

Tammy Cloud-McMinn

From: Planning
Sent: Monday, September 23, 2024 2:24 PM
To: City Clerk
Subject: FW: Village Plaza/5 stories

All Receive - Agenda Item # 7
For the Information of the:
CITY COUNCIL
Date 9/24/24 CA CC
CM ACM DCM (3)

From: lisa mckethan <lisalmckethan@gmail.com>
Sent: Monday, September 23, 2024 2:18 PM
To: Planning <planning@carlsbadca.gov>
Subject: Village Plaza/5 stories

I am writing to express my concern about the 5 story luxury apartments that are planned for the Village Plaza at highway 5 and Carlsbad Village Drive. Please include this email in the project file and in recorded community input. This project is in direct opposition to what is needed in downtown Carlsbad. Workforce housing and affordably priced rentals are sorely lacking in the Village and Barrio. The newly built Lofts apartments, across the street, are not fully rented. One can conclude that similarly high priced apartments will not be fully rented as well.

Additionally, the City has in the last 20 years, carefully planned and approved numerous senior housing projects in V/B that depend on the grocery store, pharmacy, bakery and hardware store.

Developers are using the 'housing crisis' to their advantage as they build more luxury apartments and condos, second homes and vacation rentals. Solving the housing crisis is going to take a multi-faceted approach, not just approving every new project.

Traffic in this area is already unsafe, as anyone who drives here knows.

Councilmembers and Mayor Blackburn please vote no. Do not approve this project.

Respectfully,
Lisa McKethan
District 1 voter

I urge each of you on the City Council to vote no on this project.

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Tammy Cloud-McMinn

From: Steve Linke <splinke@gmail.com>
Sent: Monday, September 23, 2024 2:41 PM
To: City Clerk
Subject: Supplementary comment on VMT for 9/24/2024 Item #7 (CVMU)

City Council:

The Carlsbad Village Mixed Use traffic consultant LLG has submitted a letter rebutting my critique of their original VMT analysis. It should be noted that the OPR representatives with whom I met on 7/25/2024 and the traffic engineer (former Carlsbad City Traffic Engineer) who provided his opinion letter all agree that their methodological approach was flawed. Here are some responses to the central issues only.

"Common sense" tells us the project will increase overall VMT

When thinking about how VMT analysis should be done, first consider common sense. Local-serving retail stores like the current shopping center are VMT-*reducing*, because the more such stores are scattered around, the less distance people have to drive. For the retail portion of the project, nearly 80% of that VMT-reducing retail square footage will be eliminated. So, at best (if there are nearby substitute stores for everything eliminated), there would be no net VMT change. However, current retail customers will have to travel farther, on average, leading to a net increase. And for the residential portion of the project, 218 new apartments full of new residents plus a five-story parking garage full of their vehicles are added, generating all new trips. So, common sense tells us that the both the retail and residential portions of the project will increase VMT.

Faulty methods based on VMT guidance

First, several sections of the guidance require *independent* assessment of the retail and residential portions of mixed-use projects. Second, the guidance indicates that the preferred method to assess the residential portion is the "VMT per capita map." Third, the guidance indicates that, the "net VMT change" method only applies when a project is replacing VMT-*generating* land uses, but the same guidance indicates that local-serving retail is a VMT-*reducing* land use. Fourth, the guidance indicates that, if the "net VMT change" method is used, the analysis must consider the full, areawide impacts of the project.

Instead, the analysis *combined* the residential and retail portions, and then used the "net VMT change" approach on this combination with local retail considered VMT-*generating*. Finally--and worst of all--the analysis **subtracted** a massive amount of existing mileage (~46,000 daily miles) with a claim that all of the substitute stores will become responsible for those miles, even though there is no way to make the other stores accountable, and it is the current project that is creating the areawide increase in VMT. This is not consistent with either the "letter" of the VMT guidance, or the "spirit" of reducing overall VMT to 85% of current levels. Projects like this would just make massive amounts of VMT disappear "on paper," but all of those miles will still exist in real-life.

"One-half mile distance to transit" screen

When the city measures one-half-mile distances to transit for local mobility analyses, they use a

reasonable approach of measuring walking distance from the project access driveway to the transit boarding area. In their original analysis, LLG included a map that does just that. However, the distance is misleadingly labeled as 2,500 feet, which is conveniently just under one-half mile, when it is actually about 2,910 feet. You can use various mapping tools, like Google Maps to verify that yourself.

LLG now cites state guidance that suggests the measurement could be a "straight line"--no matter how far the walking distance. To the best of my knowledge, the reasonableness of that guidance has not been tested legally. That said, I will stipulate that the parking lot of the train station and the retail lot of the development are within one-half mile of each other when measured as a straight line. But, for consistency, there should be strict adherence to state guidance in all other areas, as well.

"High levels of parking" exception to transit screen

The VMT guidance is clear that, even if a project is within one-half mile of transit, it does not qualify for the transit screen, if it includes "more parking for use by residents, customer, or employees of the project than required by the jurisdiction." The Carlsbad Municipal Code requires this project to include 110 residential parking spaces, and the Village Barrio Master Plan (VBMP), which does not technically apply, requires 276 spaces, but the project includes 284 spaces. And the city requires 48 spaces for the retail component, but the project includes 56 spaces. So, the project is providing more spaces than required by the city for both the residential and retail components.

Staff previously argued that, if all of the handicap and electric vehicle spaces were subtracted from the calculation, the project would have less than at least the VBMP requirement. Now, LLG is arguing that 513 spaces would have been required in other areas of Carlsbad, and that that standard should be applied to this project. This is all hand-waving nonsense.

Best regards,
Steve Linke
Carlsbad, CA

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Tammy Cloud-McMinn

From: mariahgrayce Christenson <mariahgrayce@gmail.com>
Sent: Monday, September 23, 2024 4:10 PM
To: City Clerk; Keith Blackburn; Melanie Burkholder; Carolyn Luna; Priya Bhat-Patel; Teresa Acosta
Subject: Save the Carlsbad Village Plaza

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)

My family moved to Carlsbad in 1995. I graduated from Carlsbad high school in 1997 and I currently live on Donna drive and have two students enrolled at CHS. We frequent this plaza almost daily. Smart and Final, Denaults, the French Bakery and on the weekends El Puerto for street tacos to name a few of these establishments.

I am upset and disappointed that our City's planning process does not give its citizens adequate time to identify issues and register an appeal against key decisions, even if those decisions are based on significantly flawed information.

I understand that state housing laws restrict your ability to deny this project. However, you still have the ability to make changes to it. I ask you to join me in opposing this project for the following reasons.

- **Irreversible loss of essential services.** The Plaza includes an affordable grocery store, a hardware store, a pharmacy, multiple restaurants/cafes, a cleaners, discount stores, and other businesses. Once these are gone, they won't be coming back.
- **Creates hardship for vulnerable residents.** The demolition of the Plaza will create hardship for nearby residents, including the estimated 3,500 seniors and other fixed-income residents in the Village/Barrio area. Many do not drive and rely on local shopping. The removal of the grocery store will create a food desert: "an urban area in which it is difficult to buy affordable or good-quality fresh food."

We are asking you to join us in the fight to save our village from an other un occupied high rise.

Actions you have the power to take include :

- **Inadequate notification.** Public outreach was minimal, and many of the City's own requirements were not met (e.g., disclosure of square footage, maximum height, the review/approval process, and timelines). Despite these deficiencies, city staff approved the outreach, and now thousands of people who were not made aware of the project have signed petitions, submitted public comment letters, and overflowed the council chambers at three consecutive Planning Commission meetings. Clearly the outreach failed.
- **combine the site into one parcel.** The site application proposes dividing the lot into two parcels, one for the residential units and one for the commercial retail. However, there is nothing stopping the developer from turning the commercial parcel into more residential units once the original project is approved. The Planning Department will issue a Notice of Restriction to prevent this from happening, but this restriction can be easily waived later. This is not good enough - combine the parcels now!
- **Remove the CEQA exemption power of the City Planner.** This is what got us into this mess in the first place. For large, complex projects of this type, the decision to exempt CEQA requirements should be made by the Planning Commission at a public hearing.

I understand that progress is inevitable, but this is the wrong project for this location. It will have a negative and irreversible impact on the character of the Carlsbad Village. Consider the long-term effects such a project will have on the daily lives of our residents, especially the undue hardship to the many seniors trying to age in place with dignity as well as those with limited mobility. In light of these points, I urge you to act in the best interest of the community and oppose or at least limit this proposed development.

Mariah Christenson
760.420.2589

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Tammy Cloud-McMinn

From: Council Internet Email
Sent: Monday, September 23, 2024 4:35 PM
To: City Clerk
Subject: FW: Carlsbad Village Plaza

From: J Cannon <blancofelis@earthlink.net>
Sent: Monday, September 23, 2024 3:25 PM
To: Council Internet Email <council@carlsbadca.gov>
Subject: Carlsbad Village Plaza

Greetings Council and Mayor—

By now you have heard from several community members who have spent long hours researching the wrongness of Tooley Interests LLC's plans for the demolition of Carlsbad Village Plaza in the Village/Barrio district.

They have presented to you numerous solid reasons why this project is a really bad idea, with possible better alternatives.

Here are some of my own observations on this project:

Patrick Tooley is abusing today's laws that favor developers under the guise of solving the "Housing Crisis."

He is gaming the system (supposedly intended to increase the construction of actual affordable housing) by designating 22 units as "affordable" in order to be able to build as 218 units in his apartment complex design, ***far beyond Carlsbad's planned density limits.***

Tooley is a speculator from Santa Monica who does not care about Carlsbad.

I believe he will flip his planned apartment complex to profit as much as possible from his 23.5 million dollar investment.

He will leave us with a cheaply built, 218-unit apartment complex and towering cement parking garage managed by who-knows-who, right next door to our lovely Windsor Pointe.

Tooley subdivided the 4.12-acre plot into two lots. Based on his record of gaming the system and cutting his costs, I will put money on him building the apartments, and bailing on the "mixed use" part of the deal. These proposed retail sites will have very little parking, and will have a stressful entry/exit route on CVD, limiting their desirability to potential retail businesses.

Tooley Interests LLC operates right at the edge of legal.

At every turn in their dealings with Carlsbad, TI LCC has been flying under the radar of community scrutiny

and EIR requirements **because TI LCC knows this project is very negative for the community.**

(and why is TI LCC getting so much help from City staff?)

Across the street from Carlsbad Village Plaza—our Village’s main retail center—are *hundreds* of apartment units already built, or in various stages of development. Won’t these many hundreds of new renters need a nearby grocery/hardware/pharmacy/bakery/restaurant/thrift store/cool dive bar???

Please walk the Carlsbad Village Plaza site and see for yourself. Look at Tooley’s current rendering of this apartment complex, and judge for yourself where in the heck it will all fit. Hint: *there isn’t going to be a pool.*

The City needs retail more than housing on this site.

Can’t Tooley just spiff the place up?
Or sell to a retail business buyer?

At the least, Tooley must be held to honor his promises by the City blocking his numerous bait-and-switch opportunities with very specific requirements such as building the commercial buildings *while* building the apartments.

We are now in a new era where the legal chess game has been pushed by developers’ lobbyists to benefit the developers’ industry, and new strategies are needed to protect Carlsbad from being a poorly planned, car-centric extension of Orange County.

Bottom line--if anyone with a fistful of dollars can walk into our (or any CA) town and willfully ignore DECADES of community planning for a **walkable, friendly, small town feel** (remember that?) **why do we even have a Planning Commission, a Planning Department, or a City Council?...if these entities have no power to envision/enact/maintain the vision that our community has made so clear for so long?**

Respectfully,
Janell Cannon

PS: I believe other developers are watching to see what Tooley Interests LLC can get away with. If projects like this succeed, others will soon follow.

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Tammy Cloud-McMinn

From: Council Internet Email
Sent: Monday, September 23, 2024 4:35 PM
To: City Clerk
Subject: FW: Carlsbad Village Plaza

From: Lola's Deli <lolas7updeli@gmail.com>
Sent: Monday, September 23, 2024 3:38 PM
To: Council Internet Email <council@carlsbadca.gov>
Subject: Carlsbad Village Plaza

Dear Council,

We urge you to take immediate action to protect Carlsbad's residents from the loss of vital community resources, including Smart & Final, the pharmacy, the laundromat, the hardware store, and other local shops. These establishments serve our Senior Citizen community, who will be disproportionately affected by their closure.

The potential lot split raises concerns about whether the developer will prioritize retail space, which is essential for maintaining local commerce. Our restaurants and businesses may be forced to source supplies outside of Carlsbad, resulting in lost tax revenue for our city.

Additionally, traffic on Elm Avenue (Carlsbad Village Drive) is already problematic, and with further developments, the situation is likely to worsen, posing health and safety risks to our community.

This is your opportunity to protect our Village and leave a positive legacy for future generations. We ask you to consider the long-term impact of these changes on our residents and local businesses.

Thank you for your attention to this critical issue.

Sincerely,

Lola's 7up Deli

Connie Trejo, Henry Trejo Jr, DeeDee Trejo-Rowlett, Socorro Jauregui

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Tammy Cloud-McMinn

From: Socorro Anderson <kora@twc.com>
Sent: Monday, September 23, 2024 6:51 PM
To: City Clerk
Subject: Agenda item #7

Agenda Item #7
Carlsbad Village Mix Use Project

City of Carlsbad
Mayor Blackburn And City Councilmembers

I am representing the "working poor" of our community, those who service our Restaurants, Hotels and Yard Maintenance, they are employed but earning minimum wages. These residents live in the Barrio and Village area, rents have increased by \$150 to \$200/per month. Rising rents have disproportionately affected low-income residents households spending more than half of their income on-gross rent.

Restaurants, Hotels are vital for city revenue, the city will lose its workforce; our families in our community need affordable housing and stay housed. There main concern is not a grocery store or change to the village but how to continue living and working in Carlsbad.

I have attended all Planning Commision meetings reference this project, this project is consistent with Local and State Laws. This project has my support.

Socorro Anderson
Director of Community Services
Fr. Raymond Moore Hall
3256 Madison Street
Carlsbad, CA 92008

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Tammy Cloud-McMinn

From: Karyn Thielen <karynthielen@hotmail.com>
Sent: Monday, September 23, 2024 8:02 PM
To: City Clerk; Keith Blackburn; Melanie Burkholder; Carolyn Luna; Priya Bhat-Patel; Teresa Acosta
Subject: Please Save our mall Carlsbad village mall

Please help to save our mall.

We don't want more apartments. We want to shop at the French pastry shop

And go to smart and final please help save this mall!!!

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 shop at the mall often it would be so sad to destroy this mall I have gone to for over 30 years!!!

I am upset and disappointed that our City's planning process does not give its citizens adequate time to identify issues and register an appeal against key decisions, even if those decisions are based on significantly flawed information.

I understand that state housing laws restrict your ability to deny this project. However, you still have the ability to make changes to it. I ask you to join me in opposing this project for the following reasons.

- **Irreversible loss of essential services.** The Plaza includes an affordable grocery store, a hardware store, a pharmacy, multiple restaurants/cafes, a cleaners, discount stores, and other businesses. Once these are gone, they won't be coming back.
- **Creates hardship for vulnerable residents.** The demolition of the Plaza will create hardship for nearby residents, including the estimated 3,500 seniors and other fixed-income residents in the Village/Barrio area. Many do not drive and rely on local shopping. The removal of the grocery store will create a food desert: "an urban area in which it is difficult to buy affordable or good-quality fresh food."
- **More traffic congestion on Carlsbad Village Drive and side streets.** The project will lead to a huge increase in "vehicle miles traveled" (VMT) for two reasons: 1) current shopping center customers will need to drive further for the same services and 2) the project will add 218 new residences in a highly concentrated space. This additional traffic will further clog area streets and add to greenhouse gas emissions, creating negative environmental impacts.
- **Inadequate notification.** Public outreach was minimal, and many of the City's own requirements were not met (e.g., disclosure of square footage, maximum height, the review/approval process, and timelines). Despite these deficiencies, city staff approved the outreach, and now thousands of people who were not made aware of the project have signed petitions, submitted public comment letters, and overflowed the council chambers at three consecutive Planning Commission meetings. Clearly the outreach failed.
- **No time for the public to react.** The public is given only a 10 day appeal period for many of the key decisions related to this project. Due to the heavy handed state housing laws, the public has no legal recourse if an appeal is not lodged within this ridiculously short appeal period.
- **Loss of decision-making authority.** By the time projects like this reach the decision-making bodies (Planning Commission or City Council), city staff have waived public outreach, exempted environment impact reporting requirements, and made all of the key decisions related to approval.

This is inherently unfair. We ask thr City Council members to join our fight. Here are some things you can do:

- **Send the project back for additional public review.** Do a proper public outreach that gives all affected residents an opportunity to learn more about the project and provide feedback.
- **Send the traffic study (aka VMT Analysis) back for rework.** Demand that the study includes a realistic assessment of the added mileage created by Plaza customers who will have to drive

further for similar services. The faulty assessment is a key reason why a full environmental impact report was not required.

- **Eliminate the need for a 5-story height waiver.** The site has plenty of room to accommodate the apartment buildings without exceeding the City's 4-story height limit. Options include residential over retail and underground parking. Don't pollute our skyline!
- **Be consistent with transit-oriented development.** This project was approved in part because it's considered transit-oriented. Reduce or eliminate the massive parking garage. Encourage alternative modes of transportation, such as car-sharing and free transit passes to the residents. Eliminate exclusive parking for residents.
- **Combine the site into one parcel.** The site application proposes dividing the lot into two parcels, one for the residential units and one for the commercial retail. However, there is nothing stopping the developer from turning the commercial parcel into more residential units once the original project is approved. The Planning Department will issue a Notice of Restriction to prevent this from happening, but this restriction can be easily waived later. This is not good enough - combine the parcels now!
- **Remove the CEQA exemption power of the City Planner.** This is what got us into this mess in the first place. For large, complex projects of this type, the decision to exempt CEQA requirements should be made by the Planning Commission at a public hearing.
- **Update VMT Analysis Guidelines.** The current guidelines are ambiguous and incomplete, allowing blatantly incorrect calculations to be approved.
- **No bait and switch.** Scrutinize the policy that allows staff to approve up to 100% project changes after approval.

Please help us!!!!

I understand that progress is inevitable, but this is the wrong project for this location. It will have a negative and irreversible impact on the character of the Carlsbad Village. Consider the long-term effects such a project will have on the daily lives of our residents, especially the undue hardship to the many seniors trying to age in place with dignity as well as those with limited mobility.

In light of these points, I urge you to act in the best interest of the community and oppose or at least limit this proposed development.

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

Sincerely,

Karyn Thielen

2896 Woodridge circle

Carlsbad ca

92008

619-917-9247

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Tammy Cloud-McMinn

From: Council Internet Email
Sent: Tuesday, September 24, 2024 8:10 AM
To: City Clerk
Subject: FW: Poinsettia Plaza

From: Brian McInerny <beyondthemack@yahoo.com>
Sent: Monday, September 23, 2024 7:14 PM
To: Council Internet Email <council@carlsbadca.gov>
Subject: Poinsettia Plaza

Dear Council, I am astonished that some folks feel it would be a good idea to allow this project to go forward as planned. The "housing crisis" claim that seems to echo before every new and impractical development that comes along is so disingenuous. What would you have Carlsbad become? A mirror image of the sad state of Orange County? Another city sold out to the highest bidder? So the new state laws that allow projects to side step CEQA at the expense of good common sense need to be litigated by the communities that are being negatively affected. The renamed "Carlsbad Village Drive" formerly Elm Street cannot possibly handle the additional traffic that 200 residences will add to the already overtaxed street. One entrance on Oak and one on Carlsbad Village Drive. How will the residents escape in an emergency? Now that everything that once made Carlsbad a village is gone it is only fitting that the city fathers have changed the name of Elm street to better reflect what the city no longer is. I expect a whole lot more from you as elected representatives of the people of Carlsbad. Carlsbad has been allowed to become the antithesis of a village. Brian G. McInerny

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Tammy Cloud-McMinn

From: Council Internet Email
Sent: Tuesday, September 24, 2024 8:10 AM
To: City Clerk
Subject: FW: Carlsbad Village Plaza project new ideas exciting

From: wana43@aol.com <wana43@aol.com>
Sent: Tuesday, September 24, 2024 6:51 AM
To: Council Internet Email <council@carlsbadca.gov>
Subject: Carlsbad Village Plaza project new ideas exciting

I am against the proposal as presented. by now, you have all heard resident comments and planning commissions comments on the current proposal from the developer. If implemented as planned, we will lose many services that benefit the immediate local community. However, a project in LA has come to life that could certainly be done here. A large food store in this case Costco is being built in the bottom floor of a large apartment building. it has been all over the news in various outlets and it bears looking into in our village. Please take a moment to research this and send the project back to the city planners that they may work with the developer to include this new idea. Also, I don't think the lot split as proposed is legal. Thank you for your time and thank you for your work

Alan Wanamaker
2399 Jefferson St., Carlsbad

Sent from the all new AOL app for iOS

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Tammy Cloud-McMinn

From: bcpawz@gmail.com
Sent: Monday, September 23, 2024 6:50 PM
To: City Clerk; Council Internet Email; Keith Blackburn; Priya Bhat-Patel; Melanie Burkholder; Carolyn Luna; Teresa Acosta
Subject: Save Village Plaza

Stop letting developers ruin our Village!!!!

It's called Carlsbad Village and by allowing all these new soulless condos with retail on the bottom floor you are ruin our Village Identity.

And, if you look at all the condos with retail that you have allowed, no retail is surviving in bottom floors because nobody wants to go to them.

The citizens took a survey a few years back with what we wanted our town to be and what style of buildings and it's like you guys didn't even listen. More and more cookie cutter condos with no character keep popping up. This is not what we said we wanted!!!!

The Village is our niche and why tourists love coming here. A bunch of ugly condos will make them look elsewhere.

Sent from Yahoo Mail for iPhone

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Tammy Cloud-McMinn

From: Teresa Acosta
Sent: Tuesday, September 24, 2024 9:03 AM
To: City Clerk
Subject: FW: Carlsbad Village Plaza

From: Carlsbad Village Pharmacy <carlsbadvillagerx@gmail.com>
Sent: Tuesday, September 24, 2024 8:58 AM
To: Teresa Acosta <teresa.acosta@carlsbadca.gov>
Subject: Carlsbad Village Plaza

Teresa,

Ahead of today's city council meeting, where I believe you intend to vote on the Carlsbad Village Plaza project, I would like to remind you as a concerned citizen and business owner, that this project is not right for Carlsbad's Village. This project will create more traffic congestion than already exists in the village, will increase the miles traveled for necessities, will make it difficult for our older population to shop for groceries, but most alarming is the potential for severely limiting seniors access to prescription drugs. So when you cast your vote today, I encourage you to consider how your vote may impact all the citizens you represent.

-Adam Morisoli, PharmD

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1005 Carlsbad Village Dr.
#D2
Carlsbad, CA 92008
Phone:(760)729-2405
Fax:(760)729-1340

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