

From: [Planning](#)
To: [Cynthia Vigeland](#)
Subject: FW: Project Number SDP 2023-0014 ----- Save Carlsbad Village Plaza
Date: Monday, June 17, 2024 6:12:32 AM

From: dml718@roadrunner.com <dml718@roadrunner.com>
Sent: Sunday, June 16, 2024 7:11 PM
To: Jason Goff <jason.goff@carlsbadca.gov>; Planning <planning@carlsbadca.gov>; Council Internet Email <council@carlsbadca.gov>
Subject: Project Number SDP 2023-0014 ----- Save Carlsbad Village Plaza

6/16/24

Dear
Carlsbad Planning Commission Members / Mayor / City Council Members,

I
am opposed to the proposed redevelopment of the Carlsbad Village Plaza into a large, mixed-use high-density residential complex. (Project Number SDP 2023-0014)

I
have lived in Carlsbad since 1963 and graduated from Carlsbad High School. I am a long time Carlsbad resident and frequent the stores in the Carlsbad Village Plaza, especially Denaults, the French bakery and Smart and Final.

This
proposed development is NOT in the best interest of Carlsbad and the residents of Carlsbad Village. It will destroy the only grocery store in the village, forcing the residents into more expensive and distant options. It will destroy the only pharmacy in the village, which is important to seniors and residents with limited mobility. The hardware store will go, as will the French bakery, the cleaners, the CRC resale store (which benefits battered women), the laundromat, and other local businesses - many of them family owned and operated. These stores will not return. The retail space will be reduced by 77% and the new space will be much more costly. These stores are an important resource for the village and must stay.

Further,
the traffic analysis submitted for this project is seriously flawed. The project is more than 1/2 mile away from the Carlsbad Village Station transit center. Also, the Vehicle Miles Driven (VMT) is miscalculated. This project will not decrease VMT by ~20,000. Rather, it will INCREASE VMT by ~20,000. As a result, a full CEQA VMT analysis should have been conducted. Traffic on Carlsbad Village Drive is already challenging during business hours, and putting in a high density housing project will make it much worse. What's
more, this development is inconsistent with the vision documented in the Carlsbad Village

and Barrio Master Plan. Specifically, this plan calls for the village to “serve as the historic heart of the city, honoring Carlsbad’s past and creating a strong sense of community” in a way that “encourages preservation of each neighborhood’s character” and “provides for the daily needs of nearby residents.”

Why does the

city want this project which will turn the village into a "mini" Orange County with a look of tall buildings that take away every bit of the charm the Village currently has?

I

understand that progress is inevitable, but this is the wrong project for this location. It will irreversibly alter the character of the Carlsbad Village, the character that I and so many residents wish to preserve.

In

light of these points, I urge you to act in the community’s best interest by rejecting the proposed development of SDP 2023-0014. Please consider the long-term effects such a project would have on the fabric of our community and the daily lives of its residents.

Please

notify me when any public hearings are scheduled regarding this project. Thank you.

Sincerely,

(Mrs) Donna Linehan
2184 Dickinson Drive
Carlsbad, CA 92008

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From: [Olivia Grimes](#)
To: [Planning](#); [Eric Lardy](#)
Cc: [Angela Louise Tiangco](#); [Sonja Trauss](#); [Jack Farrell](#); [Rafa Sonnenfeld](#); [Patrick Tooley](#)
Subject: Please Review by June 19th: YIMBY Law Comment on 945-1065 Carlsbad Village Dr
Date: Monday, June 17, 2024 10:21:21 AM
Attachments: [945-1065 Carlsbad Village Dr - State Density Bonus & HCA - 6 17 2024 - Google Docs.pdf](#)

Hello,

I'm writing in my capacity as an employee of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

YIMBY Law is a 501(c)3 non-profit corporation whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA).

Attached is our comment letter regarding the project at 945-1065 Carlsbad Village Dr, scheduled to be heard before the Planning Commission on Wednesday, June 19th. We ask that you review the letter in advance of the hearing.

Thank you for prompt attention.

Olivia Grimes *she/her*
Legal Associate Intern
707-639-6349



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6/17/2024

Carlsbad Planning Commission
1200 Carlsbad Village Drive.
Carlsbad, CA 92008

planning@carlsbadca.gov
eric.lardy@carlsbadca.gov
Via Email

Re: 945-1065 Carlsbad Village Dr
SDP 2023-0014

Dear Carlsbad Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project at 945-1065 Carlsbad Village Dr is a sustainable mixed-use development with 218 for-rent residential units, 27 of which are affordable to very low-income households. The project meets the affordability requirement for a Density Bonus under state law, entitling the project to seek five concessions related to building height, ground floor square footage, and vehicle access.

Planning Department staff have produced a thorough report stating that the project meets objective design criteria, that “there is no preponderance of evidence that the project would have a specific, adverse impact on public health and safety,” and recommending approval. The Planning Commission is therefore required to approve the project on the basis of relevant state statute. Under California state Density Bonus Law (see California Government Code § 65915(e)) the project is entitled to seek waivers as concessions so long as there are no specific, adverse impacts, upon health, safety, or the physical environment, and there are no feasible methods to satisfactorily mitigate or avoid the specific adverse impacts.

As discussed in the staff report, the Commission is similarly bound by California Gov. Code §65589.5(j)(1) of the Housing Crisis Act, which states that a city cannot disprove a project or compel modifications to lower density as long as the project meets the relevant objective general plan, zoning, and subdivision requirements in effect at the time that the application was deemed complete.

California Government Code § 65589.5, the Housing Accountability Act, also prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. § 65589.5 (j)(3) elaborates that the receipt of a density bonus does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings based on a preponderance of evidence to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as an employee of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state and would be eligible to apply for residency in the proposed housing development project.

Sincerely,

Olivia Grimes

Olivia Grimes
Legal Associate Intern
YIMBY Law

From: [Planning](#)
To: [Jason Goff](#)
Cc: [Cynthia Vigeland](#)
Subject: FW: SDP 2023-0014 (DEV2023-0078) CARLSBAD VILLAGE MIXED USE
Date: Monday, June 17, 2024 12:33:37 PM

-----Original Message-----

From: ronald bruno <ciaobruno@gmail.com>
Sent: Monday, June 17, 2024 11:24 AM
To: Planning <planning@carlsbadca.gov>
Subject: SDP 2023-0014 (DEV2023-0078) CARLSBAD VILLAGE MIXED USE

If you vote to move forward on this plan you are willfully and consciously be degrading the quality of life for all current and future inhabitants of Carlsbad Village west of the freeway. Based on the public response to this proposal you will also be voting against the will of the people. You will, in fact, be voting in your own self interest.

Yes, the region needs more high density housing however, this location is the wrong place for this type of development. Please do the right thing for the majority of Village residents.

Please adhere to your primary mission as city planners and work to improve the quality of life for the majority of the people you serve.

Sincerely,
Ron Bruno
3363 Tyler St. #306

Sent from my iPad

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From: [Planning](#)
To: [Jason Goff](#); [Eric Lardy](#)
Cc: [Cynthia Vigeland](#)
Subject: FW: Request for continuance of CVMU project on 6/19/2024 Planning Commission agenda
Date: Monday, June 17, 2024 12:34:05 PM
Attachments: [2024-06-19 PC Carlsbad Village Mixed Use continuance request - Linke.pdf](#)

-----Original Message-----

From: Steve Linke <splinke@gmail.com>
Sent: Monday, June 17, 2024 11:23 AM
To: Planning <planning@carlsbadca.gov>; Council Internet Email <council@carlsbadca.gov>; Scott Chadwick <Scott.Chadwick@carlsbadca.gov>; Jeff Murphy <Jeff.Murphy@carlsbadca.gov>
Subject: Request for continuance of CVMU project on 6/19/2024 Planning Commission agenda

Please distribute the attached communication to the Planning Commissioners and City Councilmembers and include it as part of the public record for Agenda Item #1 of the 6/19/2024 Planning Commission meeting. This cover email need not be included.

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June 17, 2024

Re: Request to continue 6/19/2024 Planning Commission Public Hearing on Carlsbad Village Mixed Use (CVMU) due to legally deficient public outreach and pending records requests

Dear Planning Commission, City Council, et al.:

City Council Policy 84 requires an elevated level of public review (called “Enhanced Stakeholder Outreach”) on larger development projects, including those with 50 or more residential units or 50,000 or more square feet of habitable space (note that CVMU includes 218 units in ~255,000 square feet). Enhanced Stakeholder Outreach requires “**engaging**” the public on a project—not just “**informing**” them of its existence.

In a February 20, 2024 email, the staff Planner handling CVMU expressed concern that the developer had done nothing to directly engage the public under this policy—only setting up a website with a page to provide comments, and then not responding to or incorporating any of the feedback. The Planner provided an example of another developer’s outreach process, which included multiple in-person and virtual community feedback meetings, meetings with individuals and groups of concerned residents, and door knocking/flyers.

Further, the developer failed to disclose key details about the project in their notices and on their website, including residential square footages and building heights, a description of the review/approval process, and the project timeline/phasing. And staff failed to flag the project as an Enhanced Stakeholder Outreach project and include developer contact information in their online Planning Pending Applications reports. All of these missing details are considered **mandatory** elements of the outreach process by the city’s policy and guidance documents.

After the public became aware of the details of the project based on **citizen**-led outreach, over 2,400 petition signatures and dozens of public comment letters were submitted in opposition, and the council chamber was overflowing at the June 5th Planning Commission meeting.

In addition, I made a request 24 days ago for public records associated with the development review process. On Friday, I received 971 pages of emails, but the email attachments were not included, which can provide additional evidence.

Requested Action: In concurrence with other members of the public, I request a continuance of the June 19th public hearing pursuant to Section III.C of the Planning Commission Meeting Procedures and Rules, on the grounds that the public outreach process did not conform legally

with city policy and guidance, as summarized above and detailed below, and that public records requests must be satisfied. The public needs to be afforded the ability to engage in meaningful interactive meetings with the developer and provided documentation on the review process, in order to assemble evidence necessary for full consideration by the Commission.

DETAILS

Effective March 2018, the City Council strengthened the requirements for public involvement in the review of proposed development projects through [City Council Policy 84](#) (Development Project Public Involvement Policy) and [P-21](#) (Guidance on Development Project Public Involvement). Two of the stated goals of this policy and guidance are to:

- Ensure transparency throughout the development review process
- Assure the Planning Commission and City Council that the public has had the opportunity to provide input before making a decision on a project

Larger projects, including CVMU, are required to conduct "Enhanced Stakeholder Outreach" with the following additional directive:

This process goes beyond informing stakeholders about proposed projects to engaging the public about the specific details of a project. [emphasis exists in original text]

The developer is required by city policy to mail a "Notice of Project Application," and the list of mandatory components includes square footages and building heights. However, the developer's mailed Notice¹ did not include the square footage of the residential component or the maximum heights of the buildings, nor did it include any information on the size of the parking structure. The Notice referred to attached "elevations," which would typically include such information, but only artists' renderings were provided—with no dimensions.

The developer is also required by city policy to post a "Notice of Project Application" sign at the project site, but theirs was placed on what appears to be a temporary construction fence



¹ See pp.89-90 of 276 in the [6/19/2024 Planning Commission staff report](#).

in front of a defunct store (see photo above), and it does not include any information on the number of stories or heights of the buildings, or the square footage of the residential component. Nor does it include any information about the existence of the parking garage, let alone its size. It is unclear how many people going to the shopping center would have seen the sign or understood the scope of the proposed project had they seen it.

In addition, staff is required by city policy to "...regularly update the [Pending Planning Applications report](#) on the city's website with those projects that are subject to Enhanced Stakeholder Outreach, including project contact information so that interested stakeholders may contact the applicant." These monthly reports are supposed to highlight Stakeholder Outreach projects in bold and italicized text. However, from the time the CVMU project was added to these reports in May 2023, it was never flagged as a Stakeholder Outreach project, nor was developer contact information ever provided, as required by city policy.

And similar to the sparse developer's Notice sign, the entry for the CVMU project in the Pending Planning Applications report never included information on the number of stories or heights of the buildings, or the square footage of the residential component. Nor did it include any information about the existence of the parking garage, let alone its size. The entry appeared as follows in the report every month:

CARLSBAD VILLAGE MIXED USE			
SDP2023-0014	05/17/2023	945 CARLSBAD VILLAGE DR	CARLSBAD VILLAGE MIXED USE; DEMO COMMERCIAL BUILDING, CONSTRUCT 218-UNIT MIXED-USE, INCLUDING 27 AFFORDABLE UNITS AND 13,800 SF COMMERCIAL SPACE

With regard to outreach methods, the policy and guidance strongly suggest in-person community meetings near the project site. However, the only thing done by the developer (beyond the above-mentioned Notices) was to create a [very small website](#) with a "Feedback" page. The policy/guidance identifies several mandatory components of the outreach, which includes:

- A description of the review/approval process
- The expected timeframe and/or phasing of project construction

However, neither of these mandatory components was provided on the website. In addition, the website contains the misleading claim that the project is, "Compliant with...Village and Barrio Master Plan," without mentioning that it is being granted five separate waivers that allow it to vary substantially from that plan, including the fact that it will include three five-story buildings with a maximum height of 68 feet with top floors >80% the area of the floor beneath, as opposed to the four-story, 80% maximum in the Village-Barrio Master Plan.

Finally, the developer is required to submit a final outreach report. Consistent with the directive that Enhanced Stakeholder Outreach is supposed to go beyond just "informing" stakeholders to "engaging" with them, the report must include: a summary of issues discussed, what resulted from the discussion, and what commitments or follow-up actions will be taken by the applicant.

However, because all the developer did was put up a small website, there was no opportunity for discussion, and the only reference to “engagement” in the developer's report is the following terse statement about having collected some comments with no further actions²:

As of August 10, 2023, seven (7) comments have been received from members of the public. These comments are included in Appendix B. The general nature of the comments focused on the project’s height.

Planner’s email to City Planner with concerns about lack of outreach, referring to CVMU Project Manager Jonathan Frankel:

From: Jason Goff <Jason.Goff@carlsbadca.gov>
Sent: Tuesday, February 20, 2024 9:23 AM
To: Eric Lardy <Eric.Lardy@carlsbadca.gov>
Cc: Cliff Jones <Cliff.Jones@carlsbadca.gov>
Subject: RE: Carlsbad Village Mixed Use - Enhanced Stakeholder Outreach Report - Due February 21, 2024

Hi Eric,

I have not gotten what I need from Jonathan. I too spoke with Jonathan and told him exactly what I needed. In addition to pointing him to the policy requirements, we also talked about HG Fenton’s report and all that they did for FPC Residential. I told him this was going to be an attachment to both the PC and CC staff reports, that both decision bodies are going to want to know how they addressed any public concerns. Unfortunately, gauging from our phone conversation, I don’t think he and his group did anything. I got the impression that all he did was set up a website directing people to the project and a place to provide comment, but then did nothing to respond to comments or incorporate any public suggestions. He mentioned that they wanted to still set up some community meetings before the hearing.

Sincerely,
Steve Linke
splinke@gmail.com

² See pp.85 of 276 in the [6/19/2024 Planning Commission staff report](#).

From: [Planning](#)
To: [Jason Goff](#)
Cc: [Cynthia Vigeland](#)
Subject: FW: Planning Commission: Continuance Request
Date: Monday, June 17, 2024 12:59:52 PM

From: Enchanted Seashells <enchantedseashells@gmail.com>
Sent: Monday, June 17, 2024 12:58 PM
To: Planning <planning@carlsbadca.gov>
Subject: Planning Commission: Continuance Request

*****Add to public comment

I am formally requesting a continuance of **SDP 2023-0014 (DEV2023-0078) - CARLSBAD VILLAGE MIXED USE** on June 19 for many reasons, including the fact that there has not been adequate due diligence, analysis, and assessment regarding the many negative health, safety, and overall environmental impacts of this project.

Additionally, the developer has not done his due diligence with regard to community and public outreach.

There are significant noise issues, along with the five-story (with 68-foot maximum!!!) heights of the two residential buildings and parking garage.

There are no assurances that residential and commercial will be built concurrently as a vertical mixed use, nor any recourse if the developer defaults on his promise.

It doesn't appear that the Village and Barrio Master Plan has been followed, especially with regard to freeway commercial and as a "Gateway" to Carlsbad.

These are just a few of the many troublesome aspects of the flawed project. It's past time to be transparent and include the community in this process.

Rosanne Bentley

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