

Date: April 26, 2022

To: Growth Management Citizens Committee (and members of the public)

From: Steve Linke, Traffic & Mobility Commission Vice-Chair and Growth Management Citizens Committee primary member

Subject: April 28, 2022 Growth Management Citizens Committee Meeting written comments

Given time limitations of large committee meetings like ours, this communication is intended to provide some recommendations and questions/suggested future topics. Following those, I provide some background, history, and concerns that put them into context. I will detail additional concerns and consequences in communications for future meetings.

Recommendations and questions/suggested future topics

Recommendation: Our committee should ensure that validated measurement methods and Growth Management Plan (GMP) performance standards that reflect reality are locked down for all public facilities—not methods that can be continually tweaked to artificially achieve success.

Recommendation: Exemption of any public facilities from a GMP performance standard should require a proportional alternative mitigation plan with identified funding and a timeline—not simple abandonment.

Recommendation: If we move away from the “performance standard” system, any new system should be overtly mandatory and not include soft language that implies voluntary compliance.

Recommendation: Impact fees/programs (e.g., traffic impact), housing fees, and other developer costs, like review and permitting fees, have been allowed to sit without meaningful updates for extended periods of time. These should be considered globally with the GMP and updated regularly to reflect current needs and costs.

Question or suggested future topic: The new state laws that prevent residential development moratoria have a sunset clause, and they do not seemingly prevent commercial development moratoria. They also continue to allow various impact fees. How can these be used to maximize GMP requirements?

Question or suggested future topic: Please explain the protocol staff uses to determine a “nexus” between a development project and its obligation to fund a public facility improvement, as well as the method used to calculate its “proportional funding.”

Question or suggested future topic: Given the fact that the vast majority of remaining development in Carlsbad will be “in-fill” (rather than “vacant land”), and the fact that in-fill projects are largely being exempted from having to conduct GMP and CEQA studies—combined with the alleged difficulty in making a funding “nexus”—what are the prospects of the funding of the various public facilities by future development, and how can GMP requirements be maximized?

Background

One of the eleven public facilities included in the GMP is **circulation** (also known as traffic, transportation, streets, or mobility), which currently includes vehicle, pedestrian, bicycle, and transit modes of travel. I have been studying this topic for over a decade, and I have spent the last three years on the Traffic & Mobility Commission intent on reforming the transportation review process in Carlsbad. I also have reviewed the GMP and CEQA transportation portions of all development applications and City projects over the past three years. My comments here are focused on transportation, but the concepts may apply more generally to other facilities, as well.

The **performance measure** for circulation is called **level of service** (LOS). Generally, LOS is reported for each street segment (facility) on a scale of “A” through “F”—calculated from the volume of vehicles relative to the capacity of the street, or the average length of time it takes vehicles to traverse an intersection or street corridor—the worse the congestion, the lower the grade. An LOS grade of “D” during peak hours is required to achieve the minimum GMP **performance standard**.

The way the GMP is supposed to work for circulation is that, when a development project is proposed, a **transportation impact study** predicts the **direct** impacts the project will have on the LOS of nearby street/mobility facilities. The approval of the project is then supposed to be **conditioned** upon funding any improvements necessary to maintain the minimum LOS standard, such as street widening, intersection improvements, etc.

In addition, the City is required by the GMP to conduct its own **annual** LOS assessments (the **Traffic Monitoring Program**) to prospectively identify emerging problems that arise due to the **cumulative, indirect** impacts of developments on the overall citywide mobility network. These results are supposed to be used to add additional mobility projects and the associated costs to the City’s Traffic Impact Fee (TIF) Program, which is intertwined with the GMP. A separate **traffic impact fee** is then charged to all developers based on the type of development (residential vs. commercial) and the number of vehicle trips they generate, in order to fund the TIF Program projects to help maintain the minimum GMP standard citywide.

Further, if annual monitoring reveals a facility that is already **deficient** (fails to meet the minimum GMP standard of LOS “D”), then there is supposed to be a **moratorium** on all development in the corresponding zone until a mobility project that will address the deficiency is identified and has an approved plan, funding, and timeline.

Troubled history of Carlsbad’s vehicle LOS performance standard

Back in 1988, when the GMP was first being implemented, a group of transportation experts developed guidelines for Carlsbad to calculate vehicle LOS. The guidelines were derived from the Highway Capacity Manual (HCM), the gold standard reference for transportation engineers based on decades of research and validation, with additional tuning to Carlsbad’s suburban streets. In 1989, Carlsbad’s “Citizens Committee to Study Growth,” an early predecessor to our committee, reviewed and recommended those guidelines.

Unfortunately, staff ignored the recommendation of the citizens committee and never used the validated vehicle LOS guidelines. Instead, they created their own custom methods that included exaggerated capacities for all of Carlsbad's streets and intersections, and which vastly under-estimated congestion.¹

Consultants included a disclaimer in their first several annual traffic monitoring reports from 1989 into the early 1990s, pointing out the severe limitations of the methods. In 1993-94 and 2000, traffic consultants suggested reducing the exaggerated capacities or using an HCM-based method to get more accurate results. In 2011, I also presented extensive data at public meetings demonstrating the inaccuracy of the methods. In spite of all of this, staff continued to use their inaccurate methods through 2018 when presenting traffic data to the traffic commission and council.

The 2015 General Plan Update (GPU) required a switch to valid vehicle LOS methods based on the HCM, and multiple traffic consultants have now re-confirmed that Carlsbad's old vehicle LOS methods had not reflected reality by under-estimating congestion. After avoiding required vehicle LOS monitoring for a few years, a valid HCM-based method was finally established in 2018 and phased in slowly over the next few years.

Not surprisingly, we went from all street facilities meeting the minimum GMP performance standard (LOS "A" through "D") with the old Carlsbad methods to having 30+ street facilities identified as GMP-deficient (LOS "E" or "F") with the valid method—a reality that drivers see every day during peak hours. These deficiencies actually started accumulating back around 2008 and really started accelerating around 2012.

Funding for street projects and/or alternative strategies to address these emerging deficiencies could have been secured by adding them to the TIF Program. However, the inaccurate LOS methods masked the deficiencies, and there was a failure to regularly update the TIF project list—despite a requirement in the Municipal Code, and despite previous warnings by council that it would unduly burden future taxpayers with the impacts of developments. I will address this topic more in the future.

The staff report for Thursday's meeting claims that the circulation system is meeting the GMP performance standard (page 5), but that is extremely misleading. The only way it is being met is because the City Council has "**exempted**" those 30+ street facilities from having to meet the performance standard as each deficiency is reported to them. The adoption of the exemption process effectively means that **there is no longer any GMP vehicle LOS performance standard**.

Troubled history of the pedestrian, bicycle, and transit LOS standards

The 2015 GPU also introduced a new system to measure LOS for pedestrian, bicycle, and transit travel on streets newly prioritized for those modes—called multimodal level of service (MMLOS). Vehicle LOS tends to degrade over time as growth occurs and vehicle volumes increase, allowing anticipation of the

¹ For those curious and adventurous enough to delve deep into the weeds on this topic, see my 7/9/2019 letter to the City Council at tinyurl.com/yckpt9k9.

need for developers and/or the City to fund improvement projects to increase street/turn lane capacity over time. In contrast, MMLOS is determined from a point system based on **amenities** or **quality** (e.g., sidewalk width, buffers for bike lanes, bus stop benches, safety lighting, etc.)—regardless of whether there are any changes in the numbers of users.

The unintended consequence of this approach is that all pedestrian, bicycle, and transit facility GMP deficiencies across the city will suddenly pop into existence immediately upon the first annual monitoring. And, as the staff report states: “...development cannot be required to pay for existing deficiencies.” Therefore, the city itself would be on the hook to fund all projects to achieve the minimum GMP standards all at once.

I pointed out this fatal flaw in the approach in conversations and letters with staff during the public review period leading up to the 2015 GPU, but I was assured it would work. It did not. It has been over six years since adoption of the GPU that added a requirement for MMLOS monitoring, but no such monitoring has been included in any GMP annual reports. The City even claimed recently that it was never their intent to maintain LOS “D” as part of monitoring, even though that intent seems very clear in the GPU and its public review.

Although there has been no annual city monitoring, preliminary MMLOS point systems have been applied to development applications for the last few years. However, similar to the old vehicle LOS methods, they are largely designed not to fail, and they have been modified multiple times without public review. One example is that the transit LOS point system was modified to award the minimum 60 points necessary to achieve LOS “D” simply based on the City’s adoption of a Transportation Demand Management (TDM) ordinance, even though that ordinance does little to nothing to improve transit conditions. It is simply a workaround to get a passing grade to meet the minimum GMP performance standard.

The outcome of all this is that few pedestrian and transit upgrades have been funded by developers, except a few limited sidewalk gap closures and bus stop benches, and no bicycle upgrades have been funded. Staff also has added that a “nexus” cannot be established for the developments to fund such projects in most cases, but there has been no explanation on how staff makes their nexus determinations or how “proportional funding” is determined.

The Traffic & Mobility Commission has been working with staff on the MMLOS system for the last couple of years, and it might be addressed again at our commission meeting next week, but the outcome is uncertain.