

Tammy Cloud-McMinn

From: Steve Linke <splinke@gmail.com>
Sent: Sunday, November 10, 2024 10:08 AM
To: Keith Blackburn; Priya Bhat-Patel; Teresa Acosta; Melanie Burkholder; Carolyn Luna; City Clerk
Subject: Project Public Involvement (Policy 84) amendments (11/12/2024 Item #11)
Attachments: 2024-11-12 CC Policy 84 amendments - Linke comment.pdf

See the attached public comment PDF.

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

November 10, 2024

Re: Project Public Involvement (Policy 84) amendments (11/12/2024 Item #11)

City Council and Staff:

Thanks again to council for agendizing an expedited update to Policy 84, and thanks to staff for their excellent work on the amendments, which address many of the deficiencies detailed in Equitable Land Use Alliance (ELUA)'s 10/8/2024 letter. Please consider the following additional changes and inquiries.

Enhanced Public Engagement > Applicability. For non-residential projects, the threshold for enhanced engagement is set at 50,000 square feet, which seems high for some contexts. For example, it may be appropriate not to require enhanced engagement for a single 40,000 square-foot warehouse in a business park. However, if the 40,000 square feet is a strip mall comprised of ten 2,000 square-foot stores plus a 20,000 sq-ft anchor store, enhanced engagement would seem appropriate.

Thus, the threshold should be reduced, for example to 20,000 square feet, and/or inclusions made based on likely neighborhood impacts (e.g., mixed-use areas), and language should be added to allow staff discretion to require enhanced engagement below the 50,000 square-foot threshold when appropriate.

Notice > Content > Proposed uses > Total number of dwelling units. Add: “...whether the units are intended for lease/rent or sale; and, if the total number is higher than the city maximum based on state density bonus laws, provide the theoretical city maximum for comparison purposes.” This data is routinely provided in staff reports and should be provided to the public in advance as part of a transparent review process.

Notice > Recipients. The currently proposed language is: "All property owners and occupants located within a 600-foot radius of the project, measured from the property line of the project site." To reduce the ambiguity of the phrase "the property line," change it to "bounding property lines" (or equivalent).

Notification Sign – Content & Installation > Location. Staff's proposed revisions are a positive step (freestanding, clearly visible from street at the most highly trafficked portion of property, and a sign on each street frontage). However, for projects like Carlsbad Village Mixed Use, where customers drive past the street frontage into a parking lot, a different location(s) may be superior. Accordingly, please add something like: "Review proposed location(s) with staff to confirm acceptability."

Public Outreach Meeting introduction. The amended version adds an in-person meeting requirement: "Project applicants shall conduct at least one in-person public outreach meeting with the community..." However, two meetings are preferable, in case individuals have a timing conflict for the single meeting.

If two meetings are considered an unreasonable burden for medium-sized projects, add something like: "Project applicants for projects with 50 or more residential units, or 20,000 square feet or more of habitable commercial space, or other characteristics at the discretion of staff, shall conduct at least two in-person public outreach meeting with the community (or at least one in-person and at least one virtual meeting)."

Public Outreach Meeting. To bolster the reporting requirement described later in the policy, add the following bullet point: "Summarize verbal and collect written feedback for inclusion in the Enhanced Public Engagement Report."

Project Changes. The current language includes triggers for the need to conduct supplemental public engagement when significant changes are made to a project, including: "Change in 20 percent or more of unit numbers or square feet of non-residential." This percentage may make sense for smaller projects but would require much bigger changes to larger projects to trigger additional outreach.

Change to: "For residential units, change of 20 percent or 10 or more units (whichever is smaller). For non-residential, change of 20 percent or 10,000 or more square feet (whichever is smaller). For parking, change of 20 percent or 10 or more spaces (whichever is smaller)."

Also, add the following bullet points as additional triggers for the need for supplemental public engagement:

- Any new deviation of city adopted development standards (e.g., height limit)
- Significant change to any major project feature or amenity
- Any change in intended purpose or building demolition

SB 35 projects: Policy 84 states: "The provisions of this policy shall not apply to permit applications for streamlined approval pursuant to SB35 (Gov. Code 65913.4)." It would be useful to know the likelihood that such projects will be submitted, and whether any public engagement requirements can be imposed on them (90-day vs. 180-day review requirement).

City Disclosure of Projects

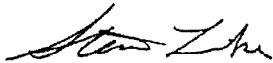
The currently proposed Policy 84 amendment does not include any guidance on what must be made available on the city website. There is currently a Pending Planning Applications webpage, which contains links to the monthly spreadsheet in PDF format with minimal information on all

pending projects. There is also a webpage (awkwardly) labeled Agendas, Minutes & Notices/Planning Commission (Planning Notices webpage), which includes links to documents for some individual projects like CEQA Determinations of Exemption, Notices of Exemption Filed with County Clerk, some CEQA documents, and other notices.

Ideally, there would be a more organized “dashboard” (similar to the city’s Capital Projects Dashboard) with a list of pending “enhanced public engagement” projects and links to key project documents like the initial Applications, the Mailed Notices, and the Enhanced Public Engagement Reports, as well as the environmental documents described above on the current Planning Notices webpage.

At a minimum, the Mailed Notices and Public Engagement Reports should be posted to the Planning Notices webpage when they become available, and there should be options in the City's Constant Contact newsletter/notification mailing list to be notified when any of these notices or reports is posted.

Sincerely,



Carlsbad, CA

Email: splinke@gmail.com

Tammy Cloud-McMinn

From: Martin Danner <martin@equitablelanduse.org>
Sent: Monday, November 11, 2024 12:14 PM
To: Keith Blackburn; Melanie Burkholder; Carolyn Luna; Priya Bhat-Patel; Teresa Acosta
Cc: City Clerk; Jeff Murphy; Council Internet Email
Subject: Comment re City Council Agenda item 11, 11/12/2024, Project Public Involvement (Policy 84) amendments
Attachments: 2024-11-12-CC-Policy-84-amendments-Linke-comment.pdf

Dear City Council and Staff:

As President of the Equitable Land Use Alliance, I wholly endorse the attached letter from Steve Linke regarding the proposed amendments to the Development Project Public Involvement Policy (Policy 84).

Although Steve sent his letter to you separately, it is also attached to this email for your reference.

Many thanks to Jeff Murphy and his team for preparing the Amendment Options to City Council for this policy in such a short timeframe. The amendment options listed are a major improvement. However, we ask the City Council to direct the staff to update the recommended options based on the feedback provided in Steve's letter. His suggested changes both strengthen and clarify the policy.

It is vitally important that the citizens of Carlsbad be given a fair opportunity to express their opinions on development projects, which have a significant and long lasting impact on our community. Thank you for considering our request.

Sincerely,

Martin Danner
President
Equitable Land Use Alliance
300 Carlsbad Village Drive, PMB 108A-79
Carlsbad, CA 92008

Equitable Land Use Alliance is a 501(c)(4) public benefit corporation

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

November 10, 2024

Re: Project Public Involvement (Policy 84) amendments (11/12/2024 Item #11)

City Council and Staff:

Thanks again to council for agendizing an expedited update to Policy 84, and thanks to staff for their excellent work on the amendments, which address many of the deficiencies detailed in Equitable Land Use Alliance (ELUA)'s 10/8/2024 letter. Please consider the following additional changes and inquiries.

Enhanced Public Engagement > Applicability. For non-residential projects, the threshold for enhanced engagement is set at 50,000 square feet, which seems high for some contexts. For example, it may be appropriate not to require enhanced engagement for a single 40,000 square-foot warehouse in a business park. However, if the 40,000 square feet is a strip mall comprised of ten 2,000 square-foot stores plus a 20,000 sq-ft anchor store, enhanced engagement would seem appropriate.

Thus, the threshold should be reduced, for example to 20,000 square feet, and/or inclusions made based on likely neighborhood impacts (e.g., mixed-use areas), and language should be added to allow staff discretion to require enhanced engagement below the 50,000 square-foot threshold when appropriate.

Notice > Content > Proposed uses > Total number of dwelling units. Add: "...whether the units are intended for lease/rent or sale; and, if the total number is higher than the city maximum based on state density bonus laws, provide the theoretical city maximum for comparison purposes." This data is routinely provided in staff reports and should be provided to the public in advance as part of a transparent review process.

Notice > Recipients. The currently proposed language is: "All property owners and occupants located within a 600-foot radius of the project, measured from the property line of the project site." To reduce the ambiguity of the phrase "the property line," change it to "bounding property lines" (or equivalent).

Notification Sign – Content & Installation > Location. Staff's proposed revisions are a positive step (freestanding, clearly visible from street at the most highly trafficked portion of property, and a sign on each street frontage). However, for projects like Carlsbad Village Mixed Use, where customers drive past the street frontage into a parking lot, a different location(s) may be superior. Accordingly, please add something like: "Review proposed location(s) with staff to confirm acceptability."

Public Outreach Meeting introduction. The amended version adds an in-person meeting requirement: “Project applicants shall conduct at least one in-person public outreach meeting with the community...” However, two meetings are preferable, in case individuals have a timing conflict for the single meeting.

If two meetings are considered an unreasonable burden for medium-sized projects, add something like: “Project applicants for projects with 50 or more residential units, or 20,000 square feet or more of habitable commercial space, or other characteristics at the discretion of staff, shall conduct at least two in-person public outreach meeting with the community (or at least one in-person and at least one virtual meeting).”

Public Outreach Meeting. To bolster the reporting requirement described later in the policy, add the following bullet point: “Summarize verbal and collect written feedback for inclusion in the Enhanced Public Engagement Report.”

Project Changes. The current language includes triggers for the need to conduct supplemental public engagement when significant changes are made to a project, including: “Change in 20 percent or more of unit numbers or square feet of non-residential.” This percentage may make sense for smaller projects but would require much bigger changes to larger projects to trigger additional outreach.

Change to: “For residential units, change of 20 percent or 10 or more units (whichever is smaller). For non-residential, change of 20 percent or 10,000 or more square feet (whichever is smaller). For parking, change of 20 percent or 10 or more spaces (whichever is smaller).”

Also, add the following bullet points as additional triggers for the need for supplemental public engagement:

- Any new deviation of city adopted development standards (e.g., height limit)
- Significant change to any major project feature or amenity
- Any change in intended purpose or building demolition

SB 35 projects: Policy 84 states: “The provisions of this policy shall not apply to permit applications for streamlined approval pursuant to SB35 (Gov. Code 65913.4).” It would be useful to know the likelihood that such projects will be submitted, and whether any public engagement requirements can be imposed on them (90-day vs. 180-day review requirement).

City Disclosure of Projects

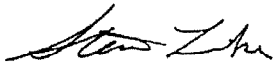
The currently proposed Policy 84 amendment does not include any guidance on what must be made available on the city website. There is currently a Pending Planning Applications webpage, which contains links to the monthly spreadsheet in PDF format with minimal information on all

pending projects. There is also a webpage (awkwardly) labeled Agendas, Minutes & Notices/Planning Commission (Planning Notices webpage), which includes links to documents for some individual projects like CEQA Determinations of Exemption, Notices of Exemption Filed with County Clerk, some CEQA documents, and other notices.

Ideally, there would be a more organized “dashboard” (similar to the city’s Capital Projects Dashboard) with a list of pending “enhanced public engagement” projects and links to key project documents like the initial Applications, the Mailed Notices, and the Enhanced Public Engagement Reports, as well as the environmental documents described above on the current Planning Notices webpage.

At a minimum, the Mailed Notices and Public Engagement Reports should be posted to the Planning Notices webpage when they become available, and there should be options in the City's Constant Contact newsletter/notification mailing list to be notified when any of these notices or reports is posted.

Sincerely,



Carlsbad, CA

Email: splinke@gmail.com