment's capacity would also be reduced due to the lower vehicle speeds.

The General Plan Mobility Element cautions against certain types of traffic calming on arterial streets, stating, "vertical traffic calming techniques (such as tables, humps, etc.) should not be considered." This restriction is based on the relatively high speeds and vehicle volumes present on arterial streets, which prioritize vehicular travel over travel by pedestrians and bicyclists. While this caution is supported by staff, the Mobility Element also allows for special considerations for arterial streets within close proximity to schools to enhance safe routes to schools for pedestrians and bicyclists.

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<sup>2</sup> Speed tables, speed humps and speed cushions are midblock traffic calming devices that use vertical deflection to reduce traffic speed. Speed cushions are speed humps that include wheel cutouts to allow large vehicles to pass with reduced deflection.

A significant concern regarding the vertical deflection on arterial streets is the possible unintended consequence of having requests for them proliferate along other arterials throughout the city. The concerns with vertical deflection traffic calming measures include environmental impacts of both noise and pollution, and the long-term maintenance costs for users related to vehicle wear.

#### Option 6 - Pedestrian bridge

During previous public meetings, a suggestion was made to consider a pedestrian bridge across College Boulevard in the general vicinity of the Calavera Hills schools. Pedestrian bridges tend to work well when there are grade-separated barriers that need to be crossed, such as railroad tracks or freeways. This option costs about \$1 million to \$3 million.

At standard arterial at-grade intersections, pedestrian bridges are a challenge, because pedestrians typically choose the quickest and most convenient path of travel. Pedestrian bridges may involve stairs or elevators that can increase travel times for pedestrians. As an example, the City of Dana Point built a pedestrian bridge over State Route 1 near Dana Point Harbor Drive. However, most pedestrians still choose to use the at-grade crosswalks at the nearby intersection. In 2005, the City of Oceanside removed a pedestrian bridge on Mission Avenue and improved at-grade pedestrian crosswalks near Mission Elementary School. Considering the low cost-to-benefit ratio for a pedestrian bridge, this option is not recommended for further consideration.

#### **Traffic and Mobility Commission recommendation**

At its meeting on May 4, 2020, the Traffic and Mobility Commission voted unanimously 7-0 to support staff's recommendation of Option 1 as the preferred option. The approved minutes from this meeting are provided in Exhibit 4.

#### **Recommended preferred option**

Considering the analysis of the options including the advantages, disadvantages, and unintended consequences, staff recommends implementation of Option 1, speed feedback signs as described in this Staff Report and in Exhibit 3. Staff believes the advantages of this option make it the preferred choice, and the one with the fewest unintended consequences.

#### Fiscal Analysis

There are sufficient gas tax funds available in the Residential Traffic Improvement Program, CIP Project No. 6070, to complete Option 1. The available funds and estimated construction costs for the project are shown in the table below:

<b>RESIDENTIAL TRAFFIC IMPROVEMENT PROGRAM, CIP PROJECT NO. 6070</b>	
Current appropriation – Residential Traffic Improvement Program, CIP Project No. 6070	\$1,700,000
Current year expenditures and encumbrances – Residential Traffic Improvement Program, CIP Project No. 6070	\$840,830
<b>TOTAL AVAILABLE RESIDENTIAL TRAFFIC IMPROVEMENT PROGRAM, CIP PROJECT NO. 6070</b>	<b>\$859,170</b>
<b>COLLEGE BOULEVARD SPEED FEEDBACK SIGNS, CIP PROJECT NO. 6070</b>	
Design (estimated)	\$25,000
Construction contract (estimated)	\$195,000
Construction contingency (estimated)	\$19,500
Construction management, inspection and material testing (estimated)	\$19,500
<b>TOTAL ESTIMATED DESIGN AND CONSTRUCTION COSTS</b>	<b>\$259,000</b>
<b>REMAINING BALANCE AFTER CIP PROJECT NO. 6070</b>	<b>\$600,170</b>
<b>ADDITIONAL APPROPRIATION NEEDED</b>	<b>\$0</b>

There are no fiscal impacts for the other options unless staff receives City Council direction to pursue these plans.

### Next Steps

If the City Council approves staff recommendation to implement radar speed feedback signs on College Boulevard as described in Option 1, staff will begin the design and construction process, which will take approximately eight to 10 months to complete. Upon completion of design, staff will either proceed with the construction bidding process if within the city manager’s authority or return to City Council for approval of plans and specifications and authorization for formal bidding per Carlsbad Municipal Code Section 3.28.080(E).

If the City Council pursues a different option, staff will return to the City Council with additional information on that option, including a fiscal impacts analysis and CEQA evaluation of that option.

### Environmental Evaluation (CEQA)

In keeping with Public Resources Code Section 21065, receiving an informational presentation on the work related to traffic control, traffic calming and traffic safety does not qualify as a “project” within the meaning of the California Environmental Quality Act in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review. The project of Option 1, installing Radar Speed Feedback Signs on College Boulevard between Carlsbad Village Drive and Cannon Road, is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15301 (c) - minor alteration of existing facilities, including streets, involving negligible or no expansion of use.

### **Public Notification**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

### **Exhibits**

1. Resolution
2. Street Map – Mobility Element
3. Physical Options Summary for College Boulevard North of Cannon Road
4. Approved minutes from Traffic and Mobility Commission meeting on May 4, 2020

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING IMPLEMENTATION OF UP TO 11 SPEED FEEDBACK SIGNS ON COLLEGE BOULEVARD, NORTH OF CANNON ROAD.

WHEREAS, the City Council of the City of Carlsbad, California has determined it necessary, desirable and in the public interest to implement up to 11 speed feedback signs on College Boulevard north of Cannon Road; and

WHEREAS, staff has received concerns from the public about violations of the posted 45 miles per hour speed limit on College Boulevard north of Cannon Road; and

WHEREAS, staff presented multiple options for City Council consideration; and

WHEREAS, proposed Option 1 to install up to 11 speed feedback signs along College Boulevard north of Cannon Road (Project) is staff's recommended preferred option to be selected by City Council; and

WHEREAS, the Project complies with the recommendations found in the Mobility Element of the General Plan; and

WHEREAS, staff has determined that approximately \$259,000 is necessary to complete construction of the Project; and

WHEREAS, sufficient fiscal year (FY) 2019-20 Capital Improvement Program (CIP) budget funds are available to complete the Project; and

WHEREAS, the City Planner has considered the potential environmental effects of Option 1's installation of up to 11 radar speed feedback signs and has determined that the Project will not have a significant effect on the environment because it involves a minor alteration of existing streets, sidewalks, gutters and similar facilities involving negligible or no expansion of use and not creating additional automobile lanes.

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 Planner has determined that installing up to 11 radar speed feedback signs along College Boulevard north of Cannon Road, as described in Option 1 of the Staff Report and also in Exhibit 3, is categorically exempt from CEQA pursuant to CEQA

Guidelines section 15301(c) and that no exception to the exemption as set forth in CEQA Guidelines section 15300.2 applies.

3. That staff is hereby authorized to implement Option 1, as described in the Staff Report and in Exhibit 3, and install up to 11 speed feedback signs on College Boulevard north of Cannon Road using FY 2019-20 CIP budget funds.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

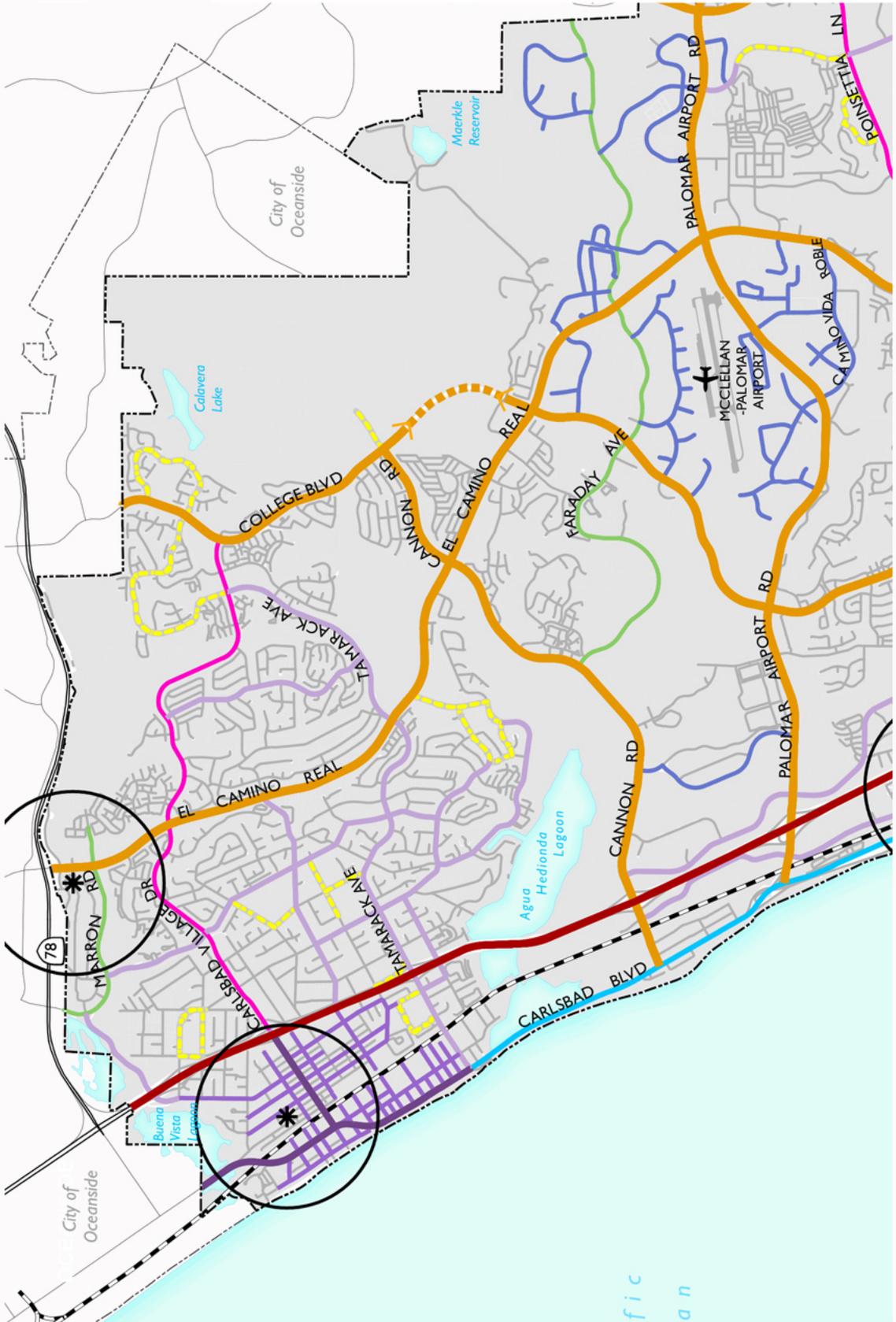
\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)

# Exhibit 2: Mobility Element

- Freeway
- Arterial Streets
- Identity Streets
- Village Streets
- Arterial Connector Streets
- Neighborhood Connector Streets
- Coastal Streets
- School Streets
- Employment/Transit Connector Streets
- Industrial Streets
- Local/Neighborhood Street
- Planned Arterial Streets
- Planned Arterial Connector Streets
- Planned Local/Neighborhood Streets
- Highways
- Railroad
- Transit Centers
- Half Mile Radius
- City Limits



### Exhibit 3 – Physical Options for College Boulevard North of Cannon Road

College Boulevard – Physical Road Design Options Analysis

No	Option Description	Advantage (Pros)	Disadvantages (Cons)	Unintended consequences	Approx. Cost Range
1	Speed feedback signs	<ul style="list-style-type: none"> <li>• Lowest cost alternative</li> <li>• Gain information and data regarding existing traffic operations to help with enforcement and analyze if additional measures are needed</li> </ul>	<ul style="list-style-type: none"> <li>• No change to challenges of signalized intersection</li> <li>• Sign pollution</li> <li>• Waning driver response</li> </ul>	<ul style="list-style-type: none"> <li>• May promote requests for additional radar feedback signs in other locations</li> </ul>	\$160K-\$195K
2	Redesign the road segment with a lower design speed	<ul style="list-style-type: none"> <li>• Drivers familiar with two vehicular travel lanes and signals</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address signal challenges</li> <li>• Reduces capacity</li> <li>• Questionable public support</li> <li>• would require an extensive public input process</li> </ul>	<ul style="list-style-type: none"> <li>• Possibly redirect traffic to other routes</li> <li>• Revise the Growth Management Plan</li> </ul>	\$4 to \$6 million
3	One lane roundabouts and one vehicular travel lane and buffered bicycle lanes	<ul style="list-style-type: none"> <li>• Addresses the intersection safety issues, keeps existing median</li> </ul>	<ul style="list-style-type: none"> <li>• Cost</li> <li>• Limits vehicular capacity near 20k ADT</li> <li>• Questionable public support</li> <li>• Would require long extensive public input process</li> </ul>	<ul style="list-style-type: none"> <li>• Possibly redirect traffic to other routes</li> <li>• Revise the Growth Management Plan</li> </ul>	\$6 to \$8 million
4	Two lane roundabouts and two travel lanes	<ul style="list-style-type: none"> <li>• Improves the efficiency of the intersection and the capacity of the road segment</li> </ul>	<ul style="list-style-type: none"> <li>• Cost</li> <li>• May increase higher vehicular capacity near 40k ADT</li> <li>• Multilane Roundabouts are less ped friendly</li> </ul>	<ul style="list-style-type: none"> <li>• Create additional congestion points on other arterial segments</li> </ul>	\$8 to \$12 million

**Exhibit 3 – Physical Options for College Boulevard North of Cannon Road**

5	Vertical deflection including raised speed tables at intersections and speed cushions in-between intersections	<ul style="list-style-type: none"> <li>Costs are lower than other options</li> </ul>	<ul style="list-style-type: none"> <li>Questionable public support</li> <li>Would require long extensive public input process</li> </ul>	<ul style="list-style-type: none"> <li>Other parts of the community may request the vertical deflection and results in proliferation throughout town</li> <li>Environmental Impacts noise and pollution</li> </ul>	\$2 to \$4 million
6	Pedestrian Bridge	<ul style="list-style-type: none"> <li>Creates separated pedestrian pathway away from vehicular traffic</li> </ul>	<ul style="list-style-type: none"> <li>Questionable public support</li> <li>Would require public input process</li> <li>Additional slowing and accelerating along corridor</li> <li>Increased fuel use, emissions and greenhouse gases</li> </ul>	<ul style="list-style-type: none"> <li>Long term maintenance costs</li> <li>Difficult conforming with ADA</li> </ul>	\$1 to \$3 million



## TRAFFIC AND MOBILITY COMMISSION

# Minutes

Council Chambers  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Monday, May 4, 2020, 3:00 p.m.

**CALL TO ORDER:** Chair Gocan called the Meeting to order at 3:09 p.m.

**ROLL CALL:** Present: Gocan, Johnson, Hunter, Penseyres, Fowler, Linke and Perez.

### **APPROVAL OF MINUTES:**

This meeting was conducted virtually via Zoom due to the stay-at-home order for COVID-19.

Motion by Commissioner Linke seconded by Commissioner Hunter, to approve the minutes for April 6, 2020, as amended.

Motion carried 7/0

### **PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:**

No public comments

Transportation and Mobility Manager Schmidt asked the Chair to switch Item 6 – Fiscal Year 2020-21 Pavement Overlay with Item 4 – Traffic Calming on College Boulevard.

### **DEPARTMENTAL REPORTS:**

**1. POLICE MONTHLY REPORT** – (Staff contact: Lieutenant Christie Calderwood, Police Department)

**Staff Recommendation:** Informational only

Lieutenant Calderwood reported that the police department continues to enforce a “No Parking” on Carlsbad Boulevard leading to the beach. Due to the COVID-19 the OTS grant program is on pause and is being re-evaluated. The month of May is the National Bicycle and Motorcycle Safety Month.

**2. SANDAG RAILROAD TRENCH INFORMATION** – (Staff Contact: Hossein Ajideh, Public Works and Linda Culp, SANDAG).

**Staff Recommendation:** Informational only

Principal Regional Planner SANDAG Culp and Engineering Manager Ajideh presented the Carlsbad Village Railroad Trench Alternatives Analysis with two trench alternatives. Cost estimates/public outreach/evaluation of the positives and negatives of each alternative were presented. Presentation is on file with the office of the City Clerk.

- Commissioner Perez inquired about minimizing the railroad operations during construction.
- Principal Regional Planner SANDAG Culp answered that the railroad operations will continue during construction with minor alterations.
- Commissioner Penseyres inquired about the timeframe to fund the project and start construction.
- Principal Regional Planner SANDAG Culp explained that SANDAG has a list of projects and addresses each one based on the phase of development.
- Commissioner Linke inquired about the funding of the project for the next phases.
- Principal Regional Planner SANDAG Culp explaining that there is no additional funds for this project on SANDAG's side.
- Deputy City Manager Gomez explained that there were funds allocated for this initial phase and used but because of Proposition H requirement (one-million-dollar threshold) the city will have to go to vote for this project.
- Commissioner Fowler inquired about the impact of the Del Mar Bluffs Stabilization project on the Railroad Trench Project.
- Principal Regional Planner SANDAG Culp said that the Del Mar Bluffs project is at the top five on the priority list, but the Railroad Trench project will continue to be active on their list.

Rosita Sisson, a Carlsbad resident, send an email with the following question:

Has the City of Carlsbad made a financial commitment to contribute to the trenching project in any of its phases, including the current phase?

Principal Regional Planner SANDAG Culp said yes, the first phase feasibility studies the city funded part of it (the economic analysis) and the current phase alternatives analysis was funded 100% by the City of Carlsbad.

### **3. MELROSE AT PALOMAR AIRPORT ROAD IMPROVEMENTS--** (Staff Contact: Brandon Miles and Hossein Ajideh, Public Works)

**Staff's Recommendation:** Approve staff recommendations

Engineering Manager Ajideh and Associate Engineer Miles presented the Melrose Drive Improvements at Palomar Airport Road, Capital Improvement Program (CIP) Project No. 6034 (Project) providing operational improvements consistent with the city's General Plan Mobility Element. Presentation is on file with the office of the City Clerk.

- Commissioner Hunter inquired about the possibility to include a left turn bicycle lane, it would be a pilot program because there are no left turn bike lanes.
- Engineering Manager Ajideh said that staff can look at the request with the Traffic Division.
- Commissioner Perez asked if for the future presentations if staff could provide a street view, virtual view of the layout.
- Associate Engineer Miles said yes.
- Commissioner Penseyres inquired about the southbound on Melrose Drive if it is possible to make the bike lane wider and painted green.
- Associate Engineer Miles said that staff will work with the Traffic Division to make possible enhancing the bike lane as requested.
- Commissioner Penseyres inquired about the northbound on Melrose Drive and the possibility of having a left turn lane designated for bicycles.

- Associate Engineer Miles answered that staff will work with Traffic Division look at the proper design guidelines on the request.
- Transportation Director confirmed that staff will look at the proper design guidelines and the current measure is to paint the bike lane green on conflicting areas.

Motion by Commissioner Hunter seconded by Commissioner Linke to approve staff recommendation to implement operational improvements on Melrose Drive at Palomar Airport Road CIP Project No. 6034, including the stripping on northbound Melrose Drive.

Motion carried: 7/0

#### **4. FISCAL YEAR 2020-21 PAVEMENT OVERLAY– (Staff Contact: Emad Elias, Public Works)**

**Staff's Recommendation:** Approve staff recommendations

Engineering Manager Ajideh and Associate Engineer Elias presented the Pavement Management Program Implementation - Fiscal Year (FY) 2020-21 Pavement Overlay Project (Project), Capital Improvement Program (CIP) Project No. 6001-200L. Presentation is on file with the office of the City Clerk.

- Commissioner Hunter inquired about the future project to add a third lane on El Camino Real from Jackspar Drive to Sunny Creek Drive and the overlay pavement getting damaged during construction.
- Engineering Manager Ajideh explained that if City Council approves the project to add a third lane on El Camino Real, staff will revise the roads selected for pavement overlay.
- Commissioner Penseyres was happy to see dedicated right turn lane because it makes it safer for cyclists but he pointed out that several intersections do not have dedicated right turn lane and it makes unsafe for the cyclists.
- Deputy City Manager Gomez shared with the commissioners that Street Maintenance Division is now under Transportation Department.
- Commissioner Linke noted that he submitted questions related to this item and he inquired about the Pavement Condition Index (PCI) numbers for the three streets.
- Engineering Manager Ajideh answered that he could share the model numbers of the PCI with him but overall the range of PCI in those areas are mid to high 60 based on the model.
- Commissioner Linke is in favor of doing pavement overlays when necessary and improving bike lanes whenever possible. However, he sees that large proportion of TransNet funds have been used over the years for these repair projects, which instead could use general funds without generating a Proposition H election requirement. Therefore, he would like to see the TransNet funds re-allocated to street improvement projects, like the extension of College Boulevard, which are more likely to be subject to Proposition H.
- Engineering Manager Ajideh said that for the next two years staff will not use the TransNet funds for pavement overlay because of a surplus funds that the city has with Trash Haulers.
- Deputy City Manager Gomez mentioned the availability of the SB 1 funds which is relatively new and will give us an opportunity to review the program's funding holistically.
- Chair Gocan observed that the last pavement overlay looked like a paint over the road, over the cracks and weeds that were growing in the asphalt. She inquired about staff inspecting the job and doing a quality control.

Motion by Commissioner Hunter, seconded by Commissioner Penseyres, to approve staff recommendations to implement the Pavement Management Program - Fiscal Year (FY) 2020-21 Pavement Overlay Project, Capital Improvement Program (CIP) Project No. 6001-200L  
Motion carried: 7/0

Motion by vice-Chair Johnson, seconded by Commissioner Perez to take a five minutes break.  
Chair Gocan observed that all the commissioners agreed and no vote was taken.

**5. RECTANGULAR RAPID FLASHING BEACONS AT THREE LOCATIONS** - (Staff Contact: Edd Alberto, Public Works)

**Staff's Recommendation:** Approve staff recommendations

Associate Engineer Alberto presented the recommendation to install Rectangular Rapid Flashing Beacons (RRFB) at the intersections of Paseo Del Norte/Elder Court, Monroe Street/Magnolia Avenue, and Salk Avenue/Fermi Court. Capital Improvement Program (CIP) Project No. 6070. Presentation is on file with the office of the City Clerk.

- Commissioner Hunter inquired about the location on Salk Avenue and the reasoning behind the installation of the RRFB; was it because of the TaylorMade Golf course on one side and the test range on the other side.
- City Traffic Engineer Kim said yes and because of TaylorMade Golf course employee's request.
- Commissioner Perez asked if the RRFB is like the ones installed on Tamarack Avenue.
- Associate Engineer Alberto said yes.
- Commissioner Penseyres inquired about the point system for prioritizing crossing locations that staff developed. He believes that intersections with a reported pedestrian collision should be on the top of the list.
- City Traffic Engineer Kim answered that staff uses the point system from the City of San Diego Crosswalk Policy and five points were given if there was a pedestrian-related accident at the intersection.
- Vice-chair Johnson inquired about intersection on Salk Avenue/Fermi Court, there are no schools and very segregated location.
- City Traffic Engineer Kim said it was related to the speed limit on Salk Avenue and the TaylorMade Golf course employees request.
- Chair Gocan explained that the signs are not tall enough and the spacing between the signs should be bigger to make it more visible.
- Associate Engineer Alberto said that staff will consider the request and look to the possibility of making changes.
- City Traffic Engineer Kim said that the RRFB signs are standardized by the FHWA as an interim approval granted to California. The city is following the guidelines found in the FHWA interim approval.

Motion by Commissioner Linke, seconded by Commissioner Hunter to approve staff recommendations to install Rectangular Rapid Flashing Beacons at the intersections of Paseo Del Norte/Elder Court, Monroe Street/Magnolia Avenue, and Salk Avenue/Fermi Court. CIP No. 6070.  
Motion carried: 7/0

**6. TRAFFIC CALMING ON COLLEGE BOULEVARD** - (Staff Contact: John Kim, and Tom Frank, Public Works) –

**Staff's Recommendation:** Approve staff recommendations

City Traffic Engineer Kim and Transportation Director Frank presented the Traffic Calming on College Boulevard requesting T&MC to support staff's recommendation provided in the staff report as Option 1 – Radar Speed Feedback Signs. Presentation is on file with the office of the City Clerk.

**Public comments submitted via email prior to the T&MC meeting:**

Calavera Hills Traffic Safety Group, constituted of 21 Carlsbad residents submitted a letter with a survey results on the Traffic Calming on Carlsbad Boulevard options presented by staff. The survey shows that Calavera Hills Traffic Safety Group chose Option 1, as recommended by staff. Letter is on file with the office of the City Clerk.

- Commissioner Perez agreed that Option 1 is a good option but he believes that the speed limit, level of congestion and traffic behavior should be taken in consideration to make an informed decision. College Boulevard is a dynamic road with different speed limits, congestion levels, and traffic behavior throughout the day due to two schools affecting College Boulevard between northern city limits and Cannon Road.
- Commissioner Penseyres does not believe that Option 1 will solve the problem, but it might only delay the problem temporarily. He is in favor of the Option 1 because it was supported by the Calavera Hills Traffic Safety Group.
- Commissioner Linke thanked staff for providing 5 years of collision data where everyone can see the clusters of collisions close to schools. Commissioner Linke inquired about speed data available for this area.
- City Traffic Engineer Kim explained that we have speed survey data on file that was collected to determine speed limits but those are limited to off-peak hours on a given day. Once the speed feedback signs are installed, the city can collect data 24 hours a day.
- Commissioner Linke inquired if the city has data on the efficiency of the speed feedback signs installed on other areas.
- City Traffic Engineer Kim answered that most of the speed feedback signs in the city are located on residential areas and not arterials like College Boulevard. On residential streets, decreases around 5 mph were observed.
- Commissioner Linke inquired about installing a restricted "right turn on red" on the intersection of College Boulevard and Tamarack Avenue.
- Commissioner Linke showed photos of the southern Tamarack Avenue intersection with Carlsbad Boulevard during the morning rush hour, highlighting a school crossing guard's concerns about (1) conflicts between pedestrians crossing College and vehicles going eastbound on Tamarack turning left (north) onto College, and (2) conflicts between bicyclists and vehicles traveling northbound on College.
- Commissioner Linke expressed concern about the cluster of collisions near the Calavera Hills schools and expressed support for speed feedback signs as an initial step. He questioned whether the signs alone would be sufficient to resolve the problem and supported continued exploration of the feasibility of intersection changes.
- City Traffic Engineer Kim said that the city is evaluating if "no right turn on red" could be feasible and if we could restrict the time it would be in operation.

- Commissioner Fowler wanted clarification that College Boulevard was built as a major arterial per standards in the Circulation Element of the previous General Plan.
- Transportation Director Frank explained that California roads were built primarily for vehicles and the new Mobility Element calls for revising the roads as Complete Streets and that will be costly.
- City Traffic Engineer Kim explained that College Boulevard was built as an arterial based on the previous General Plan and once the Mobility Element was implemented College Boulevard continued to be labeled as an arterial.
- Commissioner Hunter inquired about the speed limit survey data when it was done and what was the 85th percentile.
- City Traffic Engineer Kim said that the survey was collected in October of 2018 and the 85th percentile was 48mph based on 100 vehicles.

Motion by Commissioner Hunter, seconded by Commissioner Linke, to approve staff's recommendations to implement Option 1 – Radar Speed Feedback Signs, adding to re-evaluate the item later and collect speed survey data.

Motion carried: 7/0

Motion by Commissioner Hunter, seconded by Commissioner Fowler to take a five minutes break.

Motion carried: 7/0

## **7. VEHICLE MILES TRAVELED THRESHOLDS AND SCREENING CRITERIA – (Staff Contact: Jason Geldert and Jennifer Horodyski, Community and Economic Development)**

### **Staff's Recommendation: Approve staff recommendations**

Engineering Manager Geldert is asking the T&MC to recommend to City Council the adoption of a resolution to approve citywide the Vehicle Miles Traveled thresholds and screening criteria pursuant to Senate Bill 743.

- Commissioner Linke stated that the City of Carlsbad is approaching build-out and asked what proportion of development projects, remain to be done that could be subject to the Vehicle Miles Traveled (VMT) guidelines.
- Engineering Manager Geldert answered that currently we have 2 or 3 projects that will have to evaluate VMT, but did not have exact numbers. He estimated that quite a few projects are expected to be subject to VMT analysis guidelines.
- Commissioner Linke asked about the following hypothetical scenario: In the area that is mostly the Village and the Barrio (light blue area shown in the power point), per capita VMT is 85% or less than the city average so, under the 2,400 ADT threshold, does that mean that anyone could build a residential area up to 240 single-family homes, or 400 apartments, or a 600-unit retirement community and not be subject to the VMT analysis?
- Associate Engineer Horodyski explained that yes, according to the VMT guidelines, if the city average is more than 15%, the area would not be subject to the VMT guidelines.
- Commissioner Linke is concerned that a developer could build a 600-unit apartment complex in one of the light blue zones and be able to say that we are not generating vehicle miles out of the 600 units as an example.

- Engineer Manager Geldert explained that he understands Commissioner Linke concerns and he agrees that any project based on this example would generate VMT however, the metric that we are using is an efficiency metric which means that is a VMT per person.
- Project Manager Cole stated the key here is the efficiency metric uses an existing apartment complex that on average is generating 15 VMT per person and if another apartment complex is built nearby the expectation is that it will be like the existing neighbors.
- Commissioner Linke expressed concern that, with the proposed thresholds, the city would not be able to compel even relatively large developments to fund any mitigation measures like transit or other Transportation Demand Management (TDM) measures that could be used to encourage the new residents to not drive their cars.
- Commissioner Linke asked if there is anything that has been customized or is unique for the City of Carlsbad.
- Associate Engineer Horodyski explained that City of Carlsbad has a couple of thresholds and screening criteria that are unique, one is the threshold for Office projects and the other is the Industrial projects.
- Commissioner Linke inquired about harmonizing CEQA rules/TDM rules/ Growth Management Program (GMP) rules/VMT and Level of Service (LOS).
- Associate Engineer Horodyski explained that staff will continue to require both analysis: one for CEQA one for local Traffic Impact Analysis (TIA) and will combine into one document.
- Engineering Manager Geldert stated that as a result of harmonizing the documents staff will develop TIA guidelines, addressing the rules and regulations cited above.
- Commissioner Perez inquired if the development of Robertson's Ranch will affect VMT.
- Director of Traffic Engineering Ruehr answered that for the analysis of this specific commercial project, Robertson's Ranch, it is assumed that this development would decrease VMT.
- Commissioner Penseyres pointed out that one of the areas in the city under development is around Sage Creek High School and how the VMT would impact the residential development in the area.
- Engineering Manager Geldert answered that when analyzing VMT and it is found above the threshold there are mitigation measures that would be put in place.

Motion by Commissioner Linke, seconded by Commissioner Hunter to recommend to the City Council the adoption of a resolution approving citywide Vehicle Miles Traveled Thresholds and Screening Criteria pursuant to Senate Bill 743.

Motion carried: 7/0

## **CITY TRAFFIC ENGINEER COMMENTS:**

**City Traffic Engineer Comments:** Attachment A

Transportation Planning and Mobility Manager Schmidt introduced the new Assistant City Attorney, Robby Contreras.

City Traffic Engineer Kim informed the commissioners that the Work Plan 20-2021 will be included in the Agenda for June 1, 2020.

Deputy City Manager Gomez asked the commissioners if they would like to have the Chief Innovation Officer, David Graham facilitating the Work Plan 20-2021 as he did for the Work Plan 19-2020.

Traffic and Mobility Commissioners agreed with Deputy City Manager Gomez suggestion.

**TRAFFIC & MOBILITY COMMISSION COMMENTS:**

Commissioner Linke mentioned that the first ad-hoc meeting on the Sustainable Mobility Plan went well and he is cautiously optimistic that they can make it better.

Commissioners Penseyres inquired about having an information on the Multimodal Level of Service, to better understand how it works.

Transportation Planning and Mobility Manager Schmidt said that it is staff intention to bring it to the T&MC and give a quick primer on how MMLOS is calculated for bicyclists and pedestrians.

Commissioner Penseyres explained his reasoning behind asking for more frequent street sweeping on a wider bicycle lane is to address the debris that accumulates on the bicycle lane.

Transportation Director Frank answered that staff will consider his request.

**ADJOURNMENT:**

Chair Gocan adjourned the Traffic & Mobility Commission Meeting on May 4, 2020, at 8:01 p.m.

**Eliane Paiva**

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**Eliane Paiva, Minutes Clerk**



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager  
Craig Lindholm, City Treasurer

**Staff Contact:** Ryan Green, Assistant Finance Director  
ryan.green@carlsbadca.gov, 760-602-2414  
Jason Haber, Intergovernmental Affairs Director  
jason.haber@carlsbadca.gov, 760-434-2958

**Subject:** Clean Energy Alliance Loan Terms

**Recommended Action**

- 1) Provide feedback on the proposed terms of a potential loan to fund the Clean Energy Alliance's community choice aggregation program launch
- 2) Consider the following options to direct staff to either:
  - a. Return to the City Council with a proposed loan agreement based on the terms discussed and agreed on by the City Council to obtain the council's final approval authorizing the city manager to execute the loan agreement and appropriate the funds
  - b. Adopt a resolution appropriating \$4,450,000 from the city's unassigned General Fund reserve and authorizing the city manager to negotiate terms, within the City Council's agreed upon parameters, and execute a loan agreement with the Clean Energy Alliance
  - c. Take no further action on the matter

**Executive Summary**

The Clean Energy Alliance community choice aggregation joint powers authority was formed in partnership with the cities of Solana Beach and Del Mar to provide an alternative electric power source to San Diego Gas & Electric, giving the cities control to determine the mix of energy purchased, which more in line with the cities' climate action plans, while providing residents with savings through lower rates. The alliance requires funding, through a loan, to launch its community choice aggregation program in 2021.<sup>1</sup>

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<sup>1</sup> Community choice aggregation refers to programs that enable local governments to obtain electric power on behalf of their residents, businesses and municipal accounts from an alternative supplier while still receiving transmission and distribution service from their existing utility provider.

As requested by the City Council on July 14, 2020, staff is proposing terms of a loan to the alliance from the city's unassigned General Fund reserve for the City Council's consideration. The proposed loan totals \$4,450,000, has a three-year term, includes a variable interest rate based on the city treasurer's portfolio returns and is partially guaranteed by Solana Beach and Del Mar.

The city is not obligated to loan the funds and the alliance has alternative funding options to fund its launch. If the city does not offer a loan, the alliance plans to complete an alternative funding option. As proposed, the city loan option is less costly to the alliance. The cost savings will be used to reduce customer rates and/or procure more climate-friendly power for the alliance.

The loan will generate a higher rate of return than an investment in the treasurer's portfolio, though it also exposes the city to default risk. The risk is minimized because \$3 million of loan will be used for collateral deposits required because of the Alliance's lack of established credit history, which could be recouped by the city.

## Discussion

### **Background**

The City Council has approved several resolutions that laid the foundation for this Alliance in a series of decisions taken since 2017, as detailed in Exhibit 2. Among these actions are the following decisions relevant to the loan terms.

On April 16, 2019, the City Council adopted a resolution accepting the North San Diego County Cities Community Choice Aggregation Technical Feasibility Study, which determined that a community choice aggregation program is both technically and financially feasible and could provide environmental and economic benefits to residents and businesses in the City of Carlsbad. The study concluded a 2% savings was feasible on the combined cost of the transmission and distribution of electricity and from the charges from electricity generation.

The study was later confirmed by a peer review analysis prepared by Pacific Energy Advisors, an advisory group specializing in California's electric utility sector, including community choice aggregation programs. The City Council adopted a resolution accepting the peer review of the study on Nov. 12, 2019, and simultaneously loaned the Alliance \$150,000 for the city's share of the Alliance's fiscal year 2019-20 budget. This loan was made from the City Council's Contingency Fund.

Many of the assumptions used in preparing the study have since changed, such as the assumption of forming a community choice aggregation partnership with the cities of Carlsbad, Encinitas, Del Mar and Oceanside. Because of these changes, the Alliance has continued to obtain updated proforma financial statements from Pacific Energy Advisors. The thirteenth and latest version of proforma financial statements (Exhibit 3) shows that with a minimum 50% renewable energy mix,<sup>2</sup> a 2% rate discount, as compared to SDG&E's electricity generation rate,

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<sup>2</sup> Renewable energy ramps up from 50% to 100% by 2035. The Alliance will initially buy 82% of its renewable energy in California and will ramp that up to 100% by 2023.

is achievable. This excludes the combined transmission and distribution of electricity as the price for this service is controlled by SDG&E.

Other major assumptions include:

- A 90% customer participation rate (community choice aggregation agencies are typically averaging 93% participation)
- Using the latest future power pricing
- The SDG&E rates projected by Pacific Energy Advisors<sup>3</sup>

On July 14, 2020, the City Council directed staff to develop and present an alternative credit option to fund the Alliance’s community choice aggregation program launch with a \$4,450,000 loan from the city’s unassigned General Fund reserve, in consultation with the city attorney and the city treasurer.

### The Alliance’s funding needs

The Alliance plans to launch May 2021 and has identified the funding it needs to execute a successful launch. The expected timeline of funding needs, assuming a May 2021 or delayed launch, are summarized in the chart below:

**Chart 1: Timing of the Alliance’s funding needs**

Description	Timing	Amount
1 <sup>st</sup> half of FY 2020-21 budget including start-up costs	Sept. 2020	\$500,000
Repayment of initial start-up loans from member cities	Sept. 2020	450,000
2 <sup>nd</sup> half of FY 2020-21 budget including start-up costs	Jan. 2021	500,000
Collateral deposits and cash flow <sup>4</sup>	Jan. 2021	2,500,000
CAISO deposit <sup>5</sup>	Jan. 2021	500,000
<b>Total funding required</b>		<b>\$4,450,000</b>

The Alliance has offers for alternative funding from JP Morgan and River City Bank. Given the City Council’s July 14, 2020, decision not to approve the \$2,250,000 loan guaranty required to secure the River City Bank alternative, the Alliance currently has the ability to accept only the

<sup>3</sup> SDG&E rates are projected by experts who track electric utility rates statewide for CCAs. CCAs employ these experts due to the complexity of the utility rate setting process, which is conducted through a variety of applications to, and decisions by, the California Public Utilities Commission). In Nov. 2020, SDG&E will file an updated rate application to the commission and the Clean Energy Alliance will have a strong indication of the rates that will be in effect in May 2021.

<sup>4</sup> Collateral deposits are required for the Alliance to enter into conventional energy contracts due to the entity’s lack of established credit history. Collateral must be held by a third party and will be held by River City Bank. The exact value required is predicated on results of negotiations with suppliers. If the result is lower, the funding provided will be less. If there is a delay in launch date, the outflow of funding would be delayed.

<sup>5</sup> CAISO, or California Independent System Operator, oversees the state’s electrical grid. This deposit is required for participation in the state energy agency’s congestion revenue rights program. Congestion revenue rights are financial instruments that allow holders of such rights to manage variability in transmission congestion costs. This deposit will be returned to the Alliance or depositor once it has accumulated \$10 million in total assets. The city can directly deposit this amount on behalf of the Alliance and will request reimbursement of the deposit at the earlier of the end of the loan term, when the alliance achieves \$10,000,000 in assets or market withdrawal.

alternative funding from JP Morgan. The terms of the alternative funding options are detailed in Exhibit 4. The Alliance intends to secure financing from the city or elsewhere to meet its needs.

Based on the terms previously presented at the July 14, 2020, City Council meeting, the benefits to the Alliance of obtaining a city loan are:

- Cost savings related to loan initiation fees
- Favorable interest rate terms
- The cash flow benefit of paying interest annually
- A streamlined process for executing the loan agreement and drawing down the funds

**City loan option**

The City Council has the authority to appropriate funding to offer and execute a loan with the Alliance because the expenditure would be for a public purpose and for the public’s benefit. It is not obligated to do so.

A loan of this nature would require an appropriation of funds, so it is not considered an investment and is not subject to the Investment Policy. As fiduciaries of taxpayers’ funds, it is important for the city to consider the benefits and risks with providing a loan to the Alliance.

**Chart 2: Pros and cons of a city loan**

Pros	Cons
<ul style="list-style-type: none"> <li>• The city determines terms of the loan</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of default and loss of funds</li> </ul>
<ul style="list-style-type: none"> <li>• The city earns more interest than the funds would in the Treasurer’s portfolio</li> </ul>	<ul style="list-style-type: none"> <li>• Reduces liquidity of the city’s short-term capital</li> </ul>
<ul style="list-style-type: none"> <li>• Lower loan costs used to benefit residents and customers of the Alliance</li> </ul>	

**Proposed terms**

The total amount to be loaned by the city is \$4,450,000, disbursed in a phased manner based on Chart 1: Timing of the Alliance’s funding needs, or later, if delays occur. The proposed loan term is three years after the initial disbursement and the principal balance shall be paid in full at the end of the third year from initial disbursement. No loan fees would be charged by the city<sup>6</sup>, but the cost of preparing loan documents will be paid by the Alliance.

Interest will be charged at a rate of 3% or equal to the prior 12-month average return on the city treasurer’s portfolio<sup>7</sup>, whichever is higher, calculated annually, payable at the end of the first, second and third years from initial disbursement. Total interest, assuming 3% for the entire period and that interest is charged on the entire loan value, not the disbursed amount, would result in interest income to the General Fund of \$378,000. Comparatively, total interest

<sup>6</sup> The two alternative financing options include approximately \$40,000 in loan fees. The reduction in loan fees borne by the Alliance will be applied indirectly towards savings to its customers.

<sup>7</sup> As of June 30, 2020, the prior 12-month return on the treasurer’s portfolio was 2.1%. The June 30, 2020 monthly rate of return on the Treasurer’s portfolio was 1.7%.

costs for the other two loan options are approximately \$500,000. The reduced interest cost incurred by the Alliance will be applied indirectly towards savings to its customers.

Additional conditions of the loan should include:

- The funds be used in the specific manner described in Chart 1: Timing of Alliance’s funding needs. Any deviation requires City Council approval.
- Guaranties from other participating cities totaling \$250,000.
  - Alternatively, reconsider the repayment of initial deposits<sup>8</sup>.
- Cash will be held by the city and, if a delay in the planned May 2021 launch date occurs, an updated schedule of funding must be approved by the City Council.
- The California Independent System Operator deposit required to be on the state’s power grid will be made by the city on the Alliance’s behalf.

### **Fiscal Analysis**

There is no fiscal impact to the city until the City Council agrees to appropriate funds. If the City Council decides to make a loan to the Alliance and appropriate the funding, there would be a reduction in the unassigned General Fund reserve balance in the amount of the loan.

In City Council Policy 74, General Fund Reserve Policy, the city committed to maintaining General Fund unassigned reserves at a target of 40% of General Fund annual operating expenditures. The total unassigned reserve level will be calculated using the prior fiscal year’s adopted General Fund budgeted expenditures. The fy 2018-19 General Fund reserve balance ended at 47.2% of General Fund annual operating expenditures, approximately \$12 million in excess of the 40% requirement. While the fy 2019-20 General Fund reserve balance is not yet known, the General Fund reserve balance is forecasted to meet the 40% requirement when including the proposed loan.

### **Next Steps**

If the City Council directs staff to return to the City Council with a proposed loan agreement, staff will return with a loan agreement, request an appropriation be made to fund the loan, and request authorization for the city manager to execute the loan.

If the City Council adopts a resolution directing staff to appropriate \$4,450,000 from the city’s General Fund and authorizing the city manager to negotiate terms, within the City Council’s agreed-upon parameters, and execute a loan agreement with the Alliance, staff will negotiate with the Alliance to execute a loan agreement within the parameters set by the City Council.

If the City Council directs staff to take no further action on the subject, staff will notify the Alliance of the City Council’s decision and take no further action.

### **Environmental Evaluation (CEQA)**

This action does not constitute a “project” within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to

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<sup>8</sup> It should be noted that due to economic impacts of the COVID-19 pandemic, the member agencies of Del Mar and Solana Beach have requested an early payback of their \$150,000 initial start-up contributions.

cause either direct physical change to the environment, or a reasonably foreseeable indirect change in the environment, and does not require environmental review.

### **Public Notification and Outreach**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for viewing at least 72 hours prior to the meeting.

### **Exhibits**

1. Resolution
2. History of City Council resolutions on Clean Energy Alliance
3. Proforma financial statements
4. Alternative funding options

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE CITY OF CARLSBAD TO PROVIDE UP TO A \$4,450,000 LOAN TO THE CLEAN ENERGY ALLIANCE

WHEREAS, on October 8, 2019, the City Council approved Resolution 2019 –197 approving the city’s participation in the Clean Energy Alliance (Alliance), a new regional community choice aggregation (CCA) program); and

WHEREAS, the Alliance consists of the cities of Carlsbad, Del Mar and Solana Beach (Member Agencies) and is scheduled to launch in May 2021; and

WHEREAS, initial start-up costs for fiscal year 2019-20 were funded through advances from the Member Agencies in the amount of \$150,000 from each Member Agency, for a total \$450,000; and

WHEREAS, the Alliance requires financing of up to \$4,450,000 from a financial institution or other third party to fund its launch needs in fiscal year 2020-21; and

WHEREAS, on July 14, 2020, the City Council requested that staff develop and present an alternative credit option to fund the Alliance’s CCA program launch with a \$4,450,000 loan from the city’s unassigned General Fund reserve, in consultation with the city attorney and city treasurer; and

WHEREAS, the loan terms proposed by staff include:

- a. The total amount to be loaned by the city will not exceed \$4,450,000, disbursed in a phased manner based on the Alliance’s funding needs, and
- b. The loan term is three years after initial disbursement and the principal balance shall be paid in full at the end of the third year from initial disbursement, and
- c. Interest will be charged at a rate of 3% or equal to the prior 12-month average return on the Treasurer’s portfolio, whichever is higher, calculated annually, payable at the end of the first, second and third years from initial disbursement, and
- d. The funds shall be used in a specific and agreed manner, and any deviation shall require City Council approval, and
- e. Guaranties must be obtained from other participating cities totaling \$250,000, and
- f. Cash will be held by the city and, if a delay in the planned May 2021 launch date occurs, an updated schedule of funding needs must be approved by the City Council, and
- g. The California Independent System Operator deposit required to be on the state’s power grid will be made by the city on the Alliance’s behalf; and

WHEREAS, the City Planner has determined that a loan to the Clean Energy Alliance does not constitute a “project” within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to cause either direct physical change to the environment, or a reasonably foreseeable indirect change in the environment, and does not require environmental review.

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 a loan of up to \$4,450,000 to the Alliance to fund its launch needs in fiscal year 2020-21 serves a public purpose and provides a public benefit.
3. That the deputy city manager, administrative services is authorized to appropriate up to \$4,450,000 from the city's unassigned General Fund reserve balance to fund a loan to the Alliance.
4. That the City Council authorizes the city manager to act on behalf of the City, in consultation with the City Attorney, to negotiate and execute all agreements and other documents necessary to provide a loan up to \$4,450,000 to the Alliance within the parameters approved by the City Council.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk  
(SEAL)

## History of City Council Resolutions on Clean Energy Alliance

The City Council has been approving resolutions that laid the foundation for this alliance in a series of decisions taken since 2017:

- July 11, 2017 - Adopted Resolution No. 2017-141, authorizing the city's participation in a community choice aggregation (CCA) Technical Feasibility Study.
- Feb. 26, 2019 - Adopted Resolution No. 2019-025, authorizing the city's participation in an evaluation of CCA program governance options.
- March 19, 2019 - Adopted Resolution No. 2019-036, expressing the City Council's intention to pursue a CCA program that prioritizes certain operating principles.
- April 16, 2019 - Adopted Resolution No. 2019-052, accepting the North San Diego County Cities CCA Technical Feasibility Study and authorizing the procurement of joint legal services to assist in negotiating and preparing CCA formation documents.
  - The CCA Technical Feasibility Study determined that a CCA program is both technically and financially feasible, and could provide environmental and economic benefits to residents and businesses in the City of Carlsbad.
- June 25, 2019 - Adopted Resolution No. 2019-112, authorizing the formation of a City Council ad-hoc subcommittee, comprised of Mayor Hall and Councilmember Schumacher, to receive information and advise the City Council on CCA.
- Aug. 20, 2019 - The Carlsbad City Council directed staff to obtain a peer review analysis of the Study.
  - The Pacific Energy Advisors' Peer Review of the Study did not discover any fatal flaws that would jeopardize anticipated feasibility of the CCA program.
- Oct. 8, 2019 - Adopted Resolution No. 2019-197 approving and authorizing the execution of the Joint Exercise of Powers Agreement creating the Clean Energy Alliance, a CCA Joint Powers Authority.
- Oct. 15, 2019 - Approved Ordinance No. CS-362 authorizing the implementation of a CCA program in Carlsbad.
- Nov. 12, 2019 – Adopted Resolution No. 2019-229, accepting the Peer Review of North San Diego County Cities Community Choice Energy Technical Feasibility Study and authorizing funding of the city's proportional share of Alliance Joint Powers Authority Board of Directors draft fiscal year 2019-20 Initial Budget from the City Council Contingency Fund.
- July 14, 2020 - The City Council directed staff to develop and present an alternative credit option to fund the Alliance's fiscal year 2020-21 budget with a \$4,450,000 loan from the city's General Fund, in consultation with the city attorney and city treasurer.

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Pcc2 Phaseout Scenario with 2% Discount City of Carlsbad Loan, May 2021 Launch						
Clean Energy Alliance						
	Fiscal Year Ending:					
	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,634,093	67,733,082	69,062,278	70,413,027	71,785,662
II. Operating Expenses						
Power Supply	-	8,988,017	61,018,825	60,161,460	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,108,938	2,459,148	2,497,813	2,558,347	2,616,275
Subtotal Operating Expenses	303,000	10,331,956	64,036,023	63,094,529	64,706,915	65,532,998
Operating Margin	(303,000)	(697,862)	3,697,059	5,967,749	5,706,112	6,252,664
III. Financing						
Interest	-	81,250	133,500	133,500	22,250	-
Principal	-	450,000	-	-	4,450,000	-
Subtotal Financing	-	531,250	133,500	133,500	4,472,250	-
Operating Margin Less Financing	(303,000)	(1,229,112)	3,563,559	5,834,249	1,233,862	6,252,664
IV. Cash From Financing	450,000	4,450,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	220,888	3,386,654	3,453,114	3,520,651	3,589,283
Subtotal Other Uses	147,000	3,220,888	3,386,654	3,453,114	3,520,651	3,589,283
VI. Net Surplus/(Deficit)	-	(0)	176,905	2,381,135	(2,286,790)	2,663,381
VII. Cumulative Reserve	-	220,888	3,607,542	7,060,656	10,581,307	14,170,590
VIII. Cumulative Net Surplus	-	(0)	176,904	2,558,039	271,250	2,934,630
IX. Combined Cumulative Reserve & Cumulative Net Surplus	-	220,888	3,784,446	9,618,695	10,852,557	17,105,221
* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles						

**Comparison of Bank Financing Options vs Proposed City of Carlsbad**

Loan Date: Sept. 2020

Repayment Date: Sept. 2023

	<b>River City Bank/Calpine</b>	<b>JP Morgan</b>	<b>Carlsbad</b>
Loan Amount	\$ 4,500,000.00	\$ 4,500,000.00	\$ 4,450,000.00
Term	3 years	3 Years	3 Years
Int Rate	Variable - 3.0% - 3.5% floor; variable based on 1-month T-Bill	Variable 1 or 3-month LIBOR plus 3.35%; funds not drawn subject to an "Undrawn fee" of 1.95%	Higher of: (1) Fixed 3% or (2) 12-month average return on Treasurer's portfolio
Loan Fees	\$ 33,750.00	\$ 50,000.00	\$ -
Int Cost through Life of Loan <sup>1</sup>	\$ 463,541.66	\$ 525,000.00	\$ 378,000.00
<b>TOTAL COST OF CREDIT</b>	<b>\$ 497,291.66</b>	<b>\$ 575,000.00</b>	<b>\$ 378,000.00</b>
Security/Covenants	Guaranty or Cash Collateral for \$2.5M of loan amount by one or more members or creditworthy 3rd party	Rates set to cover operating and debt service costs; Operating reserve sized at a minimum 90 days of operating costs to be funded on a TBD Schedule; Debt Service Coverage ratio of 1.40x tested quarterly; No new debt may be issued by CEA during term	Guaranties from Del Mar and Solana Beach totaling \$250,000
Notes:	\$2,500,000 initial Loan 9/1/20 River City Bank; \$500,000 Loan from Calpine Dec/Jan; \$1,500,000 River City Bank loan Dec./Jan. Time Frame		\$950,000 Sept. 2020 for repayment to cities and initial fy 20/21 budget; \$3,500,000 Jan. 2021 for collateral and CAISO deposits and remainder fy 20/21 budget.

Note 1 - Interest costs are estimates based on recent LIBOR rates.



CITY COUNCIL  
**Staff Report**

**Meeting Date:** July 28, 2020  
**To:** Mayor and City Council  
**From:** Scott Chadwick, City Manager  
**Staff Contact:** Tammy McMinn, Senior Deputy City Clerk  
 Tammy.McMinn@carlsbadca.gov or 760-434-2953  
**Subject:** Appoint Two Members to the Traffic & Mobility Commission

**Recommended Action**

Adopt resolutions appointing two members to the Traffic & Mobility Commission

**Executive Summary**

Commissioner Monica Gocan was initially appointed to the Traffic & Mobility Commission in October 2016 to fill the expired term of Commissioner Dourson, leaving a scheduled vacancy with a term ending in July 2020. Commissioner Gocan has asked to be reappointed. Commissioner Jonnie Johnson was initially appointed in June 2017 to fill the unexpired term of Commissioner Fox, leaving an expired term ending in July 2020. Commissioner Johnson is not requesting reappointment.

The City Clerk's Office received six applications, and in keeping with City Council Policy No. 88, the Mayor has recommended the following four residents wishing to serve on the Traffic & Mobility Commission to interview with the full City Council (Exhibit 3):

- Allan Wanamaker – District 1
- Cory Miholich – District 3
- Joe Whitaker – District 1
- Monica "Mona" Gocan – District 1 (requesting reappointment)

**Discussion**

The Maddy Act (California Government Code Section 54970 et seq.) requires that on or before December 31 of each year the legislative body shall prepare a Local Appointments List that contains the appointive terms of Board and Commission members expiring in the next calendar year. The name of the incumbent appointee, the date of appointment and the term expiration date is also included on the list. Based on the prepared list, the City Clerk's Office accepts applications (available on the city's website and in the City Clerk's Office) for any upcoming vacancies.

CMC Section 2.15.050(2) states, "Although each member of the City Council elected by a district shall use his or her best efforts to appoint individuals residing in that district to these commissions, members of the City Council may appoint individuals not residing in their districts in their discretion in order to assure that the most interested and qualified individuals serve on the commissions."

According to City Council Resolution No. 2018-178, these Traffic & Mobility Commission scheduled vacancies shall be appointed by the Mayor with the approval of the City Council.

City of Carlsbad Municipal Code 2.28 states that the Traffic Safety Commission shall consist of seven members. The other members of the Traffic & Mobility Commission are:

- Bill Fowler – District 2
- Chuck Hunter – District 2
- Steve Linke – District 4
- Peter Penseyres – District 1
- Brandon Perez – District 2

Members of the Traffic & Mobility Commission are subject to the provisions of the California Political Reform Act and must file a Statement of Economic Interest.

### **Fiscal Analysis**

None.

### **Next Steps**

The City Clerk's Office will update the commission roster and coordinate the oath of office and the filing of the appointee's statement of economic interest and ethics training certificate.

### **Environmental Evaluation (CEQA)**

This action does not constitute a "project" within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

### **Public Notification**

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

### **Exhibits**

1. Resolution
2. Resolution
3. Applications received from residents wishing to serve on the Traffic & Mobility Commission

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPOINTING ONE MEMBER TO THE TRAFFIC & MOBILITY COMMISSION

WHEREAS, Commissioner Monica Gocan was initially appointed to the Traffic & Mobility Commission in October 2016; and

WHEREAS, Commissioner Gocan’s term expired in July 2020; and

WHEREAS, a scheduled vacancy on the Traffic & Mobility Commission exists.

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 following Carlsbad resident is hereby appointed to serve on the Traffic & Mobility Commission, for a term ending in July 2024.

\_\_\_\_\_

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPOINTING ONE MEMBER TO THE TRAFFIC & MOBILITY COMMISSION

WHEREAS, Commissioner Johnnie Johnson was initially appointed to the Traffic & Mobility Commission in June 2017; and

WHEREAS, Commissioner Johnson’s term expired in July 2020; and

WHEREAS, a scheduled vacancy on the Traffic & Mobility Commission exists.

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 following Carlsbad resident is hereby appointed to serve on the Traffic & Mobility Commission, for a term ending in July 2024.

\_\_\_\_\_

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_ day of \_\_\_\_\_, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

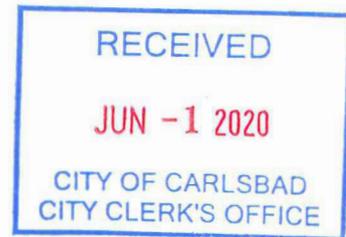
\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)



**Boards, Commissions and Committees  
Application for Appointment**



Arts Commission	<input type="checkbox"/>	Housing Commission	<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>
Beach Preservation Committee	<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Senior Commission	<input type="checkbox"/>
Historic Preservation Commission	<input type="checkbox"/>	Parks and Recreation Commission	<input type="checkbox"/>	Traffic & Mobility Commission	<input checked="" type="checkbox"/>
Tourism Business Improvement District	<input type="checkbox"/>	Golf Lodging Business Improvement District	<input type="checkbox"/>	Agricultural Mitigation Fee Committee	<input type="checkbox"/>
Housing Element Advisory Committee	<input type="checkbox"/>				

*If applying for more than one, please indicate order of preference.*

**Personal Information**

Name <b>allan j. wanamaker</b>		Date of Birth: <input type="checkbox"/>
Home Address		Required for Voter Registration Verification District Number <b>1</b> <i>lm</i>
City <b>carlsbad</b>	ZIP <b>92008</b>	
Home Phone	Mobile	
E-mail		
Occupation <b>restaurateur</b>		
Employer <b>al's cafe in the village</b>		
Employer Address		
City <b>carlsbad</b>	ZIP <b>92008</b>	
Work Phone	Mobile	

**Acknowledgements**

	Yes	No
I am a resident of the City of Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am a registered voter in Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I am a Citizens Academy graduate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to file financial disclosure statements, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to complete two hours of state mandated ethics training every two years, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanations**

**Please describe your educational background**

graduate Arizona State Univ. graduate Culinary Institute of America Restarurant Services Program

**Please describe relevant experience**

I was appointed to the Historic Preservation Board in 1992-4. I was elected to a Neighborhood Board in Honolulu.

**Please describe your current or past community involvement**

CVBA member. Former 25 year Rotarian. Donations to local groups and teams

**Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations)**

Historic Preservation Boards. Sister Cities Commission

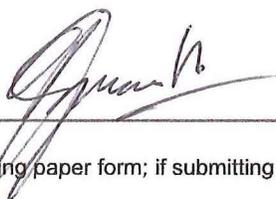
**Additional information or comments**

I am available to serve my community

**Submittal Information**

Please select the submit button below to electronically submit application. If you prefer to print, please select "print form" button, sign and mail to:

City of Carlsbad  
City Clerk's Office  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008.

Signature  Date 5/30/2020

\* Only required to sign if submitting paper form; if submitting electronically your submittal via e-mail is considered acknowledgement.

Clear form

Print form

Submit form



# Boards, Commissions and Committees Application for Appointment

**RECEIVED**  
**JAN 21 2020**  
 CITY OF CARLSBAD  
 CITY CLERK'S OFFICE

Arts Commission	<input type="checkbox"/>	Housing Commission	<input type="checkbox"/>	Planning Commission	<input checked="" type="checkbox"/> 1st
Beach Preservation Committee	<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Senior Commission	<input type="checkbox"/>
Historic Preservation Commission	<input type="checkbox"/>	Parks and Recreation Commission	<input type="checkbox"/>	Traffic Safety Commission	<input checked="" type="checkbox"/> 2nd
Tourism Business Improvement District	<input type="checkbox"/>	Golf Lodging Business Improvement District	<input type="checkbox"/>	Agricultural Mitigation Fee Committee	<input type="checkbox"/>
Community Development Block Grant (CDBG) Advisory Committee	<input type="checkbox"/>				

*If applying for more than one, please indicate order of preference.*

### Personal Information

Name <b>Cory Blake Miholich</b>		Date of Birth:	
Home Address		Required for Voter Registration Verification <b>District Number 3</b>	
City <b>Carlsbad</b>	ZIP <b>92009</b>		
Home Phone	Mobile	<b>-best</b>	
E-mail			
Occupation <b>Restaurant owner, Construction General Contractor</b>			
Employer <b>Froyo Love, self-employed</b>			
Employer Address			
City <b>San Marcos</b>	ZIP <b>92078</b>		
Work Phone	Mobile		

### Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am a registered voter in Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I am a Citizens Academy graduate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to file financial disclosure statements, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to complete two hours of state mandated ethics training every two years, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q: Explanations:

Completed recent Citizens Academy, late 2019.

I own a home in district 4, planning to move back in to late 2020.

Currently living with family in district 3.

Q: Please describe your educational background:

Class of '03, La Costa Canyon H.S.

Class of '08, University of California, Irvine.

B.S. Civil Engineering, Concentration in Engineering Management

My college education in Civil Engineering covered many city-specific topics including roadways, water for drinking and waste, structural design and accounting. I have taken additional courses in construction planning, real estate principles and practices.

Q: Please describe your current or past community involvement:

For six months I volunteered a couple days a week at Sunrise assisted living in Carlsbad. I spent most of my time with senior residents in the memory impaired facility.

Have helped feed local homeless thru the Carlsbad fill-a-belly program.

Recently signed up to tutor high school students at the Dove library.

and applied for Carlsbad's CERT team in 2021.

Regular attendee of city of Carlsbad sponsored events, like concerts in the park.

I have hiked every trail in the city of Carlsbad.

Donor to the Batiquitos Lagoon Foundation.

Q: Please describe relevant experience:

I have lived in Carlsbad since birth in 1984, except the four years in Irvine during college.

Starting in 2008, I have been a small business owner, operating self serve frozen yogurt restaurants. I have owned three myself, and structured licensing agreements with four partner locations. I have extensive experience with regulatory and licensing agencies including building departments, business licenses, health, EDD, IRS, FTB, SBOE, CSLB, weights and measures, dairy board, franchising etc.

Since 2010 I worked full time with my father's construction equipment rental business in Carlsbad, El Camino Rental. I helped customers order equipment, dispatch delivery trucks, and manage service calls. For two years, I procured all our new equipment and handled the sale of all used equipment. In mid 2019, I directed the company's acquisition by a national competitor for over 15 million dollars.

During the last ten years, I have worked as the primary property manager and real estate agent for my father's commercial real estate in Carlsbad, Oceanside, and Vista.

I have managed six conditional use permit applications in Oceanside. I attended approximately thirty planning commission meetings and presented at a few. I owned and managed commercial property in Vista from 2005 to 2017, and attended about ten planning commission and city council meetings. I worked for a large electrical contractor managing projects in the office, specializing in commercial government projects.

Q: Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations):

Secretary position of my homeowners association, Navarra Gardens in Carlsbad. I regularly contribute to maintenance projects, shop existing contracts for savings, and always read our meeting documents well before to be prepared. Only current member with a perfect attendance record.

Q: Additional information or comments:

I'm primarily interested in the vacancy on the planning commission, but also would be honored to be considered for the traffic safety commission.

I'm an advanced computer user, experienced with small to medium sized construction projects, and look forward to contributing to my wonderful home city of Carlsbad.

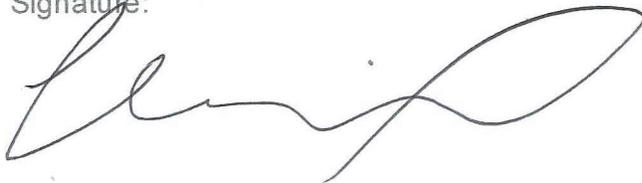
Name:

Cory B. Micholich

Date:

1-17-2020

Signature:





# Boards, Commissions and Committees Application for Appointment

RECEIVED

JUN 09 2020

CITY OF CARLSBAD  
CITY CLERK'S OFFICE

Arts Commission	<input type="checkbox"/>	Housing Commission	<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>
Beach Preservation Committee	<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Senior Commission	<input type="checkbox"/>
Historic Preservation Commission	<input type="checkbox"/>	Parks and Recreation Commission	<input type="checkbox"/>	Traffic & Mobility Commission	<input checked="" type="checkbox"/>
Tourism Business Improvement District	<input type="checkbox"/>	Golf Lodging Business Improvement District	<input type="checkbox"/>	Agricultural Mitigation Fee Committee	<input type="checkbox"/>
Housing Element Advisory Committee	<input type="checkbox"/>				

If applying for more than one, please indicate order of preference.

## Personal Information

Name <b>Joe Whitaker</b>		Date of Birth:
		<i>Required for Voter Registration Verification</i>
Home Address		<u>District Number</u> 1
City <b>Carlsbad</b>	ZIP <b>92008</b>	
Home Phone	Mobile	
E-mail		
Occupation <b>City Planner</b>		
Employer <b>City of San Diego</b>		
Employer Address		
City <b>San Diego</b>	ZIP <b>92101</b>	
Work Phone	Mobile	

MD

## Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am a registered voter in Carlsbad.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I am a Citizens Academy graduate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to file financial disclosure statements, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am willing to complete two hours of state mandated ethics training every two years, if required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>





# Boards, Commissions and Committees Application for Appointment

RECEIVED

MAY 14 2020

CITY OF CARLSBAD  
CITY CLERK'S OFFICE

Arts Commission		Housing Commission		Planning Commission	
Beach Preservation Committee		Library Board of Trustees		Senior Commission	
Historic Preservation Commission		Parks and Recreation Commission		Traffic Safety Commission	X
Tourism Business Improvement District		Golf Lodging Business Improvement District		Agricultural Mitigation Fee Committee	
Community Development Block Grant (CDBG) Advisory Committee					

If applying for more than one, please indicate order of preference.

### Personal Information

Name <b>Monica (Mona) Gocan</b>		Date of Birth:	
Home Address		Required for Voter Registration Verification <u>District Number</u> 1	
City <b>Carlsbad</b>	ZIP <b>92010</b>		
Home Phone <b>N/A</b>	Mobile		
E-mail			
Occupation <b>Business Owner / Civil Engineer</b>			
Employer <b>77 Electrical Services / CPM Partners</b>			
Employer Address			
City <b>Carlsbad</b>	ZIP <b>92010</b>		
Work Phone	Mobile		

✓ MD per PC 5/18/2020 1st legal name is Costina ✓

### Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	✓	
I am a registered voter in Carlsbad.	✓	
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.		✓
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.		✓
I am a Citizens Academy graduate.	✓	
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	✓	
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	✓	
I am willing to file financial disclosure statements, if required.	✓	
I am willing to complete two hours of state mandated ethics training every two years, if required.	✓	

**Explanations**

**Please describe your educational background**

Bachelor degree in Civil and Environmental Engineering

**Please describe relevant experience**

Been a Commissioner on the Traffic and Mobility Commission for the past 4 years, 2 of what I have been the Chair.

**Please describe your current or past community involvement**

Commissioner and Chair of the Traffic and Mobility Commission (4 years). Advisor for the District 76 Transportation and Mobility Advisory Committee (2 years). Valley Middle School PTA President (1 year). Women in Transportation Seminar - Legislative

**Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations)**

Commissioner and Chair of the Traffic and Mobility Commission (4 years). Advisor for the District 76 Transportation and Mobility Advisory Committee (2 years). Valley Middle School PTA President (1 year)

**Additional information or comments**

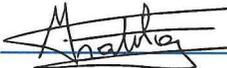
Thank you!

**Submittal Information**

Please select the submit button below to electronically submit application. If you prefer to print, please select "print form" button, sign and mail to:

City of Carlsbad  
City Clerk's Office  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008.

05/14/2020

**Signature**  \_\_\_\_\_ **Date** \_\_\_\_\_

\* Only required to sign if submitting paper form; if submitting electronically your submittal via e-mail is considered acknowledgement.

Clear form

Print form

Submit form