

Appendix A: Community Engagement Summary

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below.

The City of Encinitas 5th Cycle Housing Element Update was completed and certified by HCD in October 2019. As part of the 5th Cycle Housing Element Update process, the City conducted extensive public outreach activities beginning in 2014 to complete the 5th Cycle 2013-2021 Housing Element. Much of the information collected during these outreach activities are valid and applicable to the 6th Cycle Housing Element Update. These recent outreach efforts included presentations, City Council and Planning Commission Study Sessions, numerous meetings with a Housing Element AdHoc Committee, Community Workshops, digital media, numerous mailers and ads and noticed Public Hearings. Project materials, including summaries from community workshops and public meetings, notices, and draft public review documents are available on the City's website: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>

As part of the 6th Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community. All of the community outreach activities are advertised through the City Manager's newsletter which has 1,347 subscribed, the Housing Element Interested Party List with 806 subscribed, and through the NextDoor Application which reaches over 31,000. The City also sends updates through Facebook which has 16,073 followers. The City also posts a public notice at City Hall and in the local paper for every workshop and public meeting held to discuss the Housing Element. Outreach activities include the following actions:

- **Community Workshop#1** – The city conducted a community workshop on November 18, 2019 at City Hall that was advertised via email to all interested parties and through the weekly City Manager's newsletter as well as a Public Notice circulated in the Coast News. The workshop had over 40 participants. At the workshop, participants were provided an overview of the planning process, the City's RHNA obligations and engaged in an interactive exercise to identify local housing issues and potential solutions.

The first workshop was also recorded and provided on the City's website to allow additional opportunities to participate. The City provided an online feedback form with the identical information provided at the workshop. A summary of input received and the questions and responses are available on the project webpage in Spanish and English.

- **Community Workshop #2** – A second Community Workshop was conducted on February 10, 2020 at the Encinitas Community Center. The City sent a mailer advertising the availability of a preliminary draft of the Housing Element and the Meeting date to 30,396 property owners and residents of the City. In addition, the workshop date and document availability was sent via email to all interested parties and through the weekly City Manager's newsletter. The workshop had over 55 participants. At the meeting the consultant presented on the City's progress in preparing the 2021-2029 Housing Update (6th Cycle), the application of recent housing-related state law, and additional information

relating to policies and programs proposed to be included within the 6th Cycle Housing Element. Following the presentation, the attendees were asked to participate in focused discussions on accessory dwelling units, development of housing for all income levels, governmental and non-governmental constraints, and fair housing issues and challenges. The City provided the presentation and summary of input received (Spanish and English) on the project webpage. City staff did receive a call from a resident that was not able to physically attend and requested the preliminary draft to be mailed which was sent.

- **Joint City Council/Planning Commission Work session** – A work session was held on December 11, 2019 before the City Council and Planning Commission. This publicly noticed meeting discussed the 6th Cycle Update process and allowed the City’s decision-makers to review data, receive public comment and provided direction to staff on content and policy of the Housing Element.
- **City Council Study Session** – A virtual study session was held on November 16, 2020 before the City Council. This publicly noticed meeting discussed the status of the Sixth Cycle Update and allowed the City’s decision-makers and the public to review the HCD’s comments and proposed responses, receive public comment, and provide direction to staff on the draft modifications to the Programs contained in the Housing Element.
- **City Council/Planning Commission Study Session** – A virtual study session was held on February 16, 2021 before the City Council and Planning Commission. This publicly noticed meeting discussed the status of the Sixth Cycle Update and allowed the City’s decision-makers and the public to review the HCD’s comments and proposed responses, receive public comment, and provide direction to staff on the draft modifications to the Programs contained in the Housing Element.
- **Affordable and Fair Housing Questionnaire** – From May 18 through June 8, 2020, the City of Encinitas released a questionnaire to obtain additional feedback about incentives, programs, and actions to encourage development of affordable housing; common barriers to obtaining housing; fair housing issues or challenges the City’s Housing Element should address; and challenges to building community awareness about fair housing. The availability of the questionnaire was sent via email to all interested parties registered for updates and through the City Manager’s weekly newsletter and on the Housing Element Interested Parties List. In addition, the questionnaire was sent to representatives from the City’s school districts and Mira Costa College to circulate to their faculty, parents, and students. It was also sent all property owners and managers of affordable housing units in Encinitas. The questionnaire has received 53 responses.
- **Affordable and Fair Housing Questionnaire II** – In December 2020, the City of Encinitas released a second questionnaire to obtain additional information about housing constraints, programs, and actions to encourage development of housing at all affordability levels; fair housing issues or challenges in the City; and impediments and incentives for constructing Accessory Dwelling Units. The survey was available in Spanish and English and circulated online and made available in paper upon request. Information on Questionnaire II was provided with information on the Housing Element and sent to organizations including but not limited to, Cardiff and Encinitas school districts, Keys 4

Homes, Encinitas 4 Equality, Faith in Action, and Los Angelitos de Encinitas, Inc. requesting assistance in forwarding information to their constituents. Information was also mailed to all affordable units and Section 8 program participants and landlords/property managers. Emails were also sent to property managers of multi-family properties requesting them to forward the information to their residents. The questionnaire received over 500 responses in English and 11 responses in Spanish. This information will be used to develop and expand our community education around a variety of affordable and fair housing topics.

- **Housing Element Update Fact Sheets** – A series of “fact sheets” were developed for public consumption. The fact sheets provide relevant information about the update process, key features of the housing element and a calendar of events for outreach activities. The factsheets were made available to the public on the City’s project webpage, at public workshop, and at City Hall. The Fact Sheets are available in Spanish and English on the project webpage. *[Note: The second fact sheet to be completed prior to adoption.]*
- **Website** – A project page for the housing element update is located on the City’s website at <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>. All versions of the Housing Element are available on the website, along with a link to sign-up for updates, and information on the process to date.

In addition, to the 6th Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community that informed other required City plans and the Housing Element, including the following actions:

- **Consolidated Plan** - The Consolidated Plan is a five-year planning document that identifies needs within low-to moderate- income (LMI) communities and outlines how the City will address those needs as required to participate in the Community Development Block Grant Program and other Department of Housing and Urban Development funded programs. It guides investments and helps achieve HUD’s mission of providing decent housing, suitable living environments, as well as expanded economic opportunities for LMI populations. During the development of the Consolidated Plan, two community meetings were held at the Encinitas Library. The meetings were held October 14, and October 21, 2019, with 38 community members who provided feedback on what they identified as the City’s most pressing community needs. In addition, a community needs survey was offered in English and Spanish in both online and hard-copy format. A total of 273 individuals responded to the survey. The City adopted the FY 2020-25 Consolidated Plan on April 22, 2020. The City maintains a webpage for Community Development Block Grant Program with a copy of the Consolidated Plan and information about the program: <https://encinitasca.gov/Residents/Housing-Resources/Community-Development-Block-Grant-Program>.
- **Special Fair Housing Outreach** – Community workshops, targeted stakeholder interviews to service providers and local organizations, and a fair housing survey was conducted in Spanish and English as part of the development of the San Diego Regional Analysis of Impediments to Fair Housing. Public notices and additional outreach for the community workshop and surveys were circulated in the Winter 2019-20 through local

service providers and made available on the City's Fair Housing webpage and at City Hall. Over 120 residents of Encinitas participated in the Fair Housing Survey. The City is scheduled to consider the FY 2020-25 Analysis of Impediments to Fair Housing on June 24, 2020. In addition, Fair Housing educational brochures were developed and are available online and in City Hall. The City maintains a webpage on Fair Housing: <https://encinitasca.gov/Residents/Housing-Resources/Fair-Housing>.

- **Public Housing Agency Plan** - In Winter 2020, the City conducted public outreach prior to the adoption of the FY 2020-25 Public Housing Agency Plan which included outreach to Section 8 tenants and landlords and a Resident Advisory Board Meeting that included tenant representatives from the Program. The 5-Year PHA Plans provides the City of Encinitas Public Housing Agency's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families. The Housing Authority Board approved the FY 2020-25 PHA Plan on March 18, 2020. The City maintains a webpage for the Section 8 Housing Choice Voucher Program with a copy of the Plan and information about the program: <https://encinitasca.gov/Resident/Housing-Resources/Section-8-Program>.
- **Affordable Housing Developer Roundtable** - On May 30 and August 29, 2019, the City held roundtable discussions with to receive input from participants in the affordable housing and market-rate development community to understand possible incentives to encourage affordable housing above and beyond what is required under the City's Inclusionary Ordinance or the State Density Bonus Law. At the August 29th meeting, staff presented key themes and topics of the initial roundtable in order to solicit further feedback which was presented to the Housing Authority in October 2019. Over 80 developers and organizations were mailed invitations, a Public Notice was circulated for both meetings and was advertised in the City Managers Newsletter and to the Housing Element interested party list. The list of stakeholders contacted by the City is provided below.

The City has made a concerted effort to outreach to all stakeholders and encourage participation throughout the Housing Element process. The following is a summary of outreach methods:

- City posted a public notice at City Hall and in the local paper for every workshop and public meeting. Public notice information is shared through Nextdoor, Facebook, direct email to contact list, and City e-newsletter.
- In January 2020, the City sent a citywide mailer to all property owners and residents in the City with information on the Housing Element, staff contact information, how to register to receive updates and notice of a February public workshop.
- Questionnaire I and Questionnaire II with information on the Housing Element were sent to organizations and entities, requesting assistance in forwarding information to their constituents. Local organizations and groups include, but are not limited to Cardiff and Encinitas school districts, Keys 4 Homes, Encinitas 4 Equality, Faith in Action, and Los Angelitos de Encinitas, Inc. Questionnaire II was made available in English and Spanish.
- Information on how to complete Questionnaire II and the Housing Element was mailed to all affordable units and Section 8 program participants and landlords/property managers. Emails were also sent to property managers of multi-family properties

requesting them to forward the information, provided in English and Spanish, to their residents.

- Paper copies of the Housing Element and Questionnaires were mailed to all requestors.

During HCD's first 60-day public review, the City solicited comments on the Draft 6th Cycle Housing Element from June 17, 2020 through September 2, 2020. Comments were received from eleven individuals and six organizations or interest group including Encinitas 4 Equality, Keys 4 Homes, San Dieguito Alliance for a Drug Free Youth, San Diego Housing Federation, Faith in Action, and Encinitas Residents for Responsible Development. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

The City solicited additional comments on the Draft Sixth Cycle Housing Element during HCD's second 60-day public review. The City will continue to accept comments on the document through adoption.

This Appendix contains a summary of all public comments and input regarding the Housing Element received by the City at scheduled public meetings, surveys, questionnaires, and during the public review period. The Appendix has been provided to the City Council. ***[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]***

A.1 Housing Element Public Comments

This section contains a summary of the available public oral comments provided during each of the Housing Element Community Workshops. Public comments were received in written and oral form.

This section also contains correspondence received via email by the City relating to the Housing Element Update and all comments received during the public review period June 17, 2020 through September 2, 2020.

This section also contains correspondence received via email by the City relating to the Housing Element Update and all comments received during the public review period December 4, 2020 through February 5, 2021.

Community Responses to Questions: Poster boards

What are the biggest challenges to housing in Encinitas?

1. Traffic! On Leucadia Blvd!!
2. Pleasing present property owners
3. Easing traffic!
4. Need jobs and housing co-located, or better transit to solve this [easing traffic]
5. Why do we want to encourage low income families? Carlsbad has many problems with that population. Workers can drive to Encinitas.
6. No [referring to comment 5]
7. The City thinking they know it all.
8. Hah! The Ca Education system. Really letting our children down w/o providing thinking skills to make a decent income or career path with a future.
9. Begin requiring every project to provide "affordable housing." No units, no permit!
10. Same [referring to comment 9]
11. Prices are high. People who cannot afford Encinitas are demanding homes.
12. People who live here are being forced out - that's not OK.
13. Enough people already!!
14. Vulture investors
15. NIMBYs
16. Many units have been put on short term rentals – a big loss to our rental housing inventory. Small, [illegible] units easy to rent!
17. How do we get apartment houses and condos built? Do not lower parking standards
18. High property costs! One size fits all housing laws do not fit in Encinitas
19. Too much demand due to weather! Price and rents will rise faster than the State average
20. Maintaining community character (low density + height) which is why Encinitas was incorporated to preserve
21. Not using public land ie. L-7 to be utilized for affordable housing – this is what we fight for

What creative ways can Encinitas provide housing in the future?

1. Put L7 back on the Housing Element
2. Modular homes and using prefab companies
3. Relax the zoning on older properties for original homeowners to build the granny flat that they want to build plus add to housing #s
4. The new options for building accessory units is a big step towards getting new units
5. City should try some tiny homes
6. All new housing should include a unit over the garage like the houses on the B[illegible] old property at Santa Fe and Lake
7. Underground railroad tracks and you will create a lot of space for both housing and public amenities. Look at Chicago for example of using airspace above rail lines.
8. Efficiency units for single or a couple with children could be built on top of stores ie Walmart and Target, Home Depot for their employees
9. Yes! [response to comment 8]

November 18, 2019

10. No development without some affordable units, period. No increase of density. Density causes problems! Mice kill each other if too crowded
11. Affordability by design
12. Empty whole foods store > apartments?
13. Add apartments above shops on El Camino.
14. Tiny eco-village combines with agriculture
15. Apartments for students at Mira Costa – put housing at locations that make sense and reduce need for cars.

What are challenges to buying and renting housing in Encinitas?

1. More demand than supply because of weather. Encinitas is nit Urban , it's coastal suburban. Housing Unit requirements should be allocated on a countywide base to provide more flexibility.
2. Income disparity since 1990's compared to housing rental and mortgage rates
3. Prices are high with good reason "location location location"! Low crime, good schools, quality of life. Earn a good living and you can live here.
4. Not enough low, med-low and moderate units on the market – many being rented as short term.
5. Venice, Italy has happy workers that cannot afford to live in the city. They must take the train into Venice and then take the vaporetto's to the stop nearest their place of employment. Then they walk to work! They are happy workers and proud of their work in Venice.
6. Families cannot compete with greedy rich developers who drop cash on older homes an then turn them into unaffordable luxury mansions. Incentives for sellers of older/less expensive homes to sell to families/residents and not investors?
7. People feel entitles to live in Encinitas, I think they need to earn the right.
8. The average home in Encinitas is now 1.5 million that is beyond what our support staff and service workers can afford.
9. If it doesn't get under control we will end up with the Bay area nightmare – poor have to live far out and drive in, rich live here and drive out to work. Awful future. * Rent control!

What unanswered questions you have?

1. Why is Leucadia burdened with the majority of the sites? Should we equally distribute among all communities. Olivenhain, Cardiff, Encinitas and Leucadia!
2. Encinitas is a Charter City! We do not have to accept Sacramento Housing Plans!
3. Amen! [in response to comment 2]
4. How can we spend 10 million on pedestrian walkway and not be able to afford to built low income housing on L7?
5. How do we avoid all the incentives n the density bonus projects. Its not the higher density that negatively impacts the older neighborhoods it's the short setbacks, no parking, narrow streets, etc.
6. & luxury mansions we don't need [in addition to comment 5]
7. We should ban together with neighboring cities and sue Sacramento!
8. Encinitas has a responsibility to protect it assets! The beach, cliffs, lagoons, and especially the inland bluffs in all of Encinitas. No buildings should not be built on or near sensitive land. Not happy that we don't fight back and have "smart growth." 15% for low income is nothing!

November 18, 2019

9. Destroy the Hsg Ele map land with high density just for small amount of low income!
10. When will we vote in laws that require conformance with environmental regulations? i.e. to solve the climate crisis, we must build smart. This needs to be built into law. – small homes & trees & solar & protect open space.
11. Yes sir! Love our “open space”! BTW: “open space” is not the distance between two cars
12. Infrastructure! Encinitas Blvd is a horror story now wit development at Enc. Blvd and Quail garden it will be impossible
13. *yes [response to comment 12]

November 18, 2019

Community Responses to Questions: Hand-outs

What are challenges to buying and renting housing in Encinitas?

1. Cost. Lack of mid-level housing to allow people to move up from ADU's and smallest units and allow new people to come in
2. Too many people competing for a limited carrying capacity, expectation that everyone can live here.
3. Knowing the City Council is homeless and low income friendly, makes us want to buy/rent in another city. The future of this city looks bleak.
4. High property costs, smaller units being rented short term and taking those units out of long-term rental market, parking is already a problem downtown and in areas with apartments and accessory units.
5. Inventory and cost
6. NA
7. NA

What creative ways can Encinitas provide housing in the future?

1. Tiny home clusters with shared "community rooms" co-housing -multigenerational developments mansion-ization ordinance – limit the size of big homes
2. We are already doing it with ADU's. Limit size of units – higher density > smaller units.
3. Keep ADU program (only) going, stay out of housing – not your job to provide housing. The "market" does this, not elected officials, city council folks.
4. Require our [illegible] to actually get low and moderate housing built, the density bonus law works against getting low income housing built where property costs are high
5. Tiny or small houses
6. Private/public partnerships to [illegible] land to build affordable housing
7. Subdivisions in Olivehain

What are the biggest challenges to housing in Encinitas?

1. NIMBYs, Prop A
2. Preserving quality of life in our established residential neighborhoods.
3. Maintaining quality of life for Encinitas property, home + business owners, tax-payers. We are the "Shareholders," not outsider interests hell bent on bringing homeless + low income multi family units.
4. High property costs, developers not willing to build low to moderate where they can make more \$\$ building high [illegible] homes, the density bonus law negatively impacts the neighborhoods because of all the waivers – not just the increased zoning
5. Build apartment complexes off of El Camino Real where there are buses and enough businesses, growing stores, restaurants etc. to not increase traffic like it would in other areas like the coast.
6. Affordability... need to look at uniform building codes and not require retention [illegible] and dual black/grey water plumbing systems...these add 10% to building costs!!
7. Traffic is the biggest challenge. Adding more housing is not practical because it will make traffic congestion unlivable for residents

What unanswered questions you have?

1. NA
2. How do we get Scott Wiener et al. off our backs? How do we get affordability from density bonus? Yield is low. How do we reestablish local control?
3. Why do you want to let Sac and SANDAG dictate our future with faulty forecasts and numbers? Keep it up, prices will go down, people will move out, lower taxes for the City. Since we are a "Charter" City, we don't need these numbers thrown at us.
4. What can we do to actually get low and moderate income housing built? What is going to happen on L7? Can we keep mobile home parks at low costs? How do we actually get student dorms built?
5. Find creative solutions to qualifying unpermitted units to get permits - maybe an "exception" type of permit. The last program to get them permitted didn't have enough flexibility. Many units can't reasonably be brought up to code, find a way to qualify them and they get added on to #s.
6. Why did C-7 come off Housing Element!!!
7. Why is developer/city council collusion and pay-to-play fundraising tolerated?

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Respuestas comunitarias a preguntas: Carteles

¿Cuáles son los retos más grandes de viviendas en Encinitas?

1. ¡El tránsito! ¡¡En Leucadia Blvd!!
2. Por favor presente a los propietarios
3. ¡Aliviar el tránsito!
4. Necesitan empleos y viviendas compartidas, o mejor tránsito para resolver esto [aliviar el tránsito]
5. ¿Por qué queremos animar a las familias de bajos ingresos? Carlsbad tiene muchos problemas con esa población. Los trabajadores pueden conducir hacia Encinitas.
6. No [en referencia al comentario 5]
7. La ciudad pensando que lo sabe todo.
8. ¡Hah! El sistema de educación de Ca. Realmente decepcionando a nuestros hijos sin proporcionarles habilidades de pensamiento para tener un ingreso decente o una carrera con futuro.
9. Empiece a requerir que cada proyecto proporcione "viviendas asequibles." ¡Sin unidades, sin permiso!
10. Igual [en referencia al comentario 9]
11. Los precios son altos. Las personas que no pueden costear Encinitas están demandando hogares.
12. Las personas que viven aquí están siendo forzadas a salir - eso no está bien.
13. ¡¡Ya hay suficiente gente!!
14. Investigadores buitres
15. NIMBYs
16. Muchas unidades se ha alquilado a corto plazo – una gran pérdida para nuestro inventario de viviendas de alquiler. ¡Las unidades pequeñas, [ilegible] son fáciles de alquilar!
17. ¿Cómo logramos que se construyan casas de apartamentos y condominios? No bajen los estándares de parqueo
18. ¡Altos costos de propiedades! Una talla única para todas las leyes de vivienda no encaja en Encinitas
19. ¡Demasiado demanda por causa del clima! Los precios y rentas aumentarán más rápido que el promedio estatal
20. Mantener el carácter de la comunidad (baja densidad + altura), cuya preservación fue por la cual Encinitas fue incorporada
21. No usar el terreno público. L-7 a ser utilizado para viviendas asequibles – por esto luchamos

¿De qué maneras creativas Encinitas puede ofrecer viviendas en el futuro?

1. Regresar L7 al Elementos de viviendas
2. Hogares modulares y usar compañía de prefabricación
3. Relajar la zonificación de las propiedades más antiguas para que los propietarios originales construyan el piso de la abuela que quieren construir, además de añadir a las cantidades de viviendas
4. Las opciones nuevas para construir unidades complementarias es un gran paso hacia obtener unidades nuevas
5. La ciudad debería intentar con algunos hogares pequeños
6. Todas las viviendas nuevas deben incluir una unidad encima del garaje, igual que las

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- viviendas en la B [ilegible] propiedad antigua en Santa Fe y Lake
7. Con vías de ferrocarril subterráneas se crearán muchos espacios para viviendas y servicios públicos. Por ejemplo, miren como Chicago usa el espacio aéreo encima de las líneas de ferrocarril.
 8. Las unidades eficientes para individuos o una pareja con hijos podrían ser construidas encima de tiendas, ej., Walmart y Target, Home Depot, para sus empleados
 9. ¡Sí! [respuesta al comentario 8]
 10. No hay desarrollo sin algunas unidades asequibles, punto. No hay aumento de densidad. ¡La densidad causa problemas! Los ratones se matan los unos a los otros si están demasiado abarrotados
 11. Asequibilidad por diseño
 12. Tienda de Whole Foods vacía > apartamentos?
 13. Agregue apartamentos encima de las tiendas de El Camino.
 14. Una eco-aldea pequeña se combina con la agricultura
 15. Apartamentos para estudiantes en Mira Costa – disponga de viviendas en lugares que tengan sentido y reduzcan la necesidad de vehículos.

¿Cuáles son los retos para comprar y alquilar viviendas en Encinitas?

1. Más demanda que oferta debido al clima. Encinitas no urbana, es un suburbio costero. Los requisitos de unidades de viviendas deben ser implementados en todo el condado para ofrecer más flexibilidad.
2. La disparidad de ingresos desde 1990 en comparación con las tasas de alquiler de viviendas e hipotecas
3. Los precios son altos, y con buena razón, ¡"ubicación ubicación ubicación"! Crimen bajo, buenas escuelas, calidad de vida. Gane una buena vida y podrá vivir aquí.
4. No hay suficientes unidades bajas, medias y moderadas en el mercado – muchas siendo alquiladas a corto plazo.
5. Venecia, Italia, tiene trabajadores felices que no pueden costear vivir en la ciudad. Deben usar el metro para llegar a Venecia y luego tomar el vaporetto hasta la parada más cercana a su empleo. ¡Luego caminan hacia el trabajo! Son trabajadores felices y orgullosos de su trabajo en Venecia.
6. Las familias no pueden competir con constructores ricos y codiciosos que invierten dinero en hogares más antiguos y luego los convierten en mansiones costosas de lujo. ¿Incentivos para vendedores de hogares más antiguos/menos costosos para vender a familias/residentes y no inversores?
7. La gente siente que tiene derecho a vivir en Encinitas, piense que deben ganarse ese derecho.
8. El hogar promedio en Encinitas cuesta ahora 1.5 millones, lo cual está fuera del alcance de lo que nuestro personal de apoyo y trabajadores de servicios pueden costear.
9. Si no se controla terminaremos con la pesadilla del área de la Bahía - los pobres tienen que vivir lejos y conducir para llegar, los ricos viven aquí y conducen para salir al trabajo. Un futuro horrible. * ¡Control de alquileres!

¿Cuáles preguntas no respondidas tiene?

1. ¿Por qué Leucadia tiene que cargar con la mayoría de los sitios? Deberíamos distribuir

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- equitativamente entre todas las comunidades. ¡Olivenhain, Cardiff, Encinitas y Leucadia!
2. ¡Encinitas es una ciudad de alquiler! ¡No tenemos que aceptar los planes de viviendas de Sacramento!
 3. ¡Amen! [en respuesta al comentario 2]
 4. ¿Cómo podemos gastar 10 millones en un camino peatonal y no poder permitirnos construir viviendas de bajo coste en la L7?
 5. Cómo evitamos todos los incentivos en los proyectos de bonificación por densidad. Lo que afecta de forma negativa a los vecindarios más antiguos no es la alta densidad, sino los pequeños contratiempos, la falta de parqueos, calles estrechas, etc.
 6. y mansiones lujosas que no necesitamos [en adición al comentario 5]
 7. ¡Debemos unirnos con las ciudades vecinas y demandar a Sacramento!
 8. ¡Encinitas tiene la responsabilidad de proteger sus bienes! La playa, colinas, lagunas, y especialmente los acantilados del interior en todo Encinitas. No se debe construir ningún edificio sobre, o cerca de terrenos sensibles. No estamos felices con el hecho de que no luchamos ni tenemos un "crecimiento inteligente." ¡15% por bajos ingresos no es nada!
 9. ¡Destruir el mapa de terreno Hsg Ele con alta densidad solo por pequeña cantidad de ingresos bajos!
 10. ¿Cuándo votaremos por leyes que requieren la conformidad con las regulaciones ambientales? Es decir, para resolver la crisis climática, debemos construir de manera inteligente. Esto se debe incluir en la ley. – hogares pequeños y árboles y energía solar y proteger los espacios abiertos.
 11. ¡Si señor! ¡Nos encanta nuestro "espacio abierto"! Por cierto: "espacio abierto" no es la distancia entre dos vehículos
 12. ¡Infraestructura! Encinitas Blvd es una historia de horror ahora con el desarrollo en Enc. Blvd y Quail será imposible
 13. *sí [respuesta al comentario 12] Respuestas comunitarias a preguntas: Volantes

¿Cuáles son los retos para comprar y alquilar viviendas en Encinitas?

1. Costo. La falta de viviendas de nivel medio para permitir que la gente suba de las unidades de ADU y más pequeñas y permitir que lleguen gente nueva
2. Demasiada personas compitiendo por una capacidad limitada y una expectativa de que todos pueden vivir aquí.
3. Saber que el ayuntamiento es amigable a las personas sin hogar y de bajos ingresos no hace querer comprar/alquilar en otra ciudad. El futuro de esta ciudad parece sombrío.
4. Propiedades de altos costos, unidades más pequeñas siendo alquiladas a corto plazo y sacando dichas a unidades fuera del mercado de alquiler a largo plazo, y el parqueo es un problema en el centro y en las áreas con apartamentos y unidades complementarias.
5. Inventario y costo
6. NA
7. NA
8. Precios altos, temor, exclusividad económica. Existe una necesidad de más diversidad en los tamaños de hogares, apartamentos y condominios, tanto en el mercado como en alquileres, Una comunidad diversa - buena mezcla de alquileres y asequibilidad de mercado es necesaria. Además, los alquileres en el centro de Encinitas tienden a ser ruidosos debido a

18 de noviembre de 2019

que hay demasiado bares en el área del centro.

¿De qué maneras creativas Encinitas puede ofrecer viviendas en el futuro?

1. Pequeños grupos de casas con "cuartos comunitarios" compartidos - ordenanza de mansionización de desarrollos multigeneracionales - limitan el tamaño de las grandes casas
2. Ya lo estamos haciendo con los ADU. Limitar el tamaño de las unidades - mayor densidad > unidades más pequeñas.
3. Mantén el programa ADU (sólo) en marcha, mantenerse fuera de la vivienda - no es tu trabajo proporcionar viviendas. El "mercado" hace esto, no los funcionarios electos, gente del ayuntamiento.
4. Requerirle a nuestro [ilegible] que construyan viviendas bajas y moderadas reales, la ley de bonificación por densidad funciona en contra de construir viviendas de bajos ingresos donde los costos de propiedad son altos
5. Casas diminuta o pequeñas
6. Sociedades privadas/públicas de [ilegible] terreno para construir viviendas asequibles
7. Subdivisiones en Olivehain
8. Ofrecer incentivos a los propietarios de grandes lotes o que compren tierra aquí es que contratarán a un contratista/constructor que construirá pequeñas casas, condominios o apartamentos (1 cama/1 baño) en esta propiedad. Colocar las propiedades L-7 en la lista de disponible para construcción y buscar un constructor que construya viviendas pequeñas de bajos ingresos y a la tasa del mercado, apartamentos eficientes, o condominios. Además, más accesibilidad de tránsito en algunas áreas ayudaría. Necesitamos crecer, pero de manera amigable para la tierra (viviendas pequeñas con energía solar, materiales reciclados).

¿Cuáles son los retos más grandes de viviendas en Encinitas?

1. NIMBYs, Prop A
2. Preservar la calidad de vida en vecindarios residenciales ya establecidos.
3. Mantener la calidad de vida para las propiedades de Encinitas, propietarios de casas + negocios, contribuyentes. Somos los "Accionistas", no intereses externos empeñados en traer a las personas sin hogar + unidades multifamiliares de bajos ingresos.
4. Altos costos de propiedades, constructores no dispuestos a construir bajo y moderado cuando pueden ganar más
\$\$ construyendo hogares de [ilegible] nivel, la ley de bonificación por densidad afecta de forma negativa a los vecindarios por todas las exenciones - no solo la zonificación incrementada
5. Construir complejos de apartamentos en las afueras de El Camino Real donde hay autobuses y suficientes negocios, tiendas en crecimiento, restaurantes, etc. para no aumentar el tráfico como lo haría en otras áreas como la costa.
6. Asequibilidad... necesidad de mirar los códigos de construcción uniformes y no requerir retención [ilegible] y sistemas duales de plomería de aguas negras/grises... ¡Esto añade un 10% a los costos de construcción!
7. El tránsito es el mayor reto. Añadir más viviendas no es práctico porque hará que la congestión del tráfico sea inhabitable para los residentes.

18 de noviembre de 2019

8. El costo, sin diversidad y los hogares ofrecidos son demasiado grandes. Y muchos de los locales no quieren ningún crecimiento.

¿Cuáles preguntas no respondidas tiene?

1. NA
2. ¿Cómo podemos librarnos de Scott Weiner et al.? ¿Cómo podemos sacar asequibilidad de la bonificación por densidad? La ganancia es baja. ¿Cómo podemos reestablecer el control local?
3. ¿Por qué quieres dejar que SAC y SANDAG dicten nuestro futuro con pronósticos y números incorrectos? Si sigue así, los precios bajarán, la gente se mudará, bajarán los impuestos para la ciudad. Como somos una ciudad de "alquiler", no necesitamos que nos arrojen estos números.
4. ¿Qué podemos hacer para realmente conseguir que se construyan viviendas de ingresos bajos y moderados? ¿Qué sucederá en L7? ¿Podemos mantener parques de hogares móviles a bajo costos? ¿Cómo podemos realmente lograr construir dormitorios para estudiantes?
5. Encontrar soluciones creativas para calificar a unidades no permitidas para que obtengan permisos - tal vez un permiso de tipo "excepción". El último programa que logró permitir las no tenía suficiente flexibilidad. Muchas unidades no pueden cumplir con el código de manera razonable, encontrar una manera de calificarlas y se pueden sumar a los #s.
6. ¡¡¡Por qué L-7 se salió de Elementos de Viviendas!!!
7. ¿Por qué se tolera la colusión entre constructores y ayuntamientos y la recaudación de fondos de pago por participar?
8. ¿Por qué el estado, condado, y ciudad no requieren de tamaños de hogares más diversos y mezclados? Si necesitamos viviendas en estos tiempos, necesitamos reducir los tamaños y compartir más - ¿por qué entonces los gobiernos no están abordando esto? Hacer que los terrenos estén disponibles para construcción no están realmente abordando el problema - ¿por qué se están creando más tamaños y diversidad?

The City of Encinitas is in the process of updating the 2021-2029 Housing Element. This Q&A sheet is intended to answer additional questions asked during the first Community Workshop, held on Monday, November 18, 2019.

Q. Is this 6th cycle RHNA allocation in addition to the 5th cycle?

A. No, the 6th Cycle is a new Housing Element for the 2021-2029 planning period. There are no carryover units from the previous cycle. Please see Fact Sheet #1 for the City's 2021-2029 RHNA allocation.

Q. Can we reuse sites?

A. Yes, the City intends to utilize the sites rezoned as a part of the 5th Cycle Housing Element Update (HEU) to meet the 6th Cycle 2021-2029 RHNA need. Additional sites will be identified to meet the City's 6th Cycle Above Moderate RHNA need. This can be accomplished within existing zoning with no rezoning of parcels required.

Q. Are ADUs counted in the existing inventory?

A. Yes, Accessory Dwelling Units (ADUs) which are registered with the City are counted in the current inventory. The City tracks the affordability of each registered ADU based on owner input to track progress toward meeting the City's RHNA obligations.

Q. Can we explain future construction on Olivenhain development?

A. The Housing Element is a citywide housing policy document and is not related to individual development projects within the City. Please contact Roy Sapa'u, City Planner for the City of Encinitas, for more information on projects currently in the permitting and development process.

Q. How does density bonus get factored into the Housing Element process?

A. While density bonus projects do assist the City in meeting their RHNA need for the planning period, the Housing Element does not factor in density bonus as part of the potential unit yield calculation because density bonus requests are made when individual projects are submitted by applicants. Density bonuses are allowed by existing state law. The Housing Element does contain a program to ensure that the City's density bonus ordinance remains consistent with State law. HCD does not allow the inclusion of possible density bonuses to be included in determining site capacity.

Q. What is the process for bringing unpermitted units into compliance?

A. The City has a process that allows unpermitted dwelling units to be brought into compliance and registered with the City. Please visit the City's [FAQ](#) for additional information about this process and its requirements.

Q. Does less units mean less people projected in the next cycle?

A. The SANDAG housing unit growth projections are calculated based on growth locally and throughout the San Diego region. The RHNA growth need reflects the estimated number of dwelling units needed to meet the projected growth in population, jobs and other factors within Encinitas and the region during the 2021-2029 planning period. Therefore, a lower RHNA is not indicative of less projected population during the planning period.

Q. Is Encinitas designated as “urban” by HCD?

A. Urban areas are designated by the US Census Bureau. Encinitas is located in the San Diego Metropolitan Statistical Area and so is considered to be urban. For the purpose of determining the required density for lower income housing, Encinitas is considered to be “metropolitan” because it sits within a Metropolitan Statistical Area (MSA) of greater than 2,000,000 people and has a population greater than 25,000 people. Sites zoned to allow 30 units per acre or more are considered to be suitable for lower income housing in metropolitan cities.

Q. Why is Encinitas a metropolitan/urban designation vs. suburban?

A. Encinitas is defined by state law as “metropolitan” because it sits within a Metropolitan Statistical Area (MSA) of greater than 2,000,000 people and has a population greater than 25,000 people.

Q. How can we get affordability at all income levels?

A. Affordability of housing is primarily determined by market forces. The Housing Element Update itself does not construct any units, however the Housing Element’s programs and policies provide various means to encourage development of units that meet the City’s RHNA housing need for all income levels. The City requires the construction of affordable housing in any project with more than 7 units through its inclusionary ordinance.

Q. When will the sites selection process begin?

A. Sites identified to accommodate RHNA growth need will be made available to the public when the draft document is released. It will not be necessary to identify new additional sites zoned at 30 units per acre or more to meet the City’s 6th Cycle RHNA allocation.

Q. How does Prop A factor into the 6th Cycle?

A. Proposition A has certain procedural requirements for any general plan amendment that the City will follow. The City does not anticipate that a vote will need to be placed on the ballot because the City has adequate properly zoned sites to meet its RHNA without upzoning any additional sites or changing land use from non-residential to residential.

Q. What is going to happen to the L-7 property?

A. The 6th Cycle Housing Element process is not related to individual development projects submitted by applicants. The 7.6-acre L-7 site located on Quail Gardens Drive is currently designated Rural Residential (RR1) and there are no active applications in process for development on the property.

Q. Can current sites come off and better ones be added?

A. The sites selected to accommodate the City’s 6th Cycle RHNA allocation may differ from those selected during the 5th Cycle, however the City does not anticipate rezoning any sites as part of the 6th Cycle Housing Element Update. There are sufficient sites to accommodate the City’s 6th Cycle RHNA need within existing zoned parcels.

Q. How are schools impacted?

A. The environmental review completed for the Housing Element Update will analyze any potential impact to utilities and services, including schools. The 5th Cycle Housing Element Environmental Assessment reviewed potential impacts to schools and any required mitigation as a result of the additional future housing units.

La ciudad de Encinitas se encuentra en le proceso de actualizar el Elemento de Vivienda 2021-2029. La hoja de preguntas y respuestas está diseñada para responder preguntas adicionales hechas durante el primer taller comunitario, impartido el lunes, 18 de noviembre de 2019.

P. ¿Esta asignación RHNA de 6to ciclo es en adición al 5to ciclo?

R. No, el 6to ciclo es un Elemento de Viviendas nuevo para el periodo de planificación 2021-2029. No hay unidades de arrastre del ciclo anterior. Por favor vea la hoja de datos #1 para la asignación RHNA 2021-2029.

P. ¿Podemos reusar los sitios?

R. Sí, la ciudad pretende utilizar los lugares reclasificados como parte de la actualización del 5to ciclo de Elemento de Viviendas (HEU) para satisfacer la necesidad del 6to ciclo RHNA 2021-2029. Se identificarán lugares adicionales para satisfacer la necesidad que tiene la ciudad del 6to ciclo de moderado alto RHNA. Esto se puede cumplir dentro de las zonas existentes si reclasificar las parcelas requeridas.

P. ¿Las ADU son contadas dentro del inventario existente?

R. Sí, las unidades de viviendas complementarias (ADUs) que están registradas con la ciudad son contadas en el inventario actual. La ciudad rastrea la asequibilidad de cada ADU registrado basado en la opinión del propietario para rastrear el progreso en el cumplimiento de las obligaciones de RHNA de la ciudad.

P. ¿Podemos explicar las construcciones futuras de desarrollo Olivenhain?

R. El Elemento de Viviendas es un documento de políticas de vivienda para toda la ciudad y no está relacionado con proyectos de construcción individuales dentro de la ciudad. Por favor comuníquese con Roy Sapa'u, planificador municipal de la ciudad de Encinitas, para mayor información sobre proyectos que se encuentran actualmente en el proceso de permiso y desarrollo.

P. ¿De qué manera la bonificación por densidad se considera como factor dentro del proceso de Elemento de Viviendas?

R. Aunque los proyectos de bonificación por densidad si asisten a la ciudad en el cumplimiento de su necesidad RHNA para el periodo de planificación, el Elemento de Viviendas no toma en consideración la bonificación por densidad como parte del cálculo de posible ganancia de unidades porque las solicitudes de bonificación por densidad son hechas cuando los proyectos individuales son sometidos por los solicitantes. Las bonificaciones por densidad son permitidas por la ley estatal existente. El Elemento de Viviendas cuenta con un programa para garantizar que la orden de bonificación por densidad de la ciudad sea consistente con la ley estatal. HCD no permite la inclusión de posibles bonificaciones por densidad para determinar la capacidad del lugar.

P. ¿Cuál es el proceso para lograr que las unidades no permitidas entren en cumplimiento?

R. La ciudad cuenta con un proceso que permite que las unidades de viviendas no permitidas puedan entrar en cumplimiento y registrarse en la ciudad. Por favor vea las [FAQ](#) de la ciudad para información adicional sobre este proceso y sus requerimientos.

P. ¿Menos unidades significan menos personas proyectadas para el próximo ciclo?

R. Las proyecciones de crecimiento de unidades de viviendas SANDAG son calculadas en base al crecimiento local y a lo largo de la región de San Diego. La necesidad de crecimiento RHNA refleja el número estimado de unidades de viviendas necesarias para cumplir con el crecimiento proyectado en la población, los trabajos y otros factores de Encinitas y la región durante el periodo de planificación 2021-2029. Por lo tanto, un RNHA más bajo no es indicativo de menos población proyectada durante el periodo de planificación.

P. ¿Encinitas ha sido designada como "urbana" por HCD?

R. Las áreas urbanas son designadas por la oficina del censo de EE.UU. Encinitas está localizada en el área estadística metropolitana de San Diego, y por lo tanto, se considera urbana. A los efectos de determinar la densidad requerida para las viviendas de bajos ingresos, se considera que Encinitas es "metropolitana" porque está situada dentro de un área estadística metropolitana (AEM) de más de 2,000,000 de personas y tiene una población superior a 25,000 personas. Los lugares reclasificados para permitir 30 unidades por acre o más son consideradas aptas para viviendas de bajos ingreso en ciudades metropolitanas.

P. ¿Por qué Encinitas es designada como metropolitana/urbana vs. suburbio?

R. La ley estatal define a Encinitas como "metropolitana" porque se encuentra dentro de un área estadística metropolitana (AEM) de más de 2,000,000 de personas y tiene una población superior a 25,000 personas.

P. ¿Cómo podemos lograr la asequibilidad para todos los niveles de ingreso?

R. La asequibilidad de las viviendas es determinada principalmente por fuerzas del mercado. La actualización del Elemento de Vivienda en sí no construye ninguna unidad, sin embargo, los programas y políticas del Elemento de Vivienda proveen varios medios para fomentar el desarrollo de unidades que satisfagan la necesidad de vivienda RHNA de la ciudad para todos los niveles de ingresos. La ciudad requiere la construcción de viviendas asequibles en cualquier proyecto con más de 7 unidades a través de esta ordenanza inclusiva.

P. ¿Cuándo iniciará el proceso de selección de lugares?

R. Los lugares identificados para satisfacer la necesidad de crecimiento de RHNA estarán disponibles al público cuando el documento borrador sea liberado. No será necesario identificar nuevos lugares adicionales reclasificados a 30 unidades por acre o más para cumplir con la asignación del 6to ciclo RHNA de la ciudad.

P. ¿Cómo se considera el factor Prop A en el 6to ciclo?

R. La propuesta A tiene ciertos requerimientos de procedimientos para cualquier plan general de enmienda que implemente la ciudad. La ciudad no anticipa que se debe colocar un voto en la boleta porque la ciudad cuenta con lugares reclasificados correctamente adecuados para cumplir con su RHNA sin tener que reclasificar lugares adicionales o cambiar el uso de terrenos de no-residencial a residencial.

P. ¿Qué sucederá con la propiedad L-7?

R. El proceso del 6to ciclo de Elemento de Viviendas no está relacionado con procesos individuales de desarrollo sometidos por solicitantes. El sitio de L-7 de 7.6 acres localizado en Quail Gardens Drive está designado actualmente como rural residencial (RR1) y no hay solicitudes activas en proceso de desarrollo en la propiedad.

P. ¿Se pueden eliminar lugares actuales y agregar otros mejores?

R. Los lugares seleccionados para acomodar el 6to ciclo de asignación RHNA de la ciudad pueden diferir de aquellos seleccionados durante el 5to ciclo, sin embargo, la ciudad no anticipa reclasificación de ningún lugar como parte del 6to ciclo de actualización de Elemento de Viviendas. Hay suficientes lugares para acomodar la necesidad del 6to ciclo RHNA de la ciudad dentro de parcelas clasificadas existentes.

P. ¿Cómo son afectadas las escuelas?

R. El revisión ambiental completada para la actualización de Elemento de Viviendas analizará cualquier posible impacto a los servicios y compañías públicas, incluyendo las escuelas. La evaluación ambiental del 5to ciclo de Elemento de Viviendas revisó los posibles impactos a las escuelas y cualquier mitigación requerida como resultado de las unidades de viviendas futuras adicionales.

Workshop #1 Public Comments

1st Housing Element Workshop – November 18, 2019

Summary of Public Comments/Questions and Responses:

Additional 1554 units needed to add to the 6th cycle? *No, 5th cycle sites are still available for 6th cycle*

Last cycle – 2300 units. Are the current sites appropriated enough for the next cycle? We don't need to add anymore sites? *As of today, no new sites will be identified.*

What about the 1100 units that are not permitted? Are they counted? Are they counted in the existing inventory? Can they be? *Once unpermitted units go through the permit process, they will be added to the count.*

Do ADU's count? *Yes*

What is going on with the property in Olivenhain? Allowed to go to 69 feet with 4 stories. We were told this can never happen by the city. What is the real potential of these sites? *Application submittal is under review. Staff review and public hearing will take place. All correspondence is public information.*

This project seeks to utilize DB waivers for height. How do you accommodate the possibility of DB units when they are at the election of the property owner/developer? How does DB figure into the 6th cycle? HE is about all housing not just affordable housing.

The program for unpermitted units (approximately 110-1300) was not effective. City has several programs for homeowners with lots of flexibility.

City discouraged participation with so many regulations.

There's an element of fear to get unpermitted unit permitted.

Permitting the old stuff is going to be very difficult.

A year ago, Goodson project was originally supposed to be a senior project but now it's not at all what Olivenhain wants in their community.

States population growth numbers are way too high -need to be looked at again.

2300 units in 5th cycle and now 1500 units for 6th cycle – are we projecting less growth in Encinitas? Why is it going down? *Part of the RHNA process, a model that they use. SANDAG's website provides numbers and explanation.*

Go to GrowtheSanDiegoWay.com – exposes the way SANDAG comes up with their numbers.

Numbers don't represent the expected growth of Encinitas, but our share of the growth of the county.

Is Encinitas dedicated as urban or suburban? *Urban*

Builders are not interested in building apartments, city is getting so little from the DB law as far as affordability. This is a bonus for the developers.

Last HE was focused on R-30 zones. City has the lowest relative percent of multi family housing in the area.

Workshop #1 Public Comments

City approves over 90% market rate –we will never advance these affordable projects when you have to deal with over 90% of homes being market rate. Market rate is the problem.

Conversation in Oceanside – people are stuffed into real small apartments and if homes were truly affordable, those lower rent places could be used equitably.

What is the due date for turning in the plan? *April 2021*

Do we have to do one more 4 year update to our plan? *Yes*

Sites selected and the hearings will start in April? Is that true? *Tentative Draft is due in April, we will need to verify 5th cycle sites.*

Will there be any citizen input? *Yes*

Sites are essentially chosen. They are in the existing HE.

What about Prop A? Sites, policies, programs?

Goodson project was supposed to be 150 low income units. Now it is 277 units, with only 40 low income. There is a deficit just on that property. Game is being played here making it difficult to even interact with the planning department.

L-7 could have been built 100% affordable – it was added, then removed. HCD was unhappy about this. What is going to happen to this property?

On Monday February 10, 2020 the City of Encinitas held a public community workshop at the Encinitas Community and Senior Center from 6 - 8pm. The meeting included a presentation on the City's progress in preparing the 2021-2029 Housing Update (6th Cycle), the application of recent housing-related state law, and additional information relating to policies and programs proposed to be included within the 6th Cycle Housing Element . Following the presentation, the attendees were asked to participate in focused discussions, which were organized into five stations located around the room. Discussion at each station was facilitated by members of City Staff and the Housing Plan Update team. The stations were focused around the following topics:

- Accessory Dwelling Units
- Development of Housing for All Income Levels
- Reducing Governmental/Non-Governmental Constraints
- Fair Housing Issues/Challenges
- Any Additional Comments/Discussion

Below is a summary of the comments discussed by workshop participants at each breakout station. .

Station 1: Accessory Dwelling Units

- *Barriers to permitted and permitting ADU's include:*
 - Strain on septic system
 - County restrictions
 - Fees
 - Construction costs
 - School fees
- *Opportunities for ADU's include:*
 - City sponsored financing in exchange for affordable units
 - Permit Ready ADU's for above garage units (not just detached)
 - Tax incentives/breaks for building and sewer hook ups

Station 2: Development of Housing for All Income Levels

- *Barriers to development of housing for all income levels include:*
 - Doubts of decision makers by community members to answer and address community concerns
 - State laws
 - Cost of property
 - Equal distributions of affordable housing within communities
 - Parking barriers
 - Consider Vulcan Ave. for lack of parking problem
 - Developers transfer all affordable to one property
 - Open City negotiations with HCD to the public
 - Giving control back to City to preserve character
 - Incentives that take away character
 - Need more parking – 2 spaces for every bedroom plus visitor

- Parking depends on product and location
- *Opportunities for development of housing for all income levels include:*
 - L-7 site included as a housing element site and increase number of affordable units to a 100% affordable site
 - Equal distributions of affordable housing within communities
 - Focus on subsidizing affordable sites – balance density allotments with affordable requirements for developers
 - Analyze changes from Cycle 5
 - More extremely low and low categories through incentives and direct subsidies
 - Focus laws on citizen interest
 - Lobby with other cities
 - Artist housing-tiny units in one area with common areas – cater to specific people
 - Shared spaces
 - Senior living
 - Keep at minimum for market rate units
 - Create an affordable by design product
 - Focus on people without cars
 - Ex. Rooms with common kitchen
 - Low level developments to maintain character (2 story)
 - Public/Private partnerships with low-income developers
 - More housing near public transportation by identifying low-use bus stops
 - Vacant city property become available for all affordable housing
 - Without charge
 - No permit fees
 - Waive development impact fees
 - SROs considered affordable
 - Require larger percent of affordable housing for market rate
 - Lobby state for a higher percent of affordable housing by right

Station 3: Reduce Governmental /Nongovernmental Constraints

- *Barriers to reducing government/nongovernmental constraints include:*
 - Concern of overflow parking
 - Cost constraints per unit
 - R-30 zoning find different [sic]
 - Does removing constraints provide affordable units?
 - Prob A, a constraint?
 - Building cost
 - Land is expensive – cost of acquisition
 - Adequate parking
 - Lack of alternative modes of transportation
 - Sidewalks
- *Opportunities for reducing government/nongovernmental constraints include:*
 - More transit stops

- Where? How often?
- What type?
- Parking ratios appropriate to public transit
- Single family zoning to multifamily zoning
- Look at more modes of housing for providing affordable housing, open the range
- Developments with common amenities
 - Ex. Tiny homes with amenities on one lot
- Reduce green building requirements
 - Ex. Solar requirements
- Alternative methods of construction
- Wastewater system under county restrictions
- Small lot subdivisions
- Tiny homes ordinance
- Lower permit fees
- Bond financing for street improvements to be paid by city for development impacts
- Diversity zoning to allow for different kinds of housing
- Allow more duplexes
- Public private partnerships
- Reduce parking for studios and 1-bedroom apartments
- Inclusionary zoning increases to at least 50%
- Include public housing owned by city

Station 4: Fair Housing Issues/Challenges

- *Barriers to fair housing include:*
 - Discrimination and potential harassment amongst tenants
 - Affordability
 - Size of housing
 - Availability of housing
 - Accessibility to housing
 - H.O.A./management potentially discriminatory
 - Affordability barriers
 - Transit and access barriers
 - Infrastructure and accessibility barriers
- *Opportunities for fair housing include:*
 - Education about fair housing
 - Information to tenants to explain their rights/opportunities
 - More services for different age groups
 - Source of income opportunities
 - Condensing affordable housing into one space/area
 - More inclusionary options
 - Education: how does/do the laws apply to homeowners with ADU's or individual rooms concerned with compatibility?
 - Consideration of protected ages/classes such as young people and seniors

- Education: language access
 - More opportunity for non-English speakers
- Work with additional entities to provide more services
- Information on availability

Station 5: Additional Comments

Participants expressed additional concerns, ideas, comments and commentary on a variety of topics, including:

- Senior Housing
 - Infrastructure issues
 - Building within existing residential uses
 - Habitat preservation issues
 - Zoning requirements, are we ignoring by allowing?
 - Example at La Costa Living estates
 - 123 senior care facility
 - Existing R1/ habitat issues
 - SF Characters and density bonus abuse?
- Non-compliant development, why do we allow?
- Sites identification
 - Up zoning plus bonus was not expected by residents
 - Rural residential density not compatible with higher density projects
 - Environmental challenges not addressed
- Is current policy approach wrong? Are we doing it wrong now?
 - Want to save current character of Encinitas
 - Is money for developers a good idea?
- 5th cycle properties identified
 - Put Encinitas in role of building affordable in city owned [sic]
- Don't give entitlements, build affordable housing instead
- Gaffney/Goodson parcel example of issue
 - Revoke overlay zone
 - Why make developers rich?
 - 69 ft in Encinitas, is that appropriate?
- Option for City to have developers pay to the build units
- 754 Bonita Drive example
 - Density bonus
- ADU tax basis for valuation of ADUs
- Leucadia Challenges
 - Affordable housing need to ride bus, etc. no safety issues addressed
 - Work with NCTD on rail crossing safety
 - Pedestrian access in Vulcan not safe
- Vulcan @La Costa sites
 - Low income vs. market rate/what is appropriate

- No bus services on La Costa
 - Ped. Safety Issues apparent
- Other housing types
 - Not just family units, but other types to fill other needs
 - Example: Efficient units
 - Example: Units serving Young working adults
 - Example: Single Adults
- Downsizing in Encinitas
 - Multigenerational family
 - Age in place
 - Age changes/income changes
- Where is the data for unoccupied units?
- AirBnB and short-term data available?
- The City work to solve housing issues for City not for HCD
- Density where it makes sense
 - Not in rural areas
 - Near transit locations
 - Near schools and jobs
- Are all the sites picked already for RHNA?
- How can city get control back? Instead of HCD
- Housing as business vs. for the people
- Mitigation fund?
 - Example on 30 du/acre parcel
 - In lieu contribution by developer
 - For original density
 - Mitigation fund pay for housing units' construction of affordable
 - Don't let developers "off the hook"
- Why not let the City be the developer?
 - Provide opportunity for 100% affordable
 - Current development and developers just making city more dense
- Give fees/sites to affordable developers (for free?)
- Go all in with state mandates. Be more aggressive
- You should compare actual Homeless vs. available vacant in California. We can house them all.
- County oversees septic/county controlled
 - Work with county related to ADU development and septic
 - They can make requirements that constrain
 - Come up with plan with county re: ADU in rural areas on septic
 - Improved septic technology is an option to explore
 - Constraint to developers with septic limitations
- Pre-wiring ADUS/Housing for EV chargers
- 6th cycle criteria options for high density developers
 - Up the requirements

- Example: 75% affordable 25% market
 - By-right and density bonus Increase in disparity in neighborhoods
 - Disparity in unit mix
 - Example: 1 mil homes in a development then 1 affordable
- Incentives fail to evaluate impacts of the actual incentives
- More developers should put in affordable housing
- Develop and determine an equation or formula that works better when determining “inclusionary” units.
 - More aggressive options?
- Census data used in the plan
 - Why are we using 2010 census data when it may not be valid?
 - Where are demographics now vs 2010
 - Jobs/housing ratio, what is it?
 - Where is the data/what is available/what is the source?
- Map of lower income
 - We should have a map of lower income units
 - We should have a map of moderate/above moderate units
- Housing is driven by transportation/CO²
 - SANDAG Mandates/policies
 - Were transportation issues addressed in housing?

El lunes, 10 de febrero de 2020, la ciudad de Encinitas impartió un taller comunitario público en el centro comunitario y de ancianos de Encinitas de 6 - 8pm. La reunión incluyó una presentación del progreso de la ciudad en la preparación de la actualización de viviendas 2021-2029 (6^{to} ciclo), la implementación de ley estatal reciente relacionada con viviendas, así como información adicional relacionadas con las políticas y programas propuestos a ser incluidos dentro del 6to ciclo de Elemento de Viviendas. Después de la presentación, a los asistentes se les pide que participen en discusiones enfocadas, las cuales fueron organizadas en cinco estaciones ubicadas alrededor del salón. La discusión en cada estación fue facilitada por miembros del personal municipal y el equipo de actualización del plan de viviendas. Las estaciones se enfocaron alrededor de los siguientes temas:

- Unidades de viviendas complementarias
- Desarrollo de viviendas para todos los niveles de ingresos
- Reducir las restricciones gubernamentales/no-gubernamentales
- Asuntos/retos de viviendas equitativas
- Cualquier comentario/discusión adicional

A continuación un resumen de los comentarios discutidos por los participantes del taller en cada estación individual. .

Estación 1: Unidades de viviendas complementarias

- *Las barreras para ADUs permitidas y para permitir las incluyen:*
 - Restricciones del condado y sobrecarga del sistema séptico
 - Tarifas/ tarifas escolares
 - Costos de construcción
- *Las oportunidades para ADUs incluyen:*
 - Financiamiento patrocinado por la ciudad a cambio de unidades asequibles
 - ADUs listas para permiso para unidades encima de garajes (no solo las separadas)
 - Incentivos/exenciones fiscales para enlaces entre edificios y alcantarillados

Estación 2: Desarrollo de viviendas para todos los niveles de ingresos

- *Las barreras para el desarrollo de viviendas para todos los niveles de ingresos incluyen:*
 - Dudas de los miembros comunitarios en la toma de decisiones para responder abordar preocupaciones comunitarias
 - Leyes estatales
 - Costos de propiedades
 - Distribuciones equitativas de viviendas asequibles dentro de las comunidades
 - Barreras para parqueos
 - Considere la Vulcan Ave. para el problema de falta de parqueos
 - Los constructores transfieren todo lo asequible a una propiedad
 - Negociaciones de ciudad abiertas con HCD para el público
 - Devolver el control a la ciudad para preservar su carácter
 - Incentivos que le quitan su carácter
 - Necesita de más parqueos – 2 espacios por cada habitación más un visitante

- El parqueo depende del producto y ubicación
- *Las oportunidades para el desarrollo de viviendas para todos los niveles de ingresos incluyen:*
 - El sitio L-7 incluido como sitio de Elemento de Viviendas e incrementar el número de unidades asequibles a un sitio 100% asequibles
 - Distribuciones equitativas de viviendas asequibles dentro de las comunidades
 - Enfocarse en subsidio de lugares asequibles - equilibrar las asignaciones de densidad con requisitos asequibles para constructores
 - Analizar los cambios del ciclo 5
 - Más categorías bajas y extremadamente bajas a través de incentivos y subsidios directos
 - Enfocar las leyes en los intereses ciudadanos
 - Dialogar con otras ciudades
 - Las viviendas de los artistas-pequeñas unidades en un área con áreas comunes - atienden a personas específicas
 - Espacios compartidos
 - Viviendas para ancianos
 - Mantener un mínimo para unidades a precio de mercado
 - Crear un producto asequible por su diseño
 - Enfocarse en personas sin vehículos
 - Ej. Habitaciones con cocina común
 - Construcciones de bajo nivel para mantener el carácter (de 2 pisos)
 - Sociedades públicas/privadas con constructores de bajos ingresos
 - Más viviendas cerca de transporte público, pero evitar ubicaciones de paradas de autobuses de poco uso (no transporte público real)
 - Propiedades vacantes de la ciudad disponibles para todas las viviendas asequibles
 - Sin cargos
 - Sin tarifas de permisos
 - Exención de tarifas de impacto de desarrollo
 - Las SROs se consideran asequibles
 - Requerir un mayor porcentaje de viviendas asequibles a precio de mercado
 - Dialogar con el estado para un mayor porcentaje de viviendas asequibles por derecho y para permitir SROs, unidades complementarias y viviendas para ancianos para incluir junto con las de RHNA.

Estación 3: Reducir las restricciones gubernamentales/no-gubernamentales

- *Las barreras para reducir restricciones gubernamentales/no-gubernamentales incluyen:*
 - Preocupación por el desbordamiento de parqueos
 - Restricciones de costos por unidad
 - Reclasificación R-30 para encontrar diferentes lugares
 - ¿Eliminar las restricciones proporciona unidades asequibles?
 - Prob A, ¿una restricción?
 - Costo de construcción
 - Los terrenos son caros – costo de adquisición
 - Parqueo adecuado

- Falta de métodos alternativos de transporte
- Aceras
- *Oportunidades para reducir las restricciones gubernamentales/no-gubernamentales incluyen:*
 - Más paradas de tránsito
 - ¿Dónde? ¿Con qué frecuencia?
 - ¿Qué tipo?
 - Proporciones de parqueos apropiados para el tránsito público
 - Reclasificación de familias individuales a multifamilias
 - Analizar más métodos de viviendas para proveer viviendas asequibles, expandir el rango
 - Desarrollos con comodidades comunes
 - Ej. Pequeñas casas con servicios en un solo lote
 - Reducir los requisitos de los edificios ecológicos
 - Ej. Requisitos de solares
 - Métodos alternativos de construcción
 - Sistema de aguas residuales bajo restricciones del condado
 - Subdivisiones de lotes pequeños
 - Ordenanza de hogares pequeños
 - Tarifas de permisos más bajos
 - La financiación de bonos para las mejoras de las calles será pagada por la ciudad por los impactos del desarrollo
 - Reclasificación de diversidad para permitir diferentes tipos de viviendas
 - Permitir más dúplex
 - Sociedades público privadas
 - Reducir los parqueos para estudios y apartamentos de 1 habitación
 - Incremento de reclasificación inclusiva a por lo menos 50%
 - Incluir viviendas públicas propiedad de la ciudad

Estación 4: Asuntos/retos de viviendas equitativas

- *Barreras para las viviendas justas incluyen:*
 - Discriminación y posible acoso entre inquilinos
 - Asequibilidad
 - Tamaño de viviendas
 - Disponibilidad de viviendas
 - Accesibilidad a viviendas
 - H.O.A./gerencia potencialmente discriminatoria
 - Barreras a la asequibilidad
 - Barreras de tránsito y acceso
 - Barreras de infraestructura y accesibilidad
- *Las oportunidades para viviendas justas incluyen:*
 - Educación sobre viviendas justas
 - Información a inquilinos para explicar sus derechos/oportunidades
 - Más servicios para diferentes grupos de edades
 - Oportunidades para fuentes de ingreso

- Condensar las viviendas asequibles a un espacio/área
- Más opciones inclusivas
- Educación: ¿cómo se aplican las leyes a los propietarios de hogares a ADUs o habitaciones individuales con respecto a la compatibilidad?
- Consideración de edades/clases protegidas como personas jóvenes y ancianos
- Educación: acceso a idiomas
 - Más oportunidades para personas que no hablan inglés
- Trabajar con entidades adicionales para proveer más servicios
- Información sobre disponibilidad

Estación 5: Comentarios adicionales

Los participantes expresaron preocupaciones adicionales, ideas, y comentarios sobre una variedad de temas, incluyendo:

- Viviendas para ancianos
 - Asuntos de infraestructura
 - Construyendo dentro de residenciales en uso existente
 - Asuntos de preservación de hábitats
 - Requisitos para reclasificación, ¿estamos ignorando al permitir?
 - Ejemplo en propiedades de viviendas La Costa
 - 123 centros de atención a ancianos
 - Asuntos existentes de R1/ hábitat
 - ¿Abuso de carácter SF y de bonificación por densidad?
- Construcción que no cumple, ¿por qué la permitimos?
- Identificación de lugares
 - Reclasificación más bonificación no fue algo esperado por los residentes
 - La densidad rural residencial no es compatible con proyectos de mayor densidad
 - Retos ambientales no abordados
- ¿La política de enfoque actual está equivocada? ¿Lo estamos haciendo mal ahora?
 - Queremos salvar el carácter actual de Encinitas
 - ¿Dinero para los constructores es buena idea?
- 5^{to} ciclo de propiedades identificadas
 - Colocar a Encinitas en el rol de construir de manera asequible en los [sic] propiedad de la ciudad
- No otorgar derechos, sino construir viviendas asequibles
- Ejemplo de tema parcela Gaffney/Goodson
 - Revocar la zona de superposición
 - ¿Por qué hacer a los constructores ricos?
 - 69 pies en Encinitas, ¿es esto apropiado?
- Opción para que la ciudad haga que los constructores paguen para construir las unidades
- Ejemplo de 754 Bonita Drive
 - Bonificación por densidad
- Base de impuestos ADU para tasación de ADUs

- Retos de Leucadia
 - Viviendas asequibles necesarias para montar el autobús, etc. ningún asunto de seguridad abordado
 - Trabajar con NCTD en la seguridad de cruce de ferrocarriles
 - Acceso de peatones en Vulcan no es seguro
- Lugares Vulcan @La Costa
 - Bajos ingresos vs. Precio de mercado/lo que sea apropiado
 - Ningún servicio de autobús en La Costa
 - Ped. Aparentes asuntos de seguridad
- Otros tipos de viviendas
 - No solo unidades familiares, sino otros tipos para cumplir con otras necesidades
 - Por ejemplo: Unidades eficientes
 - Por ejemplo: Unidades para jóvenes adultos que trabajan
 - Por ejemplo: Adultos solteros
- Reducir los tamaños en Encinitas
 - Familiar multigeneracionales
 - Edad en el lugar
 - Cambios de edad/cambios de ingresos
- ¿Dónde están los datos de unidades no ocupadas?
- ¿Datos de AirBnB y de corto plazo disponibles?
- La ciudad trabaja para resolver los asuntos de viviendas para la ciudad y no para HCD
- Densidad donde tenga sentido
 - No en áreas rurales
 - Cerca de lugares de tránsito
 - Cerca de escuelas y trabajos
- ¿Ya todos los lugares de RHNA están seleccionados?
- ¿Cómo puede la ciudad retomar el control? En vez de HCD
- Viviendas como negocios vs. para las personas
- ¿Fondo de mitigación?
 - Ejemplo en parcela de 30 acres
 - En lugar de ello, la contribución del constructor
 - Para la densidad original
 - Pago de fondo de mitigación para construcción de unidades de viviendas asequibles
 - No dejar que los constructores “se liberen”
- ¿Por qué no dejar que la ciudad sea el constructor?
 - Proporcionar oportunidades para 100% asequibles
 - El desarrollo actual y los constructores solo hacen la ciudad más densa
- Dar tarifas/lugares a constructores asequibles (¿gratuitamente?)
- Cumplir completamente con las órdenes del estado. Ser más agresivo
- Se debe comparar las personas sin hogar actuales vs. los vacantes disponibles en California. Podemos proporcionarle viviendas a todos.
- El condado supervisa los sépticos/controlado por el condado

- Trabajar con el condado con relación a la construcción de ADU y de séptico
- Pueden crear requisitos que restrinjan
- Crear un plan con el condado: ADU en áreas rurales para sépticos
- La tecnología de sépticos mejorada es una opción a explorar
- Restricción para constructores con limitaciones sépticas
- Pre-alambrado de ADUS/viviendas para cargadores EV
- Opciones de criterio de 6^{to} ciclo para constructores de alta densidad
 - Aumentar los requisitos
 - Por ejemplo: 75% asequible 25% mercado
 - Por derecho y bonificación por densidad incrementos en disparidad en vecindarios
 - Disparidad en mezcla de unidades
 - Por ejemplo: 1 millón de hogares en una construcción, pero solo 1 asequible
- Los incentivos no evalúan los impactos de los incentivos reales
- Más constructores deben aportar viviendas asequibles
- Desarrollar y determinar una ecuación o fórmula que funcione mejor para determinar unidades "inclusivas".
 - ¿Opciones más agresivas?
- Datos del censo utilizados en el plan
 - ¿Por qué estamos usando los datos del censo del 2010 cuando estos podrían no ser válidos?
 - Cómo está la demografía ahora vs. en el 2010
 - Proporción trabajos/viviendas, ¿cuál es?
 - ¿Dónde están los datos/qué está disponible/cuál es la fuente?
- Mapa de bajos ingresos
 - Deberíamos contar con un mapa de unidades de bajos ingresos
 - Deberíamos contar con un mapa de unidades moderadas/por encima de moderadas
- Las viviendas son impulsadas por el transporte/CO²
 - Órdenes/políticas de SANDAG
 - ¿Se abordaron los asuntos de transporte con las viviendas?

Attendees of the February 10, 2020 Housing Element Community Workshop were asked to provide additional comments and input regarding the 6th Cycle Update. The handout stated “Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update Process. You may fill this out and hand it to staff or email to Jennifer Gates at jgates@encinitasca.gov. Thank you!”

The following were received the evening of the workshop:

1. Require a minimum number of very low income or low income units (20% of total site units) at each property.
2. Please forward me all email notices or [sic] at willsschneider@gmail.com Will Schneider 865 Morning Sun Dr. Encinitas, Ca 92024, (760)436-2100, Thank you!
3. How do increased needs of infrastructure get metro forecast? How to maintain community integrity/character with increased units? How to preserve the Encinitas we moved here to enjoy? I want to give more input on constraints the expanded number of units allowed.
4. Who is paying, how and when for all the new infrastructure this new zoning and housing will necessitate? Roads, plumbing, infrastructure, schools? This sucks!
5. Eliminate all “in lieu’ fees or options to transfer affordable units to other projects or sites.
6. Where is the discussion about our City adhering to the city charter? Why are we not asserting local control versus state control?
7. The city wants growth but id not willing to pay for improved infrastructure to support the growth. Widen very narrow roads, bring in sewer to areas dependent on septic. City needs to step up and spend its own money, instead of expecting developers to do everything.
8. Need to count existing affordable housing currently being provided by residents. In Olivahain there are a number of ranches all of which provide low cost on [sic] stuff. Many homes provide low cost on housing for their parents or adult children (often with some disabilities). There is no justification for Sacramento not counting these. Only reason that City of Encinitas exists is because our 5 communities were determined to keep our community characteristics.

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Where is the discussion

about our City adhering to the

City Charter?

Why are we not asserting local control
versus state control.

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Eliminate all "in lieu" fees or options to transfer affordable units
to other projects or sites.

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How do increased needs of Infrastructure get met or forecast.
How To maintain Community Integrity / Character with increased units? How To preserve the Encinitas we moved here to enjoy.
I want to give more input on Constraining the expanded ~~into~~ # of units Allowed.



Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Who is paying, how and when for all the new infrastructure this new zoning and housing will necessitate?

- ✓ Roads
- ✓ Plumbing
- ✓ Infrastructure
- ✓ Schools

This sucks!

Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020



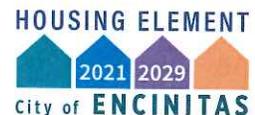
Michelle J. Gates 760518-8182

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Need to count existing affordable housing currently being provided by residents

In Olivenhain there are a number of ranches all of which provide housing for staff. Many homes provide both cost and no cost housing for their parents or adult children (often with some disabilities). There is no justification for Sacramento not counting these. Only reason that City of Encinitas exists is because our 5 communities were determined to keep our community characteristics

Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020



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Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020



Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Please send me all e-mail
NOTICES OR COMMUNICATIONS
@ 611554@comcast.net
@ 611554@comcast.net
Will send you in
865 Moorpark Lane Dr.
Encinitas Ca. 92024
(760) 436-2100
Thank you!

Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020

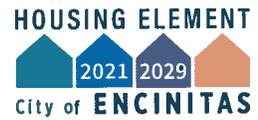


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Require a minimum # of very low income or low income units
(20% of total site units) at each property.

Pg. 1 of 2

Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020



To: Jennifer Gates

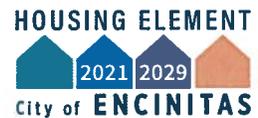
Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

we need more small homes for currently unhoused, local youth, climate refugees, as well as seniors and disabled. City could buy, lease, or manage vacant land to require smaller homes near transit. We need transit locally to eliminate too many cars. Also, why not hire locals with building skills to create local jobs. Urban infill is what is needed, but with small, green, affordable homes, both rental + market. We need homes to reside in, not vacation rentals, air bnb, or "investment" homes.

*Helen Bourne
760 625-5621*

Pg. 2 of 2

Encinitas Housing Plan 2021-2029
Community Workshop 2
February 10, 2020



To: Jennifer Gates

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at Jgates@encinitasca.gov. Thank you!

Another suggestion is to create a community land trust for small square footage homes to remain permanently affordable. Also, more could be done to encourage public participation in the upkeep of community well being, such as neighborhoods sweeping (brooms, no leaf blowers) & doing trash pick ups.

*Helen Bourne
760 625-5621*

From: [Juliana Maxim](#)
To: [Jennifer Gates](#); [Roy Sapau](#)
Subject: Comments to the 6th cycle HE draft
Date: Wednesday, February 12, 2020 8:43:06 PM

[NOTICE: Caution: External Email]

Dear Jennifer,

Thank you very much for organizing the Community Workshop about the 6th Cycle Housing Element on February 10, 2020.

I have a few comments that I hope will be included in the package forwarded to HCD, and provided to the City Council. I would appreciate a response to question 1.

1. Unoccupied and short-term rental units.

Is the City collecting data on unoccupied units (units that sit un-used for more than 6 months / year) and on short-term rentals such as Airbnb? And if so, could you please include this data in an appendix to the HE? This would provide a more accurate picture of how the existing housing stock is used in Encinitas. It would also qualify the claim that we have a housing supply problem.

2. "removing constraints"

During the workshop, the public was asked for ways to "remove constraints" for developers in order to facilitate the building of affordable housing. This, however, is an example of a suggestive or biased question, because it permits only answers that agree with the assumption that constraints are a negative thing.

But constraints are far from being all bad. In fact, we as citizens should place all sorts of demands on our built environment, rather than simply leave it up to the developers.

A better question would be: what are *good* constraints and what are *bad* constraints?

I will assume that this is the real question, and answer it.

-Good constraint: CEQA. We should subject all rezoning to the requirement that it minimizes the impact on the environment, by reducing, for instance, the need for cars. ALL projects should require CEQA, including the 'by right' ones.

-Bad constraint: "real estate financial feasibility", which is the guarantee that the developer makes a profit. True affordable housing needs to be publicly subsidized and publicly controlled. It should not serve private profit.

3. Beneficiaries' participation in design and implementation

The potential beneficiaries of affordable housing were nowhere to be seen during the community workshop. If the city is serious about "participation of all economic segments of the community," then it should establish genuine dialogue with tenant organizations (such as Tenants United) and affordable housing grass roots groups (such as Affordable Housing Advocates).

4. Public policy but private profits

Current policies are entirely predicated on extracting private profit out of the public support for affordable housing construction.

We need to expand the range of mechanisms for achieving affordable housing to include not-for profit development, public housing and rent control. Before assuming that rent control is

bad, or public housing "is not done anymore," as was asserted by City staff during the workshop, look carefully at the data. (For public housing, see the small, thriving housing authorities in Austin, TX; Portland, OR; Cambridge, MA; or St Paul, MN). History shows that real estate-led development is the cause rather than the solution to gentrified neighborhoods.

5. Rethink inclusionary zoning.

-Affordability: in Encinitas, rent for 80% AMI for 1-Bd is set at \$1,713/month. This is out of reach for most working class people. Such "affordable" units are priced at levels virtually identical to market rates and should not count towards the density bonus or the inclusionary %. "Affordable" should begin at 50% AMI.

-Neighborhood impact: hold to limits on height, set-backs, etc, and avoid granting zoning and building exceptions. Consider impacts of construction, and the neighborhood needs for facilities and services. This will prevent stigmatizing and separating the 'affordable' units and their residents from the surrounding neighborhood.

I understand that most of our housing policies are handed down to the City by HCD. I am writing precisely in the hope that someone from HCD will read this.

With thanks for your consideration,

Juliana Maxim
254 Rancho Santa Fe Road
Encinitas

From: [Kathy Hollywood](#)
To: [Jennifer Gates](#)
Subject: FW: empty residential units. Why?
Date: Wednesday, February 12, 2020 10:44:14 AM

Kathy Hollywood, City Clerk
City of Encinitas
760-633-2601

From: Jeffery Laudenslager <laudenslager1@cox.net>
Sent: Monday, February 10, 2020 5:13 PM
To: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: empty residential units. Why?

[NOTICE: Caution: External Email]

Hi,

Below are two links that give a nuanced picture of the reality of our scarce housing opportunities in California. I think it is worthwhile looking at our "housing crisis" from a different perspective. If affordable housing is to be effectively built and utilized it must be built for those who actually need it. Not a small percentage of affordable units mixed with a larger portion of "market value" houses. That is simply a greedy building industry masquerading as a savior to this perceived "crisis".

I suggest the City get real with solving this problem we are being forced by the State to address. No market rate housing until that is done.

<https://www.citylab.com/equity/2019/12/california-housing-crisis-vacancy-rate-new-homes-real-estate/603145/>

<http://www.capoliticalreview.com/capoliticalnewsandviews/too-many-empty-homes-in-san-jose-there-could-be-a-penalty-tax-for-that/>

Jeffery Laudenslager
619-417-0303

From: [Huntley, Robin@HCD](mailto:Huntley,Robin@HCD)
To: [Jennifer Gates](#); [Barbara Kautz](#)
Subject: FW: Fwd: Comments to the 6th cycle HE draft
Date: Thursday, February 13, 2020 7:41:32 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

[NOTICE: Caution: External Email]

HCD is forwarding comments received with regard to Encinitas' draft 6th cycle housing element and offers the City an opportunity to respond. HCD considers all comments received during our review.

In addition, we are aware the City's previous Community Development Director is no longer with the City. Please provide the contact information for the appropriate staff who will be working on the 6th cycle element.



Robin Huntley
Housing Policy Manager, Housing Policy Division
Housing & Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833
Phone: 916.263.7422



From: Dan Vaughn <daniel_e_vaughn@yahoo.com>
Sent: Wednesday, February 12, 2020 9:48 PM
To: Juliana Maxim <jmaxim@sandiego.edu>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Re: Fwd: Comments to the 6th cycle HE draft

Hi Juliana, let me virtually introduce you to Robin Huntley. She is the point person at HCD for our Encinitas project.

Robin, please see below for Juliana's comments on the 6th cycle HE in Encinitas. She is an architecture professor at UCSD.

Best to both, Dan

On Wednesday, February 12, 2020, 8:48 PM, Juliana Maxim <jmaxim@sandiego.edu> wrote:

The City asked for public comments on the next HE. Here are mine, in case anyone cares to read a long email :)
Juliana

Begin forwarded message:

From: Juliana Maxim <jmaxim@sandiego.edu>

Subject: Comments to the 6th cycle HE draft

Date: February 12, 2020 at 8:40:17 PM PST

To: jgates@encinitasca.gov, rsapau@encinitasca.gov

Dear Jennifer,

Thank you very much for organizing the Community Workshop about the 6th Cycle Housing Element on February 10, 2020.

I have a few comments that I hope will be included in the package forwarded to HCD, and provided to the City Council. I would appreciate a response to question 1.

1. Unoccupied and short-term rental units.

Is the City collecting data on unoccupied units (units that sit un-used for more than 6 months / year) and on short-term rentals such as Airbnb? And if so, could you please include this data in an appendix to the HE? This would provide a more accurate picture of how the existing housing stock is used in Encinitas. It would also qualify the claim that we have a housing supply problem.

2. "removing constraints"

During the workshop, the public was asked for ways to "remove constraints" for developers in order to facilitate the building of affordable housing. This, however, is an example of a suggestive or biased question, because it permits only answers that agree with the assumption that constraints are a negative thing.

But constraints are far from being all bad. In fact, we as citizens should place all sorts of demands on our built environment, rather than simply leave it up to the developers.

A better question would be: what are *good* constraints and what are *bad* constraints?

I will assume that this is the real question, and answer it.

-Good constraint: CEQA. We should subject all rezoning to the requirement that it minimizes the impact on the environment, by reducing, for instance, the need for cars. ALL projects should require CEQA, including the 'by right' ones.

-Bad constraint: "real estate financial feasibility", which is the guarantee that the developer makes a profit. True affordable housing needs to be publicly subsidized and publicly controlled. It should not serve private profit.

3. Beneficiaries' participation in design and implementation

The potential beneficiaries of affordable housing were nowhere to be seen during the community workshop. If the city is serious about

"participation of all economic segments of the community," then it should establish genuine dialogue with tenant organizations (such as Tenants United) and affordable housing grass roots groups (such as Affordable Housing Advocates).

4. Public policy but private profits

Current policies are entirely predicated on extracting private profit out of the public support for affordable housing construction. We need to expand the range of mechanisms for achieving affordable housing to include not-for profit development, public housing and rent control. Before assuming that rent control is bad, or public housing "is not done anymore," as was asserted by City staff during the workshop, look carefully at the data. (For public housing, see the small, thriving housing authorities in Austin, TX; Portland, OR; Cambridge, MA; or St Paul, MN). History shows that real estate-led development is the cause rather than the solution to gentrified neighborhoods.

5. Rethink inclusionary zoning.

-Affordability: in Encinitas, rent for 80% AMI for 1-Bd is set at \$1,713/month. This is out of reach for most working class people. Such "affordable" units are priced at levels virtually identical to market rates and should not count towards the density bonus or the inclusionary %.

"Affordable" should begin at 50% AMI.

-Neighborhood impact: hold to limits on height, set-backs, etc, and avoid granting zoning and building exceptions. Consider impacts of construction, and the neighborhood needs for facilities and services. This will prevent stigmatizing and separating the 'affordable' units and their residents from the surrounding neighborhood.

I understand that most of our housing policies are handed down to the City by HCD. I am writing precisely in the hope that someone from HCD will read this.

With thanks for your consideration,

Juliana Maxim
254 Rancho Santa Fe Road
Encinitas

--

You received this message because you are subscribed to the Google Groups "Encinitas Residents For Responsible Development" group.
To unsubscribe from this group and stop receiving emails from it, send an email to encinitas-residents-for-responsible+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/encinitas-residents-for-responsible/DA600DE4-477A-4939-AB54-E39066C22DB7%40sandiego.edu>
[\[groups.google.com\]](https://groups.google.com).

From: [Annemarie Clisby](#)
To: [Jennifer Gates](#)
Subject: FW: Housing Element Update - Feb. 19. 2020
Date: Thursday, February 20, 2020 9:05:12 AM

From: Linda <lradcliffe@gmail.com>
Sent: Thursday, February 20, 2020 8:55 AM
To: Council Members <council@encinitasca.gov>
Subject: Re: Housing Element Update - Feb. 19. 2020

[NOTICE: Caution: External Email]

Thank you for sending this message information.

With the scale of projects and major changes underway by the City, it is overwhelming to the residents to evaluate the implications of individual initiatives and the cumulative impact of all. In an election cycle caution is requested in implementing this and other initiatives.

It is not evident what the environmental, financial, traffic , other logistics and community effects of these housing increases to our community..

A pause is required in order for the constituents to have a reasonable opportunity to understand and review the city's intent. The council has not done due diligence to address this.

Thank you.

Linda Radcliffe

Sent from my iPhone

On Feb 19, 2020, at 11:03 AM, City of Encinitas <webmaster@encinitasca.gov> wrote:



Materials Available Online

Thank you to all who were able to attend the community workshop held on February 10th to provide input on the City's preliminary draft of Section 1 and Appendix C of the 6th Cycle Housing Element. We had over 100 participants provide input on four main topics: Accessory Dwelling Unit (ADU) development; affordable housing for all income levels; governmental constraints to housing development; and fair housing issues and challenges. Participants were also provided an opportunity to provide general comments on the Preliminary Draft of the Housing Element. To view the presentation and input received visit the project [webpage](#).

Comments will continue to be received on the preliminary drafts until March 1, 2020. Drafts of both documents are available now for your input on the [City's website](#). We would like to hear your initial comments on the preliminary draft before we release the public review draft to the Department of Housing and Community Development. The proposed modifications to Section 1 of the 6th Cycle Housing Element reflect the City's progress in implementing the currently adopted Housing Element and new state law requirements. In Appendix C, the modifications include the identification of "moderate" and "above-moderate" sites needed to meet the Regional Housing Needs Allocation. No rezoning of sites to meet the required sites inventory is required at this time.

Visit www.encinitasca.gov for more information on the Housing Element 2021-2019. To stay apprised of project updates and upcoming meetings visit: www.encinitasca.gov/Home/City-Updates to sign up to receive City newsletters and e-notifications. Select "Housing Element Update" and any other topics that are of interest.

For more information please contact Jennifer Gates, Principal Planner by email jgates@encinitasca.gov.

City of Encinitas, 505 S. Vulcan Avenue, Encinitas, CA 92024

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Housing Element Draft comments
26 Feb 2020

Dear Jennifer,

Please see below my comments on the initial draft of section 1 of the Cycle 6 Housing Element. Thank you for considering my feedback.

“As part of the adoption of the Housing Element, the City will modify policies in other elements if needed to achieve internal General Plan consistency.” Not a fan of having everything else requiring changes to fit the Housing Element. The Housing Element should instead be created to fit into the General Plan.

“Section 65583(c)(9) of the Government Code states that, “The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” A discussion of citizen participation is provided below and in Appendix A.” I do not see an Appendix A. I also do not see any evidence at all that the City actually tried to obtain participation in this process by anyone other than a privileged few who have the time and energy and ability to participate in this process. If the City actually wanted involvement from all sectors of society, it would make a much better effort to meet the residents where they are to obtain feedback – i.e. sending out survey mailers in English and Spanish with return postage paid; holding open houses at different times and days of the week to allow discussion and a two way dialogue, etc.

The suggested policies in the introduction generally sound all well and good, but they are weakly worded and are not currently being enforced. So, will they be enforced? If so, how? You could start with, for example, strengthening the wording. For example, for POLICY 2.7, language should change from “Discourage residential development of steep slopes, canyons, and floodplains” to PROHIBIT development in these areas (as stated in the General Plan, these areas cannot be built; therefore, this verbiage of “discouraging” violates the General Plan).

Policy 2.8 makes no sense at all. What on earth is this trying to say? It’s just a bunch of words that sound like they mean something without actually making any commitments. How about doing something meaningful, like connecting low income homeowners to assistance with energy efficiency upgrades, such as: <https://www.maacproject.org/main/impact/healthy-homes-health-services/weatherization-services/>

Goal 3 does not contain any actual policies related to quality of new housing. It is misleading for it to be named as such. Further, Policy 3.2 is vague and terrible. How will this be conducted? Why? So that people can be evicted from substandard housing?

Goal 4 “The city will attempt” – this is so weak. Of course the city will not do anything meaningful, if wording is so vague like this. How about some actual actions and commitments?

Policy 4.1 is ridiculously worded – “the City will continue to develop necessary actions”?! WHAT actions? How? Why is the City paying a consultant to churn out meaningless garbage like this?

Section 2.5 should be eliminated. “Constraints” exist to ensure that development in our City occurs thoughtfully and responsibly. Eliminating “constraints” so that builders can do whatever they wish is NOT what anyone in Encinitas wants.

Section 2.6 last paragraph – so what you are saying here is that the Housing Element is NOT consistent with the Land Use Element of the General Plan, and that you will *amend* THAT in order to make them consistent. As stated above, how about just making the Housing Element consistent in the first place?! This is what we want.

Program 1E is ridiculous: The suggestion is that if a developer fails to develop a site as intended under the housing element, the City will absorb the consequences by undertaking rezoning to accommodate the shortfall? So, every time a developer comes in and just builds more LUXURY HOMES THAT WE DO NOT NEED, the city will just REZONE a different area to be high-density, so MORE LUXURY HOMES can be built, ad Infinium? THIS IS NOT OK. PLEASE DO NOT DO THIS. The onus MUST be put on the developers to build the amount and type of housing that is indicated in the housing element – no more, no less, and most definitely developers should NOT be allowed to build less than the Housing Element - required affordable units on site.

Program 1F is weak. New construction should include efficient systems and use green building standards, period. This should not be an option.

Program 2B – the “average” size limitation is problematic, because it allows developers to make the affordable units tiny and the unaffordable units large (i.e. extremely unequal). There needs to be a cap on the disparity allowed between these types of units – i.e. the market rate units should only be allowed to be, perhaps, a maximum of 30% larger than the affordable units. Further, size is not the only thing that will prevent developers from creating luxury homes – amenities (that would only be available to the market rate inhabitants, most likely) and materials are also involved in driving up housing costs. To prevent the construction of yet more unaffordable luxury housing, which we DO NOT need (according to HCD’s recent letter), this section needs to have more strict guidelines.

Remove the text “Moreover, the City will continue to review and approve projects under density bonus law without applying any requirements of Proposition A.” Proposition A has not been invalidated and is still applicable to Density Bonus Projects. No portion of the State Law prevents Proposition A from being applied.

In the section “Ground Floor Uses Only,” “key locations” should not be determined by the City Council on its own, but by the City Council with adequate and fair input from residents.

Program 3C – would not be required, had the City listened to residents and developed Housing Elements with sites and approaches that residents approved of (like L7, for example).

Program 3D “Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible now to focus future environmental review on project- specific issues.” Wording is garbled and approach is unacceptable. The City is failing miserably at its job of protecting the City and citizens by requiring adequate environmental review. The City routinely illegally claims that projects are exempt from CEQA, which must end. Throwing away environmental review does not solve our problems, it simply leads to different problems – an environmental crisis in place of a housing affordability crisis. Is that acceptable? I think not.

Program 3F – YES PLEASE! Can you also maybe listen to residents, and require developers to actually complete their CPP requirements as intended, and to design projects that are not terrible?

Program 4A – great! Would have been nice had this been applied to the Bonita Drive project, don’t you think?

Program 4B – this is way too small – surely there is a way to increase the # of households that can be helped with this program? Start with conducting free assessments of housing throughout the City and identifying what needs to be fixed. Most likely, some homes would have relatively minor things that could help a lot (i.e. leaky windows), and others would require more costly repairs (i.e. leaky roof). Obtaining a full inventory of repair needs throughout the city would allow the City to come up with an efficient way to help repair homes for lower income residents. For example, small repairs can be tackled by volunteers and/or contributions from the community, while larger projects such as roof replacements could be reserved to be covered under CDBG funds.

Program 5A – wow, that’s very vague and unhelpful. I look forward to reading some actual actions in the revision. Sad that the consulting firm hired to prepare this didn’t have any useful ideas to put forth here other than just repeating key phrases over and over.

Program 5B – how about including requirements in new development proposals to ensure adequate access? For example, the City just approved several Density Bonus projects that have no sidewalks, and therefore people have to drive into their homes and/or walk in the roadway. This is not safe or adequate for disabled people (or children, or non-disabled people either, for that matter).

Thank you,
Jessica Carilli, PhD
Former renter, current homeowner in Encinitas

From: [Van Cheng](#)
To: [Jennifer Gates](#)
Subject: Housing element
Date: Sunday, February 9, 2020 3:26:29 PM

[NOTICE: Caution: External Email]

My concern is that Quail Pointe Drive is already very congested. With the Leichtag homeless car exit being changed to it, instead of Saxony, please do not have Quail Pointe Drive be a place for affordable housing.

Van Cheng, M.D.,
545 Quail Pointe Lane
Encinitas California 92024

Sent from my iPhone

From: [Jennifer Gates](#)
To: [Kyle Hoggatt](#)
Subject: RE: Above moderate income sites

Hi,
Yes they will be removed as available for housing.
Thanks,
Jennifer

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

From: Kyle Hoggatt <khoggatt@couponchief.com>
Sent: Thursday, February 27, 2020 10:32 AM
To: Jennifer Gates <jgates@encinitasca.gov>
Subject: Re: Above moderate income sites

[NOTICE: Caution: External Email]

Hi Jennifer
Just following up on this while community feedback is still being taken. Will these sites be removed from the HEU?

Thanks,
Kyle

> On Feb 20, 2020, at 9:16 AM, Jennifer Gates <jgates@encinitasca.gov> wrote:

>

> Yes we noticed that one when we went back through the Encinitas Ranch Specific Plan Area.

> Thank you!

> Jennifer

>

> -----Original Message-----

> From: Kyle Hoggatt <khoggatt@couponchief.com>

> Sent: Wednesday, February 19, 2020 5:48 PM

> To: Jennifer Gates <jgates@encinitasca.gov>

> Subject: Re: Above moderate income sites

>

> [NOTICE: Caution: External Email]

>

> Thanks. The EUSD site across the street isn't zoned for residential either (441 QGD).

>

> -Kyle

>

>> On Feb 19, 2020, at 5:16 PM, Jennifer Gates <jgates@encinitasca.gov> wrote:

>>

>> Thank you I will look into it and get back to you. Leichtig Commons should be ER-AG as you state.

>> Sincerely,

>> Jennifer

>>

>>

>>

>> Jennifer M. Gates, AICP

>> Principal Planner

>> Development Services Department

>> 505 South Vulcan Ave, Encinitas, CA 92024

>> (760) 633-2714 | jgates@encinitasca.gov www.encinitasca.gov

>>

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>> -----Original Message-----

>> From: Kyle Hoggatt <khoggatt@couponchief.com>

>> Sent: Wednesday, February 19, 2020 11:49 AM

>> To: Jennifer Gates <jgates@encinitasca.gov>

>> Subject: Above moderate income sites

>>

>> [NOTICE: Caution: External Email]

>>

>> Hi Jennifer,

>>

>> I just looked at the updated Appendix C for the housing element, and I saw the Leichtag property listed there (Ecke Ranch Road and Union St). Why are those shown as RR1 zoning instead of ER-AG?

>> Do you have any details on this?

>>

>> Thanks,

>> Kyle Hoggatt

>>

>> _____

>>

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>

From: [Jennifer Gates](#)
To: [Juliana Maxim](#)
Subject: RE: Comments to the 6th cycle HE draft
Attachments: [image001.jpg](#)

Hi Juliana,

Sorry for the delay in my response. Thank you for your email and sharing your thoughts and ideas. In the meantime below are my responses to your questions and comments.

1. We do not have a current way of tracking “unoccupied” units. As for short-term rentals, we only have a list of those that have permits through the City so we can pull that data.
2. You are correct it is more about an analysis of constraints. In the Housing Element, each jurisdiction is tasked with an analysis of constraints. Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. Here is more information from HCD on what we are tasked with <https://www.hcd.ca.gov/community-development/building-blocks/constraints/processing-permitting-procedures.shtml>. Please share any additional thoughts you have on this.
3. Agreed. We are serious about including all interest groups and I will reach out to those two you recommend but I also want to hear from our Encinitas residents that currently participate in our affordable housing programs, which is why we sent a letter to all residents and property owners in Encinitas about the last workshop. I did hear from some residents who were unable to attend the meeting about their concerns and have mailed a copy of the document to an individual that did not have access to a computer. We have also heard through different avenues from affordable housing developers. Please let me know any additional local interest groups you think I should specifically reach out to.
4. We are looking at the different avenues to partner with non-profit and for-profit developers to develop more affordable housing throughout Encinitas. This includes different State funding opportunities. Unlike large cities throughout the US and other cities that have remnant redevelopment funds our affordable housing fund is limited so we will need to be more creative. What I meant regarding public housing is that large subsidized housing projects that were common in the 1960s, that were funded mostly by the Federal government, are not done anymore. The federal government has virtually eliminated funding for new public housing. Today it takes many partners and diversity of funding sources. Some housing authorities do act as developers under the new model. Regarding rent control, statewide rent control was enacted this year by AB 1482.
5. While low-income households may earn approximately 80% of AMI, we do follow the HCD guidelines, which set the rent limits as 30% of 60% of AMI, which, based on 2019 income limits, limits rent to \$1,036 a month for a one bedroom unit for both inclusionary and density bonus affordable units. Here is the [link to our sheet](#) we update annually. We have not received the numbers from the State yet for 2020. We will continue to look at neighborhood impact as we develop objective design standards this year. That project will begin soon and include opportunities for community input.

Thank you,
Jennifer Gates



Jennifer M. Gates, AICP
Principal Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
(760) 633-2714 | jgates@encinitasca.gov
www.encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the [Customer Service Center](#) portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via <https://encinitasca.gov/Home/City-News/ArticleID/216>.

From: Juliana Maxim <jmaxim@sandiego.edu>
Sent: Wednesday, February 12, 2020 8:40 PM
To: Jennifer Gates <jgates@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>
Subject: Comments to the 6th cycle HE draft

[NOTICE: Caution: External Email]

Dear Jennifer,

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I will assume that this is the real question, and answer it.

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With thanks for your consideration,

Juliana Maxim
254 Rancho Santa Fe Road
Encinitas

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Jennifer Gates

From: Camille Perkins <camille.perkins@gmail.com>
Sent: Wednesday, September 2, 2020 4:56 PM
To: Jennifer Gates
Subject: Re: Housing Element Questions
Attachments: 2020 09 02 CP Housing Element Comments.pdf

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Thank you for your response.

I note the following:

- (1) my emails were requests for information, not a comment letter.
- (2) it took two weeks to receive a substantive response from the City.
- (3) the City did not provide the requested "sources and computations" explaining the Schedule C numbers relating to APN 264-020-13.
- (4) failure to provide the requested information has prevented me from fully and meaningfully commenting on this Housing Element and its schedules.

Please include this entire email chain, including this email, in the public record.

Attached please find my comment letter.

Thank you in advance.

Sincerely,
Camille Perkins

On Mon, Aug 17, 2020 at 1:59 PM Jennifer Gates <jgates@encinitasca.gov> wrote:

Dear Ms. Perkins,

Sorry for the delay in getting back to you. Attached is the responses to your questions from August 3 and 6.

Last week HCD provided initial verbal comments. The project webpage has been updated with the responses to HCD verbal comments in track changes this morning: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>.

Sincerely,
Jennifer Gates

From: camille perkins <camille.perkins@gmail.com>
Sent: Friday, August 14, 2020 6:59 AM
To: Jennifer Gates <jgates@encinitasca.gov>
Subject: Re: Housing Element Questions

[NOTICE: Caution: External Email]

Hi Ms. Gates,

Following up on my inquiries.

Thank you again,
Camille Perkins

On Aug 7, 2020, at 6:53 AM, camille perkins <camille.perkins@gmail.com> wrote:

Sincere thanks.

Best regards,
Camille Perkins

On Aug 6, 2020, at 8:56 AM, Jennifer Gates <jgates@encinitasca.gov> wrote:

Hi Camille,
Sorry for the delay in my response. I will get back to you next week with answers to your questions.
Sincerely,
Jennifer

From: Camille Perkins <camille.perkins@gmail.com>
Sent: Thursday, August 6, 2020 7:01 AM
To: Jennifer Gates <jgates@encinitasca.gov>
Subject: Re: Housing Element Questions

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Following up on my August 3, 2020 email. When should I expect a response?

It appears there may be errors/discrepancies in Appendix C. In addition to my August 3, 2020 questions, please could you explain the sources and computations underlying the following numbers from Appendix C relating to APN 2640201300:

Parcel size (49.67 acres)

C-58 of Housing Element: 39.50 ac

Minimum or Average Density: (2-4 acres)

C-58 of Housing Element: .125

Thank you in advance for clarifying these questions.

Please let me know if I can provide any further information.

Thank you again in advance.

Camille Perkins

760.456.9291

On Mon, Aug 3, 2020 at 7:02 AM Camille Perkins <camille.perkins@gmail.com> wrote:

Dear Ms. Gates,

We spoke a few weeks ago and I wanted to follow up with some questions and request for further information:

Please could you send me some additional materials concerning the Housing Element that explains: (1) the requirements and details concerning sites designated for the various income levels; (2) any information explaining the selection of sites designated in Schedule C outside of the Housing Element; (3) any other background materials and summaries you think would be useful to understand the Housing Element.

Is it correct that the acreage listed on the sites inventory (Schedule C) is a gross number and is based on the assessor's data? If not, could you please explain how this number was calculated and how I can obtain information about how this number is computed for specific parcels?

Is it correct that maximum density figures listed on the sites inventory (Schedule C) are available on the City's e-zoning website?

Is the "minimum or average density" on the sites inventory (Schedule C) the mid-range density from the City's e-zoning website or the minimum density number? Which number is used in the chart? If not, where can this number be found?

If the site inventory (Schedule C) contains incorrect information, will the City revise this information in the final report?

Sincere thanks in advance,

Camille Perkins

760.456.9291

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C. Perkins Comment:

Please could you send me some additional materials concerning the Housing Element that explains: (1) the requirements and details concerning sites designated for the various income levels; (2) any information explaining the selection of sites designated in Schedule C outside of the Housing Element; (3) any other background materials and summaries you think would be useful to understand the Housing Element.

City of Encinitas Response:

Section 11.2 of Appendix B (Pages B-109 – B-111) describes the methodology used in assumptions for the Encinitas Sites Analysis. This is available on the City's Housing Element website.

Additionally, HCD has recently released guidance regarding the development of Sites Analysis sections of 6th Cycle Housing Elements. As this was released near the time that the City submitted the draft document to HCD for review, any revisions that need to be made based on this new guidance will be accommodated.

The guidance document can be found here:

https://www.hcd.ca.gov/community-development/housing-element/docs/Sites_inventory_memo_final06102020.pdf

Lastly, the City has posted a Fact Sheet and the Presentation from the Kick-Off Workshop on the City's Housing Element Website. They can be found here:

<https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>

C. Perkins Comment:

Is it correct that the acreage listed on the sites inventory (Schedule C) is a gross number and is based on the assessor's data? If not, could you please explain how this number was calculated and how I can obtain information about how this number is computed for specific parcels?

City of Encinitas Response:

Yes, the acreage information for sites identified to meet the City's moderate and above moderate RHNA need come from the City's Tax Roll Assessor Parcel data. Where information on potential constraints was available, the gross acreage may have been lowered on individual parcels to represent a more accurate potential unit capacity.

Appendix C contains detailed information on the sites identified to meet the City's lower income RHNA need, which has net acreage numbers that may differ from the gross parcel acreage based on known parcel constraints, such as steep slopes or environmentally sensitive areas.

Is it correct that maximum density figures listed on the sites inventory (Schedule C) are available on the City's e-zoning website?

City of Encinitas Response:

Yes, maximum allowable densities for each residential district can be found in Title 30 (Zoning) of the Encinitas Municipal Code:

http://www.qcode.us/codes/encinitas/view.php?topic=30-30_16-30_16_010

There may be some revisions needed to the table regarding the Moderate (Residential Only) maximum density numbers. These are considered cosmetic and will not impact analysis as the Unit Capacity was not based off this number.

C. Perkins Comment:

Is the "minimum or average density" on the sites inventory (Schedule C) the mid-range density from the City's e-zoning website or the minimum density number? Which number is used in the chart? If not, where can this number be found?

City of Encinitas Response:

*For sites identified to meet the City's moderate and above moderate RHNA need, **Section 11.2 of Appendix B (Pages B-109 – B-111)** describes the methodology used and assumptions. In areas outside of the mixed-use areas (Downtown Specific Plan Area and North 101 Corridor Specific Plan) the City utilized the mid-range density. Sites within the mixed-used areas used the minimum density and additional assumptions as outlined in the sections indicated above.*

For sites identified to meet the City's lower income RHNA need, the minimum allowed density of 25 du/ac was used in unit capacity calculations. A mid-range density was not identified for the R-30 Overlay zone.

C. Perkins Comment:

If the site inventory (Schedule C) contains incorrect information, will the City revise this information in the final report?

City of Encinitas Response:

Yes, if any errors are found prior to adoption of the final Housing Element document, they will be rectified in the Housing Element document and/or Appendices.

C. Perkins Comment:

It appears there may be errors/discrepancies in Appendix C. In addition to my August 3, 2020 questions, please could you explain the sources and computations underlying the following numbers from Appendix C relating to APN 2640201300:

**Parcel size (49.67 acres)
C-58 of Housing Element: 39.50 ac**

**Minimum or Average Density: (2-4 acres)
C-58 of Housing Element: .125**

City of Encinitas Response:

The parcel size comes from the City's Assessor Parcel Database as indicated in the previous response. We will verify with external sources (ParcelQuest, an online database, shows 49.67 acres as indicated.)

In addition, aerial imagery of the parcel shows existing environmental factors which may contribute to a lower "net" usable acreage as indicated in the previous response. If revisions are needed, they will be reflected in the draft Housing Element document before it goes for public review and prior to final adoption.

To: Ms. Jennifer Gates, Principal Planner, City of Encinitas
From: Camille Perkins
Date: August 19, 2020
RE: Public Comments to City of Encinitas Housing Element

A. Introduction

News articles have called Encinitas “California’s most housing-averse city.”¹ Limits on growth, and failure to provide new housing, is Encinitas’ original sin. After incorporation, additional restrictions on development and housing were added, including decreases to density.

The City created a document that appears to meet State Housing and Community Development (“HCD”) requirements, but under closer scrutiny does not achieve its goals, as discussed below. This Housing Element continues the original sin, in a document/plan that may fail to produce the required numbers.

The City is attempting to meet many State and regional housing requirements with ADU/JADU units.

Nonetheless, a tremendous proportion of moderate/above-moderate housing units are projected to be created on micro-subdivisions and developments, far more than I believe will ever occur. Many of the proposed units are likely economically infeasible or undesirable to develop at the unit yield listed. The Housing Element does not demonstrate that the required units can be developed, or that Encinitas has built housing at similar rates in past.

The Housing Element doesn’t provide a full listing of exactions and developmental requirements applicable to Encinitas properties, or list all costs and constraints of subdivision/development. These requirements can make projects economically infeasible at the yield numbers listed for moderate/above-moderate properties.

The Housing Element should be redrafted to address the concerns described below.

My comments are based on my lifetime experience in Encinitas and familiarity with applicable properties and communities.

Big picture, the City needs to remove many restrictions on meeting its housing needs, including overlays and other decreases to zoning density. For example, a document that contemplates 1 dwelling unit per 12.4 acres, in an area zoned 1 dwelling per 2 acres, adjacent to developed 1 and 2 acre lots is ridiculous. How is the City contemplating development of the public Dog Park while prohibiting in-character development on private lands?

B. The Housing Element Schedule C Numbers Appear Incorrect and Staff Declined to Provide Information to Explain Calculations and Methodology.

For APN 264-020-13, the Schedule C Above-Moderate Sites Inventory states: the total yield for the property is 4 units, 3 additional to the existing, that the parcel size is 39.5 acres, and zoning is .125.

¹ <https://www.voiceofsandiego.org/topics/government/californias-most-housing-averse-city-has-a-pro-housing-mayor/>

1. I requested in writing the sources and calculations of these numbers because the Schedule C numbers and information significantly deviate from known facts, including parcel size (Schedule C parcel size is 39.5 acres, assessor records show 49.67 acres) and zoning (Schedule C says .125, Encinitas's e-zoning website/actual zoning is .26-.50). Despite repeated requests, and a two week delay in response, the City failed to provide the requested information, referring only to high level boilerplate language.
 - a. It remains unclear whether this is an error or if the City has determined that density has been decreased to 1 dwelling unit per 12.4 acres in a 2 acre zoned area.
2. For APN 264-020-13, and likely many other properties, the Schedule C numbers cannot be trusted or verified and are not based on known limitations, articulated requirements or project design.
3. For APN 264-020-13, and likely many other properties, the City's Exhibit C modifications to parcel size and density numbers are either completely wrong or speculative projections without substance.
4. The owner of the property was never contacted regarding inclusion in the Housing Element.
5. Numbers listed in Exhibit C do not reflect yields of any similar projects. (One unit per 12.4 acres is **NOT** "typical" density in Olivenhain, and this property is bounded by houses on 1 and 2 acre lots.)
 - a. The City's approach for APN 264-020-13, and likely other parcels in the Housing Element, is inconsistent with representations made in the Housing Element and appendices.
 - b. The City has precluded meaningful public comment/participation by failing to provide requested information and calculations supporting its assertions within the Housing Element.
 - c. The Housing Element must be returned for corrections and redrafting and reopening for public and State comment.

C. Housing Element Fails to Justify Adequacy of Housing Site Inventory to Meet Housing Requirements

The City provided no analysis or methodology supporting the City's assertion that the Schedule C Sites Inventory will meet the City's housing requirements during the Housing Element period.

I believe the City of Encinitas is including many units in Schedule C at yields that are economically infeasible to develop, especially entries with existing land uses/improvements and/or requiring subdivision. This means many of the units contemplated by the Housing Element will never be created, and the proposed Housing Element numbers being provided to the State, citizens and public are incorrect and illusory.

The Housing Element needs to use historical development statistics to justify meeting the required housing yields within the Housing Element period.

1. Analysis of Housing Element Schedule C Site Inventory Raise Economic Feasibility Concerns that Must be Addressed by the City of Encinitas
 - a. I did a preliminary analysis of the Schedule C Moderate and Above-Moderate Site Inventory. See Appendix.
2. Analysis of Schedule C Moderate and Above-Moderate Site Inventory reveals:

- a. Vacant land provide very little available unit yield (3% of unit yield of moderate, 8% of above-moderate)
 - b. Existing residential properties provide the majority of units (51% of unit yield of moderate, 59% of unit yield for above-moderate.
 - i. However, many more residential parcels are required to be utilized as compared to commercial parcels.
 - ii. Development of only 5 parcels yields a large percentage of the above-moderate units required
 - 1. Schedule C includes parcels that can provide 32 units, 25 units, 15 units, 14 units, 11 units
 - c. Site inventories rely on very small/micro subdivision and development projects to fulfil housing requirements
 - i. Large percentages of Schedule C sites create less than 3 units
 - 1. Moderate sites: Projects of 3 additional units or less provide 26% of unit yield
 - 2. Above-moderate: Projects of 3 units or less provide 38% of unit yield
3. This analysis, along with City failures to include full exactions, requirements and other information in the Housing Element, raises significant concerns that many of these housing units will be economically infeasible/unprofitable to construct and will fail to provide sufficient units to meet the City's yield requirements.
- a. Properties with existing uses, especially residential properties with low lot yields, are much less likely to be redeveloped within the Housing Element period.
 - b. Small developments lack economies of scale, increasing the expense of each unit, and resulting in the decreased likelihood that the City will reach the proposed housing yield requirements.
 - c. As relatively larger lots become more scarce, and houses have increasingly large footprints/size to justify the purchase costs, larger lots are often sold at a premium at the existing use because they provide usable outdoor/yard space. This makes redevelopment less likely.
 - i. This issue isn't addressed or mentioned in the Housing Element.
 - d. The outcome of all Encinitas exactions and building limitations is to force the building of increasingly large homes, with increasingly large price tags. This is the only way that costs and regulatory burdens can be met.
 - e. The Housing Element fails to provide any information concerning historic development patterns of similarly situated lots to justify the significant reliance on micro-projects and existing residential subdivision/redevelopment.
 - f. There is no evidence within the Housing Element that the Schedule C sites reflect historical development patterns, realistic subdivision/development size or will fulfil the City's housing unit yield requirements.
4. It is notable that the City does not provide statistics justifying the Schedule C numbers because the City estimates ADU/JADU yields based on historical housing unit yields.

- a. The City assumes there is no need for rezoning because sufficient sites exist to accommodate all required moderate/above moderate units.² Without including analysis of the historical redevelopment trends, this is likely untrue.
 - b. In a significant number of cases these sites would require redevelopment and removal of existing commercial or residential uses.³
 - c. The City has provided no statistical analysis of expected yield of these mixed use and development of non-vacant sites listed in Schedule C, and no analysis similar to the JADU/ADU analysis cited above.
5. Likewise, for Mixed Use Sites (currently commercial) “assumes” that sites in different areas will be developed at 50% and 75% yields.⁴
- a. These assumptions are not the same as the JADU/ADU historical statistical analysis of expected yield.
 - b. There is no explanation as to the basis for these assumptions.
 - c. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with percentage discount to account for the decreasing availability of land.
6. For housing development on non-vacant sites, feasibility is determined by a “sample” of 10 infill projects.⁵
- a. A sample is not the same as the JADU/ADU historical statistical analysis of expected yield.
 - b. There is no information provided describing the basis of selection, or representativeness, of these “sample” projects.
 - c. There is no explanation as to the basis for any assumptions regarding the economic feasibility of any projects listed in Schedule C.
 - d. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with a percentage discount to account for the decreasing availability of “underutilized” land.

² Schedule B Section 11.2.1 of the Housing Element “Appendix C in this Housing Element includes the full list of sites identified to meet the moderate and above moderate RHNA need for this planning period. Sites identified currently have the capacity to accommodate at least one additional unit and are zoned appropriately to accommodate moderate or above moderate-income housing.” This analysis assumes existing property can accommodate 518 moderate-income units (308 required) and 429 above-moderate income units (408 units required).

³ See, e.g., discussions of Mixed Use Sites and Development of Non-Vacant Sites; Sections 11.2.3 and 11.3 of Schedule B; Schedule C.

⁴ Schedule B, Section 11.2.3 describes the residential unit housing yield projections for commercial mixed-use sites. It assumes “50 percent of sites in the DCM-2, D-VSCC and D-OM Zones in the Downtown Encinitas Specific Plan, as well as the N-CM1, N-CM2, N-CM3 and N-CRM1 and N-CRM2 Zones of the North 101 Corridor Specific Plan will be redeveloped as mixed-use projects, with a residential component” (yielding 141 potential units, moderate and above moderate income). It assumes 75% of sites in the DCM-1 Zone, “are reasonably expected to provide viable short, term opportunities”, (133 potential units, moderate income).

⁵ See Section 11.3 of Schedule B.

In summary, I believe many of the units listed in Schedule C will be economically or practically infeasible, or given existing uses does not have a realistic probability of being utilized during the Housing Element period, and inclusion of these units within the Housing Element is misleading to the public and State.

This Housing Element needs to be redrafted to determine if the suggested units are likely to be redeveloped.

D. Housing Element Does Not Fully Address Constraints and Barriers to Development.

The Housing Element does not contain a full list of requirements or applicable processing times. It also fails to address how several City policies burden and impede the production of housing. These costs/exactions/expenses and policies limit and/or prevent housing supply.

1. Housing Element Contains Incomplete list of requirements/exactions
 - a. The Housing Element does not contain a complete list of all requirements and exactions for subdivisions/developments, including those applicable to the sites identified on the sites inventories. This is misleading and must be amended.
 - i. List of overlays is incomplete
 - ii. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment!⁶) These include
 1. Cost of environmental mitigation
 - a. Cash required: recently, \$216,000 per lot was required for habitat endowment (in addition to preservation requirements)
 2. Costs of Maps, surveys, engineering
 - a. It can cost \$1 million or more in engineering and service provider fees to subdivide and develop
 3. Land, mitigation and improvement costs for public trails
2. Listed time frames for project processing are incorrect and incomplete in Schedule B Section 9.9. They do not include EIR processing times and samples of projects in Schedule B Section 11.3 show these time estimates are wrong. These numbers must be updated.
3. City Policies regarding Onsite/Offsite Infrastructure Could Pose Barriers to Development/Housing.
 - a. Housing Element Policy 2.2 states the City will “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing.”
 - b. In fact,
 - i. Onsite/offsite infrastructure costs for City parcels can cost millions of dollars, and involve extensive mitigation requirements.
 1. The City has historically relied on developers/subdividers to make significant and expensive improvements to public (and private) streets.
 2. It is City policy to keep new roads private (and privately maintained)

⁶ One longtime owner took approximately two decades to process their subdivision. Many neighbors went bankrupt trying to utilize their properties, including a longtime Olivenhain resident who lost the family homestead and declared bankruptcy due to subdivision costs. Many recent owner/developers have barely broken even on subdivision costs or gone underwater on development projects.

3. The City proposes development fees to address infrastructure issues (another constraint)
 - ii. City has taken actions that increase housing development costs including
 1. vacating public rights of way and IODs (e.g., IOD on Vulcan)
 2. Failing to accept IODs and public roadways
4. Housing Element Policies Actually Increase Costs of Development and Lower Housing Yield
 - a. Despite Policies and Goals to the contrary, the Housing Element Policies increase developer obligations, and consequently home development costs
 - i. Increasing the percentage of affordable housing required for residential development
 - ii. Emphasis on development fees (Policy 2.2)
 - iii. Encourage street planting and landscaping (Policy 2.5)
 - iv. Undergrounding utilities (Policy 2.5)
 - v. Encourage high standards of design, materials, and workmanship in construction and development (Policy 2.6)
 - vi. Discourage development of steep slopes, canyons, floodplains (Policy 2.7)
 - vii. Continue to develop and promote energy efficiency conservation measures (Policy 2.8)
 - viii. Additional required expenses include installation of solar photovoltaic systems and solar water heaters in new housing, along with residential electric charging stations.
 - ix. Any replacement units must be compatible in design with the surrounding residential neighborhood (Policy 1.3)
 - b. This makes development of all housing more expensive and unlikelier to occur
5. The costs of each additional exaction and expense affects housing supply
 - a. The Housing Element and City policies do not articulate that each of these entries could be the marginal expense that prohibits the contemplated housing development project.
 - b. Building on many of the Schedule C sites requires economies of scale to enable economically viable development, and sites with only a few additional units have costs exceeding benefits.
 - i. Many development costs are fixed, whether the project is 1 home or 100.
 - ii. Small subdivisions often are cost-prohibitive because an insufficient number of lots are created, and market costs of lots do not bear these costs.
 - iii. Developers rely on economies of scale to provide homes at market prices.
 - iv. Land development is a very risky business and California land prices have historically been extremely volatile.
 - v. Profit margin is required to mitigate risks and justify the significant time and effort to develop.
 - vi. Marginal cost of solar photovoltaic systems, solar water heaters, electric vehicle stations or the requirement that 10-15 percent of homes must be very low or low income may each be the expense that causes costs to outweigh benefits.
6. Each of Encinitas' actions and policies increasing housing costs described in this comment need to be addressed in this Housing Element.

Miscellaneous Comments

1. Schedule C's Above Moderate Sites Inventory Chart column of "Parcel Specific Comments" are not consistent. Many entries use different, and sometimes pejorative, language to describe the same situation. For example, all of the following should be revised to a uniform designation: "Single family home on large lot", "one existing single family building", "single family home with large lot", "Vacant lot with 1 existing unit", "vacant lot single family home."
 - a. Note further that this is a misuse of the term "vacant" pursuant to California HCD guidance: "underutilized sites are not vacant sites."
2. Contrary to HCD requirements, Exhibit C does not reflect project densities successfully developed within the City.
3. Textual Inconsistency within Housing Element and Exhibits
 - a. Exhibit B and Exhibit C are inconsistent and appear to describe different standards.⁷
 - b. This document is misleading and unclear, with contradictory language.
 - c. Schedule C chart headings are unclear, and may not reflect actual contents.
 - d. Staff declined to explain the specific application of this language, despite written request.
4. The document editing and posting of the Housing Element to the City website is extremely misleading and likely to cause public misunderstanding.
 - a. Schedule C was divided into two sections posted to the City website and fails to clearly describe its contents and pagination.
 - i. The first section begins with a description and listing of the Very Low and Low Sites Inventory.
 - ii. The second section is the first page of a chart listing the Above Moderate Sites Inventory.
 - iii. A description of the Above Moderate Sites Inventory was tacked onto the end of the first section, hidden behind the Very Low and Low Sites Inventory.
 - b. The hidden Above Moderate Sites Inventory description contains the only reference to Exhibit B relating to the Above Moderate Sites Inventory, which as described above, contains a different standard than the one described in the Above Moderate Sites Inventory description.
 - c. The City's misleading editing and inconsistent language will cause many residents and property owners to misunderstand this document. There must be an additional public comment period and review when this document is clearly drafted, edited and published.
 - d. I note that the public Encinitas Dog Park is being considered to provide 14 Above-Moderate housing units in Schedule C. Inclusion of the Dog Park in the Housing Element appears to be hidden and without adequate discussion or public notice.

⁷ Introduction to Exhibit C ("Maps of Moderate and Above Moderate Sites", p. C-50) states that "The capacity of these sites was initially determined by multiplying the parcel size by the minimum or midrange density for that zoning designation"). Exhibit C includes columns for "Zoning", "Parcel Size", "Max Density" "Minimum or Average Density" and Unit Capacity. This isn't the same standard as Exhibit B that states: "Reasonable capacity for [for moderate and above moderate sites] was calculated for each site based on environmental constraints, site size, zoning requirements and average density achieved in projects with similar zoning. Deductions were made as applicable for site constraints, such as steep slopes and potentially limiting known environmental factors."

5. Staff has not provided timely responses to citizen requests for further information, and have not met their own time estimates for responses. This has hindered and prevented me from fully and meaningfully commenting on the Housing Element.
6. The Housing Element's discussion regarding reducing parking standards in affordable housing do not make sense for proposed low-income housing in Olivenhain. In this sub-suburban area, there is no public street/alternative parking available and mass transit and transit connectivity is very poor. The vast majority (or all) adults living at this site will have a car. A parking space must be provided for each adult, along with spots for guests. Otherwise, this site will provide inadequate parking to serve its residents, and pose safety issues to residents and the larger community. Failure to accommodate actual vehicles will cause further transit problems along Rancho Santa Fe Road and Encinitas Boulevard.
7. Infrastructure
 - a. Encinitas has never maintained existing levels of service, nor has accommodated regional growth and use of Encinitas roadways.
 - b. Despite increased traffic, Encinitas continues to narrow roadways and impede vehicular traffic, where transit times to get to the grocery store or other side of town have increased 2-5x.
 - c. Rancho Santa Fe Road is inadequate to serve additional traffic for the proposed high-density, low income housing near Four Corners. Similar problems will affect Coast Highway 101.
 - i. Rancho Santa Fe Road serves as a major traffic corridor, contains many stop signs and often can take 15-25 minutes to traverse a mile or two, a fairly recent deterioration. This road is the only route in and out of Olivenhain. This is before the proposed high density projects. The City did not accommodate increased traffic from adjacent growth and residents continue to receive lower levels of street access and service. This is also a safety issue. These traffic issues must be resolved prior to any R-30 development in the area.
 - ii. The City has recently narrowed Coast Highway 101. This is causing further traffic problems within the City and fails to accommodate new housing traffic.
 - iii. I believe the City has undertaken actions regarding City roadways in violation of state transit and road requirements. Additional housing will exacerbate these issues and cause further failures of the Housing Element language concerning roadways.
8. Program 3G: Monitor Adequacy of Development Standards must also include above-moderate housing in its Monitoring Program, as required by Goal 5⁸ and Policy 5.1.⁹ The City's development standards constrain the development of above-moderate income housing and the language of Goal 5 and Policy 5.1 apply to housing at all income levels. As drafted, this Housing

⁸ GOAL 5: THE CITY WILL DEVELOP STRATEGIES AND ACTIONS TO REDUCE OR ELIMINATE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO THE DEVELOPMENT OF HOUSING.

⁹ POLICY 5.1: The City periodically evaluates adopted zoning provisions, entitlement procedures, fees and other city requirements that may create constraints to the development of housing and will implement policies to reduce or eliminate those constraints.

Element is misleading, fails to meet its goals/policies, and will overstate the numbers of Above-Moderate housing units to be created.

9. Appendix B states that the average per square-foot cost for good-quality housing in the San Diego region is \$129 for single-family homes. This number is not reflective of Encinitas costs. Every recent home in Olivenhain has been \$400/square foot or more, a very significant discrepancy.
 - a. It is only economically feasible to construct very high end, very large houses in Encinitas given the zoning, exactions and other barriers to development/subdivision.
10. Appendix B states slope areas within Olivenhain and the Sphere of Influence are greater than 25% and characterized by the presence of biological habitat.
 - a. This statement should be removed as it is misleading and irrelevant, speculative, and unrelated to the Housing Element.
 - i. It is mostly applicable to County land (outside the City) already set-aside or being developed.
 - ii. Further, this is not a statement that can be relied upon, but is only a supposition or projection and not based on on-the-ground studies.
 - iii. If this language is not removed, analogous statements must be included about all other areas with >25% slope in the City.
 - b. The City cannot make a formal determination of the slope characteristics or habitat, or impacts to housing, until specific sites are proposed for use based on on-the-ground studies.
11. The City continues to fail to understand Olivenhain and its Character.
 - a. A .45 acre lot in Olivenhain is not a large lot, as described. Most of Olivenhain is zoned 1 and 2-acre zoning. The Land Use Element describes the highest densities as 2 units per acre. The General Plan Land Use Element Land Policy states, e.g., "Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural "feeling of country" character that is typical of the community."
 - b. The Housing Element fails to comprehend the issues facing property owners in Olivenhain. Housing Element language is not correct for Olivenhain owners being considered in this plan.
 - c. The only growth contemplated for Olivenhain is by allowing very intensive R8 development of very small lots, something that conflicts with the description on LU-74 of the Land Use Element of the General Plan.
 - d. Olivenhain is not a beach community and has no characteristics of a beach community. Comparison tables of nearby cities are meaningless. They do not include adjacent and nearby cities (San Marcos and Escondido) yet include cities that are not adjacent (e.g., Oceanside and Del Mar), do not have similar population levels (e.g., Del Mar and Solana Beach) and do not have significant numbers of larger rural lots (e.g., Del Mar and Solana Beach). This is very misleading.
 - a. No nearby city reduces density as Encinitas does.
 - b. San Marcos and Escondido have allowed, and continue to allow, extensive development in areas similar to Olivenhain.

12. I do not believe that Section 9.9, Local Permits and Processing Times are correct in all cases, including relating to properties listed on Schedule C. This is misleading because it does not reflect actual processing times and requirements. Permit and Processing Time information must be updated to include when EIRs are required, along with any other situations that would require additional processing times.
13. The Development and Planning Fees (Exhibit B, Section 9.5) regional comparison chart should have included the County given the possibility that sphere of influence lands could annex from the County and provide City of Encinitas housing.

E. Questions

1. APN 264-020-13
 - a. Why did the City refuse to provide requested calculations and methodologies and explanations relating to parcels listed on Schedule C when asked about significant discrepancies between (a) Schedule C listed lot size and actual lot size and (b) Schedule C listed zoning and actual zoning density?
 - b. What projects in the City of Encinitas have a historic housing yield similar to one dwelling per 12.4 acres as listed?
 - c. Please explain how the City is upholding its obligations under Goal 5 and Policy 5.1 stating that 1 dwelling per 12.4 acres is the housing yield given the applicable zoning is 1 dwelling unit per 2 acres?
2. Encinitas Housing Element Goal 5, and Policy 5.1, contemplate implementation of policies to reduce/eliminate governmental and non-governmental constraints for all housing within the City.
 - a. Housing Element Program 3G: Monitor Adequacy of Development Standards states “In the course of reviewing new projects on the sites shown on the site inventory in Appendix C, the City of Encinitas will evaluate the development standards contained in Title 30 of the Encinitas Municipal Code and Specific Plans to determine if any standards create undue burdens, or limit the ability for housing to be developed at the density designated in the site inventory.” Why does program 3G: Monitor Adequacy of Development Standards not specifically include above-moderate housing as required by Goal 5 and Policy 5.1?
3. Program 3B, Modify Regulations that Constrain the Development of Housing
 - a. The Housing Element states: “In 2019, the City of Encinitas identified potential constraints to the development of housing, including ground-floor commercial only uses, findings for residential projects related to density and design, and airspace ownership requirements.” What specific document or program is this referring to? Who was invited to participate? Who participated?
 - b. Given that Program 3B, Modify Regulations that Constrain the Development of Housing, is represented as an ongoing program within the Housing Element, how can I be included as a stakeholder in this program and be able to provide feedback and information?
 - i. I request to be included in this program.
 - c. What are the City’s plans, timeline and next steps to implement Program 3B?

- d. Who specifically is the “development community” that the City is referring to in Program 3B of the Housing Element?¹⁰
4. Housing Element Program 3D, Improving the Efficiency of the Development Review Process for Housing Projects states that “Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible to focus future environmental review on project-specific issues and to apply the objective standards included in the Environmental Assessment.” Please could you confirm that this statement applies to all housing units created in the City, not just the sites/units described in Schedule C0?
5. Olivenhain Community Character
 - a. Please explain why the City of Encinitas considers .45 acres a large lot in Olivenhain, when most of Olivenhain is zoned 1-2-4 acre zoning and the General Plan’s Land Use policy on page LU-74 describes the highest densities as 2 dwellings per acre?
 - b. How is subdivision of a .45 acre lot permitted where the Land Use Policy states the highest densities are 2 dwellings per acre in Olivenhain?
 - c. How does development of the proposed sites in Olivenhain meet the Land Use Policies applicable to Olivenhain? (e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”)
 - i. How does the proposed 30 dwelling units per acre contribute to preserving Olivenhain’s rural character?
 - ii. How has the City determined that the 30 dwelling units per acre projects in Olivenhain is consistent with the Land Use Element of the General Plan?
 - d. Why is the Schedule C Description and Parcel Specific Comments for similarly sized lots the same for Olivenhain as for the other communities that have different community characters and standards?
 - e. Why were the cities of San Marcos and Escondido not included in local comparison tables, when they are much closer in location and character to Olivenhain than Oceanside?
6. Why has the City not reached out to property owners of properties listed in Schedule C to determine if (1) they are interested in developing the planned home sites on their properties within the Housing Element period or (2) City allocated yield numbers are feasible, including economically feasible?
7. Economic Feasibility
 - a. Has the City determined economic feasibility for development of each property listed in Schedule C, including Moderate and Above-Moderate sites? How? Please explain analysis in detail.
8. ADU/JADU
 - a. Across Encinitas, how many parcels are eligible to build (1) ADUs and (2) JADUs? If 75 ADUs/JADUs per year are constructed as assumed by the Housing Element, what is the percentage utilization rate of the ADU/JADU program across the City?

¹⁰ The City states in Program 3B: “Working with the development community, the City will continue to evaluate regulations that may pose a constraint to the development of housing and modify them if consistent with State law.”

- b. Exhibit B Section 9.3.2 states: “The City is currently in the process of updating the existing ADU and JADU ordinance to be consistent with state laws adopted in 2019. See additional discussion in Section 11.1 of this Appendix.” Section 11.1 of the Appendix does not mention ADU/JADUs but instead states “Appendix C contains a detailed list of vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and discuss the City’s experience with the redevelopment of non-vacant sites.” What is the City referring to in Section 9.3.2?
9. Schedule C
- a. Please provide the City’s methodologies for Schedule C site selection and unit yield.
 - i. Note that the descriptions in Schedule B and Schedule C are conflicting and there is insufficient information to replicate the City’s calculations.
 - b. Are all vacant parcels in the City included in Schedule C? If not, why not?
 - c. Are underutilized or vacant parcels on private roads included in Schedule C?
 - d. Given the relatively low percentage utilization of JADU and ADU entitlements as a percentage of City homes/available parcels, and a significant percentage of housing unit yield will be coming from redevelopment projects on parcels with existing uses, on what basis has the City determined that a sufficient number of units on moderate/above-moderate sites identified on the Schedule C Sites Inventory will be constructed within the next 10 years to meet State requirements? Please explain the rationale. On what statistics or facts is this determination being made?
10. The City provided estimates for the number of ADUs/JADUs anticipated to be created under the plan in Section 12.1 of Schedule B based on the historical average numbers of permits granted by the City. No similar analysis appears to have been undertaken for the sites listed on Schedule C for moderate and above-moderate housing—despite the fact that most of these sites require subdivision and/or already have existing uses.
- a. Why has the City not undertaken a consistent approach/methodology to estimate housing yields, and based its analysis on historical yield numbers?
 - b. Please provide statistics for historical housing yield for each income bracket equivalent to the ADU/JADU numbers.
 - i. On average, how many homes is Encinitas permitting per year at each income bracket?
 - ii. What are the City’s projections of the number of homes that will be permitted each year of the Housing Element at each income bracket?
 - c. On average,
 - i. How many subdivisions is Encinitas processing per year?
 - ii. What is the average number of parcels created?
 - iii. How many 4 lot or fewer subdivisions are being processed each year?
 - iv. On average, how long does it take to record a subdivision map?
 - v. On average, how long from the time a subdivision map is recorded until building permits are issued?
 - vi. As vacant and underutilized land inventory declines over time as land is developed, how has the City addressed this in its projections?

- d. Does the City expect all homes (excepting ADUs/JADUs) to be built on Schedule C sites? If not, what percentage are projected from Schedule C sites, and what percentage from non-Schedule C sites?
11. Section 11.3 of Exhibit B, including Table B-51, provides “samples”¹¹ of development of non-vacant sites being converted to higher utilization residential use.
- a. How were these samples selected? How are these “samples” representative of projects in the City of Encinitas? Please explain methodology and calculations, assumptions, etc.
 - b. Do these projects yield moderate or above-moderate units? How many of each?
12. Processing Times, Section 9.9 of Schedule B
- a. Table B-51
 - i. Please explain how the City can justify the development time periods listed in Section 9.9, when the Housing Element shows that actual projects take far longer (e.g., see Table B-51 showing a sample of 10 “existing applications under review or approved” since July 2019, including 1 project submitted in 2014, 1 in 2016, 5 in 2017, 1 in 2018 and 2 that are undated).
 - ii. Which of these sample projects were approved and which were under review at time of inclusion?
 - iii. When will the City update the Housing Element with correct information regarding processing times and sample project details? Please explain.
 - b. EIRs are required for properties listed on the site inventory.
 - i. What are processing time frames when EIRs are required?
 - ii. Why did the City not include this information in Schedule B?
 - iii. Will the City update the Housing Element with more accurate and complete processing times and estimates?
 - c. Are there any other factors that would delay subdivision and development projects, and related housing, not listed in Schedule B? What are these factors? When will the Housing Element be updated with this information?
13. The Housing Element contains statements that residents do not want hillsides developed.
- a. Which communities include homes built on slopes, including slopes greater than 25%? Wouldn't this include portions of Cardiff and Leucadia?
 - b. How and when was this information gathered?
 - c. Do residents complain about existing housing stock built on hills and steep slopes?
 - d. Is there evidence that the community would prefer to develop public parks for above-moderate income homesites rather than allow development on hillsides?
14. Encinitas Dog Park is listed on the Schedule C Above-Moderate Sites Inventory.
- a. Does the City plan to vacate the Encinitas Dog Park to provide 14 above-moderate homes?
 - b. Under what circumstances would development of the 14 above-moderate homes occur on the Encinitas Dog Park?
 - c. Does the City believe that building housing on the Dog Park is more important than changing zoning to simple standards (e.g., 2 acre zoning without removal of densities for overlays, easements, slope, etc.). Explain.

¹¹ Table B-51 states it is a “sample of existing applications under review or approved since July, 2019”.

15. Infrastructure

- a. The Housing Element states that Encinitas “must also plan to provide the infrastructure needed to maintain existing levels of service” along with many other references. How specifically are City policies and practices changing with respect to the following:
 - i. Continuing actions that block and impede through traffic on City thorough-fares through road narrowing, traffic calming, stop signs, etc.
 - ii. Failure to maintain existing levels of service from the time of incorporation (transit times have increased 2-5x)
 - iii. Failure to accommodate traffic caused by growth in neighboring cities
 - b. Many references within the Housing Element relate to minimizing constraints to development. How specifically are City policies and practices changing with respect to the following?
 - i. Requiring developers/subdividers to provide onsite and offsite improvements to public streets
 - ii. Failing to accept public road IODs, so that subdivision/development roadways are private
 - iii. History of vacating public roads and/or IODs
 - c. Has the City’s failure to accept public road IODs decreased the number of parcels available for inclusion in Schedule C?
16. What prevents the Moderate income sites identified in Schedule C from being developed and offered to the market as Above-Moderate units?
17. Please explain how Exhibit C Sites Inventory designates lots as “vacant” when also noting they have existing homes and/or other improvements, given that this conflicts with the HCD definition of “vacant” and goes against HCD guidance?
18. Given that the City appears to contemplate further revisions, corrections and alterations to Schedule C, and given that the City has not been forthcoming about information included in this Schedule C, what opportunity will landowners and the general public be given to comment on revisions?
19. Given that (a) figures and information contained in the Housing Element, including Schedule C, are erroneous, drafted in violation of State HCD guidelines or are potentially economically infeasible, and (2) the City failed to provide requested information concerning calculations and methodology, what is the City’s plan to ensure that the public is able to meaningfully and fully understand this plan and provide public comment based on complete and accurate information?

F. Conclusion

Schedule C Capacity is very different from having completed units at the end of the Housing Element period. I have grave doubts that the majority of Schedule C sites will provide units to meet Encinitas’ housing obligations.

Judging from Schedule C, and the reliance on micro-subdivisions and projects, it appears that Encinitas is running out of developable land. Zoning must be changed so density is not removed for easements, utility easements, roads, trails, drainage systems, certain slopes, wetlands, etc. This will help meet Encinitas’ housing needs without changing community character.

Thank you in advance for your attention and for the requested information.

Note: The reason this response is lengthy is because the City did not to provide requested information regarding the Housing Element and I consequently reviewed the Policy and its Appendices in depth. While I did not find the information I sought, I do include my thoughts and comments to the Housing Element.

APPENDIX

Methodology:

(1) I organizing the listed sites into the following categories: (a) existing residential uses; (b) existing commercial, agricultural, recreational, church and similar uses; and (c) vacant lots / parking lot / construction lot;

(2) Next, for each category, I counted the total number of parcels yielding 1 housing unit, 2 housing units, 3 housing units, etc.; (3) I then determined the total percentage of moderate or above-moderate units at that unit yield level.

Analysis of Schedule C Sites (Moderate income), divided by existing use and number of units able to be created.

Existing use	Number of units created	Number of Sites listed at this unit number with same existing use	Total Yield at this unit level (# units multiplied by # sites)	Percentage of total moderate units (totals 100%)
Residential	2	23	46	13%
Residential	3	15	45	13%
Residential	4	3	12	3%
Residential	5	9	45	13%
Residential	6	1	6	2%
Residential	8	2	16	4%
Residential	10	1	10	3%
Commercial / storage yard	Varies (2-13)	24	168	47%
Vacant / construction lot / parking lot	Varies (3-4)	3	11	3%

Analysis of Schedule C Sites (Above-Moderate Income), divided by existing use and number of units able to be created.

Existing use	Number of units created	Number of Sites listed at this unit number with same existing use	Total Yield at this unit level (# units multiplied by # sites)	Percentage of total above-moderate units (totals 100%)
Residential	1	13	13	3%
Residential	2	35	70	16%
Residential	3	27	81	19%
Residential	4	8	32	7%
Residential	5	6	30	7%
Residential	6	2	12	3%
Residential	9	2	18	4%
Agricultural / Equestrian / Recreational / park / church-school	Varies (2-32)	15	145	33%
Vacant / construction lot / parking lot	Varies(1-5)	12	35	8%

Jennifer Gates

From: Geoff <millergm@pacbell.net>
Sent: Wednesday, September 2, 2020 3:55 PM
To: Jennifer Gates
Subject: Comments re Draft Housing Element

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hi Jennifer:

While I freely admit to not having fully digested the entire contents of the plan, I do wish to pass along a few thoughts as to some of the recent proposed developments as a 25 year resident of Olivenhain.

1) I am strongly opposed to the multi-story apartment complex scheme targeted for construction behind the 7-11 at the corner of RSF road & Encinitas Blvd. I attended the zoom meeting hosted by Randy Goodson and came away with nothing but questions and doubts about the project. The proposed building is totally out of place for the community and surrounding area and will lead to traffic nightmares on a regular basis, never mind the real problems caused should emergency evacuations be required along RSF road southbound.

2) I also attended a zoom meeting regarding the proposed "density bonus" 14 home development right across RSF road in the "balloon field ". As described, the development seems overly congested for the sub 5 acre plot. With only one home designated for a lower income household, I fail to see how this planning approach meaningfully helps the city toward meeting its housing goal for lower income residents.

3) I have a very cynical view of "density bonus " projects, particularly if part of the stated reason is to increase the city inventory of affordable housing. I live near the "Loden at Olivenhain " project area and I believe those homes are being offered at \$1.4 - \$1.7 million at the low end. That is not affordable housing for lower income families in my book. I believe only one of the "Lodenite" homes is earmarked for this type of buyer profile.

Regards,

Geoff Miller

Sent from my iPad

Jennifer Gates

From: Juliana Maxim <jmaxim@sandiego.edu>
Sent: Wednesday, September 2, 2020 3:55 PM
To: Jennifer Gates; Roy Sapau; Idoherty@encinitas.gov; Council Members
Cc: 'daniel_e_vaughn@yahoo.com' via Encinitas Residents For Responsible Development
Subject: Comments on the 6th cycle HE
Attachments: Housing Element public input Sept 2 2020.pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Planning Department Staff and City Council,

Thank you for the opportunity to submit public comments on this document.

Juliana

September 2, 2020

Dear Planning Staff and City Government, dear Housing and Community Development (HCD) staff,

Real obstacles stand in the way of a rational and transparent exchange of ideas about best ways to achieve housing affordability in our city. Both HCD and the 2021-2029 Housing Element (HE) perpetuate some of these obstacles.

1. HCD has a record of being friendly to the developers and the Building Industry Association (BIA)

On February 7, 2020, the HCD took the extraordinary step to intervene in favor of a private developer, Randy Goodson. In a letter signed by Deputy Director Zachary Olmstead, the agency enjoined the City of Encinitas to work ‘cooperatively’ with the developer to ‘facilitate the development of housing in Encinitas.’ This raises serious questions about the neutrality and objectivity of the agency, its staff, and most importantly, its policies.

The word ‘cooperation’ in HCD’s letter is an especially striking example of deceptive language. Cooperation, after all, is defined by mutual benefit and requires both sides to participate equally. The letter, instead, is strong-arming the city into yielding to the developer’s extraordinary demands under by-right development.

A Public Records Act request reveals the high number of contacts between Robin Huntley and the representatives of the BIA, as well as the speed and depth of her response, compared to the anemic and superficial response received by citizens. That the HCD deputy director himself would intervene in favor of a single developer with a documented history of unethical practices should sound the alarm. This suggests an agency that is highly responsive to construction and real estate lobby groups and much less so to the public. Since the agency is publicly run and publicly funded, this asymmetry should be reversed.

Suggestion 1: At a minimum, the agency should give the same amount of careful consideration to citizens’ voices as it does to the BIA.

2. “Affordable housing” is still expensive housing.

Much of the “affordable housing” obtained through upzoning, Density Bonus Law, and inclusionary zoning is out of reach for working-class households.

Developers get to count as “affordable housing” those units whose rent is adjusted for a household making 80% of AMI, which in Encinitas comes to over \$85,000 annual income for a

family of 4. As a tool, AMI has been repeatedly criticized for failing to capture the condition of the many working-class families who live at substantially below 80% of AMI.

Suggestion 2: Housing policy should require developers who benefit from R30 upzoning and density bonus to count as affordable only those units for families at 50% AMI or below.

3. Compliance with state law has led the city to give up on planning.

The housing policies put forward by the previous HE cycle and continued in the 2021-29 HE legalize a frenzy of land speculation that leave the city holding the bag for a range of unmitigated impacts.

Less than a year after the HCD certified the current Encinitas Housing Element, five projects making use of the R-30 upzoning, the DBL, and ‘by-right’ development are in front of us. Taken together, they reveal the burden they place on our city and provide concrete and quantifiable evidence that this triad of laws and policies fails to address the need for affordable housing.

Encinitas R-30 Project Table							
Low Income Housing					Total Units		
Project Name	Claimed	Proposed	Income Type	%	EIR	Proposed	%
Goodson	149	42	(L)	28%	181	283	156%
Agrihood@ FoxPoint Farms	246	39	(VL)	16%	296	250	84%
Sunshine Gardens	84	21	(L)	25%	102	140	137%
Quail Meadows	225	72	(L)	32%	272	485	178%
Fenway N. 101 Jackal	33	19	(L)	58%	89	94	105%
Total	737	193		26%	940	1252	133%

Of the 1252 units that will be built, only 193 will be affordable. Only 15% of all units built will be affordable. Of the 193 affordable units, only 39 will accommodate families at 50% AMI. Only 3% of all units built will be truly affordable.

Because these 1252 housing units will be built without any thought for urban planning, they will hollow out the city’s much-touted Climate Action Plan. In direct contradiction with the city’s goal to reduce traffic, several of these projects are located far from any meaningful public transportation and will therefore add more than 10,000 daily car trips to our city.¹ To obtain 39 truly affordable units, the city has agreed to put on the road more than 2000 additional vehicles

¹ At a conservative estimate of 8 trips x unit

or 10,000 metric tons of carbon dioxide every year, an amount that cancels the beneficial effects of all other environmental measures combined.²

2000 additional cars will have to be parked in Encinitas as a result of these projects. At an estimated 300 sf per parking stall, the area required to accommodate these cars is about 600,000 sf or 150 acres. The construction of elevated structures and the covering of natural surfaces in asphalt in order to accommodate vehicles that sit idle 90% of the time count among the most inefficient land uses, and contribute directly to the heating of the atmosphere.

A full and transparent analysis of the R30 method as proxy for affordability would reveal its very modest benefits and its staggering costs.

Suggestion 3: The language of Program 1E is unnecessarily coy. The HE should honestly acknowledge the implications of its “compliance with state law.” This should include openly addressing the net loss of affordable units. This should also include required updates to the Climate Action Plan, Mobility Plan, and Safety and Maintenance Plan to account for the negative effects associated with these projects and the increase in the city’s infrastructural needs.

4. It is time we begin counting, and taxing, housing units that sit vacant or idle

Before claiming we need to build more housing, we should find out how many units sit vacant a significant part of the year. As other coastal cities have demonstrated, plenty of inventory is already available in the form of housing units used as secondary homes or short-term rentals such as AirBnB. Those units would more than make up for our city’s RHNA allocation.

How many units are used for short-term-rental (e.g. AirBnB)? How many units are used as secondary homes and remain unoccupied for a large part of the year? Perhaps we don’t need more housing, but only more affordability.

Suggestion 4: The HE should account for the units that sit vacant in Encinitas. The city should institute a luxury housing tax, a foreclosure tax, and a tax on empty buildings.

5. The Housing Element is built on HCD’s untested assumptions

The assumption at the base of the HE, handed down and perpetuated by HCD and passively accepted by our city, is that indiscriminately increasing the housing supply will eventually provide enough affordable units. This model of “supply-side” or “trickle-down economics” has been repeatedly refuted by evidence and is considered today a failed theory.

² A typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year (EPA data).

The Housing Element is not only legally but also ideologically aligned with HCD's thinking. HCD, after decades of lobbying from groups such as the Building Industry Association, asserts that by default the only plausible provider of affordable housing is the for-profit developer. Because our city takes its marching orders from HCD, the HE yields the task of providing decent and truly affordable housing to the private market. This is a mistake.

Building affordable housing is expensive, and entrusting it to for-profit developers can only make it more so, since in addition to the actual building costs, the developer will also seek to extract a sizable profit. Given that a developer's profit does not come from thin air, a wealth transfer has to occur, in this case from the city into private hands.

The public-to-private wealth transfer that recent state housing laws force upon our cities is not easily quantifiable. But that should not mean we should not try to measure and understand it. Accurately accounting for the public costs of for-profit development would include quantifying the value of upzoning, which the Building Industry Association, in a rare bit of straight-talking, designates as a subsidy. It would also include measuring the effects of the six market-rate units the city needs to absorb in order to obtain one "affordable" unit; those unneeded and unwanted market-rate units will strain our roads, our air, our water, our city services, and destroy our ecosystems. The accounting should include the qualitative decline of a city grown for the developers' bottom line rather than its residents.

The housing policies adopted by the city enshrine the developer's right to profit from housing. But evidence exists that shows how private development exacerbates rather than reduces the costs of providing truly affordable housing.

Suggestion 5: The HE should objectively compare the costs and benefits of profit-driven development with those, for instance, of public housing systems, in achieving truly affordable housing.

6. The Housing Element only puts for-profit, market-driven options in front of the citizens.

It is striking that the only options put on the table during the consultation process were forms of for-profit development. The HE contains no suggestion that other ways of thinking about housing exist, or that vigorous debates have emerged around the country about new solutions to achieve housing justice. The HE excludes the possibility of public, democratic control over land and resources. (The Nexus study is one example of a document that claims scientific rationality but instead is predicated on the gospel of private profit.)

Suggestion 6: Rather than rely on unimaginative planning consultants, support a wide public discussion of alternative housing systems, such as public, cooperative, limited-equity co-ownership, communal, and other forms of tenure.

7. Stop saying “We can’t afford to build affordable housing ourselves.”

The claim that in one of the wealthiest cities in the wealthiest country we lack the money to build affordable housing is a political rather than a factual statement. We do spend generously on other priorities: San Diego County’s Sheriff’s department budget nears \$ 1 billion. This is more than 12 times the budget for Housing and Community Development, more than six times the budget for public health, and more than twice the budget for child welfare services.

Suggestion 7: Ask the Board to Supervisors to divert some of the sheriff’s generous budget to address social needs such as housing.

This would be money well spent: study after study shows that stable and affordable housing is the most cost-effective and long-term solution to address mental health, public health, and child welfare issues all at once.

It is time we go beyond the habit of thinking in terms of scarcity and reorganize our community according to our sense of decency and need.

8. Last but not least: the consultation process that led to the HE was limiting

Although Encinitas is home to a large number of working class families and to a sizable Latino population, the consultation process does not seem to have reached them. This means that the housing policies inscribed in the HE fail to reflect the voices of their possible beneficiaries. Instead, housing policy continues to be determined by a relatively small, white, middle-class elite.

This speaks to another, more general problem: the policies on which the HE is based are so technical, and the language so convoluted, that only the most determined citizen can wade successfully through them. Housing developments such as the Goodson/Malk in Olivenhain are pushed through the planning process using arcane technical knowledge and backroom negotiations. The form and substance of this process needs to be changed, in order to make the advantages given to any developer completely clear and open to public scrutiny. Social justice and environmental justice impacts should be fully stated for all large-scale proposals, and written in a language that the public can understand.

Suggestion 8: Democratize housing policy: downsize the power of experts and consultants and put instead the voices and perspectives of poor households at the center of planning and policy discussion.

Much has changed in the last year. The connection between housing and public health has become clearer. The connection between housing and racial justice has become clearer. The biases embedded in our spending priorities have become clearer.

Now more than ever, a just housing system concerns all of us, and therefore should not be the sole domain of specialists that “explain” things to us. Instead of being subjected to a planning process shrouded in arcane technical knowledge, housing policies need to be opened up to broader democratic scrutiny, input, and imagination, so that they can be contested at a scale appropriate to their significance to everyday life.

With thanks for your consideration,

Juliana Maxim
254 Rancho Santa Fe Road, Encinitas

Jennifer Gates

From: Camille Perkins <camille.perkins@gmail.com>
Sent: Wednesday, September 2, 2020 3:54 PM
To: Jennifer Gates
Subject: Housing Element Comment Letter from Virginia Perkins
Attachments: 2020 09 02 VLP Housing Element Comment Letter.pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Attached please find a Housing Element comment letter from Virginia Perkins.

Thank you for your attention.

Sincerely,
Camille Perkins

3451 Bumann Road
Encinitas, CA 92024

August 30, 2020

Ms. Jennifer Gates
Principal Planner, City of Encinitas
505 S. Vulcan Ave.
Encinitas CA, 92024

RE: Update of City of Encinitas Housing Element
Allocation of 3 additional housing units to APN 264-020-13, a single parcel of land, 49.67 acres

Dear Ms. Gates,

No contact was ever made with me by the City of Encinitas to include my 49.67-acre property within the updated Housing Element yet the City allocated 3 units to my single parcel. I request the City explain how 3 additional housing units can be built on one parcel of land.

Since 1951, our 69-year-long ownership of the 49.67 acres in Oivenhain has brought extensive knowledge of the area and the many governmental policies affecting land use and housing. In 1951, no land use restrictions or regulations existed! Since the 1970s, layer upon layer of controlling regulations have been adopted. This has resulted in today's strangulation of good planning and it prevents accommodation of today's housing needs.

Encinitas incorporated in 1986 with a General Plan written intentionally and specifically to limit growth in eastern Olivenhain to benefit some and place the burdens of exactions and downzoning on others. I know, as I attended many a planning meeting (until 2 a.m.).

Encinitas is now scrambling to satisfy California Department of Housing and Community Development requirements using devious tactics to satisfy numbers, not the actual building of housing units. If the City disagrees with this statement, how is this not true?

My 49.67 acres have been disturbed and occupied with multiple housing units since the late 1800s. Activities have included mining, farming, ranching and residential uses for over 120 years. Road right of ways have existed since early 1900s. Over the years, extensive SDG&E and OMWD facilities were installed on easements that enabled development near and far, including Encinitas, Carlsbad and County of San Diego.

Housing exists on three borders, including multiple subdivisions of lots averaging 1 and 2 acres and a more recent subdivision that took approximately two decades to record a subdivision map of 28 lots averaging 1 dwelling unit per 4 acres. The State finally got involved and pushed for approval.

Regarding the 3 units allocated to APN 264-020-13, without referring me to exhibits or endless City documents that are overwhelming and difficult for a layperson to understand, please answer the following:

1. Is a subdivision map required to create parcels/lots for 3 additional housing units?
2. List all agencies involved in processing a subdivision map for the 49.67 acres.
3. What steps are required to get a map recorded for the 49.67 acres?
 - a. What is the estimated time?

- b. What is the estimated cost?
4. What onsite and offsite improvements would be required in order to obtain a building permit for each of the 3 units allocated to APN 264-020-13?
 - a. What is the estimated time?
 - b. What is the estimated cost?
5. What conditions and exactions would be required for the 49.67 acre subdivision map of 3 additional units to be recorded?
6. How is density determined on the 49.67 acres? What specifically may reduce the density from the stated 2-acre zoning? Explain 0.125 as Minimum or Average Density per the Schedule C, Above-Moderate Sites Inventory.
7. Do all current lots and housing units in the City of Encinitas comply with and meet all current slope requirements? If not, please explain.
8. Is it economically feasible to build 3 housing units on APN 264-020-13, 1 dwelling unit per 12.4 acres, considering the requirements necessary to obtain a subdivision and building permit?
or
Is Encinitas allocating bogus numbers?
9. Where else in the City do densities average 1 dwelling unit per 12.4 acres or more than 1 dwelling unit per 4 acres?
10. How does the City of Encinitas explain and justify the allocation of the 3 units on 49.67 acres to the California Department of Housing and Community Development?
11. Since today's motto is "We're all in this together", explain how the burdens of open space (along with habitat endowments which can be hundreds of thousands of dollars per lot) are solely borne by those who have preserved habitat/open space. Could the open space exaction potentially reduce density? Please explain. Also, could this be considered PUNISHMENT FOR PRESERVATION?
12. Correct incorrect facts in Schedule C Above-Moderate Site Inventory regarding 264-020-13, including street name, parcel size, max density, minimum or average density, unit capacity or fully explain why not changed.

In conclusion,

1. I request the City of Encinitas be forthright in their responses to my questions. This will provide practical information to California Department of Housing and Community Development.
2. I request the City honor the base zoning and remove all obstacles that reduce density (i.e., removing density for slope, utilities easements, waterways, rights of way/roads) allowing the transfer of density to the remainder of the parcel.
3. No Housing Element Certification should be provided until all allocated numbers are reasonable, feasible and doable.
4. I believe many units listed in the Housing Element are economically infeasible. Until I have received and understand your responses, I will not know if the potential units attributed to APN 264-020-13 are economically feasible. Do not include my property in the final Housing Element without liaising with me first.

Sincerely,

Virginia L. Perkins

Jennifer Gates

From: Louise Julig <ljulig@me.com>
Sent: Wednesday, September 2, 2020 3:36 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element Comments

Follow Up Flag: Flag for follow up
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[NOTICE: Caution: External Email]

Dear Jennifer Gates,

Somewhere in the Housing Element draft I thought I remembered reading new language that emphasized looking at housing through a racial equity lens. This was several weeks ago when I first read it, and now that I try to go back and look for the specific language I can unfortunately not find the specific part I was looking for. However, my comment is that I want to support any efforts to view housing through a racial equity lens, because as I am learning, most all policy put in place has some embedded racial impact, and if we don't look for it, it will likely impact Black and Brown communities adversely.

Voice of San Diego just published an informative deep dive into the history and repercussions of single-family zoning in San Diego just last week, at [Single-Family Zoning's Century of Supremacy in San Diego — Voice of San Diego](#). There were so many eye-opening moments and quotes from this piece, and I suggest all in City Government read it, but I will share just two quotes:

"Excluding single-family areas near transit ... exacerbates the problems of single-family zoning – especially low-density neighborhoods in high-income areas. The collective benefit of allowing more people to live near transit should outweigh the concerns of people who live in those neighborhoods and don't want them to change."

and:

"Exclusionary zoning, like single-family zoning, is used as a planning tool by local cities around the nation to segregate Black, Brown and poor residents from wealthier and whiter neighborhoods," [This is from a letter from a coalition of seven anti-poverty groups to Councilwomen Monica Montgomery, Vivian Moreno, and Georgette Gomez.]

Encinitas does not have a great track record of being proactive about inclusionary housing it seems to me. We can do better.

Respectfully,
Louise Julig

www.louisejulig.com

Writing and Editing

@LouiseJulig

LinkedIn: www.linkedin.com/in/louisejulig

Jennifer Gates

From: daniel_e_vaughn@yahoo.com
Sent: Wednesday, September 2, 2020 2:29 PM
To: Jennifer Gates; Roy Sapau; Lillian Doherty
Subject: 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Dear Planning Department Staff,

I wanted to provide more detailed, actionable comments to address the more goal-oriented comments in my August 19 correspondence.

The importance of new housing being compatible with the surrounding neighborhood and community (Section 2.1):

- Goal 1 should explicitly state compatible with neighborhood and/or community. For example, “THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY THAT EMBRACES THE DISTINCT CHARACTER OF THE FIVE COMMUNITIES.”
- Policy 1.3: Most residential neighborhoods and all 5 communities were not planned by the city. Please revise to “When existing single-family residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood and embrace the distinct character of the five communities.”
- There should be a program introduced to define objective standards for preserving community character for all new residential development.

The importance of planning infrastructure needs and protecting the environment (section 1.2).

- Goal #2 should be updated to include infrastructure planning and environmental analysis. For example, “SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS WITH ADEQUATE INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS AND MITIGATION.”
- policy 2.2 should be expanded to include environmental analysis. So, “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing based on adequate environmental impact analyses and mitigation.”
- policy 2.8 should be expanded to require VMT traffic analyses and GHG studies for all large projects.
- The city also needs to review and update its antiquated circulation element to adequately plan for the necessary infrastructure needs and environmental protections.
- There should be a program introduced to conduct the Environmental Impact and mitigation, and to provide the infrastructure planning. This should remedy the mismatch between the EA done with up-zoning when several properties were ineligible for by right development and the current situation where they are. This should update the city’s antiquated circulation element.

Program 1A, Page 1-13: “As discussed under Program 1B, the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households.” This is untrue,

please correct as the use by right was introduced in September 2019 for all properties requiring lot consolidation.

Program 2B: The use of R-30 zoning and its preposterous assumption of affordability is not meaningfully contributing to the affordable housing stock beyond the deed-restricted units, typically < 15%. Most of the R-30 projects that have been submitted are designed with luxury features and are not likely to provide even moderate-income affordable housing. The Goodson project for example, proposes a luxury roof-top 70' above grade with a club-house, pool and deck, and exercise spa. Similarly, limiting the average unit size has failed, as the developers are shrinking the deed-restricted units' size to build large penthouse apartments for premium rent.

Partnering with the for-profit development community as been a disaster. Mr. Goodson had proposed a n ~150-unit low impact assisted senior living center while advocating for inclusion of his property. Within days of the 5th-cycle housing element adoption, he was consulting with planning staff on a gigantic apartment complex. Rather than being further victimized by these bait-and-switch tactics. The city needs to partner with the non-profit development community to build housing that is affordable to all income levels on properties where the city has site control (either by ownership or covenant).

Program 2C: The extremely long wait list has discouraged eligible residents from applying. Any outreach should extent to all Section 8 eligible residents, and not just those on the wait list many of whom have no connection to Encinitas. The inserted text on page 1-23 states 25 percent are low income, is this meant to be very-low income?

Program 2D: Please break out the 62 "lower income units" by income level.

Program 3: The phrase "community character" has been systematically removed. Rather than word-smithing the document, the city needs to prioritize putting in place objective standards by a combination of Environment Impact mitigations associated with the housing element and through EMC.

Program 3C: Any future Housing Element should both comply with state law and be embraced by the citizens. Rather than lawsuits, the city should focus on identifying projects that build the housing desperately needed by our families making median area income and below.

Program 3D: An objective should be added to identify subjective design standards and to replace them with appropriate objective standards.

Thank you for your consideration.

Yours in community, Dan

Jennifer Gates

From: Laini Cassis <lainicassis@gmail.com>
Sent: Tuesday, September 1, 2020 4:57 PM
To: Jennifer Gates
Cc: aaronshook@gmail.com; Mali Woods; Barbara Murray; Joshua Lazerson; Ana Reyes; Matthew Loecker; olivenaftzger@gmail.com; Lydell Fleming
Subject: Comments on 6th Cycle Draft Housing Element
Attachments: Encinitas4Equality Comments to the 6th Cycle Housing Element Draft.pdf

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

We thank you for consideration of our feedback and comments, which are in a PDF attached to this email. We appreciate the time and effort the Planning Department staff have dedicated to the draft Housing Element document. We look forward to supporting the City of Encinitas in adopting a robust, inclusive plan that will steer towards meeting the City's housing goals.

Respectfully,

Laini Cassis

Encinitas4Equality Housing Committee



Encinitas4Equality

August 30, 2020

Ms. Jennifer Gates, AICP
Principal Planner
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
Submitted via email: jgates@encinitasca.gov

Re: Draft 6th Cycle Housing Element

Dear Ms. Gates:

E4E appreciates the opportunity to provide input after reviewing The Encinitas Sixth Cycle Housing Element draft. This letter comes to you specifically from the Housing Committee, whose mission is to make Encinitas a place where neighborhoods are affirmatively anti-racist and a city that intentionally increases access to housing opportunities for low-income individuals and families, and for Black and Indigenous persons, and People of Color (BIPOC).

In the broadest terms, E4E is pleased to note the generally progressive tenor of the Element, a good portion of which is dedicated to acknowledging the reality of various challenges to realizing housing equity and greater diversity of income and race/ethnicity, and to setting forth potential actions that might speak to and mitigate current inequities.

E4E sees great value in the City of Encinitas leveraging available tools to promote and increase availability of more affordable housing. Given that one of the prime means of increasing available housing stock in recent years has focused on the development of ADUs, E4E encourages the City to use those tools available to promote the development of ADUs that are specifically designated for low to extremely low-income populations.

E4E appreciates the City's intent to promote the availability of housing to Very Low income populations through the Section 8 program, and while acknowledging the great excess demand for Section 8 housing, to maintain contact with those on the Section 8 list while those individuals and families are waiting, and potentially providing additional information, assistance, and linkage to resources in addition to housing or as potential alternatives to Section 8 housing in Encinitas.

Program 1C

Thank you for establishing a numerical goal of seventy-five ADUs annually. We encourage changing this goal to *at least* seventy-five ADUs annually.

We are in favor of the City's promotion of ADUs. To continue this effort, we encourage the City to adopt a "Tiny House" ordinance, if it's deemed this type of ordinance will promote the development of smaller and more affordable housing in Encinitas. If this is the case, this ordinance should include the waiving of Development Fees and the "Permit Ready" element of the ADU program to

expedite the process and reduce costs to applicants. We feel it is important to have ADUs have deed restriction, to ensure affordability and not only serve to add density. Mobile homes should also be considered when designing parcels within appropriate zones.

Program 1E

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. We recognize that federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for Extremely Low, Very Low, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.

Please commit to identifying replacement sites which will serve to maximize the number of actual Very Low and Low income affordable housing units built. This can be achieved by identifying available funding, donated land, and below market cost land, such as faith-based owned land, underutilized land, or government entity owned land.

Program 2B

Thank you for establishing a numerical goal of 250 lower-income units annually. We encourage changing this goal to *at least* 250 lower-income units annually.

We applaud the goal of preparing an inventory of City surplus land that is no longer required for the City’s use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing. We support the City of Encinitas’ dedication to partner with agencies that own property in the City, such as the County of San Diego and the North County Transit District (NCTD). Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees. For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.

Specifically, a partnership with NCTD will keep transit hubs at the forefront when building lower income multi-family housing. Because the privately owned sites on the current list will mostly likely produce affordable units at the Low 80% AMI tranche, we feel it’s critical that the City of Encinitas focuses on increasing the percentage of affordable units build in the Very Low 50% AMI tranche, the Very Very Low tranche, as well as housing for the “missing middle.” The reason for this inclusivity is to create housing opportunities across the income spectrum. This will serve the growing demographic in the City of seniors living on fixed incomes, our essential workers earning \$15-\$20/hour, and for young professionals. The City should strive to make standards more challenging to meet. These standards should include a designation of a number of the units for serving citizens in the Very Low and the Very Very Low AMI tranches.

To track the City’s progress in producing housing for all income levels, please create a housing “dashboard” to be shared with the public. This dashboard will summarize the housing built by income category throughout the planning cycle. We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of

availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.

Program 2C

We support the City's commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of ninety-six to 106, with a goal of fully restoring the program to 136 vouchers by 2022.

As noted in the Housing Element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee's Opportunity Map as areas of highest or high resource, and that the City is predominantly white, comprising >85 percent of the City's population. It is also noted that patterns of racial and ethnic concentration exist in the region. We believe it's critical to do more in welcoming Black, Indigenous, and Hispanic/Latinx neighbors to Encinitas, who currently constitute just 0.6%, 3.9%, and 13.7% respectively of the most recent Census. The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Program 2F

We encourage you to continue funding homelessness prevention through rent payments, utility payments, and other financial assistance for residents of Encinitas, ensuring that residents can remain in their homes during these difficult times. It is disruptive and costly to find housing for a person or family experiencing homelessness, as opposed to providing financial support in keeping these residents housed. To this effect, please extend the residential eviction moratorium, as necessary, which is another form of homelessness prevention.

We wish to highlight the City's Climate Action Plan calls on the City's Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground-floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. In the September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," it was found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger buildings and smaller units: all factors that make affordable housing near transit a key greenhouse gas reduction strategy.

Program 3H

E4E believes that this, if done conscientiously and with relevant input, can go a long way to identifying and pointing to potential remedies for current racial inequities. We would ask that the City give substantial consideration to how it will involve and gather input

from diverse voices within the community; and whether there might be scope to create a public sub-group of the body with responsibility for this Program that provides for longer-term, more integral involvement of community voices in this process.

Program 5

We appreciate this type of ‘global’ picture of the actions that might be taken to promote fair housing and access in the City of Encinitas, based on AI review. E4E recognizes the value in all of these potential actions, but wishes to state that the recognition that Latinxs and Blacks continue to be under-represented in the homebuyer market and continue to experience large disparities in loan approval rates is particularly important and meaningful in acknowledging the real history of racist discrimination as relates particularly to housing in Encinitas. We believe that the City, armed with this understanding, can incorporate it into planning and outreach efforts, and ultimately make a difference in building the diversity of Encinitas through the encouragement and support of members of these populations to become residents of Encinitas.

In summary, we support the City’s efforts adopting a Housing Element Plan which will be a catalyst for building affordable homes for our senior citizens and our millennial and family residents. We also seek to support our essential workers earning \$15-\$20/hour; they are often commuting long distances or undergoing difficult living arrangements in order to serve the City.

We stand with the City of Encinitas in the focus on innovation and identifying solutions for providing much-needed affordable housing in our beloved community. We thank you for consideration of our feedback and comments. We appreciate the time and effort the Planning Department staff have dedicated to the draft Housing Element document. We look forward to supporting the City of Encinitas in adopting a robust, inclusive plan that will steer towards meeting the City’s housing goals.

In unity,

Laini Cassis, Housing Committee Co-leader
Mali Woods-Drake, Encinitas4Equality Co-founder
The Encinitas4Equality Housing Committee
<https://www.encinitas4equality.org/>

Jennifer Gates

From: Lukacz, Emily <elukacz@health.ucsd.edu>
Sent: Monday, August 31, 2020 6:03 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element Comments

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

As a 20+ year resident of Olivenhain I have watched the development around our community explode from a 2 lane road with 4 way stop at El Camino and Manchester to a 4 lane highway with a backup to get onto the highway in the morning for work that spans nearly a mile. For the most part development has been sensible and responsive to the community needs. The balloon launch site off of Peppertree/RSF road proposal is far more palatable than the proposed Goodson apartment complex on Encinitas Blvd and Rancho Santa Fe Road; which is a radical departure from the rural residential designation of this community and a major liability to the residents of this community. There is simply not enough room for 300+ cars anticipated with a 283 unit apartment structure. The increased traffic density is a huge risk for those of us who live on Manchester avenue and cannot see oncoming traffic when coming out of our easements. That's in a car.... There are also thousands of community members who enjoy riding their bikes in this area and do so on the Manchester/RSF road all the time. I do not understand why the Goodson project can't be more in line with the Olivenhain Trust project across the street with single family homes or even condo units to accommodate low income housing.

In addition to safety concerns, the aesthetics of a 7 seven story building in an area surrounded by large acreage lots, horses and farm land, the proposed project will be an eye sore to those living in that vicinity.

There is NOTHING affordable about the Goodson project. I hope that the rezoning of the Peppertree lot to 14 units on 2.5 acres would effectively STOP and permanently prevent a monstrosity like the Goodson project. If that is the case I am fully supportive. But, if there is ANY chance that you will continue to destroy this community with apartment complexes on that site I am vehemently opposed.

If the goal is to provide "affordable housing" neither project comes close to serving the community. On the outskirts of Rancho Santa Fe (one of the most expensive places in the country) the services and stores are more than twice the price of any other places in Encinitas closer to I5. Harvest Ranch is probably the most expensive grocery store in San Diego. The stores and services on Encinitas Blvd and El Camino are too far to walk for the "low income" tenants that this building is supposedly being constructed for.

While I acknowledge that we have a "housing crisis" in California, the plans to solve this should be based on developing affordable housing close to mass transit, walking distance to schools and shopping facilities. There are plenty of locations closer to I5 that would meet the needs of the community and the demands of the state that do not require rezoning or destroying a community's character and placing its residence at risk. How the land behind Vons off of I5 was decided to be developed as a "dog park" and recreation area and not affordable housing across from the hospital is beyond me. There are also locations by D street in downtown Encinitas that would meet these requirements and actually boost the local economy.

The fact that only 42 of the 283 (15%) proposed units are designated for “low income” is a JOKE. The housing crisis we have will not be solved by building a luxury apartment high rise in this small, rural residential community.

Needless to say, I am ADAMANTLY opposed to re-zoning of our rural residential real estate in Olivenhain into high density housing. ONLY if there is a guarantee that the up zoning of the peppertree lot is permanent and could NEVER be changed to high density apartments would I support such action.

Encinitas Resident since 1999

*Please respect the confidentiality of this email

Emily S. Lukacz, MD
Division Director & Program Director Female Pelvic Medicine & Reconstructive Surgery
Professor, Department of Obstetrics, Gynecology & Reproductive Sciences
UC San Diego Health
9500 Gilman Dr. #0971
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858-657-8435



Department Website <http://obgyn.ucsd.edu>
Follow Department news on Twitter [@UCSD_ObGyn](https://twitter.com/UCSD_ObGyn)

Jennifer Gates

From: Jennay Gunderson <jennaymarie@cox.net>
Sent: Saturday, August 29, 2020 5:48 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element Comments

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Thank you for the opportunity to comment on the 6th Cycle Housing Element. My comments refer to the lot on the SE corner of Rancho Santa Fe Dr. and Encinitas Blvd. also know as the "Balloon Lot."

Many Olivenhain residents, myself included, attended 2 Council meetings last year that went well into the late night, requesting that this lot remain at R-2 designation on the Housing Element. In our neighborhood, the zoning of the property across Rancho Santa Fe Rd. from the Balloon Lot, (the Goodson property) was changed in the Housing Element to accommodate the State's requirement for more affordable housing. In addition, vehicular and pedestrian traffic in this area is already over capacity.

Therefore, the City Council voted to keep the "Balloon Lot" at R-2.

My concern is that this vote is being upturned?

Many of us took time and energy to give our feedback to the City Council and a vote was taken by the Council to keep this lot at R-2 and not to be considered for an increase in zoning since the lot across the street (Goodson lot) was proposed and approved for a zoning increase and also because of the traffic concerns along Rancho Santa Fe Road. and Encinitas Blvd.

I'm surprised and disappointed that the "Balloon Lot" is being considered for a zoning increase and I am requesting that this property stay at R-2 zoning.

Thank you,
Jennay Gunderson
jennaymarie@cox.net
511 Whisper Wind Drive, Encinitas

Jennifer Gates

From: Bob Kent <bobkent84@gmail.com>
Sent: Wednesday, August 26, 2020 11:37 AM
To: Jennifer Gates
Cc: Lois Sunrich
Subject: Housing Element - Cycle 6 - Public Comment
Attachments: Housing Element Cycle 6 - Keys4Homes Comments 8-26-20.pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Jennifer: I hope you are staying safe and healthy these days. On behalf of Keys4Homes, attached please find our public comments for the Housing Element - Cycle 6.

Thank you.

Bob Kent & Lois Sunrich
Keys4Homes

August 26, 2020

To: Ms. Jennifer Gates, Principal Planner City of Encinitas

From: Bob Kent & Lois Sunrich – Keys4Homes in Encinitas

Dear Jennifer: On behalf of Keys4Homes, we are writing to provide comments on the draft 6th Cycle Housing Element for the City of Encinitas, as follows.

Policy 1.7 – Please include coordination with local faith-based organizations, since many of these organizations are currently providing support services (i.e. such as addressing food insecurity) to our residents who are experiencing homelessness, along with seniors and working families who are spending far too much of their income on rent—sometimes with little or no funds available for medical ,

Program 1C – We support the City’s efforts to promote the development of ADU’s. We encourage the City to adopt a “Tiny House” ordinance, if it’s deemed that this type of ordinance will promote the continued development of smaller and more affordable housing in Encinitas. If so, this ordinance should include the waiving of Development Fees and the “Permit Ready” element of the ADU program for expedited processing and reduced costs to the applicants, along with an evaluation of other incentives used to promote the development of Tiny Homes. Please consider utilizing the recently passed City of San Diego Tiny House ordinance as a starting template. Alternatively, please consider amending the ADU ordinance to include Tiny Houses.

Thank you for establishing a numerical goal of 75 ADU’s per year. We support changing the goal to “***at least***” 75 ADU’s per year.

Program 1E – In order to build affordable housing at the lower income levels, we need both financial resources and land (i.e. site control.) Therefore, please commit to identifying replacement sites which will maximize the number of actual very low- and low-income affordable housing units built---by identifying available funding and donated/below market cost land (for instance: faith based owned/underutilized land) and/or city owned, county, NCTD or other government entity owned land. The City (along with other government entities) having financial “skin in the game” (aka “local gap financing”) is a key and necessary component to financing and building more lower income affordable housing in our community. Please see **Program 2B** comment below.

Program 2A – We support the City’s efforts to increase the percentage of affordable housing units required for residential development. What is the status of the economic feasibility study, which will be the justification to increase the %?

Program 2B – We support the City’s commitment to partner with other agencies that own property in Encinitas, including the County of San Diego and North County Transit District. With respect to NCTD, we support this type of partnership to build lower income multi-family housing near transit hubs. Since the privately owned sites on the current list will most likely produce affordable units at the “Low” 80% AMI tranche, it’s critically important that the City focus on increasing the % of affordable units built in the “Very Low” 50% AMI tranche along with housing for the “missing middle,” so there are housing opportunities across the income spectrum, for our seniors on a fixed income (a growing demographic population in Encinitas), our essential workers earning between \$15-\$20/hour and for young professionals. To track the City’s progress in producing housing for all income levels (i.e. very low, low,

moderate, aka “missing middle”) please create a housing “dashboard” to be shared with the public, which summarizes the housing built by income category during the planning cycle. Also, please see **Program 1E** comment above.

Program 2B – continued - Thank you for establishing a numerical goal of building 250 lower income units. We support changing the goal to “*at least*” 250 lower income units.

SB899 is a State of California bill which allows for religious institutions and nonprofit colleges to build 100% affordable housing on their land. If this bill becomes law, please engage in outreach to the local faith-based community and Mira Costa College to assess and collaborate on any viable affordable housing opportunities.

Program 2C – We support the City’s commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of 96 to 106, with a goal of fully restoring the program to 136 vouchers by 2022.

Program 2F – Please continue to dedicate funding for Homelessness Prevention: rent payments, utility payments and other financial assistance for Encinitas residents, so they can stay in their homes during these difficult times. It’s disruptive and much more costly to find housing for a person or family experiencing homelessness versus providing financial support to keep a resident/family in their home. Also, please extend the residential eviction moratorium, as necessary, which is another form of Homelessness Prevention.

Please have a continued focus on innovation and identifying success stories in other locations that could work in Encinitas, to help move the needle and provide much needed affordable housing in our community.

We support the City’s efforts to adopt a Housing Element Plan which will be a catalyst for the actual building of affordable homes for our seniors, our millennial and family residents as well as for our essential workers, who earn between \$15-\$20/hour and who are commuting long distances or finding difficult living situations in order to stay here in the city they serve.

Jennifer Gates

From: Jennifer Flanigan Haack <jennifer.flanigan@mac.com>
Sent: Saturday, August 22, 2020 2:50 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Dear Ms. Gates,

I am writing to provide comments on the 6th Cycle Housing Element for the City of Encinitas.

I oppose:

- Up-zoning without citizen participation
- Plans to build too much market-rate, high-density housing
- Any high-density housing that is not near jobs and public transit
- Not planning for necessary infrastructure to support high-density housing
- Density bonus laws that grant developers waivers and concessions so they don't have to mitigate negative impacts
- Housing that fails to preserve the surrounding neighborhood's community character

I support:

- High-density housing which is located in an appropriate place along major thoroughfares and close to jobs, shopping, public transit and freeway access
- Utilizing existing structures such as empty shopping centers or big-box stores that are no longer in use and can be transformed into suitable and appropriate housing
- Requiring that developers comply with all environmental and safety standards currently in place
- Maintaining the unique character of each neighborhood in Encinitas. As a resident of Olivenhain, I am particularly supportive of keeping this part of Encinitas rural.

Thank you,
Jenni Haack
2337 11th Street, Encinitas

Jennifer Gates

From: Judi Strang <judistrang@earthlink.net>
Sent: Wednesday, August 19, 2020 4:15 PM
To: Jennifer Gates
Subject: Public Comment regarding the Encinitas Housing Element 2021-29
Attachments: ASHRAE pos doc_ETS in MUH-2020-07-1.pdf

Follow Up Flag: Follow up
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[NOTICE: Caution: External Email]

Hi Jennifer.

SDA staff and Encinitas community members really appreciate your team's work on the Encinitas Housing Element.

Regarding Page 1 - Under Local Need, you state:

"The City envisions itself as a sustainable community that embraces its quality of life through environment, fiscal health, community health and equity."

Regarding P. 6 - Under Housing Opportunities, you state for goals and policies of the Housing Element:

"ensure that the existing housing stock is maintained and preserved."

Regarding P. 7 - Under Quality of Housing Policy 2.3:

"Allow for cluster type housing and other innovative housing design that provides adequate open areas around and with these developments."

SDA would respectfully suggest that the Housing Element Plan should include language that - any and all multi unit complexes which are encouraged or underwritten or come before the City Staff and/or the City Council be required to be smoke-free and vape-free.

We are attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers. They state on P.5:

"While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts.

ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.

*ASHRAE's position is that **all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects.***

ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping."

And on P. 10:

*ASHRAE recommends that multifamily buildings **have complete and enforced smoking bans** inside and near them in order to protect nonsmoking adults and children.*

We feel that SDA proposal above and ASHRAE's recommendations completely support the City's goals and policies in the Housing Element 2021-29.

Warm Regards, Judi Strang, Executive Director

San Dieguito Alliance for Drug Free Youth

Serving the cities of Del Mar, Encinitas, Solana Beach, and the communities of Carmel Valley, Del Mar Heights, Elfin Forest, La Costa, Rancho Santa Fe, Sorrento Valley

PO Box 2448 Del Mar CA 92014

fax 858.755.6598 / cell phone 858.382.6598 / www.sandieguitoalliance.org



ASHRAE Position Document on Environmental Tobacco Smoke

Approved by ASHRAE Board of Directors
July 1, 2020

Expires
July 1, 2023

COMMITTEE ROSTER

The ASHRAE Position Document on Environmental Tobacco Smoke was developed by ASHRAE's Environmental Tobacco Smoke Position Document Committee formed on May 16, 2018, with Larry Schoen. as its chair.

Lawrence J. Schoen
Schoen Engineering Inc.
Columbia, MD

Kevin Kennedy
Children's Mercy Kansas City
Kansas City, MO

Costas Balaras
National Observatory of Athens
Athens, Greece

Andrew Persily
NIST
Gaithersburg, MD USA

Lan Chi Nguyen Weekes
La Cite Collegiale
Ottawa, ON, Canada

Cognizant Committee

The chairperson of the ASHRAE Environmental Health Committee, also served as an ex-officio member:

Wade Conlan
Hanson Professional Services
Maitland, FL, USA

HISTORY OF REVISION/REAFFIRMATION/WITHDRAWAL DATES

The following summarizes this document's revision, reaffirmation, or withdrawal dates:

6/30/2005—BOD approves Position Document titled *Environmental Tobacco Smoke*

6/25/2008—BOD approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

10/22/2010—BOD approves revision to Position Document titled *Environmental Tobacco Smoke*

6/30/2013—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/29/2016—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/26/2019—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

7/1/2020 – BOD approved revision to Position Document titled *Environmental Tobacco Smoke*

Note: ASHRAE's Technology Council and the cognizant committee recommend revision, reaffirmation, or withdrawal every 30 months.

Note: ASHRAE position documents are approved by the Board of Directors and express the views of the Society on a specific issue. The purpose of these documents is to provide objective, authoritative background information to persons interested in issues within ASHRAE's expertise, particularly in areas where such information will be helpful in drafting sound public policy. A related purpose is also to serve as an educational tool clarifying ASHRAE's position for its members and professionals, in general, advancing the arts and sciences of HVAC&R.

ABSTRACT

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.

ASHRAE's position is that all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects. ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping.

EXECUTIVE SUMMARY

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. While ASHRAE does not conduct research on the health effects of indoor contaminants, ASHRAE has been involved in this topic for many years. Through its committees, standards, handbooks, guides, and conferences, ASHRAE has long been providing information to support healthful and comfortable indoor environments, including efforts to reduce indoor ETS exposure.

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
 - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.
 - Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
 - Neither dilution ventilation, air distribution (e.g., "air curtains") nor air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

1. THE ISSUE

While indoor smoking has become less common in recent years in many countries¹, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts³⁸. Researchers have investigated the health and irritant effects among non-smokers exposed to tobacco smoke in indoor environments. Such exposure is also known as passive smoking and as involuntary exposure to secondhand smoke. A number of national and global health research groups and agencies (Cal EPA 2005, EPA 1992, IARC 2004, IOM 2010, NRC 1986, SCTH 1998, USDHHS 2014, USDHHS 2006, WHO 2019) have concluded, based on the preponderance of evidence, that exposure of nonsmokers to tobacco smoke causes specific diseases and other adverse effects to human health most significantly, cardiovascular disease and lung cancer. No cognizant authorities have identified an acceptable level of ETS exposure to non-smokers, nor is there any expectation that further research will identify such a level.

Despite extensive evidence of such harm, the well-documented benefits of bans, including exposure reduction and benefits to public health (CPSTF 2013) and widening adoption of smoking bans, many locations worldwide still lack laws and policies that provide sufficient protection. In many locations, laws and policies are only partially protective, permitting smoking in certain building types including casino, entertainment and multifamily housing. Even where permitted by law, many developers, building owners, and operators, including those of restaurants and other hospitality venues, do not allow smoking indoors.

There are currently trends that increase use of electronic nicotine delivery systems (ENDS), smoking of cannabis, use of hookahs and other related activities that are beyond the scope of this document, but which likely present risks from involuntary exposure in the indoor environment that are not as well understood.

2. BACKGROUND

ASHRAE, through its Environmental Health Committee, TC 4.3 Ventilation Requirements and Infiltration, SSPCs 62.1 Ventilation for Acceptable Indoor Air Quality, 62.2 Ventilation and Acceptable Indoor Air Quality in Residential Buildings, 189.1 Standard for the Design of High-Performance Green Buildings, Handbook-Applications Chapter 46 (ASHRAE 2019) and Handbook-Fundamentals Chapters 10 and 11 (ASHRAE 2017), Indoor Air Quality Design Guides (ASHRAE 2018, 2009), and IAQ conferences, has long been active in providing engineering technology, standards and design guidance in support of providing healthful and comfortable indoor environments.

Previous versions of this position document have been instrumental in informing the public, building scientists and practitioners, policymakers and lawmakers

about the inability of HVAC technologies to eliminate health risks to nonsmokers from exposure to tobacco smoke in indoor environments.

The evidence on the health consequences of exposure to ETS is extensive (hundreds of scientific papers) and has been reviewed by numerous independent expert groups in the United States and internationally, all reaching similar conclusions regarding the adverse health effects caused among nonsmokers exposed to tobacco smoke indoors. These include but are not limited to:

U.S. Surgeon General (USDHHS 2014, 2006)
U.S. Environmental Protection Agency (EPA 1992)
National Research Council (NRC 1986)
California Environmental Protection Agency Cal EPA 2005)
World Health Organization (WHO 2019)
International Agency for Research on Cancer (IARC 2004)
United Kingdom Department of Health (SCTH 1998)

The first major studies on passive smoking reported that passive smoking was a cause of lung cancer in non-smokers. Subsequent evidence has identified other health effects in adults and children. Notably, the number of coronary heart disease deaths caused by ETS greatly exceeds the number of ETS-caused lung cancer deaths. Additionally, the scientific evidence recognizes substantial subpopulations, such as children (USDHHS 2014) and adults with asthma or heart disease, whose disease may be exacerbated by ETS exposure.

There is no threshold for ETS exposure below which adverse health effects are not expected, as indicated in the referenced health authority reports. In general, risks tend to increase with the level of exposure and conversely to decrease with a reduction in exposure.

Only an indoor smoking ban, leading to near zero exposure, provides effective control, and only such bans have been recognized as effective by health authorities. Experience with such bans documents that they can be effective (CPSTF 2013, USDHHS 2014, 2006). While there are no engineering design issues related to this approach, the existence of outdoor smoking areas near the building and their potential impacts on entryway exposure and outdoor air intake need to be considered.

Nevertheless, smoking is permitted in some indoor spaces in some buildings. There are now several decades of international experience with the use of strategies, including separation of smokers and nonsmokers, ventilation, air cleaning and filtration, to limit contamination spread from smoking permitted areas to other areas inside the building.

There are three general cases of space-use and smoking activity in sequence from most to least effective in controlling ETS exposure:

- 1) allowing smoking only in isolated rooms;
- 2) allowing smoking in separate but not isolated spaces; and
- 3) totally mixing occupancy of smokers and nonsmokers.

These approaches do not necessarily account for all circumstances. Each leads to different engineering approaches as follows.

1. Smoking Only in Isolated Rooms: Allowing smoking only in separate and isolated rooms, typically dedicated to smoking, can reduce ETS exposure in non-smoking spaces in the same building. Effective isolation requires
 - a) sealing of cross contamination pathways and airtightness of the physical barriers between the smoking and nonsmoking areas,
 - b) the use of separate ventilation systems serving the smoking and non-smoking spaces,
 - c) exhausting air containing ETS so it does not enter the non-smoking area through the outdoor air intakes, windows, and other airflow paths,
 - d) airflow and pressure control including location of supply outlets and return and exhaust air inlets to preserve airflow into the smoking space at doorways and other openings, which is powerful enough so that movement of people between non-smoking and smoking areas and so that thermal and other effects do not disrupt intended air distribution patterns.

Even when all available strategies have been employed in multifamily housing, there is a lack of credible evidence that anything short of a smoking ban will provide full protection to occupants of non-smoking residential dwelling units. The risk of adverse health effects for the occupants of the smoking room itself also cannot be controlled by ventilation.

2. Smoking in Separate but Not Isolated Spaces: This approach includes spaces where smokers and non-smokers are separated but still occupy a single space or a collection of smoking and non-smoking spaces not employing all the isolation techniques described in 2. a) through f) above. Examples can be found in restaurants and bars with smoking and non-smoking areas, or buildings where smoking is restricted to specific rooms, but a common, recirculating air handler serves both the smoking and non-smoking rooms.

Engineering techniques to reduce odor and irritation include, directional airflow patterns achieved through selective location of supply and exhaust vents, and air cleaning and filtration. Limited evidence is available, and none supports the significant reduction of health effects on those exposed.

3. **Mixed Occupancy of Smokers and Nonsmokers:** If smoking is allowed throughout a space or a collection of spaces served by a single air handler, with no effort to isolate or separate the smokers and nonsmokers, there is no currently available or reasonably anticipated ventilation or air cleaning system that can adequately control or significantly reduce the health risks of ETS to an acceptable level.

This situation includes unrestricted smoking in homes, dormitories, casinos, bingo parlors, small workplaces, and open plan office spaces. Air cleaning, dilution ventilation and displacement ventilation can provide some reduction in exposure, but they cannot adequately control adverse health effects, nor odor and sensory irritation for nonsmokers in general.

Ongoing trends, studies and research:

- Electronic nicotine delivery systems (ENDS) are increasing in use and the health effects of primary and secondary exposure continue to be revealed. ENDS and other related exposures in the indoor environment, including those arising from cannabis combustion and use of hookahs, are outside the scope of this position document. ENDS are addressed in an ASHRAE Emerging Issue Brief.
- Third-hand smoke, which results from the release of contaminants from the clothing of smokers and other surfaces, is a relatively new concept. There is evidence of potential hazards (Sleiman 2010) and researchers are still studying it (Mayo Clinic 2017).

3. RECOMMENDATIONS

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy (ROB 1.201.008) is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
 - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.

- Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
- Neither dilution ventilation, air distribution (e.g., “air curtains”) or air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete and enforced smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

4. REFERENCES

- ASHRAE 2019. Handbook—HVAC Applications. Atlanta: ASHRAE.
- ASHRAE (Ed.), 2018. Residential indoor air quality guide: best practices for acquisition, design, construction, maintenance and operation, Atlanta, GA
- ASHRAE 2017. Handbook—Fundamentals. Atlanta: ASHRAE.
- ASHRAE (Ed.), 2009. Indoor air quality guide: best practices for design, construction, and commissioning. American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Atlanta, GA.
- California Environmental Protection Agency (Cal EPA). 2005. Office of Environmental Health Hazard Assessment. Health Effects of Exposure to Environmental Tobacco Smoke. California Environmental Protection Agency. <https://oehha.ca.gov/air/report/health-effects-exposure-environmental-tobacco-smoke-final-report>
- CPSTF (Community Preventive Services Task Force) 2013. Reducing Tobacco Use and Secondhand Smoke Exposure: Smoke-Free Policies. June 3, 2013. www.thecommunityguide.org/sites/default/files/assets/Tobacco-Smokefree-Policies.pdf
- Institute of Medicine 2010. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12649>.
- International Agency for Research on Cancer (IARC). 2004. Tobacco smoke and involuntary smoking. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No 83. International Agency for Research on Cancer. Lyon, France. <https://www.ncbi.nlm.nih.gov/books/NBK316407/>
- Mayo Clinic 2017. “What is thirdhand smoke, and why is it a concern?” Answer from J Taylor Hays, M.D. July 13, 2017. www.mayoclinic.org/healthy-

- [lifestyle/adult-health/expert-answers/third-hand-smoke/faq-20057791](#), accessed March 2, 2020.
- National Research Council (NRC), 1986. Committee on Passive Smoking. Environmental tobacco smoke: Measuring exposures and assessing health effects. National Academy Press Washington, D.C.
<https://www.ncbi.nlm.nih.gov/books/NBK219205/>
- Scientific Committee on Tobacco and Health (SCTH) and HSMO. 1998. Report of the Scientific Committee on Tobacco and Health. The Stationary Office. 1998; 011322124x <https://www.gov.uk/government/publications/report-of-the-scientific-committee-on-tobacco-and-health>
- Sleiman 2010. "Formation of carcinogens indoors by surface-mediated reactions of nicotine with nitrous acid, leading to potential *thirdhand smoke* hazards," *Proceedings of the National Academy of Sciences*, April 13, 2010 107 (15) 6576-6581. <https://doi.org/10.1073/pnas.0912820107>
- US Department of Health and Human Services (USDHHS). 2014 The health consequences of smoking – 50 years of progress: a report of the Surgeon General. – Atlanta, GA, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.
<https://www.ncbi.nlm.nih.gov/books/NBK179276/>
- U.S. Department of Health and Human Services. 2006. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. Atlanta, Ga. <https://www.ncbi.nlm.nih.gov/books/NBK44324/>
- US Environmental Protection Agency (EPA). 1992. Respiratory health effects of passive smoking: Lung cancer and other disorders. EPA/600/006F. U.S. Government Printing Office, Washington, D.C.
<https://www.epa.gov/indoor-air-quality-iaq/respiratory-health-effects-passive-smoking-lung-cancer-and-other-disorders>
- World Health Organization. 2019. Report on the Global Tobacco Epidemic. Geneva, Switzerland [WHO/NMH/PND/2019.5](#).
https://www.who.int/tobacco/global_report/en/

Jennifer Gates

From: Laura Nunn <laura@housingsandiego.org>
Sent: Wednesday, August 19, 2020 2:02 PM
To: Jennifer Gates
Cc: Intern 1
Subject: San Diego Housing Federation comment letter - Draft 6th Cycle Housing Element
Attachments: SDHF comments City of Encinitas Housing Element.pdf

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Attached please find a comment letter from the San Diego Housing Federation on the City of Encinitas Draft 6th Cycle Housing Element. Please do not hesitate to reach out if you have any questions or if we can provide any additional information.

Thank you,
Laura

Laura Nunn (she / her)
Director of Policy & Programs

[San Diego Housing Federation](#)
3939 Iowa Street, Suite 1
San Diego, CA 92104
(619) 239-6693
laura@housingsandiego.org



Following CDC and state guidelines, all of San Diego Housing Federation is working remotely to support the health and well-being of our staff and members.

For a list of local resources, visit housingsandiego.org/covid19

To support our advocacy efforts during COVID-19, give at housingsandiego.org/donate



San Diego's Voice for Affordable Housing



August 19, 2020

Ms. Jennifer Gates, AICP
Principal Planner
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
Submitted via email: jgates@encinitasca.gov

Re: Draft 6th Cycle Housing Element

Dear Ms. Gates:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6th Cycle Housing Element for the City of Encinitas.

The draft Housing Element contains several actionable items that will help Encinitas make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

Implementing State Legislation

The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will advance Housing Element Policy 1.4 (HE 1-6) to provide opportunities for low and moderate income housing throughout the city. We applaud the city's goal in Program 2B to prepare an inventory of City surplus land no longer required for the City's use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing.

We were also proud to support AB 1763, which provides a density bonus for developments that are 100 percent affordable. We recommend that the City move quickly to implement this legislation to serve as a tool for building affordable housing. The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "[Equity and Climate for Homes](#)," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing. Should AB 2345 pass and be signed by the Governor this fall, this could serve as a valuable tool to achieve the City's housing goals.

Local funding for affordable housing

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. As is recognized throughout the draft Housing

Element, federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.

We would like to express our strong support for Program 2B (HE 1-19-20), which calls for partnering with agencies like North County Transit. Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees (HE 1-20). For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.

Affordable housing preservation

The draft Housing Element states a goal to ensure the continued affordability of deed-restricted affordable units (Goal 4, HE 1-8). We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.

Affirmatively furthering fair housing and equity

As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee’s Opportunity Map as areas of highest or high resource and the city is predominantly white with the white population comprising 88.7 percent of the City’s population (HE 1-13). It is also noted that patterns of racial and ethnic concentration exist in the region (HE 1-35). The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Housing and Climate Change

The City's Climate Action Plan calls on the City's Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground-floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. Our September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that Planning Department staff have dedicated to the draft Housing Element document and look forward to supporting the City of Encinitas in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,



Laura Nunn
Director of Policy & Programs

Jennifer Gates

From: daniel_e_vaughn@yahoo.com
Sent: Wednesday, August 19, 2020 12:09 PM
To: Jennifer Gates; Roy Sapau; Lillian Doherty; Council Members
Cc: Encinitas Residents For Responsible Development
Subject: Comments on the draft 6th cycle HE

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Planning Department Staff and City Council

The 2021-2029 Housing Element (HE) is our opportunity to plan the Encinitas we want to build. The draft HE correctly identifies the importance of new housing being compatible with the surrounding neighborhood and community (section 2.1), and embraces the distinct identity and character of its five communities (section 1.2). It also correctly points out the importance of planning infrastructure needs and protecting the environment (section 1.2). However, it fails to cascade these critical priorities into the goals, programs and policies, and therefore fails to adequately plan for the necessary infrastructure, analyze or mitigate the adverse environmental impacts, and hands over "By-Right" development to developers to propose gross monstrosities that destroy our neighborhoods and communities.

I note with some alarm, that in response to state Housing and Community Development (HCD) feedback last week, the revised draft HE released this Monday has struck community character from the document. This is a mistake! In Goodson's proposed CPP, which the city correctly rejected last week, he repeatedly rejected valid concerns about the project's bulk, mass, and height as illegal subjective assessments community character incompatibility. You must protect our five communities as prioritized in our general plan, and if this requires adoption of additional objective standards, that needs to be a priority.

The draft HE fails to provide for the desperately needed low income housing and instead leads to over-development throughout the city with unwanted high density market rate units. The central program, which identifies adequate sites affordable to low and very low income households to meet our RHNA allotment, provides too little affordable housing. There are now 7 submissions of sites upzoned to R-30 in the 5th cycle, and they are providing only minimal deed-restricted affordable units (typically 15%), and mostly market rate units. Including the 4 additional sites that have had staff advisory consultations, they account for ~95% of the recognized inventory. This strategy does produce some needed low income (80% MFI income, ~\$80K/family) housing, but it comes at the cost of thousands of market rate high density units, which are generally unaffordable to even moderate income households, **Table 1**.

Table 1:

Income Category	RHNA Need (Table 2-2)	Likely Approved Sites Submitted (Projected*)
Extremely Low	235	0 (0)

Very Low	234	40 (40)
Low	369	187 (295)
Moderate	308	~0**
Above Moderate	408	1226 (2234)
Total	1554	2569

* Extrapolated from the first 7 R-30 sites submitted (58%, sites 08a&b, 09, AD2 a,b,&c, 12, 07, AD1, AD8), and 4 SAC meetings (35%, 01, 02, 05, AD31) as reported in Table C5 and text following. ** The projects propose an extrapolated 2607 market rate units, and based on prevailing rental rates for similar new constructions, it is anticipated that they will all rent at above market levels.

Encinitas is poorly suited for this glut of expensive market rate high density units. None of the developments are near qualifying transit, and Encinitas doesn't have the jobs to support these rents. Therefore the projects add thousands of additional commuters who add over 10 million new vehicle miles traveled annually to our region, and contribute to global warming and green house gas emissions. Encinitas doesn't have the infrastructure to support these developments, and because the vast majority are using both "by-right" development and 35% density bonus, the environmental effects are generally neither being adequately assessed nor mitigated. High density market rate development belongs near jobs and transit centers, and there are plenty of neighborhoods in the region for which this kind of development is appropriate, but Encinitas is not one of them.

Even the city's highly regarded accessory dwelling unit (ADU) program is falling short of providing the much needed low income housing. Based on surveys, the city estimates that just under a quarter are affordable to low income families while the majority are only affordable to above moderate income families, and only 38 are deed restricted. Taken together with the R-30 zoning, they produce only a trickle of units affordable to households with two full time low wage earners (50% MFI), and none for families below the poverty line or dependent on disability income. Encinitas has no emergency shelter beds, no permanent supportive housing, and less than 10% of the needed Section 8 housing. As a city, we are failing our most vulnerable citizens, and this draft HE does next to nothing to help them.

The draft HE states, "the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower income households" (page 1-13). This is untrue! When the HE was adopted several sites that required consolidation of multiple lots were not eligible for by right development as they were subdivisions under then current Encinitas Municipal Code (EMC). The EA adopted at that time explicitly promised CEQA review of those sites requiring a subdivision. As Monday's revision correctly inserts, the city subsequently amended the EMC to allow lot consolidations that are not subdivisions (page 1-33), but in doing so, it never studied the environmental impact of this change nor disclosed the association with the Goodson project. In order to adequately manage environmental impact and infrastructure needs, the city must conduct an EIR (subject to full citizen participation) before they approve any lot line adjustments under the new EMC policy.

Traffic is one glaring area where adverse environmental impacts are not being adequately studied or mitigated. Currently, the city allows Goodson, and other R-30 sites, to tier from the Measure T Environmental Impact Report (EIR). However this EIR neither adequately planned for by-right development nor for his use of the density bonus law to propose 102 units beyond the 181 maximum yield in the Environmental Assessment (EA). Goodson declared in his recent CPP meeting, that the city has extensively studied the traffic and there is no impact on RSF Rd. That EIR never studied the 1700+ new average daily trips (ADTs) this project would add. Rather it promised that "future projects that would generate over 1,000 ADT or 100 peak-hour trips would be required to prepare a traffic impact study regardless of consistency with the HEU to identify their direct project impacts and appropriate mitigation" (Section 4.13.4.2.). That EIR determined that if the total city-wide upzoning added even additional 500 ADTs on RSF Rd, that would result in significant adverse impacts along three RSF Rd segments (Table 4.13.20). The Goodson project proposes 283 families who would

have to drive their children from one end of RSF Rd to the other to take their children to school in the morning, exceeding the 100 peak hour trip threshold with just that action. The glut of traffic on RSF Rd also seriously threatens our ability to safely evacuate the valley in the event of a wildfire, raising the frightening possibility of a Paradise-like tragedy. Monday's new draft insertion (page B-109) needs to be revised to clarify that by-right developments that significantly exceed the traffic volume studied in the referenced environmental documents, will still need to prepare a traffic impact study to identify their direct project impacts and appropriate mitigation.

The real threat of new upzoning is being undersold. Program 1E, details the need to provide additional sites within 180 days of project approvals that would deplete the adequate RHNA sites. The buffer once the 6th cycle is approved, would increase to 661 units, however the first 7 projects submitted that were upzoned to R-30 in the 5th cycle HE will already deplete 620 units once approved. Triggering "no net loss" is not a matter of if it will happen in the 6th cycle, but just a matter of how fast. Newly inserted into Monday's draft HE, "The City recognizes that at some point in the planning period it is likely that "no net loss" requirements will mandate that additional sites be designated for lower income housing." Well before this happens, the city needs to identify sites that can accommodate the desperately needed 430 very low and extremely low income units, plan for the necessary infrastructure and environmental analysis, obtain site control (either by ownership or covenant), and build city-wide consensus to ensure passage of the upzoning measure consistent with Prop A.

The citizens of Encinitas deserve better than a plan that:

- Builds too many market rate high density units that are near neither jobs nor transit
- Accommodates too few desperately needed very low and extremely low income units
- Fails to plan for or provide the necessary infrastructure needs
- Fails to analyze or mitigate the adverse environmental impacts, including wildfire evacuation risk
- Fails to preserve our neighborhoods and community character

I note with appreciation today's extension of the deadline for public comment. Fifty hours was not enough time to adequately address Monday's last minute revisions to the draft HE. I am submitting this open letter today ahead of the original deadline in hopes that it advances our community dialogue and citizen participation on this important document. I will also be submitting more detailed specific suggested revisions to the draft document by the new revised deadline (5 pm September 2nd) to the planning staff.

Dan Vaughn
Board Chair, Encinitas Residents for Responsible Development

Jennifer Gates

From: Amy <amyhmccord@gmail.com>
Sent: Tuesday, August 18, 2020 6:35 PM
To: Jennifer Gates
Subject: Housing Element

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

I am writing in support of Dan Vaughn's submission of comments regarding the Housing Element.

The draft HE correctly identified the importance of new housing being compatible with the surrounding neighborhood and community. This premise was an instrumental part of the platform that was responsible for electing the Mayor of Encinitas as well as other City Council members. Maintaining the character of each of the five communities has always been part of the fabric of Encinitas and frankly, citizens continue to demand that going forward.

Last week there was feedback from HCD. Yesterday in response to that feedback, the revised draft HE struck community character from the document. This information was released Monday August 17th. How can it be that the public comment period ends August 19th? Reversing your position on something so important to Encinitas citizens and not allowing time for community response is unacceptable.

Overturing Prop A, side-stepping a voter approved measure, and upzoning parcels all over Encinitas without considering what this would lead to has put the City of Encinitas into a state of upheaval. Our beloved community is about to be over-run with high-density housing that does not accomplish the goal of providing affordable housing. Instead many over-sized projects which grant developers unprecedented waivers and concessions, will provide a glut of market-rate apartments and very few affordable units. Most of the new housing will be unaffordable to residents of Encinitas where we do not have jobs to support these rents. This will effectively increase commuting and therefore carbon emissions. High density developments belong in areas with qualifying public transit and jobs.

Allowing developers (like Goodson) to completely ignore the overwhelmingly negative impacts their projects will have on the surrounding communities will destroy Encinitas.

If our need is affordable housing, we must find a way to build those required units in concentrated numbers, and eliminate plans for market rate housing we do not need.

Please do not proceed with projects that fail to plan for infrastructure, ignore community character, and do not mitigate adverse environmental impacts.

Sincerely,

Amy McCord

Jennifer Gates

From: James Stiven <jstiven@roadrunner.com>
Sent: Monday, August 17, 2020 3:01 PM
To: Jennifer Gates
Cc: Catherine Blakespear; 'Adam Belt'; 'Betsy Vaughn'
Subject: Comments on Sixth Cycle Housing Element
Attachments: Draft of Comments to Draft Sixth Cycle Housing Element.docx

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Jennifer – As promised, attached please find the Comments of our Faith in Action group at St Andrew’s church to the proposed Sixth Cycle Housing Element. Please distribute as appropriate. Thank you very much. Jim Stiven (for the group)

T0: Jennifer Gates, and the staff and City Council of Encinitas, CA

Comments to Draft Sixth Cycle Housing Element (8/17/20)

We the undersigned, members of the Faith in Action Ministry at St. Andrew's Episcopal Church, offer the following comments regarding the Draft Sixth Cycle Housing Element:

First, we are impressed with the scope and detail of the material presented in the Draft, and are generally supportive of the Policies and Programs outlined therein. We express our support specifically to those portions of the draft which embrace expansion of mobile home units, ADU's, 'tiny homes', SRO's, and housing rehabilitation – as these all can help increase the supply of affordable housing. We likewise applaud your support of Sec 8 Housing Vouchers (while noting there are nearly 1000 applicants on the waiting list), as well as the need for Emergency Shelters. That said, we have the following additional comments about specific portions of the Draft.

As to Policy 1.7, we urge expanded contact/coordination with Faith-Based organizations in the community, and support for continuation of the County's Project HOPE.

As to Policy 5.1, what evaluation/action is being done or considered to ease the restrictive requirements imposed by Prop A ?

As to Program 1A, we recognize that SANDAG assigned an RNHA to Encinitas of 1554 units for this Housing Element. However, we believe that that # will be inadequate to meet the actual needs for housing during the period covered by the Sixth Cycle. Moreover, we believe that the Sites identified in this draft (with no changes in existing zoning), although projected to produce excess capacity, will prove to yield far less than the projected # of units – when and if

development is actually approved. This is applying a realistic 'No Net Loss' policy. This, we believe, is especially true in the Low and Very Low Income categories.

As to Program 1E, if what is stated above should prove to be true (the final approval process yields less than what is required under RHNA), how does the City plan to "rezone sufficient sites within 180 days" in light of Prop A?

As to Program 2A, what is the status and objective of the City's plan for "amending Zoning Code 2020 to increase the percentage of affordable housing required - - -" ?

As to Program 2B, as suggested in the Draft, we strongly urge the City to partner with other agencies owning property in Encinitas, such as the County and NCTD, to add to the inventory of available sites for development of affordable housing. Likewise, as noted, it should also look to City owned property not presently needed for other purposes. 'Site Control' is a key factor in actually producing the #s of units needed.

As to Program 2D, what is the status and objective of the City's plan for "an amendment" to the City's implementing ordinances to comply with the state's Density Bonus Law ?

As to Program 2E, we suggest you add Interfaith Community Services to the various social service organizations you have listed. Further, on a related issue, we urge the City to quickly pass an ordinance extending the moratorium on evictions, and some form of rent relief/forgiveness for those adversely affected by the COVID-19 crisis.

Finally, we offer whatever assistance we can provide in encouraging community support of any and all programs designed to increase the availability of affordable housing and addressing and preventing the looming crisis of homelessness in Encinitas.

Respectfully Submitted: Jim Stiven, Kathleen Stiven, Betsy Vaughn, Adam Belt, Georgina Miller, Teresa Baggot Roberts, Virginia Sublett and Linda Nolten

Jennifer Gates

From: Green DWG <suzysherod123@gmail.com>
Sent: Monday, June 22, 2020 1:21 PM
To: Jennifer Gates
Cc: Council Members; Roy Sapau; Anna Colamussi
Subject: Re: Housing Element Draft Feedback
Attachments: Final HE Feedback.doc

[NOTICE: Caution: External Email]

Dear All, I am attaching a more detailed math basis for my response to the Draft Housing Element. Please see the attached file.

Thank you..

All My Best, Susan Sherod, Architect
Encinitas Planning Commissioner

On Sun, Jun 21, 2020 at 2:17 PM Green DWG <suzysherod123@gmail.com> wrote:

Dear Jennifer,

As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.

Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RKA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.

In Encinitas, per <https://www.point2homes.com/US/Neighborhood/CA/Encinitas-Demographics.html>

Owner occupied housing = 15,162

Renter occupied housing = 8,834

Total = 23,996 Existing homes, of which **57% are single family detached homes**. (note: values may differ slightly for 2020).

If we upzone those nearest to public transit and create an overlay zone, it is less disruptive and an easier solution for residents to palate. Per <https://ggwash.org/view/68496/why-are-developers-only-building-luxury-housing>, "The antidote to the disruptive effects of big change is gradual change. The next increment of development—from single-family to duplex, duplex to small apartment building, small apartment building to larger apartment-building—should always be available."

It is more comfortable for a city to allow market demand to dictate how new housing is created. As a large part of development cost is land, it should result in more affordable housing if we gradually build 2, 3 or 4 dwelling units on one lot instead of one home per lot. It could be required, that residential lots situated near public transit would build an additional affordable unit for each single family home they build or remodel over 50% with incentives per typical practices. This type of building doesn't result in sprawl, since the added dwelling units may be done on lots that already have a single home and that are already served by infrastructure such as water, power and roads. Plus, when dwelling units are located in areas near desirable amenities, such as shopping and beaches or other entertainment, traffic is greatly reduced, as the neighborhood may already be walk or bike friendly. Zoning such development near transit to be car-free, is a best practice strategy.

In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon & ocean areas. As you know, we are bordered by lagoons to the north and south, and the ocean to the west. These are hard boundaries, and very little land is owned by the city, limiting our options for preservation of open space, however, changing ZONING is doable. I would not have created R30 zones. I would have upzoned near public transit and tried to strengthen transit infrastructure, as it is a primary need for residents of affordable housing. Working with NCTD on use of any NCTD land or Right of Way (R.O.W.), is an excellent

strategy to explore. Some cities are building housing over and adjacent to public transit, which could be one strategy of Encinitas. The Encinitas train station track elevation is 30' below the elevation of the city owned City Hall and library. An agreement with NCTD and an R.F.P. could result in a mix of compact dwelling units (DU's), that are built over Vulcan and the train station, without affecting ocean views.

Again, I KNOW it's a challenging job that you have, but we need, at this time, to be creative, think outside of "the box" and to challenge dictates from the State of California, when they do not make sense.

All My Best, Susan Sherod, Architect
Encinitas Planning Commissioner

Jennifer Gates

From: Green DWG <suzysherod123@gmail.com>
Sent: Sunday, June 21, 2020 2:18 PM
To: Jennifer Gates
Cc: Council Members; Roy Sapau; Anna Colamussi
Subject: Housing Element Draft Feedback

[NOTICE: Caution: External Email]

Dear Jennifer,

As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.

Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RKA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.

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In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon & ocean areas. As you know, we are bordered by lagoons to the north and south, and the ocean to the west. These are hard boundaries, and very little land is owned by the city, limiting our options for preservation of open space, however, changing ZONING is doable. I would not have created R30 zones. I would have upzoned near public transit and tried to strengthen transit infrastructure, as it is a primary need for residents of affordable housing. Working with NCTD on use of any NCTD land or Right of Way (R.O.W.), is an excellent strategy to explore. Some cities are building housing over and adjacent to public transit, which could be one strategy of Encinitas. The Encinitas train station track elevation is 30' below the elevation of the city owned City Hall and library. An agreement with NCTD and an R.F.P. could result in a mix of compact dwelling units (DU's), that are built over Vulcan and the train station, without affecting ocean views.

Again, I KNOW it's a challenging job that you have, but we need, at this time, to be creative, think outside of "the box" and to challenge dictates from the State of California, when they do not make sense.

All My Best, Susan Sherod, Architect
Encinitas Planning Commissioner

Dear Esteemed Mayor and City Council Members,

This is my detailed feedback, on the Housing Element draft, and on upzoning for the City of Encinitas as a private resident and as a broadly experienced architect and member of the Planning Commission.

The City of Encinitas will have to submit a Mid-Cycle Update to reflect progress towards implementing the 6th Cycle Housing Element by April 15, 2025.

It is important to know that RHNA is ultimately a requirement that the region **zone sufficiently** in order for these homes to have the **potential** to be built, **but it is not a requirement or guarantee that these homes will ever be built.**

In Encinitas, per <https://www.point2homes.com/US/Neighborhood/CA/Encinitas-Demographics.html>

Owner occupied housing = 15,162

Renter occupied housing = 8,834

Total = 23,996 Existing homes

Per report paid for by City of Encinitas to Kimley-Horn & Associates (KHA) dated May 25, 2018, the city had 4.4% growth from 200-2010 and it is projected to experience 8.6% growth by 2050.

57% were Single Family Detached units. THIS MEANS $(15162+8834)*.57=13,677.72$ **detached Single Family homes currently exist.** If we upzone SOME OF these Single Family homes near public transit, to allow Compact Dwelling units (that could be built eventually... it would be gradual most likely) it would be **easier for the public to accept.**

If we have **8.6% growth**, we need only 26,059.656 TOTAL, so subtraction finds the number needed.

$26,059.656 - 23,996 = 2,063.656$ **new units needed by 2050**, which is in 30 years, so if we divide $2,064$ homes/30 years = just **68.8 homes per year**. Since **29% would need to be affordable, $2064*.29=599$ affordable DUs by 2050 at a rate of about 20 affordable dwelling units per year.** If we create one or more zone overlays to allow upzoning near transit, that requires 29-50% of what is built to be affordable, we would solve our affordable housing needed.

We would simultaneously need to codify that any commercial or residential remodel of 50% or greater is viewed as NEW construction with all improvements brought up to the current code standards, including the CA Green Building Code and Title 24.

R30 Zones are not necessary, and reduce open space, plus put density where we do not have adequate public transportation infrastructure, resulting in traffic congestion. They give huge developer incentives but little affordable housing and upset many Encinitas citizens. If we **tackle this math another way**, and we consider how many AFFORDABLE homes that are needed, based on the KHA report, just under one-third (29 percent) of Encinitas households earned low, very low or extremely low incomes. SO. If we were to say that $(23,996 \text{ existing homes})*(29\%)=$, we need 6,958.84 affordable homes and would theoretically require 8.6% more by 2050 totaling to 7,557.30024, which is $7557-6959=598.3$ and dividing by 30 years that is still 20 affordable homes per year out of the 69 new homes per year to achieve 8.6% by 2050, so upzoning single family detached homes SOLVES THE PROBLEM immediately, and for the foreseeable projection into 2050 and far beyond it as 57% of the homes are detached single family dwellings, and many do not currently have even an ADU or JADU. IF any R30 development were allowed, profit sharing should be used to build infrastructure, such that developer profit is capped at perhaps 2.5 - 3% and the amount above goes for city infrastructure. *Further, if the city were to issue an RFP to have it developed within a Community Land Trust, on City and possibly NCTD R.O.W. owned land, the units price of development goes way down, allowing 100% of units in that area to be smaller, affordable and nicely done near city amenities, the beach and most critically near local jobs and transit.*

Considering the geography of being bordered by three bodies of water, lagoons at north and south, and ocean at the west, and having extremely limited transit options at present, we are completely justified in limiting growth to be less, if we so choose. The sooner we start modifying the Housing Element to reflect these actual numbers, the better. I welcome constructive criticism of my analysis. It is possible to be wrong, even in math. Advise me.

All My Best, Susan M. Sherod, Architect
Encinitas Planning Commissioner

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
Letter 1. C. Perkins		
1a	<p>1. I requested in writing the sources and calculations of these numbers because the Schedule C numbers and information significantly deviate from known facts, including parcel size (Schedule C parcel size is 39.5 acres, assessor records show 49.67 acres) and zoning (Schedule C says .125, Encinitas’s e-zoning website/actual zoning is .26-.50). Despite repeated requests, and a two week delay in response, the City failed to provide the requested information, referring only to high level boilerplate language.</p> <p>a. It remains unclear whether this is an error or if the City has determined that density has been decreased to 1 dwelling unit per 12.4 acres in a 2 acre zoned area.</p> <p>2. For APN 264-020-13, and likely many other properties, the Schedule C numbers cannot be trusted or verified and are not based on known limitations, articulated requirements or project design.</p> <p>3. For APN 264-020-13, and likely many other properties, the City’s Exhibit C modifications to parcel size and density numbers are either completely wrong or speculative projections without substance.</p>	<p>Appendix C provides the acreage information for sites identified to meet the City’s moderate and above moderate RHNA need based the City’s Tax Roll Assessor Parcel data. Where information on potential constraints was available, the gross acreage may have been lowered on individual parcels to represent a more accurate potential unit capacity. Appendix C contains detailed information on the sites identified to meet the City’s lower income RHNA need, which has net acreage numbers that may differ from the gross parcel acreage based on known parcel constraints, such as steep slopes or environmentally sensitive areas. The net calculation is based on environmental constraints that are calculated in GIS which reduces the parcel size. When a project is proposed a more detailed net acreage analysis is required. The average density used was the mid-range density for RR zone (.125) which has been corrected to (.38/ 1 du per 3 acres) provided by the zoning code: http://www.qcode.us/codes/encinitas/view.php?topic=30-30_16-30_16_010&frames=on.</p>
1b	4. The owner of the property was never contacted regarding inclusion in the Housing Element.	Exhibit C looks at potential capacity of sites based on the existing zoning capacity of sites. No rezoning is required; therefore, property owners are not required to be notified.
1c	5. Numbers listed in Exhibit C do not reflect yields of any similar projects. (One unit per 12.4 acres is NOT “typical” density in Olivenhain, and this property is bounded by houses on 1 and 2 acre	Exhibit C looks at potential yield based on known potential constraints and existing zoning. What is actually developed and constructed on any given parcel may be different. The public has opportunity to provide

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>lots.)</p> <p>a. The City’s approach for APN 264-020-13, and likely other parcels in the Housing Element, is inconsistent with representations made in the Housing Element and appendices.</p> <p>b. The City has precluded meaningful public comment/participation by failing to provide requested information and calculations supporting its assertions within the Housing Element.</p> <p>c. The Housing Element must be returned for corrections and redrafting and reopening for public and State comment.</p>	<p>comments throughout the process through adoption.</p>
1d	<p>1. Analysis of Housing Element Schedule C Site Inventory Raise Economic Feasibility Concerns that Must be Addressed by the City of Encinitas</p> <p>a. I did a preliminary analysis of the Schedule C Moderate and Above-Moderate Site Inventory. See Appendix.</p> <p>2. Analysis of Schedule C Moderate and Above-Moderate Site Inventory reveals:</p> <p>a. Vacant land provide very little available unit yield (3% of unit yield of moderate, 8% of above-moderate)</p> <p>b. Existing residential properties provide the majority of units (51% of unit yield of moderate, 59% of unit yield for above-moderate.</p> <p>i. However, many more residential parcels are required to be utilized as compared to commercial parcels.</p> <p>ii. Development of only 5 parcels yields a large percentage of the above-moderate units required</p> <p>1. Schedule C includes parcels that can provide 32 units, 25 units, 15 units, 14 units, 11 units</p> <p>c. Site inventories rely on very small/micro subdivision and development projects to fulfil housing requirements</p> <p>i. Large percentages of Schedule C sites create less than 3 units</p>	<p>Thank you for your suggestion. Section 11 of Appendix B and Section C.2 of Appendix C describes the methodology for the calculation of unit capacity for Moderate and Above Moderate Sites in compliance with the realistic capacity of the sites in accordance with Government Code Section 65583.2 and HCD Technical Assistance Guide. Recent development, existing uses, market conditions and other regulatory and information is also provided in Appendix B. Economic feasibility of an individual project is based on variables that are specific to each project including land costs, developer return on investment, cost of construction, etc.</p>

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>1. Moderate sites: Projects of 3 additional units or less provide 26% of unit yield</p> <p>2. Above-moderate: Projects of 3 units or less provide 38% of unit yield</p> <p>3. This analysis, along with City failures to include full exactions, requirements and other information in the Housing Element, raises significant concerns that many of these housing units will be economically infeasible/unprofitable to construct and will fail to provide sufficient units to meet the City's yield requirements.</p> <p>a. Properties with existing uses, especially residential properties with low lot yields, are much less likely to be redeveloped within the Housing Element period.</p> <p>b. Small developments lack economies of scale, increasing the expense of each unit, and resulting in the decreased likelihood that the City will reach the proposed housing yield requirements.</p> <p>c. As relatively larger lots become more scarce, and houses have increasingly large footprints/size to justify the purchase costs, larger lots are often sold at a premium at the existing use because they provide usable outdoor/yard space. This makes redevelopment less likely.</p> <p>i. This issue isn't addressed or mentioned in the Housing Element.</p> <p>d. The outcome of all Encinitas exactions and building limitations is to force the building of increasingly large homes, with increasingly large price tags. This is the only way that costs and regulatory burdens can be met.</p> <p>e. The Housing Element fails to provide any information concerning historic development patterns of similarly situated lots to justify the significant reliance on micro-projects and existing residential subdivision/redevelopment.</p> <p>f. There is no evidence within the Housing Element that the Schedule C</p>	

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	sites reflect historical development patterns, realistic subdivision/development size or will fulfil the City’s housing unit yield requirements.	
1e	<p>4. It is notable that the City does not provide statistics justifying the Schedule C numbers because the City estimates ADU/JADU yields based on historical housing unit yields.</p> <p>a. The City assumes there is no need for rezoning because sufficient sites exist to accommodate all required moderate/above moderate units. Without including analysis of the historical redevelopment trends, this is likely untrue.</p> <p>b. In a significant number of cases these sites would require redevelopment and removal of existing commercial or residential uses.</p> <p>c. The City has provided no statistical analysis of expected yield of these mixed use and development of non-vacant sites listed in Schedule C, and no analysis similar to the JADU/ADU analysis cited above.</p>	<p>The potential for ADU/JADU development is based on the analysis direction provided by HCD Technical Assistance Guide which is different than a sites capacity analysis.</p>
1f	<p>5. Likewise, for Mixed Use Sites (currently commercial) “assumes” that sites in different areas will be developed at 50% and 75% yields.</p> <p>a. These assumptions are not the same as the JADU/ADU historical statistical analysis of expected yield.</p> <p>b. There is no explanation as to the basis for these assumptions.</p> <p>c. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with percentage discount to account for the decreasing availability of land.</p>	<p>Recent infill and and density bonus development history is provided in Appendix B. Section C.2 of Appendix C describes the methodology for the calculation of unit capacity for Moderate and Above Moderate Sites in compliance with the realistic capacity of the sites in accordance with Government Code Section 65583.2 and HCD Technical Assistance Guide.</p>

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>d. For housing development on non-vacant sites, feasibility is determined by a “sample” of 10 infill projects.</p> <p>a. A sample is not the same as the JADU/ADU historical statistical analysis of expected yield.</p> <p>b. There is no information provided describing the basis of selection, or representativeness, of these “sample” projects.</p> <p>c. There is no explanation as to the basis for any assumptions regarding the economic feasibility of any projects listed in Schedule C.</p> <p>d. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with a percentage discount to account for the decreasing availability of “underutilized” land.</p>	
1g	<p>1. Housing Element Contains Incomplete list of requirements/exactions</p> <p>a. The Housing Element does not contain a complete list of all requirements and exactions for subdivisions/developments, including those applicable to the sites identified on the sites inventories. This is misleading and must be amended.</p> <p>i. List of overlays is incomplete</p> <p>ii. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment! 6) These include</p> <p>1. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment! 6) These include</p> <p>a. Cash required: recently, \$216,000 per lot was required for habitat endowment (in addition to preservation requirements)</p> <p>2. Costs of Maps, surveys, engineering</p>	<p>Fees and development costs are provided in Appendix B. Exactions and fees for permits for required environmental studies will vary based on the scope of work. A description of the Cultural and Natural Overlay has been added to Section 9.1 of Appendix B.</p>

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>a. It can cost \$1 million or more in engineering and service provider fees to subdivide and develop</p> <p>3. Land, mitigation and improvement costs for public trails</p>	
1h	<p>1. Listed time frames for project processing are incorrect and incomplete in Schedule B Section 9.9. They do not include EIR processing times and samples of projects in Schedule B Section 11.3 show these time estimates are wrong. These numbers must be updated.</p>	<p>These comments will be considered with other comments received from the public. As noted in Section 9.9 total processing times vary by project. Table B-48 provides a detailed summary of the typical estimated processing procedures and timelines of various types of projects in the City, assuming that no Environmental Impact Report, legislative approval (General Plan, Specific Plan, or zoning amendment), or Coastal Commission approval is needed.</p>
1i	<p>2. City Policies regarding Onsite/Offsite Infrastructure Could Pose Barriers to Development/Housing.</p> <p>a. Housing Element Policy 2.2 states the City will “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing.”</p> <p>a. In fact,</p> <p>i. Onsite/offsite infrastructure costs for City parcels can cost millions of dollars and involve extensive mitigation requirements.</p> <p>1. The City has historically relied on developers/subdividers to make significant and expensive improvements to public (and private) streets.</p> <p>2. It is City policy to keep new roads private (and privately maintained)</p> <p>3. The City proposes development fees to address infrastructure issues (another constraint)</p> <p>ii. City has taken actions that increase housing development costs including</p>	<p>These comments will be considered with other comments received from the public.</p>

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>1. vacating public rights of way and IODs (e.g., IOD on Vulcan)</p> <p>2. Failing to accept IODs and public roadways</p> <p>3. Housing Element Policies Actually Increase Costs of Development and Lower Housing Yield</p> <p>a. Despite Policies and Goals to the contrary, the Housing Element Policies increase developer obligations, and consequently home development costs</p> <p>i. Increasing the percentage of affordable housing required for residential development</p> <p>ii. Emphasis on development fees (Policy 2.2)</p> <p>iii. Encourage street planting and landscaping (Policy 2.5)</p> <p>iv. Undergrounding utilities (Policy 2.5)</p> <p>v. Encourage high standards of design, materials, and workmanship in construction and development (Policy 2.6)</p> <p>vi. Discourage development of steep slopes, canyons, floodplains (Policy 2.7)</p> <p>vii. Continue to develop and promote energy efficiency conservation measures (Policy 2.8)</p> <p>viii. Additional required expenses include installation of solar photovoltaic systems and solar water heaters in new housing, along with residential electric charging stations.</p> <p>ix. Any replacement units must be compatible in design with the surrounding residential neighborhood (Policy 1.3)</p> <p>b. This makes development of all housing more expensive and unlikelier to occur</p> <p>4. The costs of each additional exaction and expense affects housing supply</p> <p>a. The Housing Element and City policies do not articulate that each of these entries could be the marginal expense</p>	

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	<p>that prohibits the contemplated housing development project.</p> <p>b. Building on many of the Schedule C sites requires economies of scale to enable economically viable development, and sites with only a few additional units have costs exceeding benefits.</p> <p>i. Many development costs are fixed, whether the project is 1 home or 100.</p> <p>ii. Small subdivisions often are cost-prohibitive because an insufficient number of lots are created, and market costs of lots do not bear these costs.</p> <p>iii. Developers rely on economies of scale to provide homes at market prices.</p> <p>iv. Land development is a very risky business and California land prices have historically been extremely volatile.</p> <p>v. Profit margin is required to mitigate risks and justify the significant time and effort to develop.</p> <p>vi. Marginal cost of solar photovoltaic systems, solar water heaters, electric</p> <p>vii. vehicle stations or the requirement that 10-15 percent of homes must be very low or low income may each be the expense that causes costs to outweigh benefits.</p> <p>5. Each of Encinitas' actions and policies increasing housing costs described in this comment need to be addressed in this Housing Element.</p>	
1j	<p>1. Schedule C's Above Moderate Sites Inventory Chart column of "Parcel Specific Comments" are not consistent. Many entries use different, and sometimes pejorative, language to describe the same situation. For example, all of the following should be revised to a uniform designation: "Single family home on large lot", "one existing single family building", "single family home with large lot", "Vacant lot with 1 existing unit", "vacant lot single family home."</p>	<p>These comments will be considered with other comments received from the public. Please see updated Exhibit C. This has been corrected or clarified where appropriate.</p>

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	<p>a. Note further that this is a misuse of the term “vacant” pursuant to California HCD guidance: “underutilized sites are not vacant sites.”</p> <p>2. Contrary to HCD requirements, Exhibit C does not reflect project densities successfully developed within the City.</p> <p>3. Textual Inconsistency within Housing Element and Exhibits</p> <p>a. Exhibit B and Exhibit C are inconsistent and appear to describe different standards.</p> <p>b. This document is misleading and unclear, with contradictory language.</p> <p>c. Schedule C chart headings are unclear, and may not reflect actual contents.</p> <p>d. Staff declined to explain the specific application of this language, despite written request.</p> <p>4. The document editing and posting of the Housing Element to the City website is extremely misleading and likely to cause public misunderstanding.</p> <p>a. Schedule C was divided into two sections posted to the City website and fails to clearly describe its contents and pagination.</p> <p>i. The first section begins with a description and listing of the Very Low and Low Sites Inventory.</p> <p>ii. The second section is the first page of a chart listing the Above Moderate Sites Inventory.</p> <p>iii. A description of the Above Moderate Sites Inventory was tacked onto the end of the first section, hidden behind the Very Low and Low Sites Inventory.</p> <p>b. The hidden Above Moderate Sites Inventory description contains the only reference to Exhibit B relating to the Above Moderate Sites Inventory, which as described above, contains a different standard than the one described in the Above Moderate Sites Inventory description.</p>	

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	<p>c. The City’s misleading editing and inconsistent language will cause many residents and property owners to misunderstand this document. There must be an additional public comment period and review when this document is clearly drafted, edited and published.</p> <p>d. I note that the public Encinitas Dog Park is being considered to provide 14 Above-Moderate housing units in Schedule C. Inclusion of the Dog Park in the Housing Element appears to be hidden and without adequate discussion or public notice.</p> <p>5. Staff has not provided timely responses to citizen requests for further information, and have not met their own time estimates for responses. This has hindered and prevented me from fully and meaningfully commenting on the Housing Element.</p> <p>6. The Housing Element’s discussion regarding reducing parking standards in affordable housing do not make sense for proposed low-income housing in Olivenhain. In this sub-suburban area, there is no public street/alternative parking available and mass transit and transit connectivity is very poor. The vast majority (or all) adults living at this site will have a car. A parking space must be provided for each adult, along with spots for guests. Otherwise, this site will provide inadequate parking to serve its residents, and pose safety issues to residents and the larger community. Failure to accommodate actual vehicles will cause further transit problems along Rancho Santa Fe Road and Encinitas Boulevard.</p>	
1k	<p>7. Infrastructure</p> <p>a. Encinitas has never maintained existing levels of service, nor has accommodated regional growth and use of Encinitas roadways.</p>	<p>These comments will be considered with other comments received from the public. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.</p>

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Comment Letter	Questions/Comments	City Response
	<p>b. Despite increased traffic, Encinitas continues to narrow roadways and impede vehicular traffic, where transit times to get to the grocery store or other side of town have increased 2-5x.</p> <p>c. Rancho Santa Fe Road is inadequate to serve additional traffic for the proposed high density, low income housing near Four Corners. Similar problems will affect Coast Highway 101.</p> <p>i. Rancho Santa Fe Road serves as a major traffic corridor, contains many stop signs and often can take 15-25 minutes to traverse a mile or two, a fairly recent deterioration. This road is the only route in and out of Olivenhain. This is before the proposed high density projects. The City did not accommodate increased traffic from adjacent growth and residents continue to receive lower levels of street access and service. This is also a safety issue. These traffic issues must be resolved prior to any R-30 development in the area.</p> <p>ii. The City has recently narrowed Coast Highway 101. This is causing further traffic problems within the City and fails to accommodate new housing traffic.</p> <p>iii. I believe the City has undertaken actions regarding City roadways in violation of state transit and road requirements. Additional housing will exacerbate these issues and cause further failures of the Housing Element language concerning roadways.</p>	
11	<p>8. Program 3G: Monitor Adequacy of Development Standards must also include above-moderate housing in its Monitoring Program, as required by Goal 58 and Policy 5.1.9 The City's development standards constrain the development of above-moderate income housing and the language of Goal 5 and Policy 5.1 apply to housing at all income levels. As drafted, this Housing Element</p>	<p>These comments will be considered with other comments received from the public.</p>

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	is misleading, fails to meet its goals/policies, and will overstate the numbers of Above-Moderate housing units to be created.	
1m	<p>9. Appendix B states that the average per square-foot cost for good-quality housing in the San Diego region is \$129 for single-family homes. This number is not reflective of Encinitas costs. Every recent home in Olivenhain has been \$400/square foot or more, a very significant discrepancy.</p> <p>a. It is only economically feasible to construct very high end, very large houses in Encinitas given the zoning, exactions and other barriers to development/subdivision.</p>	This comment will be considered with other comments received from the public.
1n	<p>10. Appendix B states slope areas within Olivenhain and the Sphere of Influence are greater than 25% and characterized by the presence of biological habitat.</p> <p>a. This statement should be removed as it is misleading and irrelevant, speculative, and unrelated to the Housing Element.</p> <p>i. It is mostly applicable to County land (outside the City) already set-aside or being developed</p> <p>ii. Further, this is not a statement that can be relied upon, but is only a supposition or projection and not based on on-the-ground studies.</p> <p>iii. If this language is not removed, analogous statements must be included about all other areas with >25% slope in the City.</p> <p>b. The City cannot make a formal determination of the slope characteristics or habitat, or impacts to housing, until specific sites are proposed for use based on on-the-ground studies.</p>	This statement is provided as an example of environmental hazard and resource that potentially constrains development. These comments will be considered with other comments received from the public.
1o	11. The City continues to fail to understand Olivenhain and its Character.	These comments will be considered with other comments received from

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	<p>a. A .45 acre lot in Olivenhain is not a large lot, as described. Most of Olivenhain is zoned 1 and 2-acre zoning. The Land Use Element describes the highest densities as 2 units per acre. The General Plan Land Use Element Land Policy states, e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”</p> <p>b. The Housing Element fails to comprehend the issues facing property owners in Olivenhain. Housing Element language is not correct for Olivenhain owners being considered in this plan</p> <p>c. The only growth contemplated for Olivenhain is by allowing very intensive R8 development of very small lots, something that conflicts with the description on LU-74 of the Land Use Element of the General Plan.</p> <p>d. Olivenhain is not a beach community and has no characteristics of a beach community. Comparison tables of nearby cities are meaningless. They do not include adjacent and nearby cities (San Marcos and Escondido) yet include cities that are not adjacent (e.g., Oceanside and Del Mar), do not have similar population levels (e.g., Del Mar and Solana Beach) and do not have significant numbers of larger rural lots (e.g., Del Mar and Solana Beach). This is very misleading.</p> <p>a. No nearby city reduces density as Encinitas does.</p> <p>b. San Marcos and Escondido have allowed, and continue to allow, extensive development in areas similar to Olivenhain.</p>	<p>the public. The 6th Cycle Housing Element does not propose to rezone any additional sites. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C. The zoning district classification and density has been reviewed and corrected as needed.</p>

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1p	12. I do not believe that Section 9.9, Local Permits and Processing Times are correct in all cases, including relating to properties listed on Schedule C. This is misleading because it does not reflect actual processing times and requirements. Permit and Processing Time information must be updated to include when EIRs are required, along with any other situations that would require additional processing times.	Please see response 1h.
1q	13. The Development and Planning Fees (Exhibit B, Section 9.5) regional comparison chart should have included the County given the possibility that sphere of influence lands could annex from the County and provide City of Encinitas housing.	This comment will be considered with other comments received from the public.
1r	1. APN 264-020-13 a. Why did the City refuse to provide requested calculations and methodologies and explanations relating to parcels listed on Schedule C when asked about significant discrepancies between (a) Schedule C listed lot size and actual lot size and (b) Schedule C listed zoning and actual zoning density? b. What projects in the City of Encinitas have a historic housing yield similar to one dwelling per 12.4 acres as listed? c. Please explain how the City is upholding its obligations under Goal 5 and Policy 5.1 stating that 1 dwelling per 12.4 acres is the housing yield given the applicable zoning is 1 dwelling unit per 2 acres?	Please see response 1a.
1s	2. Encinitas Housing Element Goal 5, and Policy 5.1, contemplate implementation of policies to reduce/eliminate governmental and non-governmental constraints for all housing within the City. a. Housing Element Program 3G: Monitor Adequacy of Development Standards	The City has not had difficulty in meeting the RHNA need for above moderate-income households. Most constraints to develop housing occur for lower income households, moderate income level and below. Any constraints identified and

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	<p>states “In the course of reviewing new projects on the sites shown on the site inventory in Appendix C, the City of Encinitas will evaluate the development standards contained in Title 30 of the Encinitas Municipal Code and Specific Plans to determine if any standards create undue burdens, or limit the ability for housing to be developed at the density designated in the site inventory.” Why does program 3G: Monitor Adequacy of Development Standards not specifically include above-moderate housing as required by Goal 5 and Policy 5.1?</p>	<p>addressed will benefit all income levels.</p>
1t	<p>3. Program 3B, Modify Regulations that Constrain the Development of Housing a. The Housing Element states: “In 2019, the City of Encinitas identified potential constraints to the development of housing, including ground-floor commercial only uses, findings for residential projects related to density and design, and airspace ownership requirements.” What specific document or program is this referring to? Who was invited to participate? Who participated? b. Given that Program 3B, Modify Regulations that Constrain the Development of Housing, is represented as an ongoing program within the Housing Element, how can I be included as a stakeholder in this program and be able to provide feedback and information? i. I request to be included in this program. c. What are the City’s plans, timeline and next steps to implement Program 3B? d. Who specifically is the “development community” that the City is referring to in Program 3B of the Housing Element?</p>	<p>Register for city updates on the Housing Element and implementation of specific Programs on the City’s website at: https://encinitasca.gov/Home/City-Updates. Check “Housing Element”</p>
1u	<p>4. Housing Element Program 3D, Improving the Efficiency of the Development Review Process for Housing Projects states that</p>	<p>The Environmental Assessment for the 5th Cycle took into consideration the change in density for potential housing projects based on the new</p>

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	<p>“Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible to focus future environmental review on project-specific issues and to apply the objective standards included in the Environmental Assessment.” Please could you confirm that this statement applies to all housing units created in the City, not just the sites/units described in Schedule C?</p>	<p>proposed residential densities for those sites. Environmental Review is required for all sites in the City to address project-specific issues based on the proposed project and any additional review required by changes in State CEQA Guidelines, unless by-right approval is required.</p>
1v	<p>5. Olivenhain Community Character</p> <p>a. Please explain why the City of Encinitas considers .45 acres a large lot in Olivenhain, when most of Olivenhain is zoned 1-2-4 acre zoning and the General Plan’s Land Use policy on page LU-74 describes the highest densities as 2 dwellings per acre?</p> <p>b. How is subdivision of a .45 acre lot permitted where the Land Use Policy states the highest densities are 2 dwellings per acre in Olivenhain?</p> <p>c. How does development of the proposed sites in Olivenhain meet the Land Use Policies applicable to Olivenhain? (e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”)</p> <p>i. How does the proposed 30 dwelling units per acre contribute to preserving Olivenhain’s rural character?</p> <p>ii. How has the City determined that the 30 dwelling units per acre projects in Olivenhain is consistent with the Land Use Element of the General Plan?</p> <p>d. Why is the Schedule C Description and Parcel Specific Comments for similarly sized lots the same for Olivenhain as for the other communities</p>	<p>Community Character is subjective and not enforceable by the City according to HCD guidelines. Development Standards are objective and are the set with each zone district which determines the maximum density a minimum lot area with each zoning district. No zoning changes are proposed at this time. The zoning district classification and densities identified in Appendix C have been reviewed and corrected as needed. All previous zoning amendments were found consistent with Land Use Element and aspects of the Land Use Element were amendment with the adoption of the Housing Element in 2019. Northern Coastal Communities were included for comparison purposes as they are most similar to all of the City of Encinitas in the variety of residential typology.</p>

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	<p>that have different community characters and standards? e. Why were the cities of San Marcos and Escondido not included in local comparison tables, when they are much closer in location and character to Olivenhain than Oceanside?</p>	
1w	<p>6. Why has the City not reached out to property owners of properties listed in Schedule C to determine if (1) they are interested in developing the planned home sites on their properties within the Housing Element period or (2) City allocated yield numbers are feasible, including economically feasible?</p>	<p>Please see response 1b - 1d.</p>
1x	<p>7. Economic Feasibility a. Has the City determined economic feasibility for development of each property listed in Schedule C, including Moderate and Above-Moderate sites? How? Please explain analysis in detail.</p>	<p>Please see response 1d.</p>
1y	<p>8. ADU/JADU a. Across Encinitas, how many parcels are eligible to build (1) ADUs and (2) JADUs? If 75 ADUs/JADUs per year are constructed as assumed by the Housing Element, what is the percentage utilization rate of the ADU/JADU program across the City? b. Exhibit B Section 9.3.2 states: “The City is currently in the process of updating the existing ADU and JADU ordinance to be consistent with state laws adopted in 2019. See additional discussion in Section 11.1 of this Appendix.” Section 11.1 of the Appendix does not mention ADU/JADUs but instead states “Appendix C contains a detailed list of vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and discuss the City’s experience with the redevelopment</p>	<p>Please see response 1e. The referenced section has been corrected to 12.1 of Appendix B.</p>

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Comment Letter	Questions/Comments	City Response
	of non-vacant sites.” What is the City referring to in Section 9.3.2?	
1z	<p>9. Schedule C</p> <p>a. Please provide the City’s methodologies for Schedule C site selection and unit yield.</p> <p>i. Note that the descriptions in Schedule B and Schedule C are conflicting and there is insufficient information to replicate the City’s calculations.</p> <p>b. Are all vacant parcels in the City included in Schedule C? If not, why not?</p> <p>c. Are underutilized or vacant parcels on private roads included in Schedule C?</p> <p>d. Given the relatively low percentage utilization of JADU and ADU entitlements as a percentage of City homes/available parcels, and a significant percentage of housing unit yield will be coming from redevelopment projects on parcels with existing uses, on what basis has the City determined that a sufficient number of units on moderate/above-moderate sites identified on the Schedule C Sites Inventory will be constructed within the next 10 years to meet State requirements? Please explain the rationale. On what statistics or facts is this determination being made?</p>	Please see responses 1a-1e.
1aa	<p>10. The City provided estimates for the number of ADUs/JADUs anticipated to be created under the plan in Section 12.1 of Schedule B based on the historical average numbers of permits granted by the City. No similar analysis appears to have been undertaken for the sites listed on Schedule C for moderate and above-moderate housing—despite the fact that most of these sites require subdivision and/or already have existing uses.</p> <p>a. Why has the City not undertaken a consistent approach/methodology to estimate housing yields, and based its analysis on historical yield numbers?</p>	Please see responses 1a-1f.

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	<p>b. Please provide statistics for historical housing yield for each income bracket equivalent to the ADU/JADU numbers.</p> <p>i. On average, how many homes is Encinitas permitting per year at each income bracket?</p> <p>ii. What are the City’s projections of the number of homes that will be permitted each year of the Housing Element at each income bracket?</p> <p>c. On average,</p> <p>i. How many subdivisions is Encinitas processing per year?</p> <p>ii. What is the average number of parcels created?</p> <p>iii. How many 4 lot or fewer subdivisions are being processed each year?</p> <p>iv. On average, how long does it take to record a subdivision map?</p> <p>v. On average, how long from the time a subdivision map is recorded until building permits are issued?</p> <p>vi. As vacant and underutilized land inventory declines over time as land is developed, how has the City addressed this in its projections?</p> <p>d. Does the City expect all homes (excepting ADUs/JADUs) to be built on Schedule C sites? If not, what percentage are projected from Schedule C sites, and what percentage from non-Schedule C sites?</p>	
1bb	<p>11. Section 11.3 of Exhibit B, including Table B-51, provides “samples” of development of nonvacant sites being converted to higher utilization residential use.</p> <p>a. How were these samples selected? How are these “samples” representative of projects in the City of Encinitas? Please explain methodology and calculations, assumptions, etc.</p> <p>b. Do these projects yield moderate or above-moderate units? How many of each?</p>	<p>Table B-51 include recent infill projects in a variety of districts. These are all above moderate residential developments. The description column provides the number of units.</p>

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Comment Letter	Questions/Comments	City Response
1cc	<p>12. Processing Times, Section 9.9 of Schedule B</p> <p>a. Table B-51</p> <p>i. Please explain how the City can justify the development time periods listed in Section 9.9, when the Housing Element shows that actual projects take far longer (e.g., see Table B-51 showing a sample of 10 “existing applications under review or approved” since July 2019, including 1 project submitted in 2014, 1 in 2016, 5 in 2017, 1 in 2018 and 2 that are undated).</p> <p>ii. Which of these sample projects were approved and which were under review at time of inclusion?</p> <p>iii. When will the City update the Housing Element with correct information regarding processing times and sample project details? Please explain.</p> <p>b. EIRs are required for properties listed on the site inventory.</p> <p>i. What are processing time frames when EIRs are required?</p> <p>ii. Why did the City not include this information in Schedule B?</p> <p>iii. Will the City update the Housing Element with more accurate and complete processing times and estimates?</p> <p>c. Are there any other factors that would delay subdivision and development projects, and related housing, not listed in Schedule B? What are these factors? When will the Housing Element be updated with this information?</p>	<p>Please see response 1h. The processing times are based on all project types not just one type based on input from City Planner who has been working with the City for over 20 years. Exact processing times are based on a number of factors involving each project applicant from environmental review, completion of required technical studies, time between resubmittals and Coastal Commission approval if required.</p>
1dd	<p>13. The Housing Element contains statements that residents do not want hillsides developed.</p> <p>a. Which communities include homes built on slopes, including slopes greater than 25%? Wouldn't this include portions of Cardiff and Leucadia?</p> <p>b. How and when was this information gathered?</p>	<p>Community comments and concerns regarding development has been provided with specific projects and during the Housing Element updates. These comments will be considered with other comments received from the public.</p>

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	<p>c. Do residents complain about existing housing stock built on hills and steep slopes?</p> <p>d. Is there evidence that the community would prefer to develop public parks for above-moderate income homesites rather than allow development on hillsides?</p>	
1ee	<p>14. Encinitas Dog Park is listed on the Schedule C Above-Moderate Sites Inventory.</p> <p>a. Does the City plan to vacate the Encinitas Dog Park to provide 14 above-moderate homes?</p> <p>b. Under what circumstances would development of the 14 above-moderate homes occur on the Encinitas Dog Park?</p> <p>c. Does the City believe that building housing on the Dog Park is more important than changing zoning to simple standards (e.g., 2 acre zoning without removal of densities for overlays, easements, slope, etc.). Explain.</p>	<p>Encinitas Dog Park has been removed from the above moderate sites list.</p>
1ff	<p>15. Infrastructure</p> <p>a. The Housing Element states that Encinitas “must also plan to provide the infrastructure needed to maintain existing levels of service” along with many other references. How specifically are City policies and practices changing with respect to the following:</p> <p>i. Continuing actions that block and impede through traffic on City thoroughfares through road narrowing, traffic calming, stop signs, etc.</p> <p>ii. Failure to maintain existing levels of service from the time of incorporation (transit times have increased 2-5x)</p> <p>iii. Failure to accommodate traffic caused by growth in neighboring cities</p> <p>b. Many references within the Housing Element relate to minimizing constraints to development. How specifically are City policies and practices changing with respect to the following?</p>	<p>Please see response 1k. The City is beginning the Circulation Element update process in 2021 where many of these comments could be discussed. The Environmental Assessment for the 5th Cycle looked at some of these topics as they relate to the Housing Element sites in 20-21. Each project’s specific constraints and required improvements are project specific and are analyzed at the time a development is proposed.</p>

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Comment Letter	Questions/Comments	City Response
	<p>i. Requiring developers/subdividers to provide onsite and offsite improvements to public streets</p> <p>ii. Failing to accept public road IODs, so that subdivision/development roadways are private</p> <p>iii. History of vacating public roads and/or IODs</p> <p>c. Has the City’s failure to accept public road IODs decreased the number of parcels available for inclusion in Schedule C?</p>	
1gg	16. What prevents the Moderate income sites identified in Schedule C from being developed and offered to the market as Above-Moderate units?	Nothing.
1hh	17. Please explain how Exhibit C Sites Inventory designates lots as “vacant” when also noting they have existing homes and/or other improvements, given that this conflicts with the HCD definition of “vacant” and goes against HCD guidance?	Please see updated Exhibit C. This has been corrected or clarified where appropriate.
1ii	18. Given that the City appears to contemplate further revisions, corrections and alterations to Schedule C, and given that the City has not been forthcoming about information included in this Schedule C, what opportunity will landowners and the general public be given to comment on revisions?	The public has opportunity to provide comments throughout the process through adoption. Register for city updates on the Housing Element on the City’s website at: https://encinitasca.gov/Home/City-Updates . Check “Housing Element”
1jj	19. Given that (a) figures and information contained in the Housing Element, including Schedule C, are erroneous, drafted in violation of State HCD guidelines or are potentially economically infeasible, and (2) the City failed to provide requested information concerning calculations and methodology, what is the City’s plan to ensure that the public is able to meaningfully and fully understand this plan and provide public comment based on complete and accurate information?	See response 1ii.

Letter 2. G. Miller

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Comment Letter	Questions/Comments	City Response
2a	I am strongly opposed to the multi-story apartment complex scheme targeted for construction behind the 7-11 at the corner of RSF road & Encinitas Blvd. I attended the zoom meeting hosted by Randy Goodson and came away with nothing but questions and doubts about the project. The proposed building is totally out of place for the community and surrounding area and will lead to traffic nightmares on a regular basis, never mind the real problems caused should emergency evacuations be required along RSF road southbound.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
2b	I also attended a zoom meeting regarding the proposed “density bonus” 14 home development right across RSF road in the “balloon field “. As described, the development seems overly congested for the sub 5 acre plot. With only one home designated for a lower income household, I fail to see how this planning approach meaningfully helps the city toward meeting its housing goal for lower income residents.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
2c	I have a very cynical view of “density bonus “ projects, particularly if part of the stated reason is to increase the city inventory of affordable housing. I live near the “Loden at Olivenhain “ project area and I believe those homes are being offered at \$1.4 -\$1.7 million at the low end. That is not affordable housing for lower income families in my book. I believe only one of the “Lodenite” homes is earmarked for this type of buyer profile.	This comment will be considered with other comments received from the public.
Letter 3. J Maxim		
3a	At a minimum, the agency (HCD) should give the same amount of careful consideration to citizens’ voices as it does to the BIA.	This comment will be considered with other comments received from the public.
3b	Housing policy should require developers who benefit from R30 upzoning and density bonus to count as affordable only	The State defined income categories are 0-50% of Area Median Income (AMI) for very low-income qualifying

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	those units for families at 50% AMI or below.	households and 51 – 80% of AMI for low income qualifying households. The City does not set or control these income categories as they are defined by statute.
3c	The language of Program 1E is unnecessarily coy. The HE should honestly acknowledge the implications of its “compliance with state law.” This should include openly addressing the net loss of affordable units. This should also include required updates to the Climate Action Plan, Mobility Plan, and Safety and Maintenance Plan to account for the negative effects associated with these projects and the increase in the city’s infrastructural needs.	This comment will be considered with other comments received from the public.
3d	The HE should account for the units that sit vacant in Encinitas. The city should institute a luxury housing tax, a foreclosure tax, and a tax on empty buildings.	This comment will be considered with other comments received from the public.
3e	The HE should objectively compare the costs and benefits of profit-driven development with those, for instance, of public housing systems, in achieving truly affordable housing.	This comment will be considered with other comments received from the public.
3f	Rather than rely on unimaginative planning consultants, support a wide public discussion of alternative housing systems, such as public, cooperative, limited-equity co-ownership, communal, and other forms of tenure.	The City has conducted numerous public outreach workshops and surveys relating to its housing element update. All feedback received was considered in drafting the housing element update.
3g	Ask the Board to Supervisors to divert some of the sheriff’s generous budget to address social needs such as housing.	This comment will be considered with other comments received from the public.
3h	Democratize housing policy: downsize the power of experts and consultants and put instead the voices and perspectives of poor households at the center of planning and policy discussion.	The City has conducted numerous public outreach workshops and surveys relating to its housing element update. All feedback received was considered in drafting the housing element update.

Letter 4. V. Perkins

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	<p>1. Is a subdivision map required to create parcels/lots for 3 additional housing units?</p> <p>2. List all agencies involved in processing a subdivision map for the 49.67 acres.</p> <p>3. What steps are required to get a map recorded for the 49.67 acres?</p> <p>a. What is the estimated time?</p> <p>b. What is the estimated cost?</p> <p>4. What onsite and offsite improvements would be required in order to obtain a building permit for each of the 3 units allocated to APN 264-020-13?</p> <p>a. What is the estimated time?</p> <p>b. What is the estimated cost?</p> <p>5. What conditions and exactions would be required for the 49.67 acre subdivision map of 3 additional units to be recorded?</p>	<p>These comments/questions relate to a potential project and is outside of the purview Housing Element. Each timing, costs, reviewing entities, required improvements, etc. are all determined by the specific variables of the project including environmental constraints, location, access, density, etc. The City recommends a separate conversation to discuss a potential project on this site.</p>
	<p>6. How is density determined on the 49.67 acres? What specifically may reduce the density from the stated 2-acre zoning? Explain 0.125 as Minimum or Average Density per the Schedule C, Above-Moderate Sites Inventory.</p>	<p>Please see response 1a.</p>
	<p>7. Do all current lots and housing units in the City of Encinitas comply with and meet all current slope requirements? If not, please explain.</p>	<p>Restrictions on lots with steep slopes and hillside inland bluffs are applied when projects are proposed. Some development within the City predates the City's zoning standards.</p>
	<p>8. Is it economically feasible to build 3 housing units on APN 264-020-13, 1 dwelling unit per 12.4 acres, considering the requirements necessary to obtain a subdivision and building permit? Or Is Encinitas allocating bogus numbers?</p>	<p>Please see response 1d.</p>
	<p>9. Where else in the City do densities average 1 dwelling unit per 12.4 acres or more than 1 dwelling unit per 4 acres?</p>	<p>Maximum permitted densities and minimum net lot area for development is provided in the Zoning Code based on the zoning district.</p>
	<p>10. How does the City of Encinitas explain and justify the allocation of the 3 units on 49.67 acres to the California</p>	<p>Please see response 1a.</p>

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	Department of Housing and Community Development?	
	11. Since today's motto is "We're all in this together", explain how the burdens of open space (along with habitat endowments which can be hundreds of thousands of dollars per lot) are solely borne by those who have preserved habitat/open space. Could the open space exaction potentially reduce density? Please explain. Also, could this be considered PUNISHMENT FOR PRESERVATION?	This comment will be considered with other comments received from the public.
	12. Correct incorrect facts in Schedule C Above-Moderate Site Inventory regarding 264-020-13, including street name, parcel size, max density, minimum or average density, unit capacity or fully explain why not changed.	This parcel information has been updated.
Letter 5. L. Julig		
5.a	Look at housing through a racial equity lens. Where is this located within the housing element?	Appendix B contains the required analysis of fair housing within the City, including areas of opportunity, racial and ethnic analysis of the location of sites, and policies from the Regional Analysis of Impediments (AI). Section 1.3.4 further describes the Programs and actions the City will undertake to affirmatively further fair housing (AFFH).
5.b	"Excluding single-family areas near transit ... exacerbates the problems of single-family zoning – especially low-density neighborhoods in high-income areas. The collective benefit of allowing more people to live near transit should outweigh the concerns of people who live in those neighborhoods and don't want them to change." - Voice of San Diego	This comment will be considered with other comments received from the public, please see response 5.a.

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	<p>"Exclusionary zoning, like single-family zoning, is used as a planning tool by local cities around the nation to segregate Black, Brown and poor residents from wealthier and whiter neighborhoods," [This is from a letter from a coalition of seven anti-poverty groups to Councilwomen Monica Montgomery, Vivian Moreno, and Georgette Gomez.]</p>	<p>This comment will be considered with other comments received from the public, please see response 5.a.</p>
<p>Letter 6. D. Vaughn</p>		
6.a	<p>Goal 1 should explicitly state compatible with neighborhood and/or community. For example, "THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY THAT EMBRACES THE DISTINCT CHARACTER OF THE FIVE COMMUNITIES."</p>	<p>Community Character is subjective and not enforceable by the City according to HCD guidelines. This comment is noted.</p>
6.b	<p>Policy 1.3: Most residential neighborhoods and all 5 communities were not planned by the city. Please revise to "When existing single-family residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood and embrace the distinct character of the five communities."</p>	<p>Per State law, the City can only consider objective design standards when reviewing proposed housing developments. This comment is noted.</p>
6.c	<p>There should be a program introduced to define objective standards for preserving community character for all new residential development.</p>	<p>Program 3B includes the development of objective standards. "Preserving community character" is a subjective requirement that the City is unable to enforce.</p>
6.d	<p>Goal #2 should be updated to include infrastructure planning and environmental analysis. For example, "SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS WITH</p>	<p>This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.</p>

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	ADEQUATE INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS AND MITIGATION.”	
6.e	policy 2.2 should be expanded to include environmental analysis. So, “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing based on adequate environmental impact analyses and mitigation.”	This comment will be considered with other comments received from the public.
6.f	policy 2.8 should be expanded to require VMT traffic analyses and GHG studies for all large projects.	Depending on the type, location, and amount of affordable housing provided by a project, the City is statutorily limited in the environmental review it can require of development projects.
6.g	The city also needs to review and update its antiquated circulation element to adequately plan for the necessary infrastructure needs and environmental protections.	This comment will be considered with other comments received from the public.
6.h	There should be a program introduced to conduct the Environmental Impact and mitigation, and to provide the infrastructure planning. This should remedy the mismatch between the EA done with up-zoning when several properties were ineligible for by right development and the current situation where they are. This should update the city’s antiquated circulation element.	Depending on the type, location, and amount of affordable housing provided by a project, the City is statutorily limited in the environmental review it can require of development projects. This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.
6.i	Program 1A, Page 1-13: “As discussed under Program 1B, the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households.” This is untrue, please correct as the use by right was introduced in September 2019 for all properties requiring lot consolidation.	By-right development for sites in the R-30 overlay zone was established with the adoption of the City’s 5 th Cycle Housing Element and Ordinance 19-04 creating the R-30 Overlay.

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6.j	<p>Program 2B: The use of R-30 zoning and its preposterous assumption of affordability is not meaningfully contributing to the affordable housing stock beyond the deed-restricted units, typically < 15%. Most of the R-30 projects that have been submitted are designed with luxury features and are not likely to provide even moderate-income affordable housing. The Goodson project for example, proposes a luxury roof-top 70' above grade with a clubhouse, pool and deck, and exercise spa. Similarly, limiting the average unit size has failed, as the developers are shrinking the deed-restricted units' size to build large penthouse apartments for premium rent.</p>	<p>The methodology developed in Appendix C is formed to meet the statutory requirements.</p>
6.k	<p>The city needs to partner with the non-profit development community to build housing that is affordable to all income levels on properties where the city has site control (either by ownership or covenant).</p>	<p>PROGRAM 2B: Facilitate Affordable Housing for All Income Levels includes objectives to explore opportunities with developers, including non-profit developers.</p>
6.l	<p>The extremely long wait list has discouraged eligible residents from applying. Any outreach should extent to all Section 8 eligible residents, and not just those on the wait list many of whom have no connection to Encinitas. The inserted text on page 1-23 states 25 percent are low income, is this meant to be very-low income?</p>	<p>Thank you for your comments. Page 1-23 has been updated to reflect "very-low" income.</p>
6.m	<p>Program 2D: Please break out the 62 "lower income units" by income level.</p>	<p>Staff has updated Section 1. The density bonus projects are listed in Table B-40 in Appendix B with the affordability levels.</p>
6.n	<p>Program 3: The phrase "community character" has been systematically removed. Rather than wordsmithing the document, the city needs to prioritize putting in place objective standards by a combination of Environment Impact</p>	<p>Program 3B includes the development of objective standards. "Community character" is a subjective requirement that the City is unable to enforce. Program 3F includes an objective to identify</p>

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	mitigations associated with the housing element and through EMC.	infrastructure needs and modify the capital improvement program.
6.o	Program 3C: Any future Housing Element should both comply with state law and be embraced by the citizens. Rather than lawsuits, the city should focus on identifying projects that build the housing desperately needed by our families making median area income and below.	This comment will be considered with other comments received from the public.
6.p	Program 3D: An objective should be added to identify subjective design standards and to replace them with appropriate objective standards.	Program 3B includes the development of objective standards.
Letter 7. L. Cassis		
7.a	Program 2B - Thank you for establishing a numerical goal of 250 lower-income units annually. We encourage changing this goal to at least 250 lower-income units annually.	Incorporated.
7.b	We applaud the goal of preparing an inventory of City surplus land that is no longer required for the City's use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing. We support the City of Encinitas' dedication to partner with agencies that own property in the City, such as the County of San Diego and the North County Transit District (NCTD). Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state's Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City's effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees. For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering	Thank you for the suggestions, this comment will be considered with other comments received from the public.

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	funds that must be spent on public improvements.	
7.c	We feel it's critical that the City of Encinitas focuses on increasing the percentage of affordable units build in the Very Low 50% AMI tranche, the Very Very Low tranche, as well as housing for the "missing middle." The reason for this inclusivity is to create housing opportunities across the income spectrum. This will serve the growing demographic in the City of seniors living on fixed incomes, our essential workers earning \$15-\$20/hour, and for young professionals. The City should strive to make standards more challenging to meet. These standards should include a designation of a number of the units for serving citizens in the Very Low and the Very Very Low AMI tranches.	The current plan is consistent with the State's anticipated growth of affordable housing units within the City. Additionally, the methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.
7.d	To track the City's progress in producing housing for all income levels, please create a housing "dashboard" to be shared with the public. This dashboard will summarize the housing built by income category throughout the planning cycle. We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City's affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.	Thank you for the suggestions, this comment will be considered with other comments received from the public. Every year the City completes an annual report on housing development for HCD that is available to the public.
7.e	Program 2C - We support the City's commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend	The City will continue to increase the number of funded vouchers as increased funding becomes available.

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	creating a targeted increase of at least 10% from the current level of ninety-six to 106, with a goal of fully restoring the program to 136 vouchers by 2022.	
7.f	Program 2C - The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.	Appendix B contains the required analysis of fair housing within the City, including areas of opportunity, racial and ethnic analysis of the location of sites, and policies from the Regional Analysis of Impediments (AI). Section 1.3.4 further describes the Programs and actions the City will undertake to affirmatively further fair housing (AFFH).
7.g	We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.	The City uses data available and up to date which is specific to Encinitas and additional data completed as part of the 2020 Regional Analysis of Impediments to Fair Housing Choice for the San Diego Region. The City works with HCD to develop a robust and extensive AFFH analysis in Appendix B and Programs have been amended in Section 1.
7.h	We encourage you to continue funding homelessness prevention through rent payments, utility payments, and other financial assistance for residents of Encinitas, ensuring that residents can remain in their homes during these difficult times. It is disruptive and costly to find housing for a person or family experiencing homelessness, as opposed to providing financial support in keeping these residents housed. To this effect, please extend the residential eviction moratorium, as necessary, which is another form of homelessness prevention.	See Program 2F. Thank you for your suggestions and comments, they will be considered with other comments received from the public. The residential eviction moratorium is in response to the Covid-19 Epidemic which is not within the purview of the Housing Element.
7.i	We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit.	These suggestions are noted.

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	<p>In the September 2016 report, “ Location Matters: Affordable Housing and VMT Reduction in San Diego County,” it was found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger buildings and smaller units: all factors that make affordable housing near transit a key greenhouse gas reduction strategy.</p>	
7.j	<p>Program 3H - E4E believes that this, if done conscientiously and with relevant input, can go a long way to identifying and pointing to potential remedies for current racial inequities. We would ask that the City give substantial consideration to how it will involve and gather input from diverse voices within the community; and whether there might be scope to create a public sub-group of the body with responsibility for this Program that provides for longer-term, more integral involvement of community voices in this process.</p>	<p>The City emphasizes and continues to engage the community through a variety of means including public announcements, mailers, emails, flyers, etc. the City will continue to engage a variety of stakeholders and all members of the community. This comment will be considered with other comments received from the public.</p>
7.k	<p>Program 5 - We appreciate this type of ‘global’ picture of the actions that might be taken to promote fair housing and access in the City of Encinitas, based on AI review. E4E recognizes the value in all of these potential actions, but wishes to state that the recognition that Latinxs and Blacks continue to be under-represented in the homebuyer market and continue to experience large disparities in loan approval rates is particularly important and meaningful in acknowledging the real history of racist discrimination as relates particularly to housing in Encinitas. We believe that the City, armed with this understanding, can incorporate it into planning and outreach efforts, and ultimately make a difference in building the diversity of Encinitas through the encouragement and support of members of these populations to become residents of Encinitas.</p>	<p>See Program 3H. This comment will be considered with other comments received from the public.</p>

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7.l	In summary, we support the City’s efforts adopting a Housing Element Plan which will be a catalyst for building affordable homes for our senior citizens and our millennial and family residents. We stand with the City of Encinitas in the focus on innovation and identifying solutions for providing much-needed affordable housing in our beloved community.	This comment will be considered with other comments received from the public.
Letter 8. E. Lukacz		
8.a	The balloon launch site off of Peppertree/RSF road proposal is far more palatable than the proposed Goodson apartment complex on Encinitas Blvd and Rancho Santa Fe Road; which is a radical departure from the rural residential designation of this community and a major liability to the residents of this community. There is simply not enough room for 300+ cars anticipated with a 283 unit apartment structure.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
8.b	I do not understand why the Goodson project can’t be more in line with the Olivenhain Trust project across the street with single family homes or even condo units to accommodate low income housing. In addition to safety concerns, the aesthetics of a 7 seven story building in an area surrounded by large acreage lots, horses and farm land, the proposed project will be an eye sore to those living in that vicinity.	Please see repose 8.a. This comment will be considered with other comments received from the public.
8.c	There is NOTHING affordable about the Goodson project. I hope that the rezoning of the Peppertree lot to 14 units on 2.5 acres would effectively STOP and permanently prevent a monstrosity like the Goodson project. If that is the case I	Please see repose 8.a. This comment will be considered with other comments received from the public.

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	am fully supportive. But, if there is ANY chance that you will continue to destroy this community with apartment complexes on that site I am vehemently opposed.	
8.d	If the goal is to provide “affordable housing” neither project comes close to serving the community. On the outskirts of Rancho Santa Fe (one of the most expensive places in the country) the services and stores are more than twice the price of any other places in Encinitas closer to I5. Harvest Ranch is probably the most expensive grocery store in San Diego. The stores and services on Encinitas Blvd and El Camino are too far to walk for the “low income” tenants that this building is supposedly being constructed for.	Please see repose 8.a. This comment will be considered with other comments received from the public.
8.e	While I acknowledge that we have a “housing crisis” in California, the plans to solve this should be based on developing affordable housing close to mass transit, walking distance to schools and shopping facilities. There are plenty of locations closer to I5 that would meet the needs of the community and the demands of the state that do not require rezoning or destroying a community’s character and placing its residence at risk. How the land behind Vons off of I5 was decided to be developed as a “dog park” and recreation area and not affordable housing across from the hospital is beyond me. There are also locations by D street in downtown Encinitas that would meet these requirements and actually boost the local economy.	Specific site identification for low and very low-income housing is identified in Appendix C. The methodology developed with the Housing Element to address is to provide the opportunity for development, in compliance with state legislation. This comment will be considered with other comments received from the public.
8.f	The fact that only 42 of the 283 (15%) proposed units are designated for “low income” is a JOKE. The housing crisis we	Please see repose 8.a. This comment will be considered with other comments received from the public.

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	have will not be solved by building a luxury apartment high rise in this small, rural residential community.	
8.g	Needless to say, I am ADAMANTLY opposed to re-zoning of our rural residential real estate in Olivenhain into high density housing. ONLY if there is a guarantee that the up zoning of the peppertree lot is permanent and could NEVER be changed to high density apartments would I support such action.	The 6 th Cycle Housing Element does not propose to rezone any additional areas. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C.
Letter 9. J. Gunderson		
9.a	Comments opposing the “Balloon Lot”. I'm surprised and disappointed that the "Balloon Lot" is being considered for a zoning increase and I am requesting that this property stay at R-2 zoning.	The 6 th Cycle Housing Element does not propose to rezone any additional areas beyond the current zoning. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C.
Letter 10. B. Kent		
10.a	Policy 1.7 – Please include coordination with local faith-based organizations, since many of these organizations are currently providing support services (i.e. such as addressing food insecurity) to our residents who are experiencing homelessness, along with seniors and working families who are spending far too much of their income on rent—sometimes with little or no funds available for medical...	The City’s coordination and plan to collaborate with a variety of faith-based organizations is currently addressed in Appendix B, Housing Resources Section 9 as well as Program 2F.
10.b	Program 1C - We are in favor of the City’s promotion of ADUs. To continue this effort, we encourage the City to adopt a “Tiny House” ordinance, if it’s deemed this type of ordinance will promote the development of smaller and more affordable housing in Encinitas. If this is the case, this ordinance should include the waiving of Development Fees and the “Permit Ready” element of the ADU program to expedite the process and reduce costs to applicants. We feel it is important to have ADUs have deed restriction, to ensure affordability and not	This comment will be considered with other comments received from the public.

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	only serve to add density. Mobile homes should also be considered when designing parcels within appropriate zones.	
10.c	Program 1C - Thank you for establishing a numerical goal of seventy-five ADUs annually. We encourage changing this goal to at least seventy-five ADUs annually.	The City has revised the annual ADU assumption to be 100 ADUs per year over the planning period.
10.e	Program 1E - We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for Extremely Low, Very Low, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.	This comment will be considered with other comments received from the public.
10.f	Program 1E - Please commit to identifying replacement sites which will serve to maximize the number of actual Very Low and Low income affordable housing units built. This can be achieved by identifying available funding, donated land, and below market cost land, such as faith-based owned land, underutilized land, or government entity owned land.	Pursuant SB 166, No Net Loss, the City will be required to find replacement sites when identified sites are not developed with housing or not developed at the identified lower income category (i.e. Low, very low, and moderate).
10.g	Program 2A – We support the City’s efforts to increase the percentage of affordable housing units required for residential development. What is the status of the economic feasibility study, which will be the justification to increase the %?	The draft economic study is available on the City’s website: https://encinitasca.gov/Residents/Housing-Resources/Inclusionary-Housing

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10.h	<p>Program 2B – We support the City’s commitment to partner with other agencies that own property in Encinitas, including the County of San Diego and North County Transit District. With respect to NCTD, we support this type of partnership to build lower income multi-family housing near transit hubs. Since the privately owned sites on the current list will most likely produce affordable units at the “Low” 80% AMI tranche, it’s critically important that the City focus on increasing the % of affordable units built in the “Very Low” 50% AMI tranche along with housing for the “missing middle,” so there are housing opportunities across the income spectrum, for our seniors on a fixed income (a growing demographic population in Encinitas), our essential workers earning between \$15-\$20/hour and for young professionals. To track the City’s progress in producing housing for all income levels (i.e. very low, low, moderate, aka “missing middle”) please create a housing “dashboard” to be shared with the public, which summarizes the housing built by income category during the planning cycle. Also, please see Program 1E comment above.</p>	<p>The current plan is consistent with the State’s anticipated growth of affordable housing units within the City. Additionally, the methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.</p>
10.i	<p>Program 2B – continued - Thank you for establishing a numerical goal of building 250 lower income units. We support changing the goal to “at least” 250 lower income units.</p>	<p>Please see response 7.a.</p>
10.j	<p>Program 2C – We support the City’s commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of 96 to</p>	<p>Please see response 7.e.</p>

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	106, with a goal of fully restoring the program to 136 vouchers by 2022.	
10.k	Program 2F – Please continue to dedicate funding for Homelessness Prevention: rent payments, utility payments and other financial assistance for Encinitas residents, so they can stay in their homes during these difficult times. It’s disruptive and much more costly to find housing for a person or family experiencing homelessness versus providing financial support to keep a resident/family in their home. Also, please extend the residential eviction moratorium, as necessary, which is another form of Homelessness Prevention.	Please see response 7.h.
10.l	Please have a continued focus on innovation and identifying success stories in other locations that could work in Encinitas, to help move the needle and provide much needed affordable housing in our community.	This comment will be considered with other comments received from the public.
Letter 11. J. Flanigan Haack		
11.a	I oppose: Up-zoning without citizen participation	The 6 th Cycle Housing Element does not propose to rezone any additional areas.
11.b	Plans to build too much market-rate, high-density housing	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law.
11.c	Any high-density housing that is not near jobs and public transit	Please see response 11.b.
11.d	Not planning for necessary infrastructure to support high-density housing	On and Off-site infrastructure is addressed in Appendix B Section 9.6 and Section 1 Program 3F.
11.e	Density bonus laws that grant developers waivers and concessions so they don’t have to mitigate negative impacts	“Density Bonus” is addressed in Appendix B Sections 9.1.9, the City of Encinitas adheres to state law regarding Density Bonus.
11.f	Housing that fails to preserve the surrounding neighborhood’s community character	Community Character is subjective and not enforceable by the City according to HCD guidelines

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11.g	Plans to build too much market-rate, high-density housing	Please see response 11.b.
11.h	I support: High-density housing which is located in an appropriate place along major thoroughfares and close to jobs, shopping, public transit and freeway access	This comment will be considered with other comments received from the public.
11.i	Utilizing existing structures such as empty shopping centers or big-box stores that are no longer in use and can be transformed into suitable and appropriate housing.	Thank you for your suggestions and comments. They have been noted.
11.j	Requiring that developers comply with all environmental and safety standards currently in place.	Encinitas will continue to adhere to state law regarding environmental regulations.
11.k	Maintaining the unique character of each neighborhood in Encinitas. As a resident of Olivenhain, I am particularly supportive of keeping this part of Encinitas rural.	Community Character is subjective, and therefore, not enforceable by the City.
Letter 12. J. Strang		
12.a	SDA would respectfully suggest that the Housing Element Plan should include language that - any and all multi unit complexes which are encouraged or underwritten or come before the City Staff and/or the City Council be required to be smoke-free and vape-free.	This comment will be considered with other comments received from the public.
11.b	We are attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers. They state on P.5: “While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. ASHRAE’s role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position	Thank you for your suggestions, comments, and supporting documents. This comment will be considered with other comments received from the public.

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	<p>document. ASHRAE’s position is that all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects.</p> <p>ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping.”</p> <p>And on P. 10:</p> <p>ASHRAE recommends that multifamily buildings have complete and enforced smoking bans inside and near them in order to protect nonsmoking adults and children.</p>	
<p>Letter 12. L. Nunn</p>		
12.a	<p>The draft Housing Element contains several actionable items that will help Encinitas make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan’s impact on achieving housing goals.</p>	<p>This comment will be considered with other comments received from the public.</p>
12.b	<p>The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state’s Surplus Land Act. City implementation of this bill will advance Housing Element Policy 1.4 (HE 1-6) to provide opportunities for low and moderate</p>	<p>This comment will be considered with other comments received from the public.</p>

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	income housing throughout the city. We applaud the city’s goal in Program 2B to prepare an inventory of City surplus land no longer required for the City’s use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing.	
12.c	We were also proud to support AB 1763, which provides a density bonus for developments that are 100 percent affordable. We recommend that the City move quickly to implement this legislation to serve as a tool for building affordable housing.	The density bonus ordinance reflects current state law density bonus allowances.
12.d	The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego’s Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, “Equity and Climate for Homes,” found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program’s role in affirmatively furthering fair housing. Should AB 2345 pass and be signed by the Governor this fall, this could serve as a valuable tool to achieve the City’s housing goals.	This comment will be considered with other comments received from the public.
12.e	We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds,	This comment will be considered with other comments received from the public.

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	sometimes called “boomerang funds,” as a local source of funding for affordable housing.	
12.f	We would like to express our strong support for Program 2B (HE 1-19-20), which calls for partnering with agencies like North County Transit. Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees (HE 1-20). For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.	This comment will be considered with other comments received from the public.
12.g	<p>Affordable housing preservation The draft Housing Element states a goal to ensure the continued affordability of deed-restricted affordable units (Goal 4, HE 1-8). We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock.</p> <p>Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.</p>	Thank you for your suggestion, this has been noted. The City plans to incorporate annual monitoring of these units and make annual updates as appropriate.
12.h	<p>Affirmatively furthering fair housing and equity As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee’s Opportunity Map as areas</p>	Please see response 7.f.

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	<p>of highest or high resource and the city is predominantly white with the white population comprising 88.7 percent of the City’s population (HE 1-13). It is also noted that patterns of racial and ethnic concentration exist in the region (HE 1-35). The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.</p>	
12.i	<p>We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.</p>	Please see response 7.g.
12.j	<p>Housing and Climate Change The City’s Climate Action Plan calls on the City’s Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. Our September 2016 report, “Location Matters: Affordable Housing and VMT Reduction</p>	These suggestions are noted.

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	<p>in San Diego County,” found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy.</p>	
<p>Letter 13. D. Vaughn</p>		
<p>13.a</p>	<p>The draft HE correctly identifies the importance of new housing being compatible with the surrounding neighborhood and community (section 2.1), and embraces the distinct identity and character of its five communities (section 1.2). It also correctly points out the importance of planning infrastructure needs and protecting the environment (section 1.2). However, it fails to cascade these critical priorities into the goals, programs and policies, and therefore fails to adequately plan for the necessary infrastructure, analyze or mitigate the adverse environmental impacts, and hands over "By-Right" development to developers to propose gross monstrosities that destroy our neighborhoods and communities.</p>	<p>Community Character is an objective standard that the City of Encinitas cannot enforce, per HCD guidelines. Additionally, included in the Housing Element are Program 3F and policy 2.2 which address the appropriate infrastructure objectives to maintaining adequate service for the community.</p>
<p>13.b</p>	<p>I note with some alarm, that in response to state Housing and Community Development (HCD) feedback last week, the revised draft HE released this Monday has struck community character from the document. This is a mistake! In Goodson's proposed CPP, which the city correctly rejected last week, he repeatedly rejected valid concerns about the project's bulk, mass, and height as illegal subjective assessments community character incompatibility. You must protect our five communities as prioritized in our general plan, and if this</p>	<p>Community Character is not an objective standard, it is subjective and therefore not enforceable by the City of Encinitas.</p>

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	requires adoption of additional objective standards, that needs to be a priority.	
13.c	The draft HE fails to provide for the desperately needed low income housing and instead leads to over-development throughout the city with unwanted high-density market rate units. The central program, which identifies adequate sites affordable to low and very low-income households to meet our RHNA allotment, provides too little affordable housing.	Appendix C of the City's Housing Element identifies a methodology and sites for accommodating the City's RHNA allocation to be in compliance with state legislation.
13.d	<p>There are now 7 submissions of sites upzoned to R-30 in the 5th cycle, and they are providing only minimal deed-restricted affordable units (typically 15%), and mostly market rate units. Including the 4 additional sites that have had staff advisory consultations, they account for ~95% of the recognized inventory.</p> <p>Encinitas is poorly suited for this glut of expensive market rate high density units. None of the developments are near qualifying transit, and Encinitas doesn't have the jobs to support these rents.</p> <p>Encinitas doesn't have the infrastructure to support these developments, and because the vast majority are using both "by-right" development and 35% density bonus, the environmental effects are generally neither being adequately assessed nor mitigated.</p>	These comments relate to proposed projects and are outside of the purview Housing Element. The City recommends a separate conversation to discuss proposed projects.
13.e	High density market rate development belongs near jobs and transit centers, and there are plenty of neighborhoods in the region for which this kind of development is appropriate, but Encinitas is not one of them.	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law.
13.f	Even the city's highly regarded accessory dwelling unit (ADU) program is falling short of providing the much-needed low income housing. Based on surveys, the city estimates that just under a quarter are affordable to low income	The City addresses the development of ADUs in the Housing Plan, programs 1C and 1D. This comment will be considered with other comments received from the public.

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	<p>families while the majority are only affordable to above moderate-income families, and only 38 are deed restricted. Taken together with the R-30 zoning, they produce only a trickle of units affordable to households with two full time low wage earners (50% MFI), and none for families below the poverty line or dependent on disability income.</p>	
13.g	<p>Encinitas has no emergency shelter beds, no permanent supportive housing, and less than 10% of the needed Section 8 housing. As a city, we are failing our most vulnerable citizens, and this draft HE does next to nothing to help them.</p>	<p>This comment will be considered with other comments received from the public.</p> <p>Emergency shelters and Supportive Housing are addressed in Appendix B Section 9.3 and Program 2E. In February 2019, the City of Encinitas adopted Ordinance 2019-01 which permitted emergency shelters within the Light Industrial (LI) and Business Park (BP) zones as required by California Government Code Section 65583(a)(4) (A-D). In November 2019 the City Council adopted amendments to the Zoning Code and Specific Plans to accommodate employee housing, agricultural employee housing, supportive housing, and transitional housing in compliance with State Law.</p> <p>Section 8 is discussed in Appendix B Section 13.2 and Program 2C. The City will continue to increase the number of funded vouchers as increased funding becomes available.</p>
13.h	<p>The draft HE states, "the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower income households" (page 1-13). This is untrue! When the HE was</p>	<p>By-right development for sites in the R-30 overlay zone was established with the adoption of the City's 5th Cycle Housing Element and Ordinance 19-04 creating the R-30 Overlay. Depending on the type, location, and amount of affordable housing provided by a project, the</p>

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	<p>adopted several sites that required consolidation of multiple lots were not eligible for by right development as they were subdivisions under then current Encinitas Municipal Code (EMC). The EA adopted at that time explicitly promised CEQA review of those sites requiring a subdivision. As Monday's revision correctly inserts, the city subsequently amended the EMC to allow lot consolidations that are not subdivisions (page 1-33), but in doing so, it never studied the environmental impact of this change nor disclosed the association with the Goodson project.</p>	<p>City is statutorily limited in the environmental review it can require of development projects. This comment is noted.</p>
13.i	<p>Traffic is one glaring area where adverse environmental impacts are not being adequately studied or mitigated. Currently, the city allows Goodson, and other R-30 sites, to tier from the Measure T Environmental Impact Report (EIR). However this EIR neither adequately planned for by-right development nor for his use of the density bonus law to propose 102 units beyond the 181 maximum yield in the Environmental Assessment (EA).</p>	<p>Please see response 13.d.</p>
13.j	<p>Goodson declared in his recent CPP meeting, that the city has extensively studied the traffic and there is no impact on RSF Rd. That EIR never studied the 1700+ new average daily trips (ADTs) this project would add. Rather it promised that "future projects that would generate over 1,000 ADT or 100 peak-hour trips would be required to prepare a traffic impact study regardless of consistency with the HEU to identify their direct project impacts and appropriate mitigation" (Section 4.13.4.2.). That EIR determined that if the total city-wide upzoning added even additional 500 ADTs on RSF Rd, that would result in</p>	<p>Please see response 13.d.</p>

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	significant adverse impacts along three RSF Rd segments (Table 4.13.20).	
13.k	The Goodson project proposes 283 families who would have to drive their children from one end of RSF Rd to the other to take their children to school in the morning, exceeding the 100 peak hour trip threshold with just that action.	Please see response 13.d.
13.l	Monday's new draft insertion (page B-109) needs to be revised to clarify that by-right developments that significantly exceed the traffic volume studied in the referenced environmental documents, will still need to prepare a traffic impact study to identify their direct project impacts and appropriate mitigation.	This comment will be considered with other comments received from the public.
13.m	Program 1E, details the need to provide additional sites within 180 days of project approvals that would deplete the adequate RHNA sites. The buffer once the 6th cycle is approved, would increase to 661 units, however the first 7 projects submitted that were up zoned to R-30 in the 5th cycle HE will already deplete 620 units once approved. Triggering "no net loss" is not a matter of if it will happen in the 6th cycle, but just a matter of how fast.	This comment will be considered with other comments received from the public.
13.m	Newly inserted into Monday's draft HE, "The City recognizes that at some point in the planning period it is likely that "no net loss" requirements will mandate that additional sites be designated for lower income housing." Well before this happens, the city needs to identify sites that can accommodate the desperately needed 430 very low and extremely low income units, plan for the necessary infrastructure and environmental analysis, obtain site control (either by ownership or covenant), and build city-wide consensus to ensure passage of the upzoning measure consistent with Prop A.	The adequate sites analysis and methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.

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Letter 14. A. McCord		
14.a	I am writing in support of Dan Vaughn's submission of comments regarding the Housing Element.	This comment will be considered with other comments received from the public.
14.b	The draft HE correctly identified the importance of new housing being compatible with the surrounding neighborhood and community. This premise was an instrumental part of the platform that was responsible for electing the Mayor of Encinitas as well as other City Council members. Maintaining the character of each of the five communities has always been part of the fabric of Encinitas and frankly, citizens continue to demand that going forward.	Community Character is a subjective standard, which is not enforceable through objective design standards by the City, per HCD guidelines. This comment will be considered with other comments received from the public.
14.c	Overturing Prop A, side-stepping a voter approved measure, and upzoning parcels all over Encinitas without considering what this would lead to has put the City of Encinitas into a state of upheaval. Our beloved community is about to be over-run with high-density housing that does not accomplish the goal of providing affordable housing. - high density developments belong in areas with qualifying public transit and jobs.	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law. This comment will be considered with other comments received from the public.
14.d	Allowing developers (like Goodson) to completely ignore the overwhelmingly negative impacts their projects will have on the surrounding communities will destroy Encinitas.	This comment relates to proposed projects and are outside of the purview Housing Element. The City recommends a separate conversation to discuss proposed projects.
14.e	If our need is affordable housing, we must find a way to build those required units in concentrated numbers and eliminate plans for market rate housing we do not need.	See response 14.c and Program 2B of the Housing Element.
14.f	Please do not proceed with projects that fail to plan for infrastructure, ignore community character, and do not mitigate adverse environmental impacts.	This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.

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Letter 15. J. Stiven		
15.a	First, we are impressed with the scope and detail of the material presented in the Draft and are generally supportive of the Policies and Programs outlined therein. We express our support specifically to those portions of the draft which embrace expansion of mobile home units, ADU's, 'tiny homes', SRO's, and housing rehabilitation – as these all can help increase the supply of affordable housing. We likewise applaud your support of Sec 8 Housing Vouchers (while noting there are nearly 1000 applicants on the waiting list), as well as the need for Emergency Shelters. That said, we have the following additional comments about specific portions of the Draft.	This comment will be considered with other comments received from the public.
15.b	As to Policy 1.7, we urge expanded contact/coordination with Faith-Based organizations in the community, and support for continuation of the County's Project HOPE.	The City's coordination and plan to collaborate with a variety of faith-based organizations is currently addressed in Appendix B, Housing Resources Section 9 as well as Program 2F.
15.c	As to Policy 5.1, what evaluation/action is being done or considered to ease the restrictive requirements imposed by Prop A?	See Program 3C.
15.d	As to Program 1A, we recognize that SANDAG assigned an RNHA to Encinitas of 1554 units for this Housing Element. However, we believe that that # will be inadequate to meet the actual needs for housing during the period covered by the Sixth Cycle. Moreover, we believe that the Sites identified in this draft (with no changes in existing zoning), although projected to produce excess capacity, will prove to yield far less than the projected # of units – when and if development is actually approved. This is applying a realistic 'No Net Loss' policy. This, we believe, is especially true	Specific site identification for low and very low-income housing is identified in Appendix C. The methodology developed with the Housing Element to address is to provide the opportunity for development, in compliance with state legislation. This comment will be considered with other comments received from the public.

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	in the Low and Very Low Income categories.	
15.e	As to Program 1E, if what is stated above should prove to be true (the final approval process yields less that what is required under RHNA), how does the City plan to “rezone sufficient sites within 180 days” in light of Prop A?	Program 3C proposes to commence review of sites that may be suitable for upzoning immediately after housing element adoption and complete any environmental review required for upzoning. Further, Program 3C provides that if a vote continues to be required, the City would monitor the possible need for sites due to ‘no net loss’ and schedule any required election substantially in advance of any actual need to upzone.
15.f	As to Program 2A, what is the status and objective of the City’s plan for “amending Zoning Code 2020 to increase the percentage of affordable housing required - - -“ ?	<p>Objectives for this program include:</p> <ul style="list-style-type: none"> - Adopt recommended amendments to inclusionary housing ordinance. - Continue to implement the inclusionary housing program. - Evaluate program effectiveness and impact on housing production. <p>The Cities current timeline is to adopt recommended changes to inclusionary ordinance by Spring 2021, as well as, complete an annual analysis of the results it the program.</p>
15.g	As to Program 2B, as suggested in the Draft, we strongly urge the City to partner with other agencies owning property in Encinitas, such as the County and NCTD, to add to the inventory of available sites for development of affordable housing. Likewise, as noted, it should also look to City owned property not presently needed for other purposes. ‘Site Control’ is a key factor in actually producing the #s of units needed.	Thank you for the suggestions, this comment will be considered with other comments received from the public.

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15.h	As to Program 2D, what is the status and objective of the City’s plan for “an amendment” to the City’s implementing ordinances to comply with the state’s Density Bonus Law?	The City’s current object is to ensure the Density Bonus ordinance in Encinitas is compliant with current state law. The City has an ongoing timeframe to incorporate updates and changes within one year after amendments are passed, applicable to State Density Bonus Law.
15.i	As to Program 2F, we suggest you add Interfaith Community Services to the various social service organizations you have listed. Further, on a related issue, we urge the City to quickly pass an ordinance extending the moratorium on evictions, and some form of rent relief/forgiveness for those adversely affected by the COVID-19 crisis.	Thank you for your suggestions and comments, they will be considered with other comments received from the public. The residential eviction moratorium is in response to the Covid-19 Epidemic which is not within the purview of the Housing Element.
Letter 16. S. Sherod		
16.a	As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.	Appendix C of the City’s Housing Element identifies a methodology and sites for accommodating the City’s RHNA allocation to be in compliance with state legislation.
16.b	Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.	SANDAG allocated Encinitas a share of the regional housing need. In order to obtain certification and to adopt a compliant Housing Element, the City must plan to accommodate the allocated need.
16.c	It is more comfortable for a city to allow market demand to dictate how new housing is created. As a large part of development cost is land, it should result in more affordable housing if we	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law. See Appendix C for site identification methodology. This comment will be

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	<p>gradually build 2, 3 or 4 dwelling units on one lot instead of one home per lot. It could be required, that residential lots situated near public transit would build an additional affordable unit for each single family home they build or remodel over 50% with incentives per typical practices. This type of building doesn't result in sprawl, since the added dwelling units may be done on lots that already have a single home and that are already served by infrastructure such as water, power and roads. Plus, when dwelling units are located in areas near desirable amenities, such as shopping and beaches or other entertainment, traffic is greatly reduced, as the neighborhood may already be walk or bike friendly. Zoning such development near transit to be car-free, is a best practice strategy.</p>	<p>considered with other comments received from the public.</p>
16.d	<p>In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon & ocean areas.</p>	<p>The current zoning code requirements provides for open space requirements as well as provides exactions and fees for acquiring and maintaining open space within the City.</p>
16.e	<p>R30 Zones are not necessary, and reduce open space, plus put density where we do not have adequate public transportation infrastructure, resulting in traffic congestion. They give huge developer incentives but little affordable housing and upset many Encinitas citizens.</p>	<p>This comment will be considered with other comments received from the public.</p>
16.f	<p>If we tackle this math another way, and we consider how many AFFORDABLE homes that are needed, based on the KHA report, just under one-third (29 percent) of Encinitas households earned low, very low or extremely low incomes. SO. If we were to say that (23,996</p>	<p>The 6th Cycle Housing Element does not propose to rezone any additional areas beyond the current zoning. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C. The methodology to accommodate future growth in</p>

CITY OF ENCINITAS: 6TH CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST

Comment Letter	Questions/Comments	City Response
	<p>existing homes)*(29%)=, we need 6,958.84 affordable homes and would theoretically require 8.6% more by 2050 totaling to 7,557.30024, which is 7557-6959=598.3 and dividing by 30 years that is still 20 affordable homes per year out of the 69 new homes per year to achieve 8.6% by 2050, so upzoning single family detached homes SOLVES THE PROBLEM immediately, and for the foreseeable projection into 2050 and far beyond it as 57% of the homes are detached single family dwellings, and many do not currently have even an ADU or JADU.</p>	<p>Appendix C was developed to be compliant with state law.</p>

Jennifer Gates

From: Peter Stern <peterstern60@gmail.com>
Sent: Thursday, February 4, 2021 5:08 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element Comments

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates & City Council,

The greatest impediment to providing low & moderate income housing in Encinitas is Municipal Code, E.M.C. 30.41.010 that provides eight ways for developers to avoid providing affordable housing for our seniors, police, students and moderate income citizens. Not only will developers use this measure to avoid providing homes that moderate income people can own; but also, this provision directly promotes income inequality by depriving people of equity ownership and cements them into a lifetime of renting. This is unfortunate as it is well known that one of the fastest ways to break the gravitational pull of generational poverty is home ownership (and the growth of time equity).

Opponents of Measure T & U insisted upon 25% affordable housing *on site* for housing projects. Eventually an independent and expensive study commissioned by the City Council revealed that 25% affordable housing would NOT render a project unfeasible.

Two things I believe are essential to a "good" housing element: fairness and minimal intrusion upon "community character." Indeed housing will be built and additional cars and people will destroy the small beach town that was Encinitas. To mitigate this compelled growth of our town we must take some medicine and provide: 1) low and moderate income home *ownership on the site* of developments. This means not permitting rentals, granny flats or accessory units that don't allow for ownership or time development of wealth.

Second, tender attention to the change of the micro-community that the up zoning will cause must be mitigated by allowing input from those neighbors of the immediate community that will be impacted by R-30 plus projects. Needless to say, that where the standard of zoning was R-2,3,4 to suddenly permit R-30 plus will shock and change any place not unlike installing a dance hall adjacent to a retirement community. That said, enlarged setbacks, enhanced landscaping (that installed is buffering- not 10 years hence) and sufficient parking for new residents and their anticipated guests are just a few of the items that must be provided.

While so much of the housing element has been determined and is not longer subject to challenge or debate the ultimate result of whatever is approved down the road is how much this will change our town and for whom. I sincerely hope that twenty years from now Encinitas will be a place that people want to live and not just another "city along the beach."

Thank you in advance for your consideration,

Peter Stern

Cardiff

Jennifer Gates

From: Amy <amyhmccord@gmail.com>
Sent: Sunday, January 31, 2021 12:51 PM
To: Jennifer Gates
Subject: Draft Housing Element

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hello Jennifer,

Thank you for sending out the survey on housing and for soliciting comments from citizens. It is difficult to get the public engaged, particularly when the extensive and detailed documents sent out with the Draft Housing Element take hours to review. In the amount of time I had I was able to read about half of the material. I don't think many people have time or the level of interest to try to read and understand everything.

Over the past year I have donated about 400 hours of my time working on City issues. I have learned a lot and I fear for the future of Encinitas. I am concerned that the City reacted to over-inflated RHNA numbers. The City's reckless up zoning has allowed horribly inappropriate development to be proposed, most notably the Goodson project.

Because of the City's response to state demands and new laws, Mr. Goodson has finagled every possible waiver and incentive. He believes he can do whatever he wants as demonstrated by his plans for a 6-7 story concrete parking structure surrounded by primarily market rate apartments with a luxury roof-top deck to be located in the most rural part of Encinitas.

Mr. Goodson's application was recently deemed complete even though he did not satisfy the EMC requirements for a CPP in which residents' concerns and questions are heard and answered. There was no opportunity for dialogue in the two failed attempts Mr. Goodson manipulated on the zoom platform. He continues to ignore important questions. His apartment block will provide only 42 units of low-income housing and he refuses to answer what the remaining 241 apartment rents will be.

Astoundingly, he declares the 500 cars from his development will have no impact on traffic, in an area that is already struggling with heavy traffic on roads that cannot support more cars. The City calls for high-density housing to be located near public transportation corridors. There is no public transit near the Encinitas Blvd. Apts site. Without doubt it will add to traffic and CO2 emissions. The location of these additional 500 residents' cars is at one of two evacuation exits for Olivenhain and RSF. Some Olivenhain residents have had their home insurance canceled because of fire risk. The fire evacuation plan for Olivenhain states that evacuation will take 4 hours - that is before 500 cars will effectively bottleneck one of two exits.

There are a number of other valid concerns about this project (I can provide them to you). The community of Olivenhain is nothing short of outraged that the current plan can even be considered much less that the application can be deemed complete. City officials MUST do something to stop Mr. Goodson's current plans so that the door is not opened for high-rise, high-density, high-cost apartment complexes all over Encinitas.

With this project as the most egregious example of what should NEVER be allowed in Encinitas, here are my requests for how our City should legislate for all future development:

- No project should be allowed to exceed the 39' height restriction in Encinitas
- Large-scale, high-density projects should be required to build parking underground to avoid inappropriate mass and scale

- Until the City meets its RHNA needs (which may be over-estimated and should be verified), all projects should be required to build at least **40-50%** affordable housing units. The City does not need more market-rate housing
- All R-30 projects (high density) should be located in public transportation corridors with appropriate infrastructure. Otherwise they add to traffic and pollution
- No project should be approved without a full and transparent traffic study and plans by the developer or the City to mitigate negative impacts
- All projects should supply an in-depth fire evacuation study with detailed plans to mitigate the effects on the surrounding communities
- All developers should be held accountable to complete a CPP as required by the City of Encinitas. This means citizens' questions should be answered and those answers should be in the public record. Dialogue between the developer and citizens should be facilitated and in the case of hostile developers (Goodson) the City must oversee the process.

I look forward to your response.

Thank you,

Amy McCord
760 473-8259

•

Jennifer Gates

From: Juliana Maxim <jmaxim@sandiego.edu>
Sent: Friday, January 29, 2021 5:51 PM
To: Jennifer Gates
Subject: Re: City of Encinitas 6th Cycle Housing Element

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Jennifer,
Thank you for disseminating the 6th cycle HE, and for soliciting the residents' comments. I tried to keep mine brief. They are addressed both to the City and to HCD.
With thanks,
Juliana
Encinitas resident.

The tools the state currently mandates to produce affordable housing (R30 upzoned sites and inclusionary zoning) don't work: they yield units that are neither truly affordable, nor sufficient in number.

1. Where is the discussion on social housing?

The Housing Element put in front of the Encinitas citizens, and developed at high cost using "housing consultants," fails to consider important avenues for true housing justice. The most important omission is a **discussion of social housing**. In the context of the eviction wave the pandemic is on track to produce, which will deepen an already-existing crisis of affordability in California, several planning scholars and grass-roots tenants organizations are taking a fresh look at social housing. It is high time our city of Encinitas, and our state officials, take part in the conversation.

The pandemic will trigger a wave of evictions and foreclosures. Private equity firms are already preparing for a new round of housing grabs, similar to the one we witnessed in 2008. To avoid a repeat of the predatory accumulation of distressed property, and to stop mass transfer of housing units to the hands of developers, the city and the state should consider **purchasing distressed real estate**, especially multi-family rentals, **and financing its transfer to the social housing sector** (such as cooperatives, non-profits, community land trusts, and public housing.) This is being done throughout the nation with motels, for instance. The state could invest in acquiring, maintain, and upgrade housing units before turning them over to communities.

For more on this:

<https://urbandemos.nyu.edu/2020/11/23/the-shda-a-proposal/>

2. Democratize housing policy. Housing policy is currently shaped and determined by a relatively small political and technical elite. Planning takes place in a technocratic language that excludes non-experts. Instead of hiring expensive consultants to put in front of the residents the same tired and ineffective solutions, provide substantial financial and technical assistance to non-expert publics to participate in decision-making from the start. Don't simply ask for feedback once the Housing Element has already been drafted. Center the discussion around the voices and experiences of poor households, and connect the provision of housing with the fight against other forms of oppression. A more democratic planning process is possible, and will yield more just results.

On Jan 19, 2021, at 6:50 PM, Jennifer Gates <jgates@encinitasca.gov> wrote:

Good Morning,

I wanted to reach out and make sure that you are aware that the newest draft of the Housing Element is up on the City's website and available for review and comment at <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>. HCD is concurrently reviewing the document. Their comments are expected on February 5. Their prior comments and the City's responses are also available on the project webpage. The City's response to prior comments received from the public during HCD's review can be seen in Appendix A. The public review period has been extended to February 5. Please submit any additional comments on this draft by then. Comments are encouraged even after this date and can be provided to me to be included in the review by Planning Commission and City Council during the adoption process.

If you have not already, please sign up online to receive updates on the Housing Element by clicking on this link <https://encinitasca.gov/Home/City-Updates> and selecting Housing Element Update and any other desired topics and submit. You will receive updates on the Housing Element process and future public hearings.

Please let me know if you have any questions.

Sincerely,
Jennifer Gates

<Outlook-
Descriptio.png>

Jennifer M. Gates, AICP
Principal Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
(760) 633-2714 | jgates@encinitasca.gov
www.encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the [Customer Service Center](#) portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via <https://encinitasca.gov/Home/City-News/ArticleID/216>.

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Jennifer Gates

From: Edward McFadd <emcfadd65@gmail.com>
Sent: Tuesday, January 26, 2021 11:28 AM
To: Jennifer Gates
Cc: aa Liz Ann Plunkett
Subject: input to Housing Element0cycle 6

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Jennifer,

As a 20+ year resident of Encinitas living in a single family dwelling in Leucadia I support more opportunity for affordable housing in Encinitas. It seems to be a major issue here and we need voices to represent the less fortunate in our own community as well as those less fortunate who would choose to live here.

I am not a fan of high rise housing projects or massive density of low income folks. However, it is necessary for our social fabric that we diversify our community so that it is a better reflection of the diversity nationwide.

The NIMBY folks will always obstruct this effort but at 78 years old I've seen how isolated communities of any type, rich, poor, middle class work against our common interest as a country.

Please do what is possible to make our community reflect all of America.

Sincerely,
Edward McFadd
879 Hymettus Ave
Encinitas, CA

Jennifer Gates

From: Stacy Wolter <stacy.wolter@gmail.com>
Sent: Thursday, January 21, 2021 12:47 PM
To: Jennifer Gates
Subject: Housing element input

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hello Ms Gates,

I don't have time to read all the documents and complete a survey, however I do want to voice my support for rezoning commercial real estate for high density housing. There is less and less need for brick and mortar businesses, and these places already have parking, utilities, and clear access to roads.

I hope we can pivot to re-use this valuable land!

Thank you for your diligent work on this important and difficult task!

Stacy Wolter
Encinitas Resident

Jennifer Gates

From: Ken Harris <kenharris88@gmail.com>
Sent: Friday, January 8, 2021 2:14 PM
To: Jennifer Gates

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

This is my comment about the housing element problem.

Everyone knows that the state law was written by developers and is designed to make them rich, without providing any actual affordable housing in our community. We will never satisfy the developers craving for more, and the litigation will never end, no matter how much community character we sacrifice. Better to fight against the state law, than against ourselves.

Has anyone considered repurposing the failing strip malls to create new housing. Having done construction work in malls over the years, I can say that big malls are constructed for easy remodel and repurpose and rearrangement of interior spaces.

Ken Harris
Cardiff by the Sea.

Jennifer Gates

From: D Gottfried <balcergirl@yahoo.com>
Sent: Monday, December 28, 2020 5:07 PM
To: Jennifer Gates
Subject: Community Input on 2021-29 Housing Element (Cycle 6)

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Date: December 28, 2020
To: Jennifer Gates, Principal Planner, jgates@encinitasca.gov
Development Services Department
City of Encinitas, 505 S. Vulcan Avenue
Encinitas, CA 92024
Subject: Community Input on 2021-29 Housing Element (Cycle 6)

Comments:

Under the current plan, the Leucadia and Old Encinitas neighborhoods carry the largest percentages (%) of the affordable housing. Out of the five neighborhoods in the housing plan; Leucadia carries (44.8%), Old Encinitas (31.7%), New Encinitas (7.6%), Olivenhain (9.1%), and Cardiff by the Sea (6.7%). I do not support this uneven distribution. I would support if the city comes up with a more equitable plan, but NOT what is currently proposed. This is TOO MUCH in the Leucadia and Old Encinitas areas, and not enough in New Encinitas, Olivenhain, and Cardiff.

I am concerned that guest and resident parking be included in the plan. Even low income families have multiple cars and I am concerned that parking and increased traffic will overburden these already populated areas. As many cities have implemented, I would support NO overnight parking on public streets in ALL of Encinitas to ensure parking be included.

Regards,
Donna Gottfried

Sent from [Mail](#) for Windows 10

Jennifer Gates

From: N De <dogs92024@yahoo.com>
Sent: Sunday, December 20, 2020 8:12 PM
To: Jennifer Gates
Subject: Housing Update in Leucadia

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

We live in the northwest corner of Leucadia and have already received several up-zoned parcels all within a quarter or half mile radius of each other, near Vulcan Ave. and La Costa Ave. There is news in our neighborhood that a greenhouse parcel is now up for sale at **241 Andrew Ave. Please don't up-zone this parcel!!!** We have been hit too hard in this corridor and our infrastructure cannot handle more! Even with improvements our infrastructure cannot handle more up-zoning!

I surely hope I have sent this comment to the proper place. If not, please can you forward it for me?

Thank you for your consideration.

Nancy DeGhionno, Leucadia

Jennifer Gates

From: mgrisezmph@gmail.com
Sent: Saturday, December 19, 2020 5:08 PM
To: Jennifer Gates
Subject: Housing Element Update 2021

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Jennifer,
I am a member of CA Yimby.
I am forwarding to you the must haves that make housing a level playing field for all.

Thank you,
Marianne Grisez
mgrisezmph@gmail.com

As we head into the new year, we're charting a new course for California -- one that tackles our state's housing affordability crisis head-on. **That's why we're so pleased to announce our 2021 policy priorities.**

1. Legalizing multi-family housing

We're focused on making it legal to build affordable, multi-family homes in wealthy neighborhoods, and in areas with abundant resources like schools, transit, jobs, and health care services.

2. Investing in communities at high risk of displacement

The housing shortage is disproportionately harming vulnerable neighborhoods that have suffered from decades of disinvestment and neglect. We're working to make sure that when new homes are built in these neighborhoods, the current residents are not only protected from displacement, but get to capture the economic benefits of the jobs, revenues, and other amenities that come with new development.

3. Making it faster, cheaper, and easier to build homes

It should not cost \$100,000 just to get a building permit, and we should not be forcing builders to add parking when it costs \$75,000 for a single parking spot. We need common-sense reform to these types of fees and other roadblocks local governments put up for new homes.

4. Building more subsidized affordable housing

California's lowest income residents face unsustainable rent burdens and are being pushed into homelessness. We need to commit more public resources, and use those resources efficiently, to provide homes for the most vulnerable, and make sure everyone in California has a home.

5. Ensuring renters, homeowners, and people experiencing homelessness have secure housing during and after COVID-19

No one should be evicted, foreclosed, or otherwise lose their home due to a pandemic. We need protections for all Californians that ensure our housing crisis doesn't go off a cliff when the pandemic comes to an end.

Sent from my iPhone

Jennifer Gates

From: Sue Neshat <sgneshat@yahoo.com>
Sent: Saturday, December 19, 2020 5:05 PM
To: Jennifer Gates
Subject: Encinitas Housing

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hi Jennifer,

I'm not an expert, but I believe the housing element is to create more housing and add low income housing to our city.

One thing I hope could be looked at is Sr. Housing, or when current residents move out of their big two story homes, they most likely are unable to find a suitable replacement in the city that has been home for over 30 years. We have all paid taxes during that time to make it a better place to live. Myself and my neighbors and friends are all looking for the same thin: single story homes. There aren't many. The density housing will just bring more large two story homes to the city. What can be done about this?

Thanks
Sue Neshat

Jennifer Gates

From: christine snow <mcwsnow@gmail.com>
Sent: Friday, December 18, 2020 7:36 PM
To: Jennifer Gates
Subject: Re. Housing Element, Encinitas

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hello Ms. Gates, Not many Encinitans are happy with building new apartment buildings. Our city is already full/ crowded with people and cars. Has thought been put into utilizing already built buildings and converting them to low income units? How about using empty office buildings and/ or motels? Could the bigger employers provide dorm style/ barracks for entry level employees? Pacific View School sits empty. Our city is built out. ADUs crowd neighborhoods and more building ruins the ambiance for all forever. There are affordable houses in other parts of the country. Some people should think about moving where there would be a more affordable lifestyle for them. Businesses might need to pay more for livable wages and we need better transportation for employees living outside Encinitas. I don't think building new is prudent. Thanks for listening, C. Snow

Jennifer Gates

From: Martha Largent <marthame9@gmail.com>
Sent: Friday, December 18, 2020 1:52 PM
To: Jennifer Gates
Subject: Housing Element

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Hello Jennifer.

I have been following the Encinitas Housing Element proposals and I really hope that a plan to create more affordable housing comes to fruition soon in Encinitas. My husband and I have lived in Cardiff for 15 years where we have raised our kids, worked in our community and rented a small condo here. We have hoped for affordable housing units for years and years hoping that maybe someday we could afford to buy a small little place of our own here in the area. I am a special education teacher here with the Encinitas school district and he a social worker now LCSW therapist serving our elderly and military in the area. We love this area but fear we will have to move due to the ever increasing cost of living here. We have a daughter graduating SDA, training to become a life guard in Encintias who would love to stay in the area after college but knows she will not be able to afford it. It really saddens me that we have not figured out how to build smaller, more entry level housing in Encinitas. All the new developments around me are mansion like homes, on large lots selling for millions and millions of dollars. I do not understand why we can not build smaller row type housing for young families and middle income earners to ensure that we continue to be a family oriented community. Communities like the Village Park neighborhood where many families live and where prices even there are out of reach of middle income earners with kids.

Please help find a solution to this ever increasing and very concerning problem that we face.

Kindly,
Martha

Jennifer Gates

From: cpmt <cpmt@protonmail.com>
Sent: Saturday, February 6, 2021 9:43 AM
To: Jennifer Gates
Cc: Council Members
Subject: Public Review Draft 6th Cycle Housing Element Input
Attachments: Section1_JanPublicDraft-Tierney comments.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Ms. Gates,

As per the Encinitas City website, I am hereby providing my input to the Public Review Draft 6th Cycle Housing Element. My input is embedded in the attached Draft 6th Cycle Housing Element in red text and yellow highlights throughout the document. This input is provided by the due date stated on your website (<https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>) of February 5, 2021 and I have saved the current instantiation of this webpage to document that due date.

I request that you read every comment and I am happy to discuss any of my comments and questions with you. I have copied the council as my concerns are at the core of what elected officials like them should be concerned with - the rights, liberty and wellbeing of the constituents who elected them. This housing element violates my rights to the very core and I am sickened by the continued lack of back bone of our city government and the disregard of the desires of the citizens of Encinitas.

Thank you.
Patrick Tierney
Concerned Citizen of Cardiff by the Sea
619-994-0823

SECTION 1

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1. Introduction

The City of Encinitas Housing Element provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the Encinitas community.

1.1 Role of Housing Element

The Housing Element as part of the Encinitas General Plan is developed to ensure that the City establishes policies, procedures, and incentives in its land use planning and development activities that result in the maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in Encinitas. The Housing Element institutes policies that will guide City decision-making and establishes an implementation program to achieve housing goals through the year 2029.

1.2 Local Need

The City is facing some significant challenges when it comes to meeting its housing needs. Housing costs in Encinitas continue to climb, while the availability and variety of housing is lacking. According to HomeDex, a real estate data source for North San Diego County, in November 2019 the median sales price in Encinitas was 55 percent higher than the median sales price for the North County region. At the same time, the City has a growing population, and its existing residents have changing needs.

- Baby Boomers are aging, and the City's senior citizen population (over 60 years in age) is projected to nearly double by 2035. Many seniors will seek to downsize and move into smaller homes in areas with easy access to services, transportation and amenities.
What data do you have to back this up? My wife and I are approaching 60 and are not looking to downsize
- Millennials have been slower to buy single-family homes than earlier generations. Rising student debt, the cost of housing, and challenges in securing mortgages have contributed to this, but they often want different kinds of housing and neighborhoods than are available today. They are looking for pedestrian and bike-friendly communities with services and amenities nearby.
While this may be true pre-Covid, it is likely no longer true. There is data showing that millennials and other age groups are leaving urban areas to have larger homes and more space, especially with the historically low interest rates. You need to reset your unconscious bias.
- According to SANDAG's regional growth forecast, Encinitas can expect an anticipated 11 percent population growth through 2050.
That forecast was probably made pre-Covid and is now highly inaccurate. Many companies are now full time work from home. That changes everything.

It is important to note that, while accommodating new residential development and providing housing for all economic segments of the community, Encinitas must also plan to provide the infrastructure needed to maintain existing levels of service and to ensure that residential development will not degrade the local environment, including the hillside areas, natural stream channels, and wetlands. All of these areas are viewed by residents as resources worth preserving, and the sites selected for housing preserve these amenities. Another important goal of this element is to ensure that the City embraces the distinct identity and character of its five communities and becomes a place where one can live their entire life with housing for all ages, incomes and abilities. The City envisions itself as a sustainable community that embraces its quality of life through environment, fiscal health, community health and equity. This Housing Element provides policies and programs to address these issues.

Maintaining the identity and character of the communities is critical and is completely incongruent with the statement "where one can live their entire life with housing for all ages". That is an oxymoron. People live in Cardiff and Olivenhain because they have worked hard and sacrificed to do so. A young person just starting out should not be entitled to the same lifestyle and the city should not be trying to achieve that, especially since doing so compromises what those residents have worked so hard to achieve.

1.3 Housing Element and State Law

1.3.1 Background

The Housing Element of the General Plan identifies and analyzes the City's existing and projected housing needs and contains a detailed outline and work program of the City's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing for a sustainable future. The Housing Element is one of the seven mandatory General Plan elements. The Housing Element identifies ways in which housing needs of current and future residents can be met.

1.3.2 State Requirements

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element of the General Plan. Specifically, Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years.

The California Legislature has determined that a primary housing goal for the State is ensuring every resident has a decent home and suitable living environment. Section 65580 of the Government Code describes the goals in detail:

- a. *The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
- b. *The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.*
- c. *The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.*
- d. *Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community.*
- e. *The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.*
- f. *Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals and the purposes of this article.* **All well and good, but there is nothing in here that requires municipalities to completely change their character and grossly negatively impact their residents, which is what is happening with the "affordable" housing developments throughout**

This Housing Element addresses the 2021-2029 planning period, which extends from April 15, 2021 to April 15, 2029. Because the City did not adopt the 5th Cycle 2013-2021 Housing Element within 120 days of the statutory due date, Government Code Section 65588(e) requires the City to adopt a subsequent mid-cycle update by April 15, 2025.

The Housing Element identifies housing programs aimed at new housing construction, rehabilitation, and conservation of the existing affordable housing stock. This Housing Element builds upon the land use goals and policies which are primarily concerned with where new housing is to be located and at what density it will be constructed. Other concerns of the Housing Element include the identification of strategies and programs that focus on housing affordability, rehabilitation of substandard housing, meeting the existing demand for new housing, eliminating constraints on housing development, affirmatively furthering fair housing, and maintaining an adequate supply of rental housing. The Housing Element includes Appendix A, Public Participation, Appendix B, the Housing Profile Report, and Appendix C, the Adequate Sites Inventory, each of which contains certain required Housing Element components.

1.3.3 Regional Housing Needs Assessment

Section 65583 of the Government Code sets forth the specific components of a jurisdiction's housing element. Included in these requirements is an obligation on the part of local jurisdictions to provide their "fair share" of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine existing and future housing needs and the total needs for the region must be approved by the California Department of Housing and Community Development (HCD). Encinitas is a member of the San Diego Association of Governments (SANDAG), and SANDAG is responsible for preparing the Regional Housing Needs Allocation (RHNA) for San Diego County. This Housing Element provides sites adequate to accommodate the City's fair share, as determined by SANDAG.

1.3.4 Affirmatively Furthering Fair Housing

Section 65583 of the Government Code requires that the Housing Element contain a program that affirmatively furthers fair housing opportunities and promotes housing throughout the community for all persons. In order to make adequate provision for the housing needs of all economic segments of the community, the Housing Element should include an assessment of fair housing (See Appendix B, Section 6.4) and the identification of the City's fair housing goals, objectives and actions. **Fair to whom? is it fair to impact property values for residents who have sacrificed much to live here? Is it fair to increase traffic and crime rates just because there is some perceived need for "affordable" housing?**

In accordance with state fair housing and housing element law, the City intends to affirmatively further fair housing choice and promote equal housing opportunity. The City collaborates with other jurisdictions in San Diego County through the San Diego Regional Alliance for Fair Housing (SDRAFFH), to prepare the San Diego County Analysis of Impediments to Fair Housing Choice (AI) every five years. In June 2020, City Council approved the FY 2020-2025 San Diego Regional AI. The AI identifies impediments that may prevent equal housing access and develops solutions to mitigate or remove such impediments. Encinitas' Sixth Cycle Housing Element Appendix B references analyses from the FY 2020-2025 AI in order to identify potential impediments to housing that are specific to Encinitas, in addition to using other analyses.

To address impediments to fair housing, the AI recommends a number of actions that apply locally and throughout San Diego County. Some of the most significant recommended actions are as follows and the City has incorporated into its programs:

- Promote the Housing Choice Voucher program to rental property owners, in collaboration with the various housing authorities in the region. (Programs 2C, 5A)

- Increase housing options for special needs populations, including persons with disabilities, senior households, families with children, farmworkers, the homeless, etc. (Programs 2E, 2F)
- Conduct random fair housing testing on a regular basis to identify issues, trends, and problem properties. Expand testing to investigate emerging trends of suspected discriminatory practices. (Program 5A)
- Diversify and expand the housing stock to accommodate the varied housing needs of different groups. (Programs 1D, 2B, 2E, 2F & 4B)
- Conduct frequent workshops with targeted population to allow for meaningful discussions and dissemination of useful information. (Program 5A)
- Work collaboratively with local housing authorities and affordable housing providers to ensure affirmative fair marketing plans and de-concentration policies are implemented. (Programs 2C & 5A)

In accordance with Government Code Sections 65583 and 8899.50, The City is taking meaningful actions to affirmatively further fair housing through the following Housing Element programs and activities:

- Programs 1C & 1D: Promote the development of Accessory Dwelling Units (ADU) and incentives for ADUs available for lower income households.
- Program 2A: Implement citywide inclusionary requirements to ensure that affordable units are available throughout the community and evaluate effectiveness.
- Program 2B: Identify and work with developers to increase the availability of affordable housing in the City.
- Program 2B: Maintain existing publicly owned affordable housing occupied by low-income households.
- Program 2B: Facilitate affordable housing for all income levels by exploring funding opportunities for assisting lower-income first-time homebuyers with financing and allocating funds to creation of affordable units.
- Program 2C: Continue administering rental assistance programs (e.g., Section 8 vouchers) and explore new opportunities.
- Program 2E: Accommodate specialized housing types and update the City's policies and procedures regarding low barrier navigation centers and supportive housing.
- Program 2F: Continue to sponsor or assist emergency shelter facilities as well as encourage or support services to individuals experiencing homelessness.
- Program 3F: Seek to create community support for housing at a variety of income levels through development of relationships with local and regional organizations and through targeted outreach.
- Program 3H: Examine and mitigate barriers to racial and ethnic equity.

- Program 4B: Continue the Residential Rehabilitation Program to provide grants or low-interest, deferred, or forgivable loans that preserves units at affordable levels.
- Program 5A: Take affirmative actions to further fair housing choice in the City, and implement the solutions developed in the Regional Analysis of Impediments to Fair Housing Choice to mitigate and remove fair housing impediments.
- Program 5A: Continue to contract with a fair housing service provider to review housing discrimination complaints and expand fair housing testing to ensure compliance with state and federal laws.
- Program 5A: Educate about fair housing resources, challenges, and solutions through a variety of media and outreach methods.
- Program 5A: Work collaboratively with local housing authorities and affordable housing providers to ensure affirmative fair marketing plans and de-concentration policies are implemented.
- Program 5B: Educate public and staff on reasonable accommodations for housing persons with disabilities.
- Program 5C: Conduct a Displacement Risk Analysis to identify the local conditions that lead to displacement, and develop and implement an action program based on the results.
- Program 6A: Monitor at-risk and publicly assisted housing projects and explore opportunities to purchase or replace at-risk units. *Is Rancho Santa Fe doing all this? I would love to live there, but can't afford it. What are you doing for me to allow me to live in a nicer area than I can afford? Why am I not entitled to better housing in RSF w/ special programs like this?*

1.4 General Plan Consistency

The Housing Element is one of seven elements of the Encinitas General Plan and must be consistent with all of those elements. The Land Use Element, for instance, establishes the location, type, intensity and distribution of land uses throughout the City, and the presence and potential for jobs affects the current and future demand for housing at the various income levels in the City. The Circulation Element is designed to provide transportation facilities that can accommodate all planned development in the City.

As part of the adoption of the Housing Element, the City will modify policies in other elements if needed to achieve internal General Plan consistency.

1.5 Public Participation

Section 65583(c)(9) of the Government Code states that, "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below and in more detail in Appendix A.

The City of Encinitas 5th Cycle Housing Element Update was completed and certified by HCD in October 2019. As part of the 5th Cycle Housing Element Update process, the City conducted extensive public outreach activities beginning in 2014.

Much of the information collected during these outreach activities is valid and applicable to the 6th Cycle Housing Element Update. Outreach efforts for the 5th Cycle included presentations to community groups, City Council and Planning Commission study sessions, numerous meetings with a Housing Element Update Task Force, community workshops, digital media, numerous mailers, newspaper ads, and noticed public hearings.

As part of the 6th Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community, including the following actions:

- **Community Workshop #1** – The city conducted a community workshop on November 18, 2019 at City Hall. The session provided an overview of the planning process and the City’s RHNA obligations and engaged in an interactive exercise to identify local housing issues and potential solutions.

The first workshop was also recorded and provided on the City’s website to allow additional opportunities to participate. The City provided an online feedback form with the identical information provided at the workshop. A summary of input received and the questions and responses are available on the project webpage in Spanish and English.

- **Community Workshop #2** – A second community workshop was conducted on February 10, 2020 at the Encinitas Community Center, where the consultant presented the City’s progress in preparing the 2021-2029 Housing Update (6th Cycle), the application of recent housing-related state law, and additional information relating to policies and programs proposed to be included within the 6th Cycle Housing Element. Following the presentation, the attendees were asked to participate in focused discussions on accessory dwelling units, development of housing for all income levels, governmental and non-governmental constraints, and fair housing issues and challenges. The City provided the presentation and summary of input received (Spanish and English) on the project webpage.
- **Joint City Council/Planning Commission Study Session** – A joint work session was held on December 11, 2019 before the City Council and Planning Commission. This publicly noticed meeting discussed the 6th Cycle Update process and allowed the City’s decision-makers to review data, receive public comment, and provide direction to staff on the content and policy of the Housing Element.
- **City Council Study Session** – A virtual study session was held on November 16, 2020 before the City Council. This publicly noticed meeting discussed the status of the Sixth Cycle Update and allowed the City’s decision-makers and the public to review the HCD’s comments and proposed responses, receive public comment, and provide direction to staff on the draft modifications to the Programs contained in the Housing Element.
- **Affordable and Fair Housing Questionnaire** - In May 2020, the City of Encinitas released a questionnaire to obtain feedback about incentives, programs, and actions to encourage development of affordable housing; common barriers to obtaining housing; fair housing issues or challenges the City’s Housing Element should address; and challenges to building community awareness about fair housing.
- **Affordable and Fair Housing Questionnaire II**- In December 2020, the City of Encinitas released a second questionnaire to obtain additional information about housing constraints, programs, and actions to encourage development of housing at all

affordability levels; fair housing issues or challenges in the City; and impediments and incentives for constructing Accessory Dwelling Units. The survey was available in Spanish and English and circulated online and made available in paper upon request.

This survey was very biased and prevented current residents from expressing their true opinions. It should be redone.

- **Housing Element Update Fact Sheets** – A series of “fact sheets” were developed for public consumption. The fact sheets provide relevant information about the update process, key features of the housing element and a calendar of events for outreach activities. The fact sheets were made available to the public on the City’s project webpage, at public workshop, and at City Hall. The Fact Sheets are available in Spanish and English on the project webpage. **[Note: The second fact sheet to be completed prior to adoption.]**
- **Website** – A project webpage for the housing element update is located on the City’s website at: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>. **All versions of the Housing Element are available on the website, along with a link to sign-up for updates, and information on the process to date.**

In addition, to the 6th Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community, including the following actions:

- **Consolidated Action Plan** - The Consolidated Action Plan is a five-year planning document that identifies needs within low-to moderate- income (LMI) communities and outlines how the City will address those needs. It guides investments and helps achieve HUD’s mission of providing decent housing, suitable living environments, as well as expanded economic opportunities for LMI populations. During the development of the Consolidated Plan, two community meetings were held at the Encinitas Library in October 2019, with 38 community members who provided feedback on what they identified as the City’s most pressing community needs. In addition, a community needs survey was offered in English and Spanish in both online and hard-copy format.
- **Special Fair Housing Outreach** – In addition to the Housing Element workshops, community workshops, targeted stakeholder interviews to service providers and local organizations, and a fair housing survey was conducted in Spanish and English as part of the development of the San Diego Regional Analysis of Impediments to Fair Housing. Public notice and additional outreach for the community workshop and surveys were circulated through local service providers and made available on the City’s Fair Housing webpage and at City Hall.
- **Public Housing Agency Plan** - In Winter 2020, the City conducted public outreach prior to the adoption of the FY 2020-25 Public Housing Agency Plan by the Housing Authority Board which included outreach to Section 8 tenants and landlords and a Resident Advisory Board Meeting that included tenant representatives from the Program. The 5-Year PHA Plans provides the City of Encinitas Public Housing Agency’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low-income families.

The City has made a concerted effort to outreach to all stakeholders and encourage participation throughout the Housing Element process. The following is a summary of outreach methods:

- City posted a public notice at City Hall and in the local paper for every workshop and public meeting. Public notice information is shared through Nextdoor, Facebook, direct email to contact list, and City e-newsletter.
- In January 2020, the City sent a citywide mailer to all property owners and residents in the City with information on the Housing Element, staff contact information, how to register to receive updates and notice of a February public workshop.
- Questionnaire I and Questionnaire II with information on the Housing Element were sent to organizations and entities, requesting assistance in forwarding information to their constituents. Local organizations and groups include, but are not limited to Cardiff and Encinitas school districts, Keys 4 Homes, Encinitas 4 Equality, Faith in Action, and Los Angelitos de Encinitas, Inc. Questionnaire II was made available in English and Spanish.
- Information on how to complete Questionnaire II and the Housing Element was mailed to all affordable units and Section 8 program participants and landlords/property managers. Emails were also sent to property managers of multi-family properties requesting them to forward the information, provided in English and Spanish, to their residents.
- Paper copies of the Housing Element and Questionnaires were mailed to all requestors.

During HCD's first 60-day public review, the City solicited comments on the Draft Sixth Cycle Housing Element. Comments were received from eleven individuals and six organizations or interest group including Encinitas 4 Equality, Keys 4 Homes, San Dieguito Alliance for a Drug Free Youth, San Diego Housing Federation, Faith in Action, and Encinitas Residents for Responsible Development. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have been provided to each member of the City Council.

The City solicited additional comments on the Draft Sixth Cycle Housing Element during HCD's second 60-day public review. The City will continue to accept comments on the document through adoption.

Appendix A contains a summary of all public comments and input regarding the Housing Element received by the City at scheduled public meetings, surveys, questionnaires, and during the public review period. The Appendix has been provided to the City Council. ***[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]***

1.6 Element Organization

This Encinitas Housing Element is comprised of the following sections:

- **Section 1: Introduction and Housing Element Goals, Policies and Implementation Programs** contain the Housing Element background and the requisite policies and programs to address housing need in the community.
- **Appendix A: Summary of Community Engagement** provides a summary of the community engagement activities that have occurred throughout the development of the Housing Element document.
- **Appendix B: Housing Profile Report** provides the required demographic analysis, needs, constraints, and other analyses required by state law.

- **Appendix C: Adequate Sites Inventory** provides an inventory of sites to meet the estimated RHNA need throughout the planning period.

2. Goals, Policies and Implementation Programs

This section of the Housing Element contains the goals and policies the City intends to implement to address important housing-related issues. The following three major issue areas are addressed by the goals and policies of the Housing Element:

- ensure that a broad range of housing types are provided to meet the needs of both existing and future residents; **We don't need a "broad" range of housing. Doing that by definition changes the character of the neighborhoods.**
- ensure that housing is both sound and safe for occupants; and
- ensure that the existing housing stock is maintained and preserved.

Each issue area and the supporting goals and policies are identified and discussed in the following section. In addition, housing programs that implement each goal and policy are summarized in a table located at the end of this section.

2.1 Housing Opportunities

The City wants to encourage the construction of new housing units that offer a wide range of housing types to ensure that an adequate supply is available to meet existing and future needs. The maintenance of a balanced inventory of housing in terms of unit type (e.g. single-family, multiple-family, etc.), cost, and style will ensure that the existing variety is maintained. Each of the five communities has a distinct character due in large part to the nature of their existing residential neighborhoods. New housing constructed in the City should be compatible in design with the surrounding neighborhood in particular and the community in general. The diverse make-up of the City with its five distinct communities will continue to attract a wide variety of people. The City has also made a strong and firm commitment that fair housing practices will continue in Encinitas and that it will affirmatively further fair housing.

GOAL 1: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY.

POLICY 1.1: Strive to maintain a balance of housing types in the City.

Maintaining a "balance of housing" by definition will change the character of the neighborhoods.

POLICY 1.2: Strive to provide a wide variety of housing types so that a range of housing needs and types will be made available to existing and future residents.

POLICY 1.3: When existing single-family residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood as planned by the City.

Exactly - no monstrosities like the Goodson project.

POLICY 1.4: Provide opportunities for low and moderate income housing in all five communities in the City and ensure that its location will not tend to cause racial segregation and will provide access to areas of high opportunity. Require that such housing should be high quality in terms of design and construction without sacrificing affordability.

Again, these types of developments change the character of the neighborhoods, exactly opposite what you are committing to earlier. Hypocrisy.

POLICY 1.5: Utilize available federal, state, and local financing sources and subsidies to assist in the development of lower and moderate income housing and housing serving special needs, such as farmworkers, persons with disabilities, and extremely low income persons.

Farmworkers?? Encinitas isn't a farming community. Extremely low income? Wrong city.

POLICY 1.6: Encourage retention of all existing mobile home parks to the extent permitted by applicable state law.

That is a good plan. Leave ugly mobile home parks in place.

POLICY 1.7: Coordinate with local social service providers to address the needs of the City's homeless population and to provide housing suitable for special needs populations, including seniors, large families, the disabled, and farmworkers.

POLICY 1.8: Continue to provide assistance to agencies that ensure that the provisions of the federal and state laws that prohibit housing discrimination are enforced.

POLICY 1.9: Support ongoing efforts of the state and federal agencies and local fair housing agencies to enforce fair housing laws, as well as regional efforts to affirmatively further fair housing.

2.2 Quality of Housing

New housing opportunities in the City must be made available to all persons.

Why "must" they be available to all persons? What makes everyone entitled? Don't you normally have to work for something good?

GOAL 2: SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS

Again, then why are you doing this for me in RSF? How is it that Encinitas is now a socialist regime? What happened to working hard and being rewarded for hard work. Why am I now being penalized by having to live near high density, low income housing?

POLICY 2.1: Encourage developers to provide a balance of housing types and sizes.

POLICY 2.2: Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing.

POLICY 2.3: Allow for cluster-type housing and other innovative housing design that provides adequate open areas around and within these developments.

POLICY 2.4: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

POLICY 2.5: Encourage street planting, landscaping, and undergrounding of utilities.

POLICY 2.6 Encourage high standards of design, materials, and workmanship in all construction and developments.

POLICY 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

POLICY 2.8: Continue to develop and promote energy efficiency conservation measures consistent with the strategies outlined in the City's Climate Action Plan.

2.3 Maintenance and Preservation of Housing

Substandard and deteriorating housing units, in addition to the obvious problems of blight, can expose occupants to a wide range of hazards ranging from electrical fire to exposure to toxic substances used in construction. Many factors can determine the "life expectancy" of a dwelling, including quality of workmanship, age, type of construction, location, and numerous other factors. A major focus of this Housing Element is to provide goals and policies which underscore the City's commitment to ensure that the existing housing stock in the five communities is maintained.

GOAL 3: THE CITY WILL ENCOURAGE THE MAINTENANCE AND PRESERVATION OF THE EXISTING HOUSING STOCK AS WELL AS QUALITY DESIGN IN NEW HOUSING.

POLICY 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

POLICY 3.2: Enforce the building, safety and housing codes through active code enforcement efforts.

POLICY 3.3: Continue to apply for and support existing available federal state and local housing programs which provide housing assistance. These include assistance to property owners that can demonstrate financial need in the upgrading of their substandard units. Continue existing city programs for housing rehabilitation, and work to obtain additional external funding.

2.4 Housing Conservation

The City's existing housing stock includes units which are affordable to very low, low, and moderate-income households. A significant part of the City housing focus is on these existing affordable units, and how to ensure their continued affordability. Of particular concern are projects which were government-subsidized when built, in return for units being rent-restricted to be affordable. With passage of time, some deed-restricted affordable units may be subject to being converted to market-rate rental units by the expiration or pre-payment of the government subsidy arrangement. State law requires that local housing elements address the status of these "units at risk." The City is committed to doing what it can so that affordable units remain affordable to target-income households.

GOAL 4: THE CITY WILL ATTEMPT TO ENSURE THE CONTINUED AFFORDABILITY OF DEED-RESTRICTED AFFORDABLE UNITS.

POLICY 4.1: The City will continue to develop necessary actions to attempt to ensure the continued affordability of affordable "units at risk" of conversion to market rate units due to expiration of use restrictions, affordability covenants, or funding subsidies.

2.5 Removal of Governmental and Nongovernmental Constraints

GOAL 5: THE CITY WILL DEVELOP STRATEGIES AND ACTIONS TO REDUCE OR ELIMINATE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO THE DEVELOPMENT OF HOUSING.

POLICY 5.1: The City periodically evaluates adopted zoning provisions, entitlement procedures, fees and other city requirements that may create constraints to the development of housing and will implement policies to reduce or eliminate those constraints.

Please do not eliminate environmental and traffic requirements like you have with the Goodson project.

POLICY 5.2: The city will monitor non-governmental constraints, such as interest rates, construction costs, and others through consultation with developers, lenders and other entities directly involved in the provision of housing. Should non-governmental constraints be identified that are related to City policies, the City will modify its policies and procedures if City actions may help to reduce those constraints.

2.6 Related Goals and Policies

As required by state law, the Land Use Element sets standards for permitted uses and for residential density, thereby affecting housing opportunity in Encinitas. In addition, the Land Use Element contains policies directed at maintaining the existing housing stock, as well as ensuring the quality of new residential development. The Circulation Element contains policies to minimize roadway traffic into residential neighborhoods, and the Noise Element sets forth policies to minimize the level of noise in neighborhoods. The Resource Management Element establishes development standards to minimize the impact of residential development on sensitive resources, such as hillside areas, ecological habitat, and scenic view sheds. Finally, the Public Safety Element sets forth policies to ensure the safety of the City’s housing stock through such measures as code enforcement, and mitigation of environmental hazards as a condition to development.

Table 2-1: Housing Policy Matrix depicts General Plan elements that support the goals of the Housing Element.

Table 2-1: Housing Policy Matrix					
Issue Area	Land Use	Circulation	Resource Mgmt.	Noise	Public Safety
Housing Opportunities	X	X			X
Housing Quality	X				
Maintenance and Preservation	X	X	X	X	X
Housing Conservation	X				X

While each of the Encinitas General Plan Elements is independent, the Elements are also interrelated and must be consistent with each other. Certain goals and policies of each element may address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals.

The City will ensure internal consistency among the various elements in accordance with state planning law. This Housing Element builds upon other General Plan elements and is entirely consistent with the policies and proposals set forth by other elements of the General Plan. The City will ensure that future amendments to other elements in the General Plan remain consistent with the Housing Element.

2.7 Implementation Programs

The programs below identify the actions that will be taken to make sites available during the planning period with appropriate General Plan, Specific Plan, zoning and development standards and with services/facilities to accommodate the City’s share of regional housing need for each income level.

PROGRAM 1: ADEQUATE SITES

PROGRAM 1A: Accommodate the City’s Regional Housing Needs Assessment Allocation

The City of Encinitas has been assigned a total Regional Housing Needs Allocation (RHNA) of 1,554 dwelling units for the 2021-2029 Planning Period. The breakdown of the RHNA is as follows:

TABLE 2-2: CITY OF ENCINITAS RHNA ALLOCATION 2021-2029	
INCOME CATEGORY	RHNA
Very Low	469 units
Low	369 units
Moderate	308 units
Above Moderate	408 units
TOTAL	1,554 units

Who assigns these numbers? Were they calculated pre-Covid? Do they take into account the character of the neighborhood? Likely not.

The very low income category is estimated to consist of a need for 235 extremely low income units and 234 low income units.

The "projection period" (the period for which the RHNA was calculated) in San Diego County began on June 30, 2020. Table 2-3 shows the City's progress in meeting its RHNA obligations through October 30, 2020 in all income categories, including both building permits issued and projects with discretionary entitlements.

TABLE 2-3: RHNA PROGRESS JUNE 30, 2020 TO OCTOBER 30 <u>DECEMBER 31</u> , 2020				
INCOME CATEGORY	RHNA	Units Under Construction*	Projects Approved**	Remaining RHNA
Very Low/ Low	838 units	413 7	7	790 4
Moderate	308 units	44 2		264 6
Above Moderate	408 units	169 48	10 78	132 52
TOTAL	1,554 units	25427	1145	1,186212

*This includes all units under construction as of June 30 with active building permits and building permits issued from July 1, 2020 through ~~October~~ December 31, 2020. ADUs under construction are assumed to be available at affordable levels based on the results from the 2018 and 2019 survey data. Of the ~~798~~3 affordable units, ~~53~~ of these units have been issued building permits that are deed restricted and the remainder are ADUs.

**See list of approved projects in Appendix C that have entitlements but have not been issued building permits. Of the 115 units, 7 units have been approved as lower income housing under the City's density bonus or inclusionary ordinance and are required by conditions of approval to be deed restricted.

The City has identified adequate sites with appropriate zoning to accommodate the remaining RHNA and to accommodate the need for groups of all income levels as required by State Housing Element Law. Appendix C lists sites suitable for meeting the City's remaining need for all income levels. These sites can accommodate the need for housing at these income levels without the need for rezoning, as shown in Appendix C and summarized as follows:

TABLE 2-4: REMAINING MODERATE AND ABOVE MODERATE INCOME RHNA OBLIGATION				
INCOME CATEGORY	2021-2029 REMAINING RHNA	SUITABLE SITE CAPACITY	ACCESSORY DWELLING UNITS	EXCESS CAPACITY
Very Low/ Low	79 <u>04</u> units	1, <u>635601</u> units	<u>25000</u> units	1,0 <u>6144</u> units
Moderate	26 <u>46</u> units	518 units	<u>300240</u> units	<u>554492</u> units
Above	1 <u>3252</u> units	207 units	<u>450360</u> units	<u>525445</u> units
TOTAL	1,186212 units	2,32660 units	1,000800 units	2,1401,948 units

*Based on comprehensive survey of ADUs completed April 30, 2018, surveys of new ADUs receiving building permits and approved for occupancy, current rate of construction, and modifications to the ADU ordinance, projects that the City will issue an estimated 800 permits total for second dwelling units (of which 200 will be counted as units that accommodate lower income households). The April 2018 survey effort revealed that 24.6 percent of the second units granted permits since January 1, 2010 were rented at levels affordable to very low and low income households. See additional discussion in Appendix B.

In addition to the available sites, the City has implemented a very active accessory dwelling unit (ADU) program that averaged 77 units per year in 2017 and 2018 and issued 103 building permits for new ADUs in 2019 and 78116 units ~~through October 30, 2020~~ in 2020. Additionally, the City approved ADU applications for over 200 units in both 2019 and 2020. The City estimates that at least 12500 ADUs per year will be permitted in the sixth cycle, or 1,000800 units total. Of these, based on City surveys (discussed in Program 1C), 25000 ADUs are estimated to be affordable to lower income households, 300240 ADUs to be affordable to moderate income households, and the remaining 450360 ADUs to be affordable to above moderate income households, providing substantial additional capacity to meet the City’s RHNA. The estimated 20050 ADUs affordable to lower income households will result in a total buffer of at least 1,06144 units, over 100 percent of the City’s 838-unit RHNA obligation.

The City has also identified those sites identified to meet the very low and low-income RHNA need listed in **Table 2-5** and shown on **Figure 2-1**, the Housing Strategy Map; and further described in Appendix C.

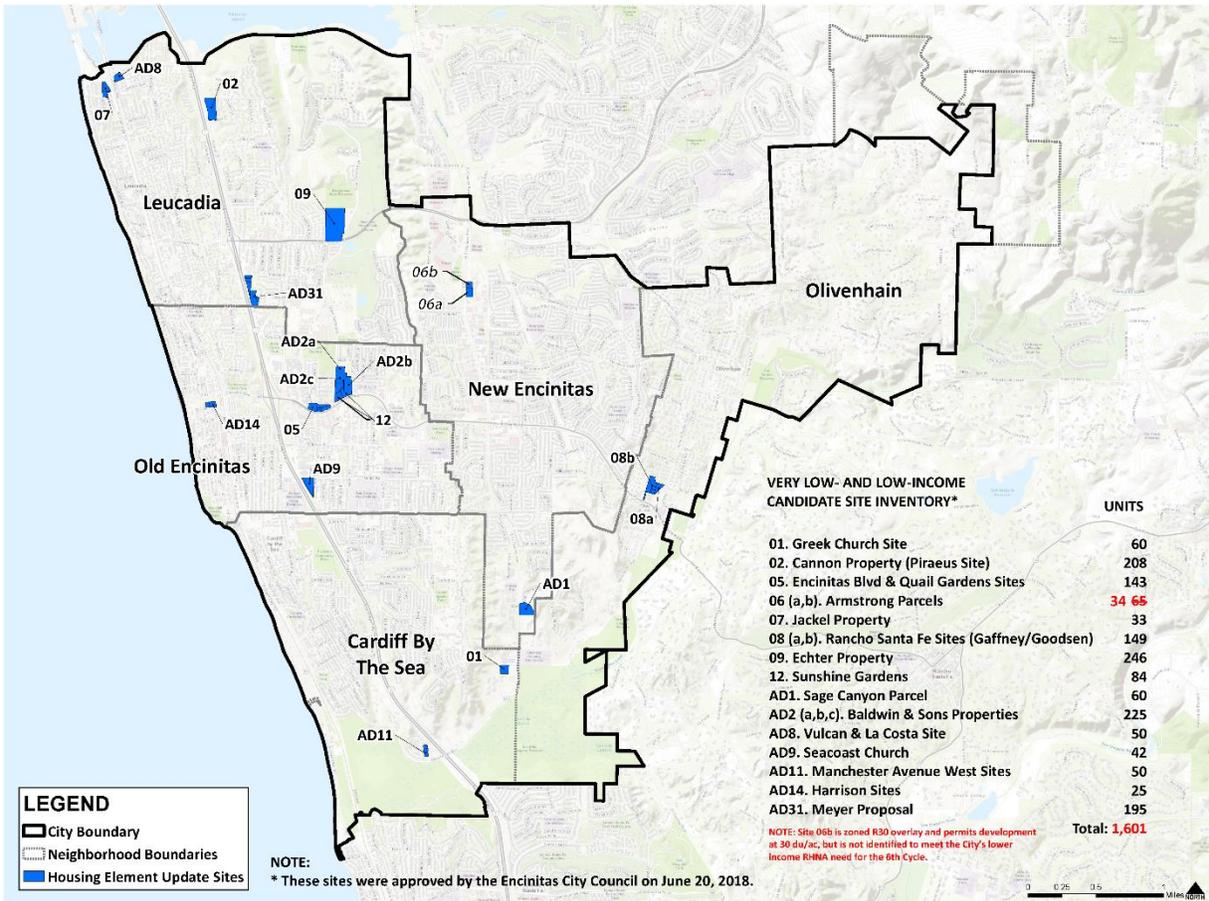
TABLE 2-5: SITES AVAILABLE TO MEET 2021-2029 VERY LOW AND LOW INCOME RHNA				
Site Number	Site Name	Gross Acreage	Net Acreage	Unit Yield
<i>Vacant Sites</i>				
02	Cannon Property (Piraeus)	6.93	6.93	208
05	Encinitas Blvd & Quail Gardens Sites	4.91	4.78	143
06a	Armstrong Parcels	1.92	1.06	31
08a	Rancho Santa Fe Parcels	1.75	1.45	36
AD1	Sage Canyon Parcel	5.23	2.40	60
AD2a	Baldwin & Sons Properties	3.14	2.98	74
AD2b	Baldwin & Sons Properties	6.66	4.86	121

City of Encinitas
SIXTH CYCLE HOUSING ELEMENT PUBLIC REVIEW DRAFT JAN 2021



<i>Subtotal</i>		30.54	24.46	673
<i>Non-vacant Sites</i>				
01	Greek Church Parcel	2.50	2.00	60
06b	Armstrong Parcels	1.32	1.16	34
07	Jackel Properties	2.97	2.97	33 ¹
08b	Rancho Santa Fe Parcels	4.88	4.57	113
09	Echter Property	21.49	9.85	246
12	Sunshine Gardens Parcels	3.39	3.39	84
AD2c	Baldwin & Sons Properties	1.79	1.21	30
AD8	Vulcan & La Costa	2.00	2.00	50
AD9	Seacoast Church	4.45	1.41	42
AD11	Manchester Avenue West Sites	1.67	1.67	50
AD14	Harrison Sites	1.91	1.91	25 ¹
AD31	Meyer Proposal	6.62	6.52	195
<i>Subtotal</i>		54.99 <u>53.67</u>	38.66 <u>37.50</u>	962 <u>928</u>
Total		<u>85.53</u> <u>84.21</u>	<u>63.12</u> <u>61.96</u>	<u>1,635</u> <u>1,601</u>
1. Unit Yield anticipates that this site will be developed for mixed-use.				

FIGURE 2-1: HOUSING STRATEGY MAP – VERY-LOW AND LOW-INCOME SITES



The City has identified privately owned sites accommodating 1,635 601 units to meet the 838-unit very low and low-income RHNA need for the planning period pursuant to Government Code Section 65583.2. This exceeds the RHNA lower income obligation of 838 units by 797 763 units (9591 percent), providing an adequate buffer in consideration of the “no net loss” requirement under Government Code Section 65864, requirements of Section 65583.2 for determining site capacity, and the desire to provide some flexibility for future development to property owners. The capacity of vacant sites is 673 units, which is 80 percent of the City’s total lower income RHNA. The City recognizes that at some point in the planning period it is possible that “no net loss” requirements will mandate that additional sites be designated for lower income housing. In that case, the City will comply with Program 1E to ensure that adequate sites remain available throughout the planning period.

The sites selected also affirmatively further fair housing. All census tracts in the City are shown on the 2020 Tax Credit Allocation Commission Opportunity Map and proposed 2021 Map as areas of highest resource or high resource. Sites are located in all five communities and in all portions of the City. No part of the City is designated as an area of high segregation and poverty. As described in Appendix B, the City of Encinitas is predominantly white, with the white population comprising 88.7 percent of the City's population. There is no concentration of other racial or ethnic groups in the City that would constitute a highly similar and segregated area, and, as a consequence, the designated sites will not increase segregation in the City. Since the City has adequate capacity to accommodate the moderate and higher income RHNA categories of housing units, no zoning changes associated

with this Housing Element update will occur on properties that are already zoned for those types of housing units.

State law requires that any non-vacant sites identified in a prior housing element must be zoned at 30 units per acre and allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households, if they are to be considered adequate for lower income housing. All the non-vacant sites shown to be suitable for lower income housing in **Table 2-5** were also identified in the Fifth Cycle Housing Element. As discussed under Program 1B, the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. Because this zoning complies with state law, no additional rezoning program is required.

Funding:	<ul style="list-style-type: none"> • Development Services Department budget • City Clerk Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council
Objectives:	<ul style="list-style-type: none"> • Maintain internal consistency with all General Plan elements. • Make available the sites inventory to interested developers.
Timeframe:	<ul style="list-style-type: none"> • Adoption of Housing Element by April 15, 2021.

PROGRAM 1B: Monitor Sites Zoned to Accommodate Lower Income Housing

In March 2019, the City of Encinitas adopted Zoning Code Amendments to provide the necessary development standards and entitlement procedures appropriate for units affordable to lower income households and applied those standards to sites designated for lower income housing. These rezoned sites provide the adequate sites to accommodate the lower income RHNA growth need for the City’s 2021-2029 Housing Element. The California Coastal Commission approved the Zoning Code Amendments in September 2019.

The Zoning Code allows for by-right development of housing up to 30 dwelling units per acre and provides the necessary development standards and entitlement procedures to ensure that density can be achieved. ‘By right’ approval is specified for projects containing at least 20 percent lower income housing and not including a subdivision, as required by Government Code Sections 65583.2(c), (i), and (h), and to prevent displacement caused by new construction, replacement affordable housing is mandated on **all** sites identified in the Housing Element as required by Government Code Section 65583.2(g)(3). Under ‘by right’ approval, local design review for qualifying housing development projects areis exempt from review under the California Environmental Quality Act, and only design review approval and a coastal development permit (for projects in the coastal zone) are required, as specified in Chapter 30.09.010, Note 35. The City reviews these applications for conformance with adopted general plan, zoning, subdivision, and objective design standards. The City cannot deny or reduce the density of a housing development project that conforms with all objective standards unless the project causes a "specific adverse impact" as defined in Government Code Section 65589.5.

To ensure these sites continue to provide viable opportunities to accommodate lower income households, the City will ~~continue to monitor~~ annually review the appropriateness of development standards and entitlement procedures to ensure they do not create impediments to the development of housing for lower income households as identified in Program 3D. In addition, as identified in Program 3B, the City is developing objective design standards for all multi-family housing development. Until the objective design standards are adopted, the City will apply existing objective standards to all housing development applications, including those on R-30 sites. The City has also developed a detailed application form and completeness checklist to provide guidance to applicants and has met all timelines for review established by the Permit Streamlining Act. ~~provide guidance to applicants and has met all timelines for review established by the Permit Streamlining Act.~~

If existing adopted provisions, standards or other regulatory features are found to be an impediment to the development of housing for lower income households, the City will propose and implement additional provisions that further encourage the development of housing for lower income households to the extent consistent with State law within one year. To date, however, most projects proposed on housing strategy sites have proposed more units than allocated in **Table 2-5**, as further discussed in Appendix C, indicating that the City's development standards are not an impediment to housing development.

Environmental review will still apply to future development projects on the Housing Strategy Map unless, as required by State law, the project includes 20 percent low income units and does not include a subdivision. Residential projects throughout the City may tier from the Measure T Housing Element's Program Environmental Impact Report (EIR) or utilize the mitigation measures included in the Environmental Assessment completed for the Fifth Cycle Housing Element Update. While the Environmental Assessment is not an EIR, it has been incorporated into the general plan, as required by State law, and contains objective environmental standards that all projects must comply with and that may mitigate environmental impacts for projects subject to environmental review. ~~Developers are using this exception to get around environmental requirements. The City needs to stand firm on this. We have far too many great nature areas to allow development without environmental impact studies and requirements.~~

The City applied for and received SB-2 Grant funds to retain a contract planner to assist existing staff to free-up an experienced Principal Planner to focus on applications for the identified R-30 sites. These will be the highest density housing allowable in Encinitas, which will require an experienced and seasoned staff planner to process these new and complex applications. The City continues to meet all timelines required by Permit Streamlining Act.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department • Planning Commission • City Council
Objectives:	• Monitor sites zoned to accommodate lower income units to ensure these sites continue to be viable opportunities to accommodate lower income households.
Timeframe:	• Annual Monitoring • Annual Updates, as appropriate

PROGRAM 1C: Promote the Development of Accessory Dwelling Units

Accessory dwelling units (ADUs) help meet the City's housing needs for all income levels and also provide a housing resource for seniors, students, and low and moderate income households in Encinitas. The City will continue to apply Zoning Code regulations that allow accessory units (also known as second units or granny flats) by right in all residential zones, in accordance with State law.

Between January 1, 2010 and ~~October 30~~December 31, 2020, the City's ADU ordinance resulted in the construction of ~~440~~ 448 new units. Of these units, 154 were constructed in 2017 and 2018, an average of 77 per year, with 103 ADUs permitted in 2019 and ~~108~~116 ADUs permitted in 2020 ~~through October 30~~. The City received applications for over 200 ADUs in both 2019 and 2020, although about only half obtained building permits.

Of the ~~448~~448 new units, thirty were deed-restricted for very low and low-income households. The City surveys building permit applicants regarding their intended use and rents for all new dwelling units to track affordability levels of all newly constructed housing units, including recently constructed ADUs. In 2019, according to the surveys received, of the 103 permits issued for ADUs, 20 percent were being offered at rents affordable to very low and low-income households, 30 percent to moderate households, and 50 percent to above moderate households. This is consistent with the 2018 survey results that identified 25 percent of the ADUs being offered to very low and low-income households and an increase in the amount offered at a moderate income. See Appendix B for more information on ADU construction.

After passage of new State ADU laws effective January 1, 2017 and January 1, 2020, the City applied State standards in evaluating ministerial applications for ADUs and has adopted ordinances consistent with State law. The City's ADU and junior accessory dwelling unit (JADU) ordinances adopted in March 2018 contain numerous provisions that go beyond State law to encourage ADU and JADU construction:

- An owner may construct both an ADU and a JADU on one lot (regardless of the type of ADU).
- ADUs may have a maximum size of 1,200 sf so long as they do not exceed the floor area of the primary dwelling unit.
- Floor area ratios and lot coverage may be increased on lots less than 10,000 sq. ft.
- Development fees are waived entirely.

In February 2019, the City completed its 'Permit Ready' program for ADUs (PRADU). As a part of the program, staff and contract architects prepared packages of pre-approved designs for ADUs that may be used by owners and that provide expedited processing and reduced costs for applicants. The City has found that use of the 'Permit Ready' program has reduced processing times by 25 percent. The City received the prestigious statewide Helen Putnam Award from the California League of Cities for the program and has received inquiries from over 60 cities.

Municipalities and housing groups around the state are currently in the process of developing their own permit ready programs based on the Encinitas PRADU model. As groups complete their plans, the City intends to explore to the creation of a statewide collection of all permit ready plans that could then be shared.

The City of Encinitas will continue to amend the ordinance based on future changes to State law and work with HCD to ensure continued compliance with State Law. The City will also continue to monitor the extent of ADU production to ensure that the ordinance modifications are successful and that the Housing Element goals can be met. In particular, the City is conducting a study to determine why only about half of approved ADUs obtain building permits; issues with financing and availability of contractors may be obstacles. In addition, the City will continue to explore the availability of prefabricated modular housing, tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.

Funding:	<ul style="list-style-type: none"> • Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Amend the accessory unit ordinance if needed to conform to future amendments to state law and submit to HCD. • Continue to monitor success of permit-ready packets to market accessory unit production. • Explore tiny homes, micro-units, and other pre-fabricated units. • Explore opportunities to create a Permit Ready Clearinghouse with other jurisdictions. • Prepare and circulate survey of ADU applicants from 2019 and 2020 to determine where any improvements can be made to the process and non-governmental constraints to construction of the ADUs, such as financing. • Continue to survey affordability levels as building permits are issued. • Review production estimates and affordability levels <u>every two years. If production estimates are below projected amount determine if any program improvements are needed such as constraints caused by permit processing.</u> • <u>Update ADU production estimates</u> with mid-cycle Housing Element update in 2025. • Issue building permits for an average of 100<u>25</u> accessory units annually.

Timeframe:	<ul style="list-style-type: none"> • <u>Update zoning code</u> within one year after any future amendments are passed applicable to State Accessory Dwelling Unit law. Process Coastal Commission certification of Local Coastal Program Amendments as required. • Prepare and circulate ADU Applicant Survey by March 2021. Report findings of survey June 2021. • Explore Permit Ready Clearinghouse by December 2021. • Annual Monitoring of ADU <u>programs</u>. • <u>Analyze ADU production every two years and make any needed program improvements within a year to ensure that production estimates can be met.</u> • Update ADU production estimates in 2025 Housing Element update.
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PROGRAM 1D: Develop Programs to Promote and Encourage Accessory Dwelling Units (ADUs) Affordable to Lower Income and Moderate Income Households

Accessory Dwelling Units (ADUs) provide the opportunity to accommodate additional housing opportunities for very-low, low and moderate-income households. The City has worked to reduce the cost of ADUs by providing 'permit ready' plans, allowing both a JADU and an ADU on a single lot, waiving all development fees, conducting community education, and providing streamlined processing. The City is currently developing and implementing appropriate programs and procedures to incentivize the development of ADUs affordable to lower income and moderate income households. *Great stuff. Please add more "permit ready" designs as the current designs are not that architecturally pleasing.*

The development of incentives will be based upon review and evaluation of current programs and policies, survey of programs from other agencies to determine the most feasible and effective alternatives. For instance, the City is exploring potential loan programs or other financial incentives to encourage the preservation and construction of ADUs that are affordable to lower and moderate-income households. The City is also reviewing other incentive programs that would encourage new ADU/JADU development at affordable rents, assistance for existing un-permitted ADU/JADU units to meet code compliance, and other forms of assistance. Programs such as the City of Los Angeles LA ADU Accelerator Program, Napa County Junior ADU Loan Program, and the Los Angeles County Second Dwelling Unit Pilot Program are being researched.

Based on the survey to be completed in Program 1C, the City will better understand and address non-governmental constraints to developing ADUs, especially affordable ADUs. Based on current understanding, ADUs are costly to build and there is no financing available. In addition, access to a contractor to build these small units may be difficult. The City is exploring working with builders and contractors to build the PRADU units within the City and the possibility of providing financing for units provided at an affordable level.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department • City Council

Objectives:	<ul style="list-style-type: none"> • Survey and evaluate a variety of potential methods and strategies to encourage ADU development affordable to lower and moderate-income households. To be completed in conjunction with the Survey in Program 1C. • Adopt appropriate procedures, policies and regulatory provisions.
Timeframe:	<ul style="list-style-type: none"> • Evaluate ADU policies/programs 2021-2022; Ongoing. • Propose an incentive program to City Council by June 2021. • Develop appropriate procedures, policies and regulatory provisions by June 2023.

PROGRAM 1E: Ensure that Adequate Sites Remain Available Throughout the Planning Period

The City will monitor the consumption of residential acreage to ensure an adequate inventory is available to meet the City’s 2021-2029 RHNA obligations. The City will develop and implement a monitoring procedure pursuant to Government Code Section 65863 and will make the findings required by that code section if a site is proposed for development with fewer units or at a different income level than shown in the Housing Element. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income, moderate, or above moderate income households, the City will identify and, if necessary, rezone sufficient sites within 180 days to accommodate the shortfall and ensure “no net loss” in capacity to accommodate the RHNA, consistent with State law. Any site rezoned will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City’s obligation to affirmatively further fair housing.

Funding:	• Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • City Council
Objectives:	<ul style="list-style-type: none"> • Review each housing approval on sites listed in the Housing Element and make findings required by Government Code Section 65863 if a site is proposed with fewer units or a different income level than shown in the Housing Element. If insufficient suitable sites remain at each income level, identify and, if necessary, rezone sufficient sites within 180 days. • Identify additional sites that may be required to be upzoned to meet "no net loss" requirements for Housing Element adoption in 2025. Any site identified to be upzoned will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City’s obligation to affirmatively further fair housing. • Report as required through the HCD annual report process.
Timeframe:	<ul style="list-style-type: none"> • At the time of approval of a project on a site listed in the Housing Element. • Housing Element adoption in 2025 as identified in Program 3C. • April Housing Element Annual Report.

PROGRAM 1F: Implement Energy Conservation and Energy Efficiency Opportunities

In January 2018, the City adopted an update to its Climate Action Plan. To further advance community energy and water conservation goals, the City is implementing the following actions listed in its Climate Action Plan to achieve residential-focused greenhouse gas emission reductions.

- Reducing citywide potable water consumption by implementing water rates that encourage efficient use.
- Requiring energy audits of existing residences as part of building permits for remodels.
- Requiring installation of solar photovoltaic systems in new housing, and requiring new single-family homes to install solar water heaters.
- Requiring residential electric vehicle charging stations in new development.
- Educating homeowners about water efficiency rebate and incentive programs offered to San Diego Water District and OMWD customers.

In addition, the City will continue to promote regional water conservation incentive programs and encourage broader participation in the City’s Green Building Incentive Program. The City’s Green Building Incentive Program provides financial incentives, priority plan check and recognition for projects that register and achieve certification through with Build It Green (BIG) GreenPoint Rated and/or US Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) ®.

Funding:	• City Manager’s Office and Development Services Department budget
Responsible Agencies:	• City Manager’s Office • Development Services Department
Objectives:	• Implement the residential strategy measures listed in the City of Encinitas Climate Action Plan. • Promote and encourage regional water conservation incentive programs and City’s Green Building Incentive Program.
Timeframe:	• Ongoing

Program 1G: Water and Sewer Service Providers

Pursuant to Chapter 727, Statues of 2005 (SB 1087), the City of Encinitas is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households. The City will submit the adopted Housing Element to local water and sewer providers for their review and consideration when reviewing new residential projects.

Funding:	• City Manager’s Office and Development Services Department budget
Responsible Agencies:	• Development Services Department
Objectives:	• Submittal of Housing Element to water and sewer purveyors
Timeframe:	• Upon local adoption of 6 th Cycle Housing Element

PROGRAM 2: AFFORDABLE HOUSING

The programs below identify the actions that will be taken to promote affordable housing.

PROGRAM 2A: Continue and Improve Inclusionary Housing Policies

In 2018, the City’s inclusionary housing program was amended to require that residential developments of at least seven units set aside either 10 percent of the units as affordable to very low income households, or 15 percent of the units as affordable to low income households. A variety of alternatives are offered, including use of accessory dwelling units, off-site construction, land dedication, preservation of 'at risk' housing, and in-lieu fees (except that in-lieu fees are not allowed on sites designated to accommodate housing for very low and low income households). All required affordable units must be constructed concurrently with market rate units to ensure completion. Through December 31, 2019 the ordinance had created approximately 148 units for very low and low income households. Eighty-nine (89) of these units have been provided in addition to affordable units provided to obtain a density bonus. The City's inclusionary policies affirmatively further fair housing by ensuring that lower income housing is dispersed throughout the City.

The City has conducted additional studies (economic feasibility study, gap analysis, and nexus study) to adopt in-lieu fees for projects of seven units or more (except on sites designated to accommodate housing for very low and low income households), impact fees for projects with one to six units, and a supportable increase to the inclusionary requirement. The City intends to proceed with amending the Zoning Code in 2021 to increase the percentage of affordable housing required for residential development as justified by the economic feasibility study and to adopt a new affordable housing fee for smaller residential projects and residential care facilities.

The City will continue to evaluate its inclusionary ordinance to ensure it is effective and to evaluate its inclusionary programs and policies to ensure that they are not a constraint on development. Should appropriate amendments be identified, the City will modify existing policies as needed.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department • Planning Commission and City Council
Objectives:	• Adopt recommended amendments to inclusionary housing ordinance. • Continue to implement the inclusionary housing program in all areas of the City. • Evaluate program effectiveness and impact on housing production.

These efforts should not be mandated at the city level, but at the county level. An affluent beach community should not be tasked with developing low income housing. It is simply not fair to the residents who have sacrificed to be there and have paid into the community with taxes. There are lots of places in the county to create an abundance of affordable housing. There is absolutely no need to create this housing in every community within the county. Someone needs to take a broader view of this and stop hurting their existing residents and tax base.

Timeframe:	<ul style="list-style-type: none"> • Adopt recommended changes to inclusionary ordinance by Spring 2021. Process Coastal Commission certification of Local Coastal Program Amendments as required. • Annual analysis of results of inclusionary program.
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PROGRAM 2B: Facilitate Affordable Housing for All Income Levels

The City will continue to proactively support housing for low income, very low income, extremely low income, and moderate income households and persons with disabilities (including developmental disabilities). State and federal funding is available only for lower income housing. The City has used a wide variety of financing and incentive programs to create 308 deed-restricted affordable units, all but three affordable to very low and low-income households, using federal Community Development Block Grants and HOME Investment Partnership funds, City affordable housing funds, tax credits, other HUD financing, inclusionary requirements, density bonus incentives, and legalization of units constructed illegally.¹ Of these units, 152 are in multi-family developments. In addition, the City administers housing choice vouchers (Section 8) adequate to subsidize 96 households, as discussed in Program 2C.

As opportunities arise, new funding sources for lower income multi-family housing will be sought from available non-profit, local, state, and federal programs, and the City will seek to partner with other agencies that own property in Encinitas, including San Diego County and North County Transit. The City will also continue to utilize its existing CDBG and other funds. Planning and entitlements should consider how to position an affordable lower income project to qualify for future grant applications. The City will attempt to subsidize off-site public improvement costs by coordinating its CIP with housing sites suitable for lower income housing and is considering the waiver, deferral or reduction of development fees. For any publicly owned housing sites, land cost write-downs will be sought to make possible affordable lower income housing.

The City will also work with developers to facilitate affordable lower income multi-family housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on multi-family rental housing units affordable to lower income households and households with special needs (such as seniors and disabled). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low income households.

As of winter 2020, rents for studios and one-bedroom apartments were affordable to moderate-income households, but larger units were not affordable. The City has encouraged development of moderate-income housing by adopting specific plans permitting moderate densities. Because no funding is available to support moderate-income housing, the City has adopted measures that will encourage 'affordability by design,' especially for units of two-bedrooms or more. In particular, the City has limited average unit size to 1,000 square feet for rental units and 1,150 square feet for ownership units on sites zoned to accommodate lower income multi-family housing. Employing such strategies will help ensure that units identified on the housing strategy map as affordable to lower-income households are not designed as luxury homes, yet can accommodate families with children and provide opportunities for moderate and lower-income households.

¹ The figure includes 44 density bonus units; 90 inclusionary units; 133 misc. affordable housing programs units, 23 homebuyer program units, 2 HOME units, 16 City-owned units.

Additionally, the City has retained a housing consultant to facilitate opportunities for affordable lower income multi-family housing; work with the development community to identify locations and opportunities to construct new affordable lower income multifamily housing; preserve existing affordability restrictions; and acquire or rehabilitate units for affordable lower income housing purposes. The City will also explore programs and opportunities that support first-time and lower-income homebuyers and increase access to needed financing, especially for communities of color, who are more likely to be denied financing at every income level.

So now we are wasting more tax dollars on this by hiring a consultant?!? Every single person in this country, state and city has the opportunity to succeed. There are already lots of programs to help underprivileged individuals attend college and make a good life for themselves. Those that choose to do so then work hard and get to a quality of life that they have worked for. How do you think they feel now that for those who did not work hard and sacrifice like they did now get a handout to live in the same nice community that they live in without paying the high property taxes and the rental rates for that market? Why do these people get a handout when that person did not? How is that "fair" housing?

Funding:	<ul style="list-style-type: none"> • Development Services Department budget, CDBG and HOME funds, Affordable Housing Fund, LIHTC, Multifamily Housing Revenue Bonds, Cap and Trade Affordable Housing Program, National Housing Trust Fund and other resources, as available
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council
Objectives:	<ul style="list-style-type: none"> • Explore programs that support first-time and lower-income homebuyers. • Explore opportunities to increase access to financing, especially for communities of color, who are more likely to be denied financing at every income level. • Maintain existing publicly owned affordable housing occupied by low-income households. • Annually allocate designated Affordable Housing Funds and other identified funds to increase the supply of affordable housing for lower income households, including seniors, extremely-low and lower income households, disabled, homeless and those at risk of homelessness. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable lower income multifamily housing on housing strategy sites. • Identify and work with developers of housing strategy sites identified in Policy 1A and nonprofit developers to identify opportunities to increase the percentage of lower income housing above that required by the City's inclusionary ordinance by encouraging developers to apply for available funds and utilize other creative mechanisms, with the goal of developing at least 250 lower income units. • Analyze sites owned by the City and other public agencies (including San Diego County and the Transit District) to identify those that could be suitable to support lower income housing development and determine whether housing development would be feasible and what actions would be needed to develop lower income multifamily housing on those sites. • Encourage the development of sites designated for moderate-income housing by continuing to implement the City's adopted specific plans. To achieve 'affordability by design,' consider adoption of maximum unit size limits for sites designated for moderate-income housing.

Timeframe:	<ul style="list-style-type: none"> • Annual allocation of available funds. • Ongoing meetings with developers of housing strategy sites and nonprofits. • Prepare inventory of City surplus land no longer required for the City's use by December 31 of each year, beginning December 31, 2020. • Review suitability of sites owned by other public agencies by December 31, 2023. • Review development standards applicable to moderate-income sites to encourage 'affordability by design' by December 31, 2022. • Explore programs that support first-time and lower-income homebuyers by December 31, 2022. • Explore opportunities to increase access to financing by December 31, 2021. • Annually monitor existing publicly-owned affordable housing occupied by low-income households.
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PROGRAM 2C: Utilize Section 8 Housing Choice Vouchers

The Section 8 Housing Choice Voucher Program provides rental assistance to eligible extremely low and very low income households (with incomes not exceeding 50 percent of the area median). The subsidy represents the difference between the rent that exceeds 30 percent of a household’s monthly income and the actual rent charged. To cover the cost of the program, U.S. Department of Housing and Urban Development (HUD) provides funds to allow the City of Encinitas Housing Authority to make housing assistance payments on behalf of the families. HUD also pays the Housing Authority a fee for the costs of administering the program. The Housing Authority Board is required to prepare and approve a five-year Public Housing Agency (PHA) Plan in order to continue receiving federal housing funds for its use in providing assistance to residents. The FY2020-25 PHA Plan was approved by the Housing Authority Board on March 18, 2020. The goals identified in the Plan include:

- Manage the EHA’s existing Section 8 program in an efficient and effective manner;
- Expand the quantity and quality of housing choices to participants;
- Ensure compliance with Fair Housing Law; and
- Ensure compliance with the Violence Against Women Reauthorization Act of 2013 (VAWA).

In January 2004 and January 2005, HUD capped the Section 8 budget, which required the City to reduce program operating costs. The City responded in part by increasing the payment standards and enhancing occupancy standards which provides for more rental unit opportunity. On March 1, 2013, around \$85 billion in federal budget cuts, known as sequestration, took effect. The impact of sequestration on the City’s Housing Authority has resulted in the loss of annual funding for rental subsidy payments and program administration. HUD has not issued any new vouchers to the City of Encinitas for at least the past five years.

Although the City will continue to administer its 136 housing vouchers, due to high market rents, especially considering the recent implementation of Small Area Fair Market Rents, there is currently funding available to subsidize only 96 households, and the City has allocated general

fund dollars to pay for administrative costs to replace in part declining federal support. The City's ability to expand or even maintain this program at its current level depends on the annual federal budget process. In late 2018, the San Diego Housing Commission conducted a rent survey for the entire San Diego region and submitted the results to HUD to demonstrate the need for additional funding due to rising rents. As a result, HUD provided an increase of 13% in funding in 2019 to allow the City to maintain the program at its current level. There is no indication from HUD that federal support for Section 8 will be expanded. However, if additional funds become available to assist new families, the City will provide additional housing vouchers.

As of August 2020, there were 1,030 households on the waiting list. Of these, 68 percent are extremely low income and 25 percent are very low income. Thirty-four percent are seniors, 30 percent are families with children, and 42 percent are families with disabilities. Over half of the waiting list applicants identified needing a one-bedroom apartment, and around half identified as currently living in or working in Encinitas.

The City has a designated program manager that assists the landlords and voucher recipients throughout the process, including searching for and educating landlords about the Section 8 Voucher Program and assisting voucher recipients with the paperwork and answering questions. Of the 96 vouchers, 84 support families with extremely low incomes, 10 very low income and two low income; 47 percent of residents are seniors, and 28 percent are disabled. Vouchers are utilized throughout the City in mostly market-rate rentals; however, 14 of the recipients reside in City-owned affordable units. In the past, only about 70 percent of voucher holders were able to find units in the City. Since the State law was changed in 2020 to forbid discrimination based on use of a Section 8 voucher, opportunities appear to have opened up for voucher holders to find units in Encinitas, although no data is available as the requirement is still new.

The availability of Section 8 Housing Choice Vouchers is based on the annual allocation of federal funds. As the City's funding from HUD is far short of meeting current needs, the City will proactively promote and encourage expansion of funding opportunities through collaboration with federal, state, and local agencies.

The City will strengthen outreach, education and support to those households and families currently on the waitlist and help facilitate the provision of interim supplemental services and referrals until waitlisted applicants receive Section 8 Housing Choice Vouchers. The City will evaluate current and future waitlists and collaborate with regional, state and federal partners to provide direct outreach to those persons on the waitlist and facilitate additional and interim assistance.

Are there not other section 8 housing opportunities elsewhere in the county? If these people have such a dire need for section 8 housing I would think that it doesn't have to be in Encinitas.

Funding:	<ul style="list-style-type: none"> • HUD Section 8 Housing Choice Voucher Allocations
Responsible Agencies:	<ul style="list-style-type: none"> • Encinitas Housing Authority
Objectives:	<ul style="list-style-type: none"> • Continue to administer and fund Housing Choice Vouchers based on HUD funding availability and “port-ins,” HCV recipients from other communities that reside in Encinitas. • Promote and encourage expansion of funding opportunities through collaboration with federal, state, and local agencies. • Provide direct outreach to waitlisted and potential program participants through programs such as workshops, print materials, online materials, and direct contact. • Identify appropriate supplemental services or referral programs for waitlisted program participants. • Continue to implement and update the Public Housing Agency (PHA) Plan, available on the City’s website: https://encinitasca.gov/Resident/Housing-Resources/Section-8-Program. • Promote the Housing Choice Voucher program to property owners and managers through direct mail annually and at least annually to the public through an informational meeting. • Affirmatively market and promote the use of Housing Choice Vouchers throughout the City. • Work with appropriate service providers to educate property owners and managers regarding non-discrimination and other applicable provisions in state laws, including new legal requirements pursuant to SB 329, through community presentations, articles, and other media. See Program 5A. • Explore interim, additional or alternative funding sources to support current and future Section 8 waitlist applicants.
Timeframe:	<ul style="list-style-type: none"> • Ongoing administration of the House Choice Vouchers • Update the PHA Plan in 2025 • Promote Housing Choice Voucher Program annually. • Develop additional outreach methods and supplemental services by December 31, 2021.

PROGRAM 2D: Ensure that the Density Bonus Ordinance Continues to be Consistent with State Law

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. For most projects, State law caps the maximum density bonus at 50 percent, unless a city adopts its own program providing bonuses in excess of 35 percent "that incentivizes the construction of affordable housing that provides bonuses exceeding the density bonuses required by the version of the statute

[Government Code Section 65915] effective through December 31, 2020,” and allows the developer to request up to three incentives or concessions, if required to provide the affordable units. The law also provides reduced parking requirements and allows requests for waivers of development standards, such as increased height limits and reduced setback requirements. Projects that are at least 80 percent affordable to lower income households may obtain a bonus of 80 percent of the number of lower income units plus four incentives; those within one-half mile of a major transit stop have no density limit and may obtain an additional three stories or 33 feet. Reductions in City parking standards are also permitted if requested by the developer. A city may require the developer ~~must~~ provide reasonable documentation to establish eligibility for an incentive or concession and to demonstrate that incentives meet the definition in the statute. (For most incentives, this requires demonstrating that the concession ~~reduce costs~~ results in identifiable and actual cost reductions to provide for affordable units.); ~~and that~~ A city may also require reasonable documentation to establish eligibility for waivers ~~are required because the~~ by requiring a demonstration that the usual development standards physically preclude the project from achieving the allowed density and incentives.

Many developers in the City utilize State Density Bonus Law, and the City has a standard procedure for routinely processing density bonus applications as part of housing development applications. Projects that meet the City's inclusionary requirements are eligible for density bonuses. As of October 2020, the City had approved 32 density bonus projects that included 57 lower income units. The City's implementing ordinance is consistent with the amendments to State Density Bonus Law enacted through 2017. The City ~~is processing~~ has adopted an amendment to the ordinance to conform with additional changes in state law adopted ~~in 2019 and through~~ 2020. This has been submitted to the Coastal Commission for approval, which is expected to be approved in Winter 2020. The ordinance includes a housing program to incentivize affordable housing by providing bonuses up to 41 percent in exchange for greater percentages of affordable housing and contains requirements for reasonable documentation to establish eligibility for density bonuses, incentives and concessions, waivers, and reduced parking ratios.

The City will continue to update the ordinance as needed ~~and will~~ ensure that its local ordinance remains consistent with State law, but will apply current state law even before local amendments are adopted. The City commits to continue to review and approve eligible requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled. Projects approved under density bonus law are not subject to the requirements of Proposition A. Once again, this density bonus plan, like other plans in this document, are in direct conflict with the stated goal of maintaining the character of the Encinitas neighborhoods.

Funding:	• Development Services Department Budget
Responsible Agencies:	• Development Services Department • Planning Commission • City Council • Coastal Commission
Objectives:	• Ensure the City's density bonus ordinance is consistent with future amendments to State density bonus law. • <u>Ensure that housing program included in the density bonus ordinance incentivizes the construction of affordable housing.</u>

Timeframe:	<ul style="list-style-type: none"> • <u>Amend the density bonus</u> ordinance within one year after amendments are passed applicable to State Density Bonus law. • <u>Two years after the 2020 amendments to the density bonus ordinance become effective, evaluate density bonus applications received before and after the effective date of the ordinance to determine if the adopted housing program and the ordinance have incentivized the construction of affordable housing. If the program appears unsuccessful, evaluate other successful programs and adopt program amendments within one year after evaluation is concluded.</u> • Process Coastal Commission certification of Local Coastal Program Amendments as required.
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PROGRAM 2E: Accommodate Specialized Housing Types to Assist Persons with Special Needs

Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific circumstances. The development of affordable and accessible homes is critical to expand opportunities for persons with special needs. Many special needs persons, especially those in emergency shelters, transitional and supportive housing, and single-room occupancy units, may be extremely low-income individuals, and implementation of the zoning changes below enable development of housing serving their needs.

The City has amended its Zoning Code to be consistent with State law regarding the following sections. For all amendments below, the revised standards will be effective following approval from the California Coastal Commission.

Qualified Employee Housing:

Pursuant to the State Employee Housing Act (Section 17000 et seq. of the Health and Safety Code), employee housing for agricultural workers consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household is permitted by right in a zoning district that permits agricultural uses by right. Therefore, for properties that permit agricultural uses by right, a local jurisdiction may not treat employee housing that meets the above criteria any differently than an agricultural use. The Act also requires that any employee housing providing accommodations for six or fewer employees be treated as a single-family structure, with no conditional or special use permit or variance required. The City has amended the Zoning Code to include these provisions.

Emergency Shelters:

The City amended its Zoning Code in February 2019 to accommodate emergency shelters pursuant to State law. Government Code Section 65583(a)(4) requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for the homeless) without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. Pursuant to State law, the City may establish only objective standards for the location, siting, operations and maintenance of emergency shelters.

The City’s Zoning Code permits emergency shelters by right without a discretionary review process in the Light Industrial (LI) and Business Park (BP) zones (28 acres total), subject to the same development and management standards that apply to residential or commercial

development in those zones, with the addition of the above standards. The City is in the process of amending its ordinance to ensure that no more parking is required than needed to accommodate all staff working in the shelter. This is expected to be approved in Fall 2020.

Transitional and Supportive Housing:

State Housing Element Law mandates that local jurisdictions allow for transitional and supportive housing in residential zones. The City has amended its Zoning Code to identify transitional/supportive housing meeting the Government Code Section 65582 (g-j) definitions as a residential use of a property in a dwelling to be allowed under the same conditions as apply to other residential dwellings of the same type in the same zones.

Single-Room Occupancy (SRO) Housing:

SRO units are typically one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. State law requires that the City accommodate this housing type, and they provide smaller, less expensive housing units. The City has amended its Zoning Ordinance to permit SROs in its multifamily zones to encourage units that are cheaper by design.

Supportive Housing and Low Barrier Navigation Centers:

State law provisions have recently been modified to require approval 'by right' of supportive housing with up to 50 units and low barrier navigation centers that meet the requirements of State law. If the City receives applications for these uses, it will process them as required by State law. The City will adopt policies and procedures for processing these uses.

The City will continue to annually monitor the effectiveness and appropriateness of existing adopted policies. Should any amendments be required to existing policies pursuant to State law, the City will modify its existing policies, as appropriate.

Funding:	<ul style="list-style-type: none"> • Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council • Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Ensure the Zoning Code <u>iscontinues to be</u> consistent with State law <u>and case law</u> relative to special needs housing. • Adopt policies and procedures for processing supportive housing and low barrier navigation centers; ensure that any application for supportive housing or a low barrier navigation center is processed 'by right' as required by State law.
Timeframe:	<ul style="list-style-type: none"> • Annual monitoring of state laws regarding special needs housing. <u>Adopt Zoning Code changes within one year if other changes in state law or case law require code changes.</u> • Adopt policies and procedures for processing supportive housing and low barrier navigation center by December 31, 2022.

PROGRAM 2F: Continue Programs to Reduce Homelessness

The City has provided financial assistance to nonprofit service agencies such as the Community Resource Center, YMCA-Oz North Coast, Fraternity House, Catholic Charities, Interfaith Shelter Network, and Jewish Family Services to provide shelter and supportive services for the homeless, including for a 25-car Safe Parking Program within the City. In the first six months, the Safe Parking Program has permanently housed 16 individuals and reunified 14 individuals with their families.

Since 2016, the City has provided funding to the Community Resource Center to operate the Opening Doors program, which matches homeless households with housing navigators and housing resources, to ultimately be placed into permanent housing. In the last four years, 129 individuals have found permanent housing.

In partnership with the County of San Diego Health and Human Services, the County Sheriff's Department, and CRC, the pilot Homeless Outreach Program for Empowerment (HOPE) began in June 2020 to outreach to individuals experiencing homelessness and link them to needed resources. In the first four months, 17 individuals have found permanent housing.

The City will continue to work with regional agencies to identify the annual and seasonal need for homeless in Encinitas through the "We All Count" program conducted through the San Diego Regional Task Force on the Homeless, the Continuum of Care for San Diego Region. The City is also exploring other data tracking mechanisms to understand the needs to the City's Homeless population. The City will support, partner with, and advance programs and policies to address the identified annual and seasonal need in Encinitas.

To the extent that funds are available, the City will continue to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low-cost loans, to operating agencies.

In October 2019 City Council directed the development of a Homeless Action Plan, which commenced in January 2020. The purposes of the Homeless Action Plan are to:

- Understand current homeless population needs;
- Identify, develop and improve homeless services and partnerships;
- Assess the City's current efforts to address homelessness and provide recommendations to ensure that the City is maximizing its resources and impact within the community; and
- Assist in setting goals and actions to ensure that the City of Encinitas continues to move toward its goal of reducing homelessness.

Funding:	• City General Fund
Responsible Agencies:	• Development Services Department • City Manager • City Council

Objectives:	<ul style="list-style-type: none"> • Develop a Homeless Action Plan. • Continue to support programs to prevent homelessness and serve individuals experiencing homelessness based on community need including HOPE and Opening Doors. • Identify funding opportunities and partnerships with local interest groups, including faith-based organizations, the Regional Task Force on the Homeless, County of San Diego, and the State.
Timeframe:	<ul style="list-style-type: none"> • Adopt the Homeless Action Plan by Winter 2020-21; Ongoing Implementation • Identify funding opportunities based on program needs annually.

Program 2G: Manufactured Housing

State law (Government Code Section 65852.3) requires that the City’s zoning code permit manufactured housing in the same manner and in the same zone as conventional single-family and multifamily residential structures are permitted. Specifically, to comply with state law, manufactured homes must only be subject to the same development standards as those applied to conventionally built residential dwellings. The City will amend, as appropriate, the Encinitas Zoning Code and specific plans to permit manufactured housing consistent with State law.

Funding:	• City General Fund
Responsible Agencies:	• Development Services Department
Objectives:	• Revise the Zoning Code and Specific Plans, as appropriate, to ensure consistency with state law regarding manufactured homes.
Timeframe:	• Adopt required changes to Zoning Code and Specific Plans by December 2021; 2022 Coastal Commission certification of Local Coastal Program Amendments.

PROGRAM 3: MITIGATION OF CONSTRAINTS

The City reviews and updates development standards and processing procedures that constrain housing development, particularly for lower and moderate-income households. The programs below list steps to be taken to remove governmental constraints that limit the ability to maintain, improve, and develop housing for all income levels. The City will also attempt to understand and, where possible, modify nongovernmental constraints that create a gap between the City’s approval of housing and construction of housing.

PROGRAM 3A: Establish Parking Standards Appropriate for Different Kinds of Housing

Basic construction costs for residential developments have rapidly increased, and together with land prices, have increased the cost of housing. This has made homeownership and affordable

rentals unattainable for many households. Parking is more expensive to supply in some places, so parking requirements add a cost to development, and a developer might build fewer housing units or may not develop at all if parking standards are excessive.

The Downtown Encinitas and the North 101 Corridor Specific Plans contain modified parking standards to encourage mixed-use and affordable housing development. Mixed-use units that are guaranteed to be affordable to low or very low income households are allowed a reduced, one-space-per-unit parking requirement. State Density Bonus Law allows even lower parking standards for projects eligible for a density bonus, whether or not a density bonus is requested. Any project of seven units or more that provides on-site affordable housing in compliance with the City's inclusionary ordinance is eligible for the reduced parking standards provided by State Density Bonus Law. In addition, in 2019 reduced parking standards were adopted for deed restricted affordable housing in the R-30 overlay zoning district that allows one space per unit for studios and one bedrooms, 1.5 spaces per unit for two bedrooms, and 2 spaces per unit for three or more bedrooms. How people travel continues to change as more focus is being placed on alternative modes of transportation such as bikes and rideshares and on remote work. The City looks to update its zoning standards to reflect current and anticipated parking needs and to adopt parking standards appropriate for affordable, senior-aged, mixed-use, and transit-oriented housing projects. The City is currently updating these parking standards, which are expected to be approved Spring 2021.

Funding:	<ul style="list-style-type: none"> • Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Public Works Department • Planning Commission • City Council • Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Update the City's parking regulations.
Timeframe:	<ul style="list-style-type: none"> • Adopt all code amendments Spring 2021; 2021 Coastal Commission certification of Local Coastal Program Amendments.

PROGRAM 3B: Modify Regulations that Constrain the Development of Housing

Governmental constraints are policies, standards, requirements or actions imposed by the various levels of government upon land, housing ownership and development. Although federal and state agencies play a role, the City cannot modify the policies of these agencies and they are therefore not addressed in this program section.

In 2019, the City of Encinitas identified potential constraints to the development of housing, including ground-floor commercial only uses, findings for residential projects related to density and design, and airspace ownership requirements. Through ordinance amendments made in 2019, the constraints related to findings and airspace ownership were removed. Working with the development community, the City will continue to evaluate regulations that may pose a constraint to the development of housing and modify them if consistent with State law.

Ground-Floor Commercial Uses Only:

Portions of the North 101 Corridor Specific Plan and Downtown Encinitas Specific Plan have mixed-use zones where residences are allowed. However, 1) ground floor uses in a storefront

location are limited to retail-serving uses only; or 2) residential uses are permitted only above or behind a primary use. It may be difficult to market and develop a property with these ground floor commercial requirements because there is a finite economic market available to support retail uses. Mixed-use thrives when it is focused in a compact area, not over lengthy corridors, as is currently mandated in these specific plans. For mixed-use projects, the City will amend zoning regulations to require ground floor commercial uses only at key locations or preference areas based on context or planning objectives to ensure future projects are feasible and the desired pedestrian-oriented design features are preserved. Key locations will be determined by the City Council. City staff is reviewing mixed-use development standards and identifying key locations where ground floor commercial uses are preferred to present to City Council for direction on any future amendment to the Municipal Code.

Objective Design Standards:

The Housing Accountability Act and SB 35 require that the City review housing development projects based on objective standards. The City is undertaking revisions to its design guidelines and development standards to adopt more clear and objective standards related to the architectural review of residential developments and other areas. The City currently reviews all housing development applications for conformance with adopted general plan, zoning, subdivision, and objective design standards.

Utilizing the SB2 grant, the City has hired a consultant to review the existing design guidelines and zoning standards and develop clear objective standards. This ordinance is expected to be approved in Spring 2021.

Variety of Housing Types: To increase the variety of housing types at all income levels, the City will explore construction methods and technologies that may encourage 'affordability by design' and determine if changes are needed to the zoning and building codes to permit those technologies. Any reduction in costs has the potential to decrease sales prices and rents and thereby increase access to housing.

Funding:	<ul style="list-style-type: none"> • Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council • Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Remove identified constraints to residential development. • Work with the development community to identify potential constraints. • Review ground floor retail requirements in mixed use zones and remove where unnecessary or infeasible. • Revise design guidelines and zoning standards to ensure they are objective standards. • Explore construction methods and technologies such as modular housing construction and determine if allowed by current zoning and building code.

Timeframe:	<ul style="list-style-type: none"> • Annual review of <u>objective</u> development standards <u>and adopt necessary amendments within one year.</u> • <u>April-July</u> 2021 adoption of code amendments relating to ground floor commercial uses and objective standards. • <u>June-December</u> 2021 Coastal Commission certification of proposed amendments relating to ground floor commercial uses and objective standards. • Explore alternative construction methods by January 2022 and determine if zoning and building code changes are required to accommodate them.
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PROGRAM 3C: Right to Vote Amendment

In 2013, a citizen initiative resulted in the Right to Vote Amendment (Proposition A), which requires voter approval of increased residential densities, use changes to permit residences, and building heights higher than two stories. Proposition A cannot be modified except by another vote of the people or a court order. While this 2021-2029 Housing Element proposes no land use or zoning modifications that require a vote of the people, Proposition A may require a vote prior to the adoption of future Housing Elements in the event that "no net loss" requirements trigger a need for upzoning. The City will take actions to ensure that future Housing Elements may be adopted in a timely fashion and that requirements for a vote of the people do not constrain the City's compliance with State law, including "no net loss" requirements.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department
Objectives:	<ul style="list-style-type: none"> • Continue to participate in the current declaratory relief action, <i>City of Encinitas v. Department of Housing and Community Development</i>, <u>in which the City seeks limited preemption of Proposition A with respect to housing element adoption and necessary to determine whether a vote of the electorate is required to adopt housing elements and</u> implementing actions (amendments to the Land Use Element, upzoning of sites in connection with the adoption of the Housing Element, upzoning of sites to the extent required by Gov't Code §65863, and adoption of development standards required to implement a Housing Element). After final judgment comply with the Court order. • If the Court determines that a vote of the electorate is required to adopt housing elements and related implementing actions <u>or dismisses the action without a decision on the merits,</u> take actions in advance of the next Housing Element due date (April 2025) to ensure that future Housing Elements and implementing actions, including upzoning of sites to the extent required by Government Code § 65863), can be adopted in a timely fashion consistent with State law. These actions will include, but are not limited to, the following: <ul style="list-style-type: none"> • Establishing a schedule so that approval actions are taken sufficiently in advance of the Housing Element due date to allow for a vote, if required.

	<ul style="list-style-type: none"> • Identify additional sites that may be required to be upzoned to meet "no net loss" requirements for Housing Element adoption in 2025. • Including a buffer of sites when adopting Housing Elements to ensure that adequate sites will remain throughout the planning period, and that there will be no need to upzone sites during the planning period to comply with the 'no net loss' statute (Gov't Code § 65863). • Completing an economic feasibility analysis and amending the City's Inclusionary Housing Ordinance to require that affordable housing be developed on each identified site to the maximum amount that is economically feasible, so that each site is developed at the designated income level to the extent feasible. • Providing assistance to owners of sites suitable for lower income housing to identify subsidy sources that could support a higher percentage of lower income housing. • Developing more affordable housing by implementing Programs 1D (affordable ADUs), 2A (increased affordable housing requirements), and 2B (development of new affordable housing). • If the Court determines that a vote of the electorate is required to adopt housing elements and related implementing actions <u>or dismisses the action without a decision on the merits</u>, other possible actions to be taken by the City may include: <ul style="list-style-type: none"> • Submitting a ballot measure to the voters to amend Proposition A so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the electorate.
<p>Timeframe:</p>	<ul style="list-style-type: none"> • As proposed in Program 2A, adopt recommended changes to inclusionary ordinance by Spring 2021. • Commence review of sites that may be suitable for upzoning immediately after Housing Element adoption. Identify suitable sites and complete environmental review of any required upzoning. Any site identified to be rezoned will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City's obligation affirmatively further fair housing. • If the Court determines that a vote of the electorate is required to adopt housing elements and related implementing actions <u>or dismisses the action without a decision on the merits</u>, develop the next Housing Element at an early date and commence any required rezoning prior to Housing Element adoption to ensure that the Housing Element may be adopted on time. Monitor possible need for upzoning due to "no net loss" and schedule required election at appropriate time.

The courts and the state should not be able to override the vote of the people. Prop A was legitimate and was voted into law by the citizens of Encinitas. You cannot just throw it out. The state has already been shown in the courts to be violating the constitutional rights of its population relative to the covid orders. The state is violating our constitutional right to pursuit of happiness by forcing Encinitas to change the very core of its being and character and the city government is just letting it happen. Why do you continue to kowtow to the State?? Where is the fight for your citizens? You are elected to represent us, not the State. Please grow some backbone and do the job for which you were elected or appointed.

PROGRAM 3D: Improve the Efficiency of the Development Review Process for Housing Projects

The City continues to improve the efficiency of the development review process. The City has improved its permitting process by placing more information on the City’s website; implementing an Internet-based case management and online application submittal system, accessible to the public, that tracks permit review and status; and establishing an interdepartmental team (Project Issue Resolution) that quickly resolves problems and issues as they arise. In 2017, ;and forming the City established a Development Services Department that combines planning and engineering services to facilitate project review. In conformance with Government Code Section 65940.1 (SB 1483), the City has posted on its web site a current schedule of fees, application forms, zoning ordinances, and other information, and updates the information within 30 days of any changes. The City attempts to respond to queries from the community including applicants within 24 hours but no later than 3 business days.

The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, while implementing objective design standards that will define community character, without compromising public health and safety. The City will process projects outside the coastal zone under SB 35 if requested by an applicant for an eligible project. The City will emphasize working with non-profit and for-profit housing developers to better utilize an expedited process, which would include priority plan review and inspection services that exceed the permit streamlining act timelines. The intent of the expedited permit process is to reduce the number of application resubmittals and overall project review timelines; however, this is contingent on the timeliness and completeness of the response by the applicants. The City utilizes the Environmental Assessment already completed for Fifth Cycle Housing Element to address as many environmental issues as possible. Environmental review, where required, focuses on project-specific issues and any additional review required by changes in State CEQA Guidelines, and utilizes the objective standards included in the Environmental Assessment to mitigate impacts where possible.

In 2019, the City adopted zoning code amendments that provide for 'by right' approval on R-30 lots for projects containing at least 20 percent lower income housing and not including a subdivision, as required by Government Code Sections 65583.2(h) and (i). In addition, the City has hired a consultant utilizing SB2 funding to assist in the development of an expedited permit process and education materials. Projects may utilize the SB 35 streamlining process outside the Coastal Zone, so long as 50 percent of the housing in such projects is affordable to lower income households.

Funding:	• Development Services Department budget
Responsible	• Development Services Department

Objectives:	<ul style="list-style-type: none"> • <u>Analyze development review process to identify constraints and develop expedited permit process that exceeds Permit Streamlining Act timelines.</u> • Expedite permit processing for housing developments that exceed the City's inclusionary requirements <u>as identified in the Municipal Code (currently 10 percent for very low-income housing and 15 percent for low income housing)</u> and provide on-site affordable housing. • To the extent permitted by State law, use existing environmental documents to limit review of new developments to impacts not considered in the earlier document. • Apply the objective standards included in the Environmental Assessment to the review of housing developments. • Develop an SB 35 application form and processing procedures.
Timeframe:	<ul style="list-style-type: none"> • Ongoing • <u>Annual review of the development review process to identify constraints and adopt policies to address those constraints within one year.</u> • Develop and execute the new expedited permit process and education materials by <u>February August</u> 2021. • Develop an SB 35 application form and processing procedures by <u>January 1, July</u> 2021.

PROGRAM 3E: Review Nongovernmental Constraints Impeding Development of Approved Housing Projects

Most housing developments approved by the City have received building permits within a reasonable time period. However, in some cases building permits or final maps have not been obtained, especially for accessory dwelling units. The City will contact applicants to discover why units have not been constructed two years after approval. If due to nongovernmental constraints, such as rapid increases in construction costs, shortages of labor or materials, or rising interest rates, to the extent appropriate and legally possible, the City will seek to identify actions that may help to remove these constraints.

Additionally, the City will proactively work with stakeholders to identify nongovernmental constraints or other considerations that may impede the construction of housing in the Encinitas. The City will work collaboratively to find strategies and actions that can eliminate or reduce identified constraints.

Funding:	• Development Services Department budget
Responsible	• Development Services Department
Objectives:	<ul style="list-style-type: none"> • Contact applicants of projects to discover nongovernmental constraints preventing construction two years after approval. • To the extent appropriate and legally possible, identify actions that may help to remove these nongovernmental constraints.
Timeframe:	• By July 2021, complete contacts to applicants who have not received permits two years after approval, and every two years thereafter.

PROGRAM 3F: Seek to Create Community Support for Housing at a Variety of Income Levels

The City will work with the community to achieve community support for housing at a variety of income levels through education and listening forums. Educational opportunities will be provided to city officials, business leaders, established community groups, and the general public on the benefits of affordable and multifamily housing. The City will also hold listening forums to hear community concerns and pursue policy and regulatory strategies that respond to community concerns such as ensuring that higher density housing developments ~~are of excellent design quality that~~ conform to the City’s objective design standards. The objective design standards will be available to the public online and in hard-copy at City Hall and the public libraries.

There are many local and regional organizations that are working in Encinitas to support housing development. The City ~~should~~will seek to identify and partner with a variety of organizations to discuss housing challenges and assist in promoting educational opportunities.

The City has adopted a formal Citizen Participation Process (CPP) requiring developers of larger projects to meet with the community and discuss their projects. While the developer is not required to make changes in response to comments made at the meeting, often relatively minor changes will substantially reduce community opposition. Comments received during the CPP are provided to the decision-making bodies in the staff report. Staff provides an analysis of comments received that are relevant to objective standards applicable to the proposed project for the decision-making body to consider in making the required findings. The CPPs are not used as a basis to approve or deny a project but as a means for the developer to explain the project to the community, to involve the community in the application review, and to provide an opportunity to reduce public opposition to projects.

Residents are often opposed to projects because of inadequate infrastructure. If additional infrastructure improvements are required to accommodate increased housing development, the City will seek to provide that infrastructure and amend its capital improvement program where adequate funds are available. The City annually evaluates and identifies the need for critical infrastructure improvements to add to the CIP list.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department

The CPPs are a waste of time. The Goodson ones have been controlled and contrived just to check a box. There were no changes because of them and there was no city government representation at them. You need to overhaul this program and give it some teeth. There is clearly a huge opposition to the Goodson project expressed in the CPP and Goodson arrogantly stated he didn't have do anything based on it. Why have these if they cannot influence the project? Just to make you feel good--like you did something to get community input? Again, more hypocrisy.

You and the developer failed to listen to and heed input from the community. If you did, the project would have been immediately canceled. Stop playing lip service to the stated goal of maintaining the character of our neighborhoods and really listening to community input on projects, because it is clear that neither are happening.

Objectives:	<ul style="list-style-type: none"> • Provide information to Encinitas residents about local housing needs, state law requirements, and other topics related to housing for all income levels. • As provided in Program 3B, develop objective design standards that define designs that are consistent with community character, and ensure that any housing developed at higher densities complies with those objective design standards. • Develop educational outreach materials and listening forums that may include but are not limited to workshops, one on one meetings and discussions, and online and print educational resources in English and Spanish. <u>All resources will be available online and hard copy at City Hall and local public libraries.</u> • Increase collaboration and build relationships with local and regional organizations to discuss housing topics and <u>assist with outreach</u> to promote educational opportunities to reach underserved residents. • Continue the CPP process to reduce community opposition. • <u>Annually</u> identify infrastructure needs <u>to add to the City's capital improvement program</u> that may create <u>to reduce</u> opposition to housing development and <u>attempt to identify</u> funding sources that may provide that infrastructure.
Timeframe:	<ul style="list-style-type: none"> • Ongoing updating of educational materials, continuation of CPP process, and collaboration. • Annually review infrastructure needs related to housing when the City's capital improvement program is adopted. • Hold at least four workshops/listening forums per year.

Program 3G: Monitor Adequacy of Development Standards

In the course of reviewing new projects on the sites shown on the site inventory in Appendix C, the City of Encinitas will evaluate the development standards contained in Title 30 of the Encinitas Municipal Code and Specific Plans to determine if any standards create undue burdens, or limit the ability for housing to be developed at the density designated in the site inventory. The analysis will evaluate standards that could influence the ability of the City to develop housing for extremely-low, very-low, low and moderate income households or special needs populations.

To date, most projects proposed on housing strategy sites have included substantially more housing units than shown in **Table 2-5**, indicating that the City's development standards do not prevent housing from being developed at the density designated in the site inventory.

The Housing Element Annual Report will include the effects of the development standards to facilitate development in the R-30 zone. Should the evaluation conclude that any development standard may pose a constraint to development in the R-30 zone at the capacity indicated in the Housing Element; the City will initiate a Municipal Code amendment.

Funding:	<ul style="list-style-type: none"> • Departmental budgets
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Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Planning Commission • City Council
Objectives:	<ul style="list-style-type: none"> • Amend R-30 development standards if projects cannot achieve the densities shown in the site inventory.
Timeframe:	<ul style="list-style-type: none"> • Ongoing Evaluation. • Report to City Council annually, as part of Housing Element Annual Report. • If needed to address constraints, following the City Council review of the Annual Report, request initiation of a zoning amendment within 6 months to be processed within a year.

Program 3H: Examining and Mitigating Barriers to Racial and Ethnic Equity

The Regional Analysis of Impediments has identified barriers to access to housing throughout San Diego County. To better understand the barriers specific to the City of Encinitas and how they may differ from the region, the City will conduct a study to identify any potential discriminatory land use and housing-related policies, inequitable community development practices, potential racial or ethnic biases in mortgage lending and rental housing, and other policies and practices that may create or contribute to barriers in access to housing opportunity in Encinitas and which may explain why Encinitas' ethnic composition is dissimilar to that of the San Diego region. The City will conduct this study in collaboration with local communities of color, service groups and agencies, and regional, state and federal partners and lenders.

Based upon the results of this study, and if barriers are identified, the City will take specific actions to address and mitigate these barriers that may include, but are not limited to:

- Revisions to Zoning Code and permit requirements,
- General Plan policy and program updates,
- Advocating for changes in lender and broker practices and processes,
- New services, programs and support offered to underrepresented groups,
- New or expanded outreach and engagement programs and policies, and
- Equitable services to all residents.

The Limited English Proficiency (LEP) Plan for the City of Encinitas was adopted to provide meaningful access to its programs and activities to individuals with LEP in accordance with federal guidelines. Encinitas Housing Division (EHD) staff currently takes steps to provide the opportunity for meaningful access to LEP persons. If language assistance is needed to provide meaningful access, the EHD will make efforts to provide free language assistance including translation of materials and access to translation services. To reduce any barriers due to English proficiency, the existing LEP will be expanded to all housing related activities.

In addition, the City of Encinitas actively recruits a diverse and multi-lingual staff and compensates employees designated by the City to regularly perform duties which require the skilled use of a language other than English. The City also has a phone number dedicated to reach the multi-lingual staff.

<u>Funding:</u>	• City General Fund
<u>Responsible Agencies:</u>	• Development Services Department
<u>Objectives:</u>	<ul style="list-style-type: none"> • Conduct study to identify barriers to equity among all racial and ethnic groups in acquiring and renting housing in Encinitas and seek to determine why the City's ethnic composition is dissimilar from that of the San Diego region as a whole. • Track lower-income housing units by Census Tract and identify areas that may be underserved with lower income housing. • Establish appropriate polices or programs that address identified barriers to equity for all races and ethnic groups. • When developing new policies, programs, and practices, determine whether they have disparate impacts on any race or ethnic group. • Expand the existing Limited English Proficiency (LEP) Plan to all housing-related informational materials, presentations, and other outreach collateral. The City will analyze the demographic composition of the community annually to determine which languages should be accommodated. • Explore the expansion of the LEP to other housing and development programs and services provided by the City. • Continue to recruit a diverse and multi-lingual staff.
<u>Timeframe:</u>	<ul style="list-style-type: none"> • Conduct Study by December 31, 2022. • Implement policies and programs by December 31, 2023.

PROGRAM 4: CONSERVATION OF EXISTING HOUSING STOCK

The programs below demonstrate how the City shall conserve and improve the condition of the existing affordable housing stock.

PROGRAM 4A: Pursue Opportunities to Create Safe and Healthy Housing

The City has a number of accessory units that were constructed or converted illegally (without the benefit of building permits) prior to the City's incorporation and might not meet City codes. Recognizing that many of these units provide affordable housing that may not otherwise be available, the City adopted an Affordable Unit Policy (AUP) in 1993 to allow dwelling units built or converted without required permits to apply for legalization. In the period between January 1, 2010 and December 31, 2019, 42 units have been approved through the AUP program.

The City Council in November 2014 revised the compliance program with less restrictive, more preferential terms, which based on a number of Council authorized extensions are valid through June 2021. Here are the key changes:

- The unit must have existed prior to January 1, 2004. This is a change from the current policy that requires the unit to be in existence prior to incorporation in 1986.

- The unit must be reserved as affordable housing for “low” income households for a period of twenty (20) years. This is a change from the current policy that requires the affordability restriction in perpetuity.
- The standard AUP application fee (\$900) may be waived for property owners that qualify as low/very-low income.

The City successfully sponsored amendments to State law that permit more flexibility in applying past building codes to units constructed without permits. Some units constructed without permits may also be able to be legalized under new State ADU regulations if they can meet current building codes, or if code deficiencies do not pose a health or safety hazard.

The City continues to monitor the program and adjust the policy as needed to maximize participation, while ensuring the protection of public health and safety, as well as compliance with State law. The City periodically markets the program to homeowners via City newsletter, website, and/or flyers at public counters.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department • City Council
Objectives:	• Allow units built without permits to continue to house residents in healthy and safe housing
Timeframe:	• March 2021 consider further extension of the AUP Program.

PROGRAM 4B: Assist in Rehabilitating Housing

The City’s current Residential Rehabilitation Program provides grants and/or low-interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities. The assistance is available to low-income homeowners and to owners of rental units that will rent to low income households. The key funding source available for the rehabilitation program comes from Community Development Block Grants (CDBG). The City anticipates that funding allocated over an eight-year period, from 2021 to 2029, will help administer assistance to about 40 households. The estimated funding amounts are not known until federal appropriations for each fiscal year are finalized and HUD notifies the City of the yearly grant amount. Subject to federal funding, the City will look to assist an average of five households annually (ranging from single-family, multi-family, and mobile homes).

The majority of the City's housing stock is over 50 years old, and two cases of lead poisoning have been reported in the City. The City will ensure that education regarding the possibility of lead poisoning is included in its materials regarding housing rehabilitation.

Funding:	• Community Development Block Grants
Responsible Agencies:	• Development Services Department • City Council

Objectives:	<ul style="list-style-type: none"> • Assist low income households in achieving healthy and safe housing, and provide education regarding the possibility of lead poisoning in older homes. • Assist an average of 5 households a year. • Proactively target areas of concentrated rehabilitation needs and ensure that residents are not displaced due to City-financed improvements. • Annually promote the program at the beginning of each fiscal year through the Senior Center, HOAs, NextDoor and other organizations and media as applicable.
Timeframe:	<ul style="list-style-type: none"> • Ongoing, with annual appropriations

PROGRAM 5: AFFIRMATIVELY FURTHERING FAIR HOUSING

The programs below identify actions that will promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.

PROGRAM 5A: Affirmatively Further Fair Housing

The City of Encinitas receives Community Development Block Grant (CDBG) funds the Federal Department of Housing and Urban Development (HUD), which requires a Regional Analysis of Impediments to Fair Housing Choice. As a recipient of these funds, the City certifies that it will affirmatively further fair housing and utilizes these funds to further the efforts of affordable housing in the City and to affirmatively further fair housing.

In accordance with Federal and State fair housing and Housing Element law, the City will affirmatively further fair housing choice and promote equal housing opportunity. The City is a participant in the regional planning efforts to reduce impediments to fair housing choice and to affirmatively further fair housing through education, testing and enforcement activities. To affirmatively further fair housing in Encinitas, the City will work with regional and local partners to identify, address and eliminate housing discrimination as identified in the Regional Analysis of Impediments to Fair Housing Choice (AI). The City collaborates with other jurisdictions in San Diego County through the San Diego Regional Alliance for Fair Housing (SDRAFFH), to prepare the San Diego County AI every five years.

The AI identifies specific local actions that can be taken to expand fair housing choices for all and contains a jurisdiction-specific analysis as well. The current AI for FY 2020-2025, adopted by the City Council in June 2020, identifies the following regional impediments to fair housing within jurisdictions in San Diego County:

- Fair housing information needs to be disseminated through many media forms to reach the targeted groups.
- Hispanics and Blacks continue to be under-represented in the homebuyer market and experience large disparities in loan approval rates. This is a particular issue in Encinitas.
- County Housing Choice Voucher holders tend to be concentrated in El Cajon and National City.

- Housing choices for special needs groups, especially persons with disabilities and seniors, are limited.
- Fair housing enforcement activities such as random testing are limited.
- Patterns of racial and ethnic concentration exist in the region, although there are no racially or ethnically concentrated areas of poverty in Encinitas.

The AI also identified jurisdiction-specific impediments. The AI identified the following impediments specific to Encinitas: the need for the City to update its ordinances to be consistent with legislation adopted in 2019 regarding density bonuses, accessory dwelling units, low barrier navigation centers, and supportive housing.

Programs 2D and 2E require the City to adopt the required ordinance changes, although the City applies current State law in reviewing housing development applications even if it has not adopted an updated ordinance. The accessory dwelling unit updates have been adopted by the City since the AI was adopted.

According to the current AI, and further discussed in Appendix B of the Housing Element, other fair housing issues in Encinitas include possible discrimination by landlords, religious hate crimes, and access to loans by non-white households. To help identify and address issues of discrimination, the City currently contracts with Legal Aid Society of San Diego, funded by CDBG funds, to provide fair housing and landlord/tenant services to residents and landlords in Encinitas. Legal Aid helps mediate disputes and will assist with filing fair housing complaints, and the City refers complaints to Legal Aid. Legal Aid also conducts free educational workshops for housing providers and tenants and conducts fair housing testing to ascertain if fair housing issues are occurring in the City.

In Encinitas, affirmatively furthering fair housing means the elimination of discrimination in all aspects of housing, including home sales, rentals, housing policies and financing. Furthermore, the City of Encinitas' residents are entitled to equal access to housing opportunities regardless of their race, color, religion, sex, national origin, disability/medical conditions, familial status, marital status, age, ancestry, sexual orientation, gender identity, gender expression, source of income or any other arbitrary reason.

The City is addressing local fair housing impediments in the Regional Analysis of Impediments to Fair Housing Choice. The City will continue to partner with other government and non-government agencies to advance fair housing protections and expand implementation and enforcement of fair housing laws and regulations. The City will also continue to support the San Diego Regional Alliance for Fair Housing in the development of and subsequent amendments to the Regional Analysis of Impediments to Fair Housing Choice in the County of San Diego and implement its recommended actions.

The City also conducted its own analysis of access to opportunity and the presence of racially or ethnically concentrated census tracts. (See Appendix B.) The City does not have any areas of high racial or ethnic dissimilarity nor any racially or ethnically concentrated areas of poverty. No areas of the City have low access to opportunity, and racial and ethnic groups within the City have approximately equal access to opportunity. The sites designated as suitable for lower income housing are dispersed throughout the community. All areas in the City are designated as either high or very high opportunity areas in 2020 maps and proposed 2021 maps prepared by the Tax Credit Allocation Commission. The City recognizes HCD's concern regarding the mapping tools currently available to address all aspects of fair housing and will work to address any issues of racial and ethnic equity (3H) or displacement (Program 5C).

Funding:	<ul style="list-style-type: none"> • Development Services Department budget • San Diego Regional Alliance for Fair Housing (SDRAFFH)
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • Housing Authority • San Diego Regional Alliance for Fair Housing Choice
Objectives:	<ul style="list-style-type: none"> • Contract with a suitable service provider to: a) undertake multimedia fair housing outreach using means such as social media, chat rooms, webinars, and community meetings, aimed at protected classes; and b) provide lending education and credit counseling, primarily to lower income households, to reduce disparities in loan approval rates and use of subprime loans. • Continue to contract with Legal Aid Society or other capable organization to review housing discrimination complaints, attempt to facilitate equitable resolution of complaints, and, where necessary, refer complainants to the appropriate state or federal agency for further investigation and action. Include provisions for a minimum of three fair housing tests a year in the contract, aimed at both landlords and lenders. Require Legal Aid to report to the City and to the media with its findings. • Provide more housing options for special needs groups, especially for seniors and persons with disabilities. Continue to enforce requirements for accessible units in new housing and encourage universal design principles in new housing developments. Support developments that provide housing for seniors. See Program 2E. • Complete the update to the Regional Analysis to the Impediments (AI) to Fair Housing Choice in partnership with regional agencies, and implement any additional actions contained in the AI. • As identified in the 2020-2025 AI, the City will promote the following actions: <ul style="list-style-type: none"> • Promote the Housing Choice Voucher program. See Program 2C • Increase housing options for special needs populations. See Program 2E • Conduct random fair housing testing three times a year to identify issues, trends, and problem properties. • Expand testing to investigate emerging trends of suspected discriminatory practices. • Report to the media on fair housing complaint resolutions and litigation. • Diversify and expand the housing stock to accommodate the varied housing needs of different groups. See Program 2B

<p>Objectives:</p>	<ul style="list-style-type: none"> • Provide fair housing education opportunities throughout the calendar year with targeted population and city staff to allow for meaningful discussions and dissemination of useful information. These educational opportunities may include but are not limited to workshops, one on one meetings and discussions, referral opportunities, and online and print educational resources. In addition, fair housing training should be provided to the general public through the educational outreach identified in Program 3F. • Provide annual fair housing trainings to City staff. • Work collaboratively with affordable housing providers to ensure affirmative fair marketing plans and de-concentration policies are implemented. • Coordinate with the Reinvestment Task Force to receive annual reporting from the Task Force on progress in outreach and education. • Increase collaboration with the jurisdictions in the San Diego region to address regional housing issues and implement the AI through continued membership in SDRAFFH. • Partner with local and regional organizations to discuss housing topics, including new housing policies and programs. See Program 3F. • The City will provide housing-related informational materials, presentations, and other outreach material in Spanish throughout the planning period. The City will analyze the demographic composition of the community annually to determine if additional languages should be accommodated. • Actively recruit diverse residents to serve or participate on boards, committees, and other City bodies.
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Timeframe:	<ul style="list-style-type: none"> • Complete updates to Regional Analysis of Impediments in 2020 and 2025. • The City, and/or contractor, will provide fair housing education opportunities at least four times per year for targeted populations and City staff. • At least one annual fair housing training specifically for City staff. • The service provider, such as Legal Aid, under contract with the City, will conduct at least three fair housing tests annually and follow-up on a quarterly basis to ensure compliance of Encinitas landlords and property owners with fair housing laws. • Ongoing reporting to the media on fair housing complaint resolutions and litigation. • Annually collaborate with affordable housing providers to ensure affirmative fair marketing plans and de-concentration policies are implemented. • Annually contact the Reinvestment Task Force to receive annual reporting from the Task Force on progress in outreach and education. • Participate in regular meetings with SDRAFFH to address regional housing issues and implement the AI. • The City will analyze the demographic composition of the community annually to determine if additional languages should be accommodated. • Ongoing recruitment effort to increase diversity of residents to serve or participate on boards, committees, and other City bodies.
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PROGRAM 5B: Reasonably Accommodate Housing for Persons with Disabilities

State law requires jurisdictions to analyze potential and actual governmental constraints on the development, maintenance and improvement of housing for persons with disabilities and demonstrate local efforts to remove or mitigate those constraints.

To ensure full compliance with reasonable accommodation procedures of the Fair Housing Act, the City adopted in November 2019 a Reasonable Accommodation Ordinance to establish procedures for the review and approval of requests to modify zoning and development standards to reasonably accommodate persons with disabilities, including persons with developmental disabilities. The procedures do not require any permit other than the reasonable accommodation request, involve no public notice unless the City's determination is appealed, and no fee is charged.

The City enforces Title 24 of the California Code of Regulations, which provides a comprehensive set of standards covering almost all important areas of accessibility for persons with physical and sensory disabilities. To ensure continued compliance with reasonable accommodation procedures of the Fair Housing Act, the City will provide for annual review of requests for reasonable accommodations. Based upon this annual review, the City will update the Reasonable Accommodation Ordinance as appropriate.

To ensure the community is aware of reasonable accommodation policies and programs, the City will take specific actions to promote the Reasonable Accommodation Ordinance and disseminate this information to the general public, including underrepresented communities. The City will develop materials and outreach methods to increase public awareness and ease of access to policies, programs and processes addressing reasonable accommodation. These methods may include, but not limited to:

- Publishing of multilingual materials
- Directed outreach to historically underrepresented communities
- Development of online materials and use of social media
- Partnerships with local and regional service agencies for information dissemination

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department
Objectives:	• Annual review of requests for reasonable accommodations. • Develop outreach and dissemination programs and materials for the public and City staff.
Timeframe:	• Ongoing implementation of Ordinance • Develop outreach and dissemination materials by December 31, 2021.

PROGRAM 5C: Economic Displacement Risk Analysis

The City of Encinitas can reduce the impact of displacement when it occurs by preventing practices that increase or enable displacement. To determine if market force economic displacement is occurring due to development of new housing, increased housing costs, or other factors, the City will conduct a study to determine if individuals and families are being displaced and to evaluate local conditions that may contribute to displacement. The study will analyze gentrification locally and will assess how new development and community investments may potentially influence displacement. If this study shows that displacement is occurring, the City will develop an action program based on the identified causes of displacement, including specific actions to monitor and mitigate displacement. Annual review of the action program may result in modifications to further reduce displacement risk.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department
Objectives:	• Conduct a Displacement Risk Analysis Study to identify the local conditions that lead to displacement and develop and implement an action program based on the results. • Identify potential partners to participate in the study that specialize in eviction-related topics related to displacement, such as the Legal Aid Society of San Diego. • Annually monitor program effectiveness.
Timeframe:	• Conduct study by December 31, 2022 • Establish action program by June 30, 2023 • Annual monitoring of action program

PROGRAM 6: AT RISK HOUSING

Government-assisted projects or units are or may be at-risk of conversion to market rate. At-risk units are occupied by seniors or lower income families who cannot afford to pay market rate rents and who could be displaced if the project or unit converts. Many of these units may convert to market rate as subsidy contracts or regulatory agreements expire. The programs below identify how the City will attempt to preserve assisted housing developments that are at risk of converting to market-rate.

PROGRAM 6A: Monitor “At-Risk” and Publicly Assisted Housing Projects

The Housing Element is required to include a program to monitor and preserve affordable housing units that are eligible to convert to non-low-income housing uses. All inventoried units eligible to prepay, opt-out, or terminate long-term use/affordability restrictions during the next 10-years are considered by HCD as “at-risk”.

As described in Appendix B, no assisted units in the City are at risk of loss in the next 10 years; no unit is at risk of loss until 2049. However, the City will continue to monitor and review all assisted units so that it can act in advance of the loss of any units.

Funding:	• Development Services Department budget
Responsible	• Development Services Department
Objectives:	<ul style="list-style-type: none"> • Monitor the status of any Notices of Intent and Plans of Action filed by property owners to convert to market rate units. • Identify non-profit organizations as potential purchasers/managers of at-risk housing units. • Explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or non-profit agencies, purchase existing buildings to replace at-risk units or construct replacement units. • Ensure the tenants are properly noticed and informed of their rights, in particular, that they are eligible to obtain special Section 8 vouchers reserved for tenants of converted properties.
Timeframe:	• Ongoing

PROGRAM 6B: Continue to Provide Credit under the Inclusionary Ordinance for Preservation of At-Risk Housing

As part of the City's inclusionary ordinance, the City will provide credit for preservation of at-risk housing and for conversion of market-rate units to affordable units when consistent with Government Code Section 65583.1.

Funding:	• Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Development Services Department • City Council

Objectives:	<ul style="list-style-type: none"> Allow developers to meet inclusionary requirements by preserving at-risk housing units or converting market-rate units to affordable when consistent with the provisions of Government Code Section 65583.1.
Timeframe:	<ul style="list-style-type: none"> Ongoing

TABLE 2-5 QUANTIFIED OBJECTIVES (2021-2029)						
	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	TOTALS
New Construction	235	234	369	308	408	1,554
Rehabilitation	---	---	40	---	---	40
Conservation and 'At-Risk'	20	---	---	---	---	20 ¹
Section 8	84	10	2	---	---	96
<p>The City does not have any projects 'At-Risk' in the 2021-2029 planning period; however, the City will continue to monitor the status of deed-restricted affordable housing units. Units reported account for AUP units anticipated to be legalized during the planning period.</p>						

Jennifer Gates

From: Judi Strang <judistrang@earthlink.net>
Sent: Friday, February 5, 2021 9:58 PM
To: Jennifer Gates
Subject: FW: RESUBMITTING > Public Comment regarding the Encinitas Housing Element 2021-29
Attachments: ASHRAE pos doc_ETS in MUH-2020-07-1.pdf; ANRF MUH with 100% smokefree policies.pdf; MUH letter from Wooten sample.docx; CDPH Secondhand Smoke In MUH.pdf; CDPH Thirdhand Smoke In MUH.pdf
Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Good evening Jennifer.

Just realized we should probably resubmit our recommendations re the adoption of a smoke free MUHs as a policy for the Encinitas' Housing Element 2021-2029. This is especially impregnate as the City develops more affordable housing, that is City owned or managed. We are re-attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers; original quotes from ASHRAE, below in previous email.

In this email, we are attaching:

A letter sent to all Cities from Dr Wilma Wooten, San Diego County Director of Public Health, recommending smoke free MUH policies be added to all Cities Housing Elements, including the fact sheets from CA Department of Public health re Secondhand and Thirdhand Smoke.

We also highly recommend:

Americans for Nonsmokers Rights Foundation regarding the 63+ Cities/Counties that have adopted smoke free MUH policies. And the American Lung website. >

<https://www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing>

Warm Regards, Judi Strang, Executive Director

San Dieguito Alliance for Drug Free Youth

Serving the cities of Del Mar, Encinitas, Solana Beach, and the communities of Carmel Valley, Del Mar Heights, Elfin Forest, La Costa, Rancho Santa Fe, Sorrento Valley

PO Box 2448 Del Mar CA 92014

fax 858.755.6598 / cell phone 858.382.6598 / www.sandieguitoalliance.org

From: Judi Strang <judistrang@earthlink.net>
Sent: Saturday, August 22, 2020 10:31 AM
To: 'Jennifer Gates' <jgates@encinitasca.gov>
Subject: RE: Public Comment regarding the Encinitas Housing Element 2021-29

Thanks Jennifer.

Regards, Judi Strang, Executive Director
San Dieguito Alliance for Drug Free Youth

Serving the cities of Del Mar, Encinitas, Solana Beach, and the communities of Carmel Valley, Del Mar Heights, Elfin Forest, La Costa, Rancho Santa Fe, Sorrento Valley
PO Box 2448 Del Mar CA 92014
fax 858.755.6598 / cell phone 858.382.6598 / www.sandieguitoalliance.org

From: Jennifer Gates <jgates@encinitasca.gov>
Sent: Friday, August 21, 2020 5:27 PM
To: Judi Strang <judistrang@earthlink.net>
Subject: RE: Public Comment regarding the Encinitas Housing Element 2021-29

Hi Judi,

Thank you for your comments. I did want to let you know that the comment period has been extended to September 2 to allow time to review the modifications made last Monday in response to HCD's verbal comments that are available on the project webpage: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>. They are in red font in strikethrough and underline format.

Sincerely,
Jennifer

From: Judi Strang <judistrang@earthlink.net>
Sent: Wednesday, August 19, 2020 4:15 PM
To: Jennifer Gates <jgates@encinitasca.gov>
Subject: Public Comment regarding the Encinitas Housing Element 2021-29

[NOTICE: Caution: External Email]

Hi Jennifer.

SDA staff and Encinitas community members really appreciate your team's work on the Encinitas Housing Element. [Regarding Page 1 - Under Local Need, you state:](#)

"The City envisions itself as a sustainable community that embraces its quality of life through environment, fiscal health, community health and equity."

[Regarding P. 6 - Under Housing Opportunities, you state for goals and policies of the Housing Element:](#)
"ensure that the existing housing stock is maintained and preserved."

[Regarding P. 7 - Under Quality of Housing Policy 2.3:](#)

"Allow for cluster type housing and other innovative housing design that provides adequate open areas around and with these developments."

SDA would respectfully suggest that the Housing Element Plan should include language that - any and all multi unit complexes which are encouraged or underwritten or come before the City Staff and/or the City Council be required to be smoke free and vape free.

We are attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers. They state on P.5:

"While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts.

ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.

*ASHRAE's position is that **all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects.***

ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping.”

And on P. 10:

*ASHRAE recommends that multifamily buildings **have complete and enforced smoking bans** inside and near them in order to protect nonsmoking adults and children.*

We feel that SDA proposal above and ASHRAE's recommendations completely support the City's goals and policies in the Housing Element 2021-29.

Warm Regards, Judi Strang, Executive Director

San Dieguito Alliance for Drug Free Youth

Serving the cities of Del Mar, Encinitas, Solana Beach, and the communities of Carmel Valley, Del Mar Heights, Elfin Forest, La Costa, Rancho Santa Fe, Sorrento Valley

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U.S. Laws for 100% Smokefree Multi-Unit Housing

August 15, 2020

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing. As of August 15, 63 municipalities have enacted a law at the city or county level that prohibits smoking in **100% of private units** of multi-unit housing properties.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at no-smoke.org/at-risk-places/homes/ for more information.

Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no “grandfather” clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under “% of Units Currently Smokefree” will be 100% when the law is in full effect.

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
1. Alameda	CA	100%	1/1/2013	2	Yes	Yes
2. Albany	CA	100%	3/24/2018	2	Yes	Yes
3. Bell Gardens#	CA	Some	6/1/2021	3	Yes	Yes
4. Belmont	CA	100%	1/8/2009	2	Yes	Yes
5. Belvedere	CA	100%	11/9/2017	2	Yes	Yes
6. Benicia#	CA	Some	9/2/2020	2	Yes	Yes
7. Berkeley	CA	100%	5/1/2014	2	Yes	Yes
8. Beverley Hills	CA	100%	1/1/2019	2	Yes	Yes
9. Brisbane	CA	100%	6/3/2017	2	Yes	Yes
10. Burlingame	CA	100%	2/13/2016	2	Yes	Yes
11. Clayton	CA	100%	5/1/2019	2	Yes	Yes
12. Compton	CA	100%	1/1/2013	3	Yes	Yes
13. Concord#	CA	Some	1/1/2021	2	Yes	Yes
14. Contra Costa County	CA	100%	7/1/2019	2	Yes	Yes
15. Cotati	CA	100%	1/1/2017	2	Yes	Yes
16. Culver City	CA	100%	5/26/2016	2	Yes	Yes
17. Daly City	CA	100%	1/21/2014	2	Yes	No
18. Danville	CA	100%	5/1/2016	3	Yes	Yes
19. El Cerrito	CA	100%	10/1/2015	2	Yes	Yes
20. El Monte	CA	100%	8/19/2017	3	Yes	Yes

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
21. Emeryville	CA	100%	7/1/2019	2	N/S	Yes
22. Firebaugh	CA	100%	7/1/2019	2	Yes	Yes
23. Foster City	CA	100%	11/5/2015	N/S	Yes	Yes
24. Half Moon Bay	CA	Some	1/15/2020	2	Yes	Yes
25. Healdsburg	CA	100%	5/6/2020	2	N/S	Yes
26. Huntington Park	CA	100%	7/1/2013	2	Yes	Yes
27. Los Gatos	CA	100%	6/25/2017	2	Yes	No
28. Manhattan Beach	CA	100%	5/5/2017	3	Yes	Yes
29. Millbrae	CA	100%	1/1/2020	2	Yes	Yes
30. Mill Valley	CA	100%	11/18/2016	2	Yes	Yes
31. Moorpark	CA	100%	2/1/2019	2	Yes	No
32. Morro Bay	CA	100%	8/1/2020	2	Yes	Yes
33. Novato	CA	100%	1/1/2018	2	Yes	Yes
34. Pacific Grove#	CA	Some	10/1/2021	2	Yes	Yes
35. Pacifica#	CA	Some	10/9/2020	2	Yes	Yes
36. Palo Alto	CA	100%	1/1/2018	2	Yes	Yes
37. Pasadena	CA	100%	1/1/2013	2	Yes	Yes
38. Petaluma	CA	100%	1/1/2014	2	Yes	Yes
39. Pleasanton	CA	100%	10/4/2018	2	Yes	No
40. Redwood City	CA	100%	1/1/2019	2	Yes	Yes
41. Richmond	CA	100%	1/1/2011	2	Yes	Yes
42. Rohnert Park	CA	100%	4/23/2018	2	Yes	Yes
43. Ross	CA	100%	2/9/2020	2	Yes	Yes
44. San Anselmo	CA	100%	1/8/2016	2	Yes	Yes
45. San Bruno	CA	100%	2/22/2018	2	Yes	Yes
46. San Carlos	CA	100%	7/8/2020	2	Yes	Yes
47. San Mateo	CA	100%	11/14/2015	2	Yes	Yes
48. San Mateo County	CA	100%	2/4/2016	2	Yes	Yes
49. San Pablo#	CA	Some	7/1/2021	2	Yes	No
50. San Rafael	CA	100%	11/14/2013	3	Yes	Yes
51. Santa Clara	CA	100%	8/1/2019	2	Yes	Yes
52. Santa Clara County	CA	100%	2/9/2012	2	Yes	Yes
53. Santa Rosa	CA	100%	8/7/2016	2	Yes	Yes
54. Saratoga	CA	100%	9/16/2016	4	Yes	Yes
55. Sebastopol	CA	100%	11/2/2011	2	Yes	Yes
56. Sonoma	CA	100%	12/12/2016	2	Yes	Yes
57. Sonoma County	CA	100%	1/12/2013	2	Yes	Yes
58. South San Francisco	CA	100%	11/9/2017	2	N/S	Yes
59. Sunnyvale	CA	100%	9/23/2016	2	Yes	Yes
60. Tiburon	CA	100%	7/1/2014	4	Yes	Yes
61. Union City	CA	100%	2/23/2012	2	Yes	No
62. Walnut Creek	CA	100%	1/30/2014	2	Yes	Yes
63. Windsor	CA	100%	8/15/2017	2	Yes	Yes

= Law requires multi-unit buildings to be 100% smokefree, but the law is not yet fully in effect.

Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
1. Baldwin Park	CA	Some	80%	6/21/2012	Not Specified	2	Yes
2. Burbank	CA	No	N/S		5/1/2011	N/S	Yes
3. Calabasas	CA	No	N/S		Not Specified	2	No
4. Corte Madera	CA	No	80%	12/2/2014	6/5/2015	2	Yes
5. Dublin	CA	No	75%		1/1/2013	16	N/S
6. Fairfax	CA	No	75%		9/1/2012	4	N/S
7. Fremont	CA	Some	N/S	2/1/2017	Not Specified	2	Yes
8. Glendale	CA	Some	N/S	6/27/2013	Not Specified	2	Yes
9. Lafayette	CA	Some	N/S	2/10/2014	Not Specified	3	Yes
10. Larkspur	CA	No	N/S		Not Specified	2	Yes
11. Loma Linda	CA	No	N/S		Not Specified	2	No
12. Marin County	CA	Some	80%	2/16/2013	Not Specified	2	Yes
13. Oakley	CA	No	N/S	4/1/2014	4/1/2014	2	Yes
14. Pinole	CA	Some	N/S	5/20/2010	Not Specified	2	Yes
15. Pleasant Hill	CA	Some	N/S	5/5/2010	Not Specified	4	No
16. Santa Monica	CA	Some	N/S	11/22/2012	Not Specified	N/S	Yes
17. Sausalito	CA	Some	80%	2/27/2014	Not Specified	2	Yes
18. South Pasadena	CA	Some	80%	3/3/2011	Not Specified	2	Yes
19. Temecula	CA	No	25%		6/7/2012	10	N/S

Definitions and Explanatory Notes:

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

= Law will require all multi-unit buildings to be 100% smokefree as of a future date, but currently the law provides partial coverage.

Minimum Percent of Units Currently Smokefree:

The percent of specified multi-unit housing that is currently required to be smokefree:

100%: All units in specified multi-unit housing must be smokefree.

Another stated %: The stated percent of units in specified multi-unit housing must be smokefree.

N/S = Not Specified: The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating at certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

Initial Effective Date:

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is "Not Specified."

Final Effective Date:

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law goes into effect.

Not Specified:

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at info@no-smoke.org or 510-841-3032.

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ASHRAE Position Document on Environmental Tobacco Smoke

Approved by ASHRAE Board of Directors
July 1, 2020

Expires
July 1, 2023

COMMITTEE ROSTER

The ASHRAE Position Document on Environmental Tobacco Smoke was developed by ASHRAE's Environmental Tobacco Smoke Position Document Committee formed on May 16, 2018, with Larry Schoen. as its chair.

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HISTORY OF REVISION/REAFFIRMATION/WITHDRAWAL DATES

The following summarizes this document's revision, reaffirmation, or withdrawal dates:

6/30/2005—BOD approves Position Document titled *Environmental Tobacco Smoke*

6/25/2008—BOD approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

10/22/2010—BOD approves revision to Position Document titled *Environmental Tobacco Smoke*

6/30/2013—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/29/2016—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/26/2019—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

7/1/2020 – BOD approved revision to Position Document titled *Environmental Tobacco Smoke*

Note: ASHRAE's Technology Council and the cognizant committee recommend revision, reaffirmation, or withdrawal every 30 months.

Note: ASHRAE position documents are approved by the Board of Directors and express the views of the Society on a specific issue. The purpose of these documents is to provide objective, authoritative background information to persons interested in issues within ASHRAE's expertise, particularly in areas where such information will be helpful in drafting sound public policy. A related purpose is also to serve as an educational tool clarifying ASHRAE's position for its members and professionals, in general, advancing the arts and sciences of HVAC&R.

ABSTRACT

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.

ASHRAE's position is that all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects. ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping.

EXECUTIVE SUMMARY

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. While ASHRAE does not conduct research on the health effects of indoor contaminants, ASHRAE has been involved in this topic for many years. Through its committees, standards, handbooks, guides, and conferences, ASHRAE has long been providing information to support healthful and comfortable indoor environments, including efforts to reduce indoor ETS exposure.

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
 - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.
 - Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
 - Neither dilution ventilation, air distribution (e.g., "air curtains") nor air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

1. THE ISSUE

While indoor smoking has become less common in recent years in many countries¹, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts³⁸. Researchers have investigated the health and irritant effects among non-smokers exposed to tobacco smoke in indoor environments. Such exposure is also known as passive smoking and as involuntary exposure to secondhand smoke. A number of national and global health research groups and agencies (Cal EPA 2005, EPA 1992, IARC 2004, IOM 2010, NRC 1986, SCTH 1998, USDHHS 2014, USDHHS 2006, WHO 2019) have concluded, based on the preponderance of evidence, that exposure of nonsmokers to tobacco smoke causes specific diseases and other adverse effects to human health most significantly, cardiovascular disease and lung cancer. No cognizant authorities have identified an acceptable level of ETS exposure to non-smokers, nor is there any expectation that further research will identify such a level.

Despite extensive evidence of such harm, the well-documented benefits of bans, including exposure reduction and benefits to public health (CPSTF 2013) and widening adoption of smoking bans, many locations worldwide still lack laws and policies that provide sufficient protection. In many locations, laws and policies are only partially protective, permitting smoking in certain building types including casino, entertainment and multifamily housing. Even where permitted by law, many developers, building owners, and operators, including those of restaurants and other hospitality venues, do not allow smoking indoors.

There are currently trends that increase use of electronic nicotine delivery systems (ENDS), smoking of cannabis, use of hookahs and other related activities that are beyond the scope of this document, but which likely present risks from involuntary exposure in the indoor environment that are not as well understood.

2. BACKGROUND

ASHRAE, through its Environmental Health Committee, TC 4.3 Ventilation Requirements and Infiltration, SSPCs 62.1 Ventilation for Acceptable Indoor Air Quality, 62.2 Ventilation and Acceptable Indoor Air Quality in Residential Buildings, 189.1 Standard for the Design of High-Performance Green Buildings, Handbook-Applications Chapter 46 (ASHRAE 2019) and Handbook-Fundamentals Chapters 10 and 11 (ASHRAE 2017), Indoor Air Quality Design Guides (ASHRAE 2018, 2009), and IAQ conferences, has long been active in providing engineering technology, standards and design guidance in support of providing healthful and comfortable indoor environments.

Previous versions of this position document have been instrumental in informing the public, building scientists and practitioners, policymakers and lawmakers

about the inability of HVAC technologies to eliminate health risks to nonsmokers from exposure to tobacco smoke in indoor environments.

The evidence on the health consequences of exposure to ETS is extensive (hundreds of scientific papers) and has been reviewed by numerous independent expert groups in the United States and internationally, all reaching similar conclusions regarding the adverse health effects caused among nonsmokers exposed to tobacco smoke indoors. These include but are not limited to:

U.S. Surgeon General (USDHHS 2014, 2006)
U.S. Environmental Protection Agency (EPA 1992)
National Research Council (NRC 1986)
California Environmental Protection Agency Cal EPA 2005)
World Health Organization (WHO 2019)
International Agency for Research on Cancer (IARC 2004)
United Kingdom Department of Health (SCTH 1998)

The first major studies on passive smoking reported that passive smoking was a cause of lung cancer in non-smokers. Subsequent evidence has identified other health effects in adults and children. Notably, the number of coronary heart disease deaths caused by ETS greatly exceeds the number of ETS-caused lung cancer deaths. Additionally, the scientific evidence recognizes substantial subpopulations, such as children (USDHHS 2014) and adults with asthma or heart disease, whose disease may be exacerbated by ETS exposure.

There is no threshold for ETS exposure below which adverse health effects are not expected, as indicated in the referenced health authority reports. In general, risks tend to increase with the level of exposure and conversely to decrease with a reduction in exposure.

Only an indoor smoking ban, leading to near zero exposure, provides effective control, and only such bans have been recognized as effective by health authorities. Experience with such bans documents that they can be effective (CPSTF 2013, USDHHS 2014, 2006). While there are no engineering design issues related to this approach, the existence of outdoor smoking areas near the building and their potential impacts on entryway exposure and outdoor air intake need to be considered.

Nevertheless, smoking is permitted in some indoor spaces in some buildings. There are now several decades of international experience with the use of strategies, including separation of smokers and nonsmokers, ventilation, air cleaning and filtration, to limit contamination spread from smoking permitted areas to other areas inside the building.

There are three general cases of space-use and smoking activity in sequence from most to least effective in controlling ETS exposure:

- 1) allowing smoking only in isolated rooms;
- 2) allowing smoking in separate but not isolated spaces; and
- 3) totally mixing occupancy of smokers and nonsmokers.

These approaches do not necessarily account for all circumstances. Each leads to different engineering approaches as follows.

1. Smoking Only in Isolated Rooms: Allowing smoking only in separate and isolated rooms, typically dedicated to smoking, can reduce ETS exposure in non-smoking spaces in the same building. Effective isolation requires
 - a) sealing of cross contamination pathways and airtightness of the physical barriers between the smoking and nonsmoking areas,
 - b) the use of separate ventilation systems serving the smoking and non-smoking spaces,
 - c) exhausting air containing ETS so it does not enter the non-smoking area through the outdoor air intakes, windows, and other airflow paths,
 - d) airflow and pressure control including location of supply outlets and return and exhaust air inlets to preserve airflow into the smoking space at doorways and other openings, which is powerful enough so that movement of people between non-smoking and smoking areas and so that thermal and other effects do not disrupt intended air distribution patterns.

Even when all available strategies have been employed in multifamily housing, there is a lack of credible evidence that anything short of a smoking ban will provide full protection to occupants of non-smoking residential dwelling units. The risk of adverse health effects for the occupants of the smoking room itself also cannot be controlled by ventilation.

2. Smoking in Separate but Not Isolated Spaces: This approach includes spaces where smokers and non-smokers are separated but still occupy a single space or a collection of smoking and non-smoking spaces not employing all the isolation techniques described in 2. a) through f) above. Examples can be found in restaurants and bars with smoking and non-smoking areas, or buildings where smoking is restricted to specific rooms, but a common, recirculating air handler serves both the smoking and non-smoking rooms.

Engineering techniques to reduce odor and irritation include, directional airflow patterns achieved through selective location of supply and exhaust vents, and air cleaning and filtration. Limited evidence is available, and none supports the significant reduction of health effects on those exposed.

3. **Mixed Occupancy of Smokers and Nonsmokers:** If smoking is allowed throughout a space or a collection of spaces served by a single air handler, with no effort to isolate or separate the smokers and nonsmokers, there is no currently available or reasonably anticipated ventilation or air cleaning system that can adequately control or significantly reduce the health risks of ETS to an acceptable level.

This situation includes unrestricted smoking in homes, dormitories, casinos, bingo parlors, small workplaces, and open plan office spaces. Air cleaning, dilution ventilation and displacement ventilation can provide some reduction in exposure, but they cannot adequately control adverse health effects, nor odor and sensory irritation for nonsmokers in general.

Ongoing trends, studies and research:

- Electronic nicotine delivery systems (ENDS) are increasing in use and the health effects of primary and secondary exposure continue to be revealed. ENDS and other related exposures in the indoor environment, including those arising from cannabis combustion and use of hookahs, are outside the scope of this position document. ENDS are addressed in an ASHRAE Emerging Issue Brief.
- Third-hand smoke, which results from the release of contaminants from the clothing of smokers and other surfaces, is a relatively new concept. There is evidence of potential hazards (Sleiman 2010) and researchers are still studying it (Mayo Clinic 2017).

3. RECOMMENDATIONS

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy (ROB 1.201.008) is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
 - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.

- Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
- Neither dilution ventilation, air distribution (e.g., “air curtains”) or air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete and enforced smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

4. REFERENCES

- ASHRAE 2019. Handbook—HVAC Applications. Atlanta: ASHRAE.
- ASHRAE (Ed.), 2018. Residential indoor air quality guide: best practices for acquisition, design, construction, maintenance and operation, Atlanta, GA
- ASHRAE 2017. Handbook—Fundamentals. Atlanta: ASHRAE.
- ASHRAE (Ed.), 2009. Indoor air quality guide: best practices for design, construction, and commissioning. American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Atlanta, GA.
- California Environmental Protection Agency (Cal EPA). 2005. Office of Environmental Health Hazard Assessment. Health Effects of Exposure to Environmental Tobacco Smoke. California Environmental Protection Agency. <https://oehha.ca.gov/air/report/health-effects-exposure-environmental-tobacco-smoke-final-report>
- CPSTF (Community Preventive Services Task Force) 2013. Reducing Tobacco Use and Secondhand Smoke Exposure: Smoke-Free Policies. June 3, 2013. www.thecommunityguide.org/sites/default/files/assets/Tobacco-Smokefree-Policies.pdf
- Institute of Medicine 2010. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12649>.
- International Agency for Research on Cancer (IARC). 2004. Tobacco smoke and involuntary smoking. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No 83. International Agency for Research on Cancer. Lyon, France. <https://www.ncbi.nlm.nih.gov/books/NBK316407/>
- Mayo Clinic 2017. “What is thirdhand smoke, and why is it a concern?” Answer from J Taylor Hays, M.D. July 13, 2017. www.mayoclinic.org/healthy-

- [lifestyle/adult-health/expert-answers/third-hand-smoke/faq-20057791](#), accessed March 2, 2020.
- National Research Council (NRC), 1986. Committee on Passive Smoking. Environmental tobacco smoke: Measuring exposures and assessing health effects. National Academy Press Washington, D.C.
<https://www.ncbi.nlm.nih.gov/books/NBK219205/>
- Scientific Committee on Tobacco and Health (SCTH) and HSMO. 1998. Report of the Scientific Committee on Tobacco and Health. The Stationary Office. 1998; 011322124x <https://www.gov.uk/government/publications/report-of-the-scientific-committee-on-tobacco-and-health>
- Sleiman 2010. "Formation of carcinogens indoors by surface-mediated reactions of nicotine with nitrous acid, leading to potential *thirdhand smoke* hazards," *Proceedings of the National Academy of Sciences*, April 13, 2010 107 (15) 6576-6581. <https://doi.org/10.1073/pnas.0912820107>
- US Department of Health and Human Services (USDHHS). 2014 The health consequences of smoking – 50 years of progress: a report of the Surgeon General. – Atlanta, GA, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.
<https://www.ncbi.nlm.nih.gov/books/NBK179276/>
- U.S. Department of Health and Human Services. 2006. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. Atlanta, Ga. <https://www.ncbi.nlm.nih.gov/books/NBK44324/>
- US Environmental Protection Agency (EPA). 1992. Respiratory health effects of passive smoking: Lung cancer and other disorders. EPA/600/006F. U.S. Government Printing Office, Washington, D.C.
<https://www.epa.gov/indoor-air-quality-iaq/respiratory-health-effects-passive-smoking-lung-cancer-and-other-disorders>
- World Health Organization. 2019. Report on the Global Tobacco Epidemic. Geneva, Switzerland [WHO/NMH/PND/2019.5](#).
https://www.who.int/tobacco/global_report/en/

Secondhand Smoke in Multi-unit Housing



Secondhand smoke (SHS) consists of smoke from a burning tobacco product and the smoke exhaled by a smoker. It is a toxic substance that causes serious health problems for non-smokers.¹ Many people who live in public housing are especially affected by SHS.² This includes children, the elderly, and people with disabilities.²



The United States Environmental Protection Agency classifies SHS as a **cancer-causing agent**.¹

It contains hundreds of **toxic chemicals** including formaldehyde, arsenic, and hydrogen cyanide.¹

There is **no safe level** of exposure to SHS.¹

Health Risks

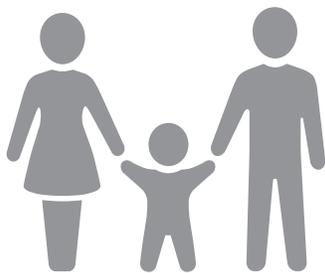
Breathing SHS causes serious health problems for children and adults.

Children exposed to SHS are more likely to suffer from:

- Sudden infant death syndrome (SIDS)¹
- Bronchitis and pneumonia¹
- Ear infections¹
- Asthma attacks¹

Adults exposed to SHS are more likely to develop:

- Lung cancer¹
- Heart disease & stroke¹
- Breathing problems¹



41,000

Approximately 41,000 nonsmoking adults die every year from SHS exposure in the United States.³

Who is at risk?

1 in 3

More than one in three nonsmokers who live in rental housing are exposed to SHS.²

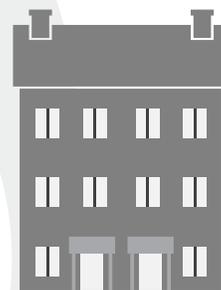
2 in 5

Two in five children (including seven in ten black children) are exposed to SHS.²

Secondhand Smoke at Home

The home is the main place where children are exposed to SHS.²

SHS can drift into units through windows, doors, walls, hallways, and air ducts.²



Support for Smoke-free Housing

California renters support smoke-free housing restrictions to protect themselves and their families:



61% of renters **support smoking bans inside units**.⁴



69% of renters **support smoking bans in outdoor common areas**.⁴



References: Secondhand Smoke in Multi-Unit Housing

- ¹ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006. Available from: http://www.cdc.gov/tobacco/data_statistics/sgr/2006/pdfs/6major-conclusions.pdf.
- ² U.S. Department of Health and Human Services. Centers for Disease Control and Prevention. *Secondhand Smoke: An Unequal Danger, 2015*. Available from: <https://www.cdc.gov/vitalsigns/pdf/2015-02-vitalsigns.pdf>.
- ³ Centers for Disease Control and Prevention. *Tobacco Related Mortality*, Updated August 2015. Available from: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality.
- ⁴ Goodwin, Paul. Goodwin Simon Strategic Research. *Summary of 12-County Survey for the Lung Association*. 2014.

Thirdhand Smoke in Multi-unit Housing



Thirdhand smoke (THS) is tobacco smoke residue that is left behind when someone smokes indoors. The smoke does not simply blow away. Instead it sticks to surfaces such as walls, furniture and floors as well as to a person's hair, skin and clothing. This toxic residue builds up over time and can remain for years.¹

Health Risks

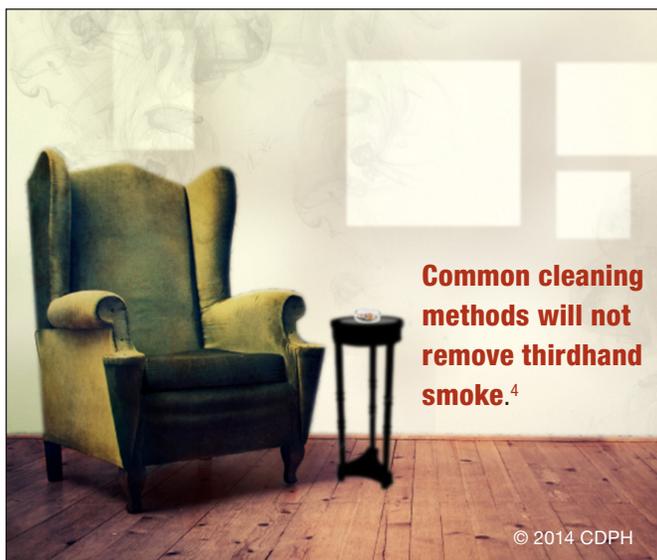
THS poses a unique health risk because the residue reacts with air to make additional pollutants and **re-emits from surfaces back into the air.**¹



THS changes over time and becomes **progressively more toxic.**^{1,2}



Long-term exposure to the pollutants in THS has been shown to **damage human cells and DNA**, and may be associated with short- and long-term health problems such as asthma and cancer.^{1,3}



Common cleaning methods will not remove thirdhand smoke.⁴

© 2014 CDPH

Who is most vulnerable?

Anyone who lives in a home where smoking is allowed is **more likely to be exposed** to THS.²

Infants and children may be exposed to THS when they crawl or play on the floor.¹

Babies may ingest the chemicals in THS when they put toys or household objects in their mouth.¹



Children's growing bodies make them **more vulnerable** to THS than adults.¹

Exposure in Multi-Unit Housing

People who live in apartments are at **higher risk** for THS exposure because previous tenants may have smoked indoors.⁴

Children who live in apartments show a **higher level of exposure** to tobacco chemicals.⁴

In places where substantial smoking has occurred, renovations such as **replacing wall boards and furnishings** may be necessary to reduce levels of THS.⁵

How Smoke-free Housing Policies Can Help

Policies that prevent smoking in units and common areas will **help protect tenants** from THS exposure.

Smoke-free policies will also **reduce the problems of cleaning and repairing units** damaged by THS residue.



References: Thirdhand Smoke in Multi-Unit Housing

1. Jacob, P., et al., *Thirdhand Smoke: New Evidence, Challenges, and Future Directions*. Chemical Research in Toxicology, 2016.
2. Martins-Green, M., et al., *Cigarette smoke toxins deposited on surfaces: implications for human health*. PLoS One, 2014. 9(1): p. e86391.
3. Hang, B., et al., *Thirdhand smoke causes DNA damage in human cells*. Mutagenesis, 2013. 28(4): p. 381-91.
4. Matt, G., et al., *Thirdhand tobacco smoke: emerging evidence and arguments for a multi-disciplinary research agenda*. Environmental Health Perspectives, 2011: p. 119(9): 1218-26.
5. Bahl, V., et al., *Thirdhand cigarette smoke: factors affecting exposure and remediation*. PLoS One, 2014. 9(10): p. e108258.

August 7, 2020

TO:

City Manager

FROM:

Wilma J. Wooten, M.D., M.P.H.,
Public Health Officer & Director, Public Health Services

RE: Smoke-free Housing in Housing Element Update

As the Public Health Officer for the San Diego County, I am contacting you to discuss your City's mandated housing element update. The update of the housing element is an opportunity to increase health equity by ensuring all residents live in safe and healthy conditions. As the Governor's Office of Planning and Research has stated, in its recent guidance on environmental justice in general plans, exposure to harmful chemicals from secondhand smoke and its lingering residues (thirdhand smoke) is a threat to safe housing. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke, which annually causes an estimated 41,000 deaths by people who do not smoke. The risk of harm is most acute in multifamily housing, where drifting smoke from one person can contaminate many living units and is expensive and difficult to clean up.

As you work on updating your housing element, we would ask that you consider incorporating the following language into your goals and policies:

To reduce secondhand and thirdhand smoke death and disability, adopt and enforce a comprehensive smoke-free ordinance for multifamily housing properties that covers all exclusive-use areas, both exterior areas (such as private balconies and decks) and interior unit spaces, as well as common areas not already covered by state law.

Attached is the document, entitled *Prohibiting Smoking in Multifamily Housing: Model Language and Rationale Statement for Inclusion in General Plan Housing Elements, July 2020*. This document explains the rationale for including tobacco elements in general plan housing elements. Also, included for your reference are two information fact sheets, from the California Department of Public Health, on the dangers of secondhand and thirdhand smoke.

Staff from the Public Health Services Tobacco Control Resource Program, in the County of San Diego Health and Human Services Agency, would be happy to discuss opportunities to include tobacco protections in your city's housing element. For further information of questions, please feel free to contact Parke Troutman at (619) 753-2581 or Parke.Troutman@sdcounty.ca.gov. Additionally, San Diego County is a center of research on thirdhand smoke. Staff would be pleased to connect you with leading local scientists if you would like a presentation on the state of current research on this topic.

Sincerely,

Wilma J. Wooten, M.D., M.P.H., Public Health Officer and Director,
Public Health Services
County of San Diego Health and Human Services Agency
O:(619) 542-4181 C:619-666-3455 F:(619) 542-4186



For local information and daily updates on COVID-19, please visit www.coronavirus-sd.com. To receive updates via text, send **COSD COVID19** to **468-311**.

Coronavirus Disease 2019
COVID-19

Jennifer Gates

From: Om <reinagirl96@gmail.com>
Sent: Friday, February 5, 2021 7:24 PM
To: Jennifer Gates
Cc: Council Members
Subject: Input on 6 cycle housing element
Attachments: Input to the Encinitas Housing Development.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Jennifer,

Please see my attached input to the Public Review Draft 6th Cycle Housing Element. I am submitting this today, February 5, 2021 as per the due date listed on the housing plan update webpage of the Encinitas government website.

I request that you review this document in its entirety and please do not hesitate to contact me for any clarifications. I hope you find my ideas and recommendations useful.

Thank you.
Karen Carter
Concerned Citizen of Olivenhain
760-214-0351

Input to the Encinitas Housing Development

Please carefully consider my input as I have spent considerable time preparing this and never believe any of my input is ever heard by the city of Encinitas of which I am a homeowner and have been for several years.

Use commercial space that already exists and repurpose it by remodeling it and making it into residential housing at entry-level prices. Use the existing footprint of such commercial spaces such as office space, medical and retail space available in Encinitas. Do not increase the footprint to build such residential housing. Help owners of said commercial spaces with reduced costs for labor and give them no interest loans that they must begin repaying as soon as the spaces are ready for occupancy. Many people are able to work from home and are choosing to do so indefinitely and not necessarily in Encinitas. That leaves a lot of vacant commercial space available for repurposing to fill elements of the housing development plan.

You speak about “fairness” yet is this just lip service? How is it fair for those of us who have worked hard and sacrificed to live in Encinitas neighborhoods for years, contributing financially to our community and politicians to allow others who do not have the means to be given a financial handout so they can live beside us? Why are you discriminating against people like me and not giving such a handout to me so that I can continue to afford my mortgage and pay my utility bills yet you are willing to lower the bar and give such a handout to others? How is it that the Mayor, planners and councilmembers decide that the lives of some of us are less valuable and less important than “others” such as mentioned in the housing element- restaurant staff, personal care staff, entry level employees, healthcare staff and fixed income retirees? You must recognize that many of us who have been living in Encinitas for years, at one time were in entry level positions and at that time we could not afford to live in Encinitas nor likely in the homes we worked our way up to owning and living in. Many of us are retirees on fixed income yet we haven’t heard any mention of any financial handouts being given to us to help us stay in our homes. Does that seem fair? Costs are increasing as I write this. Gas prices are nearly \$4.00/gallon, water rates are up and going up in Encinitas significantly (15.8% SDCWA), trash service rates have increased, energy rates continue to rise, grocery prices have risen to very high levels and certainly we cannot forget the financial fallout that is hitting many of us in the form of taxes whether over and obvious or hidden and disguised as something else but result in the same. How are these very low income and low-income people going to afford this cost of living? How are many others such as my household going to afford it? Are you going to help some but not the rest of us? How is that fair and why am I worth less? Why are you choosing to compromise my quality of life while at the same time elevating other people’s?

I would love to live in the Covenant of Rancho Santa Fe or on the beach in Del Mar. Although I have sacrificed and worked hard for a long time, I cannot afford to live either of those places. Shouldn't I be given a financial handout so that I can live in either of those places just as you are giving "outsiders" or others a handout so they can live in Encinitas? How are they going to afford the rest of what goes into living or are they going to continue living off the system which un-motivates people from working hard when they can basically do nothing but have children and get paid for it?

What will the city do when the base has been driven out of Encinitas and all the city is left with is a community of very low income and low income people living on handouts? That is only going to increase the homeless population, which isn't something the city wants to happen. Just in my neighborhood alone, three households of good friends have moved out of Encinitas because of where it is going with decisions like building housing for low income and very low income people. Encinitas is destroying neighborhoods by implementing such a housing element with things like rezoning for multiple family structures, inviting very low income people to move into well established, rural and single family neighborhoods that are better off than they are because those people paid their dues.

If someone chooses to work at a restaurant for their career earning \$20.00/hr. then they cannot expect to be able to afford a 36,000 square foot home in Olivenhain should they?

Encinitas decision makers are lowering the quality of life for a majority of us who have worked hard and lived in Encinitas for a long time. We have lived in Encinitas without having to worry about our safety, without having to worry about whether someone of lower means is going to break into our homes and steal from us. You are ruining the character of places like rural Olivenhain when you take away large lots for single family homes and change the zoning from R-2 to R-30. You disrespect Olivenhain's "dark Sky" policy and jeopardize lives to humans and livestock by increasing density/population.

I do not believe affordable housing let alone housing is an issue facing Encinitas yet it seems to be the only thing that the Mayor, planning department and councilmembers pay attention to. Bigger issues facing the city are out of control water rates, re-zoning to increase density, environmental-taking away natural habitat, trees that contribute greatly to fighting bad air and climate control, depleting certain species of plants, birds and animals, traffic congestion, noise, cost and difficulty getting residential building permits for improvements and additions, dark sky policy, safety and vandalism, too many liquor licenses which leads to a long list of concerns, legalizing pot businesses anywhere in Encinitas and not having term limits of 4 years in office/position.

Please pay attention to the little voices like me who have given back to the community only to have the city of Encinitas take it away and force us to move out of the area like so many others are doing. It is more common than ever that people can work from home and people are choosing to do just that. It is just that they are choosing to work from home in places like Hawaii and not Encinitas. I think it would be wise, prudent and responsible for the Encinitas decision makers to face these facts and re-think their strategy and whom they should be pleasing. I believe if the city stops trying to appease very low income people, the state and developers, and instead appeals to the constituents whom have been in Encinitas for awhile, these constituents would do remodels and make improvements to their homes with plans to stay in their homes for the long term and that would generate the right kind of revenue for the city assuming permitting and costs were inviting and not prohibitive.

Please do not change our neighborhoods. Please stop approving the development of more residential multi family low income housing.

Jennifer Gates

From: Camille Perkins <camille.perkins@gmail.com>
Sent: Friday, February 5, 2021 11:16 AM
To: Jennifer Gates
Subject: Comments to Revised Encinitas Housing Element
Attachments: 2021 02 05 2020 CP Housing Element Comment Letter.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Attached please find my comments to the revised housing element.

Thank you for your attention.

Sincerely,
Camille Perkins

To: Ms. Jennifer Gates, Principal Planner, City of Encinitas
From: Camille Perkins
Date: February 5, 2020
RE: Public Comments to City of Encinitas Housing Element

My comments to the January 2021 and December 2020 public drafts are as follows:

1. Unanswered Questions and Comments
 - The City has not responded to public questions and comments regarding the Housing Element. I request a City response.
2. Schedule C, APN 264-020-13
 - Previous Comment letters have questioned the Schedule C housing yield numbers for APN 264-020-13. We note these numbers have been changed. We continue to request the City to provide their calculations, methodologies and explanations about how these numbers were derived.
3. Encinitas' Revised Bonus Density Ordinance Limits Provision of Low Income and Other Housing
 - Passed in December 2020, this new Ordinance imposed additional requirements and restrictions in the provision of low income housing. This includes (1) Density Bonus Ordinance Density Bonus Percentages were set at lower levels than State law levels; (2) imposed new size and other requirements for low income housing, (3) imposed new costs and project fees on density bonus projects; and (4) changed the calculation of housing density from a gross acreage standard to net acreage.
 - In calculating net density, Encinitas's General Plan removes density for a myriad of reasons, e.g., slopes, roads, utilities easements, habitat, wetland, etc.
 - These net acreage rules and restrictions were passed years ago in order to throttle home development in Encinitas.
 - This ordinance was opposed by inclusive/low income housing organizations, property owners, developers, and the Building Industry Association. The City Attorney recommended that the net density standard NOT be adopted at the Planning Commission.
 - Passage of this Ordinance ensures that each new low income housing project will yield fewer units, and decrease Encinitas housing supply at all price levels.
4. Revised Bonus Density Ordinance Violates (or Renders False and Misleading) Housing Element Requirements and Disclosures, including:
 - Schedule B, Section 9.5 (and Table B-47) list Encinitas development fees, omitting proposed Draft Density Bonus Ordinance costs. This is false and misleading as to the actual expense of Encinitas projects.
 - Goal 5 requires "The City Will Develop Strategies and Actions to Reduce or Eliminate Governmental and Non-Governmental Constraints to the Development of Housing."
 - Policy 5.1 provides "The City periodically evaluates adopted zoning provisions, entitlement procedures, fees and other city requirements that may create constraints to the development of housing and will implement policies to reduce or eliminate these constraints."

5. Rewrite Housing Element References to Housing Yield to Reflect Changes to Density Bonus Ordinance
 - Given that the Density Bonus Ordinance has been rewritten to impose additional requirements and expenses on developers, and decreases unit yield by changing density from a gross acreage to net acreage standard, the Housing Element must reflect that housing yields, including low income housing, will be reduced in future.
6. References to Encinitas Design Standards Under Review and other ordinances
 - In light of Encinitas' historic and continued efforts to restrict housing I am gravely concerned that Encinitas will impose further restrictions in this ordinance and others that will further limit new housing at all income levels. Encinitas has always prided itself on its individuality and this is at risk.

In conclusion, City regulations, policies and requirements are a major impediment to housing. As evidenced by the December 2020 Bonus Density Ordinance passed by the Council, Encinitas continues to limit housing supply, and low income housing in violation of the language and intent of the Housing Element and State law.

Thank you for your attention.

Attachments:

1. News articles summarizing Encinitas Bonus Density Ordinance
2. Bonus Density Ordinance

A New Perspective
on Your Community.

\$4/4 weeks

ENCINITAS

Encinitas Council approves changes to density bonuses for housing projects



Encinitas (Charlie Neuman)

Developer says new regulations contain serious flaws, calls vote 'shameful' given economic woes

By BARBARA HENRY

DEC. 18, 2020 1:38 PM PT



The Encinitas City Council gave final approval Wednesday to new rules for higher-density housing projects that receive special city building code exemptions under a state law.

The state's Density Bonus Law, which was initially enacted in the 1970s and has undergone repeated revisions in recent years, aims to encourage the construction of low-income housing by allowing developers to put more homes than would normally be allowed on a given lot, if they agree to designate some of their proposed housing for low-income families.

Proponents say the law helps create much-needed, lower-cost housing in a state with astronomically high housing prices. Opponents contend that not much low-income housing actually has been built recently, saying cities are mostly ending up with tons of high-density, market-rate housing. The law's been particularly controversial in Encinitas lately and critics have been pushing the city to set stricter standards.

A proposed set of regulations was working its way through the city Planning Commission's review process earlier this year when the state Legislature approved the latest update to the law. The revisions take effect in January, and the City Council has sought to have its new regulations in place before then.

On Wednesday, developer David Meyer of DCM Properties Inc. said he was "truly saddened and distressed" by the council's decision, calling it "shameful" and a "black mark on on our wonderful city" given the nation's troubled economy.

Encinitas has approved 32 density-bonus projects in the last three years, and Meyers said developers are pursuing the state law's exemption provisions so frequently because Encinitas puts so many obstacles on regular housing development projects. The new density-bonus rules will make it hard to build any housing in Encinitas, he said.

The council voted 4-0, with Councilwoman Jody Hubbard absent, to give final approval to the proposed changes without comment. Last week, when the item was initially heard, a city planning commissioner who said he was speaking as a private citizen strongly encouraged the council to approve the proposal.

The Planning Commission spent “many, many hours” reviewing the proposed changes, Kevin Doyle told the council, adding that he thought the new standards were “a sensible solution.”

Among other things, the new rules require that:

- All low-income units in a Density Bonus project be at least 75 percent of the size of the market-rate units, provided that each low-income unit doesn't end up being larger than 2,000 square feet.
- City housing density calculations be based on net acreage — the area that can be developed — rather than the total lot size, which can include wetlands and other areas. Using the total lot size could allow a larger number of homes to be built on a given lot.
- The changes also include incentives for lower-cost housing by allowing developers to build housing projects that are 41 percent more dense if 24 percent of the units are set aside for low-income families. The current state law allows up to a 35 percent density bonus for projects with mixed market-rate and low-income housing. The update that goes into effect in January would allow a 50 percent density bonus if 24 percent of the housing is designated as low-income units.

ENCINITAS

LOCAL

NORTH COUNTY



- Voice of San Diego - <https://www.voiceofsandiego.org> -

Encinitas Wants to Exempt Itself From New State Density Law

Posted By *Kara Grant* On December 11, 2020 @ 2:09 pm



Homes overlook San Elijo Lagoon / Photo by Jamie Scott Lytle

On Wednesday, Encinitas took the first step toward excluding itself from a new state law that allows developers to build more densely if they set aside homes for low-income residents in their project.

The city has had a tempestuous relationship with state housing law [for years](#) ^[1], resulting in multiple lawsuits brought by developers and tenants.

In an effort to expand affordable housing in California, the state Legislature passed [AB 2345](#) ^[2], written by Assemblywoman Lorena Gonzalez, in September. The law raises the state density bonus to a maximum of 50 percent if developers secure 15 percent of those units for very low-income households and 24 percent for low-income households.

In other words, in exchange for building more affordable housing, developers can increase the size of their projects by 50 percent. Affordable housing advocates considered it a win-win for developers and renters.

But within the fine print of the state law, there's a clause — designed with cities like Los Angeles and San Diego in mind — that exempts cities with existing density bonuses that already exceed state requirements from following AB 2345. But those cities need to have their elevated standards in place before the end of the year, when AB 2345 goes into effect, to receive the exemption.

“What Encinitas is trying to do is to create an enhanced density bonus at the very last minute, so that they can say that the new enhancements don't apply to them,” said Colin Parent, executive director of Circulate San Diego, a nonprofit that co-sponsored AB 2345.

Brett Farrow, an architect and member of the Encinitas Planning Commission — which wrote the amendments and presented them to City Council — told VOSD that the commission was already working on amending the law, months before AB 2345 was introduced. The City Council unanimously approved the measure Wednesday, but must vote on it a second time, per procedural rules.

Farrow said the Planning Commission had been reviewing its own local development rules to avoid any future lawsuits with the Building Industry Association, housing advocates or Encinitas' own residents. The commission was ready to send its amendments to the City Council when Gonzalez's state law was passed.

“We kind of got thrown through a loop here when the new Assembly bill was passed,” Farrow said. “Then, woah, we just spent all this time being meticulous and now we have to comply with this new law.”

After AB 2345 passed, the Planning Commission's major change centered on the use of net acreage as opposed to gross acreage when calculating density. The state law calculates density based on gross acreage, meaning the project's entire plot of land, including areas that are not environmentally feasible to build on. Net acreage refers only to the areas of that land that can be developed.

“We were using our density for housing based on gross acreage,” Farrow said. “It was reported down to us that that's what Sacramento wants.” But when the commission learned that nearly every neighboring jurisdiction, including Carlsbad and Solana Beach, was using net acreage, it sought to change its density bonus law to match.

The Encinitas Planning Commission and City Council have said the state law's "one size fits all" approach to housing density — meaning the use of gross acreage — doesn't work for cities like Encinitas due to its hilly terrain and abundance of unusable land. As of Oct. 31, Encinitas had approved 32 density bonus projects, which have included 57 affordable units, said Jennifer Gates, the city's principal planner.

Encinitas Mayor Catherine Blakespear, who also serves on the City Council, said changing the density calculation from gross to net acreage is a practical revision, not a way to circumvent the construction of more affordable homes.

"The city is committed to building affordable housing and we are doing everything possible to encourage it," she wrote in an email. "This calculation does not reflect on our desire for affordable housing."

Parent, however, said there needs to be more focus on the bigger picture. "AB 2345 gives one set of incentives to build affordable homes," and the city's new proposal provides fewer incentives to do that, he said.

This is also clear to Timothy Hutter, an attorney for the Building Industry Association. In the days since the Council meeting, Hutter said he has spoken with three of his developer clients who are reconsidering the projects they had planned to build in Encinitas under the 50 percent state density bonus, with a gross acreage calculation.

"There are going to be projects where somebody just says, you know what, it's not worth it for me," Hutter said. "That land's going to stay as a duplex instead of becoming a 90-unit housing project with 15 affordable units."

But there's one thing about density bonus that the Encinitas Planning Commission, the Building Industry Association and Circulate San Diego can agree on: There will likely be more legal turmoil for Encinitas in the months to come.

Michael McSweeney, a senior policy adviser for the Building Industry Association, wrote in an email that the proposed amendments just add more roadblocks for developers who want to access the density bonus provisions. Over the last five years, the group has sued the city several times over its housing rules.

"As we may have to yet again challenge the city over their actions in court, this statement shall serve as our answer to your request for a comment," McSweeney said.

Gonzalez said cities wanting to take a different approach must continue to be proactive in the ways they incentivize housing development.

“We need cities to act with urgency so that we can start improving the very dismal housing supply we have now,” she said.

Article printed from Voice of San Diego: <https://www.voiceofsandiego.org>

URL to article: <https://www.voiceofsandiego.org/topics/land-use/encinitas-wants-to-exempt-itself-from-new-state-density-law/>

URLs in this post:

[1] for years: <https://www.voiceofsandiego.org/topics/government/years-of-defying-state-affordable-housing-law-gets-encinitas-sued-again/>

[2] AB 2345: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

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ORDINANCE 2020-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, ADOPTING AMENDMENTS TO CHAPTER 30.16.020(C) (DENSITY BONUS REGULATIONS) OF THE ENCINITAS MUNICIPAL CODE TO BE CONSISTENT WITH STATE LAW.

The City Council of the City of Encinitas does hereby find and declares as follows:

WHEREAS, California Government Code Section 65915(a) requires that cities adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented;

WHEREAS, the 2013-2021 Housing Element approved by the City Council on March 13, 2019 contains Housing Element Program 2D, which provides that the City will amend its Zoning Code to ensure that the density bonus ordinance continues to be consistent with State law;

WHEREAS, the City finds that the proposed amendments to the City's Municipal Code are exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment. The ordinance being considered specifies how the City will comply with and implement State density bonus law, and adoption is required pursuant to Government Code Section 65915(a). The bonuses, incentives, and waivers permitted by the ordinance are allowed required by State law and the State law effective January 1, 2021, and this ordinance does not permit any bonuses, incentives, or waivers greater than those allowed by State law. The density bonus increase to 39 percent for moderate income and 41 percent for very low and low-income contained in Section 30.16.020(C)(5)(f) does not increase the number of units that may be constructed on any property, because under AB 2345, effective January 1, 2021, the maximum density bonus would be increased to 50 percent if the City does not adopt its own increased density program;

WHEREAS, a Public Notice of Availability of proposed Local Coastal Plan Amendments (LCPA) was issued which opened a six-week public review period that ran from May 1, 2020 and concluded on June 12, 2020 and was re-issued which opened a six-week public review period that ran from October 30, 2020 and concluded on December 11, 2020;

WHEREAS, the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and does not conflict with any coastal zone regulations or policies with which future development must comply;

WHEREAS, in accordance with Section 65915(s), effective January 1, 2021, the Ordinance includes a housing incentive program in Section 30.16.020(C)(5)(f) as an alternative to that proposed in AB2345, as described in the staff reports submitted to the Planning Commission for its meeting of November 19, 2020 and to the City Council for its meeting of December 9, 2020;

WHEREAS, the Planning Commission conducted a Public Hearing on May 21, 2020, June 18, 2020 and November 19, 2020 for the purpose of considering amendments to Title 30 of the Encinitas Municipal Code, and considered public testimony and made a recommendation to the City Council to adopt the proposed amendments;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. PC-2020-23, on file with the Office of the City Clerk and incorporated by this reference, recommending approval with modifications of said Ordinance;

WHEREAS, the City Council conducted a Public Hearing on December 9, 2020 and December 16, 2020 for the purpose of considering amendments to Title 30 of the Encinitas Municipal Code;

WHEREAS, the City Council has duly considered the totality of the record and all evidence submitted into the record, including public testimony and the evaluation and recommendations by staff, presented at said hearing;

WHEREAS, notices of said public hearings were made at the time and in the manner required by law;

WHEREAS, the City Council finds that this Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Development Services Director is hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for their review and adoption; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council finds that the proposed text amendments are consistent with the purposes of the General Plan, Municipal Code, and adopted Local Coastal Program.

NOW, THEREFORE, the City Council of the City of Encinitas, California, hereby ordains as follows:

SECTION ONE: SECTION 30.16.020 (SPECIAL PROVISIONS) OF TITLE 30, ZONING

Subsection 30.16.020(C) (Density Bonus Regulations) of Section 30.16.020 (Special Provisions) of Title 30 of the Encinitas Municipal Code is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

C. Density Bonus Regulations.

1. The purpose of this subsection is to specify how compliance with Government Code Sections 65915, 65915.5, 65915.7, and 65917 ("State Density Bonus Law") will be implemented, as required by Government Code Section 65915(a).
2. Definitions. The definitions found in State Density Bonus Law shall apply to the terms contained in this subsection. In addition to State Density Bonus Law, the following definitions shall apply:

"Maximum Allowable Residential Density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. In Encinitas, maximum allowable residential density allowed in the General Plan is based on net acreage.

“Maximum Allowable Gross Residential Density” means the maximum number of dwelling units allowed under the General Plan per net acre of land.

“Specific Adverse Impact” means a significant, quantifiable, direct, and unavoidable impact to public health and safety, or the physical environment, or on any real property that is listed or eligible for listing, in the California Register of Historical Resources, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower-income and moderate-income households. Inconsistency with the Zoning Ordinance or General Plan land use designation or eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g) shall not constitute a specific, adverse impact upon the public health or safety.

3. Applicability. A “housing development” as defined in State Density Bonus Law means a development project for five or more residential units, including mixed-use developments. A housing development shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide low, very-low, senior or moderate-income housing units or units intended to serve transitional foster youth, disabled veterans, lower income students or homeless persons in the threshold amounts specified in State Density Bonus Law. A “housing development” for purposes of a density bonus application for a mixed-use project includes only the residential component of a mixed-use project.

A “commercial development” as defined in subsection C.11 shall be eligible for a commercial development bonus as provided in subsection C.11.

4. Application Requirements. An application for a density bonus, incentive, concession, or waiver under this subsection 30.16.020(C) shall be submitted with the first application for approval of a housing development and shall be processed concurrently with all other applications required for the housing development. The applicant shall be informed whether the application is complete consistent with provisions and timelines of Government Code Section 65943. At the time the application is deemed complete under Government Code Section 65943, the City will provide the applicant with a determination regarding the amount of density bonus and the parking ratio for which the housing development is eligible and whether adequate information has been submitted for the City to make a determination on incentives, concessions, and waivers. The application shall be on a form prescribed by the City and, in addition to any information required for other applications, shall include the following information:

- a. A description of the proposed housing development and a site plan, elevations, sections, and floor plans, with the total number and location of all dwelling units, affordable units, and density bonus units proposed;
- ab. Any applicant requesting a density bonus and any incentive(s) or concession(s), waiver(s), parking ~~ratio~~eductions, or commercial development

bonus provided by State Density Bonus Law shall submit a density bonus report as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing or commercial development. The requests contained in the density bonus report shall be processed concurrently with the planning application. ~~The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.~~

~~b.c.~~ The density bonus report shall include the following minimum information:

i. Requested ~~D~~density ~~B~~bonus for the ~~H~~housing ~~D~~development.

~~(A) The zoning and general plan land use designations, Maximum Allowable Gross Residential Density, Maximum Allowable Residential Density, assessor's parcel number(s) of the project site, and a description of any density bonus, concession or incentive, or waiver requested;~~

~~(AB) Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre. The applicant must demonstrate that the proposed units will satisfy the requirements of Government Code Section 65915(b) and identify whether the applicant is requesting a bonus under subparagraph (A), (B), (C) (D), (E), (F), or (G) of Government Code Section 65915(b)(1).~~

~~(BC) Proposed rents and sale prices demonstrating that the any proposed lower and moderate-income units will satisfy the requirements of Government Code Section 65915(c) for the selected category under Section 65915(b)(1).~~

~~(BC) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.~~

~~(CD) The zoning and general plan designations and assessor's parcel number(s) of the housing development site.~~

~~(DE) Calculation of the maximum number of dwelling units permitted by the city's zoning regulations and general plan for the housing development, excluding any density bonus units.~~

~~(EFD) Documentation demonstrating that the project is meeting the replacement housing requirements of Government Code Section 65915(c)(3), including submittal of the following information:~~

~~i. A description of all dwelling units existing or demolished on the site, by bedroom size, in the five-year period preceding the date of submittal of the application and identification of any units rented in~~

the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented or have been demolished, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

ii. (F) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low- or lower-income households in the five-year period preceding the date of submittal of the application.

iii. Description of any dwelling units on the site subject to rent or price control through a federal, state, local, or other public entity's exercise of the police power local in the five-year period preceding the date of submittal.

(GE) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.

ii. Requested Incentive(s) or Concession(s) for a Housing Development. In the event an application proposes incentives or concessions for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive or concession requested, shown on a site plan if appropriate:

(A) The city's usual development standard and the requested development standard, or other regulatory incentive, and the applicant's eligibility under Government Code Section 65915(d) for the number of incentives or concessions requested.

(B) Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents, including submittal of a financial analysis or report providing reasonable documentation that the requested concessions and incentives will: 1) result in identifiable and actual cost reductions; and 2) are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c). The cost of reviewing any required financial information, including, but not limited to, the actual cost to the City for hiring a consultant to review the financial data, shall be borne by the applicant.

(C) If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development

in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

iii. Requested Waiver(s) for a Housing Development. In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested application shown on a site plan if appropriate:

(A) A table showing ~~the city's usual~~ required development standards and the requested development standards as depicted on the required site plans and elevations for each requested-all-locations on the site where a waiver is requested.

(B) Reasonable documentation ~~each of the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915 to demonstrate that each development standard for which a waiver is requested would physically preclude the construction of the housing development with the requested density bonus and the requested incentives/concessions.~~ The cost of reviewing any required information supporting the request for a waiver, including, but not limited to, the actual cost to the City of hiring a consultant to review the requested waiver, shall be borne by the applicant. Reasonable documentation consists of at least a site plan and elevations of the proposed project with the development standards required by the zoning ordinance overlaid on the site plan and elevations, demonstrating the physical limitations that preclude the density, concessions, and incentives requested. The documentation shall demonstrate the physical limitations at each location where a waiver is requested and shall demonstrate that other alternatives requiring fewer waivers or no waivers are not physically feasible at the density and with the concessions and incentives requested.

iv. Requested Parking Reductionratio for a Housing Development. In the event an application requests to utilize the ~~proposes a~~ parking reductionratio for a housing development pursuant to Government Code Section 65915(p), a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915(p), and reasonable documentation that the project is eligible for the requested parking ratio and meets all requirements for that ratio contained in Section 65915(p) reduction.

v. Child Care Facility for a Housing Development. If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

vi. Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

vii. Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in subsection C.11, and reasonable documentation that each of the standards included in subparagraph C.11.c has been met.

viii. Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with this Section 13.60.020(C) and State Density Bonus Law.

ix. Application. The City Council authorizes the Development Services Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this subsection 30.16.020(C). All such requirements and materials must be in written form. Any changes shall be posted on the City's website within 30 days of the change.

5. Density Bonus.

a. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

b. When calculating the number of affordable units needed for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.

c. When calculating the base density of a proposed project, density bonus means a density increase over the otherwise Maximum Allowable Gross Residential Density as of the date of application as required by Government Code Section 65915(f).

~~e.d.~~ Each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one income category listed in Government Code Section 65915(b)(1), ~~or additionally as senior housing or as housing intended to serve transitional foster youth, disabled veterans, or homeless persons,~~ the applicant shall select the category under which the density bonus is granted. Density bonuses ~~for~~ two or more than one categories may not be combined.

~~d.e.~~ The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.

e.f. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Sections 65915(b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than that required by State Density Bonus Law that allowed by Section 65915(f) as it was effective through December 31, 2020, except that, to incentivize the development of affordable housing, additional bonuses may be provided as follows:

<u>Percentage Very Low-Income Units</u>	<u>Percentage Density Bonus</u>
<u>12</u>	<u>36.5</u>
<u>13</u>	<u>38</u>
<u>14</u>	<u>39.5</u>
<u>15</u>	<u>41</u>

<u>Percentage Low-Income Units</u>	<u>Percentage Density Bonus</u>
<u>21</u>	<u>36.5</u>
<u>22</u>	<u>38</u>
<u>23</u>	<u>39.5</u>
<u>24</u>	<u>41</u>

<u>Percentage Moderate-Income Units</u>	<u>Percentage Density Bonus</u>
<u>41</u>	<u>36</u>
<u>42</u>	<u>37</u>
<u>43</u>	<u>38</u>
<u>44</u>	<u>39</u>

As provided by Section 65915(s), the adoption of this housing program as a part of this ordinance exempts the City from the changes made to Section 65915(d)(2)(C) and (D) and from

the changes made to the density tables under Section 65915(f) by Chapter 197, Statutes of 2020.

6. Incentives and Concessions and Waivers.

a. ~~Incentives include “incentives and concessions” as defined in State Density Bonus Law.~~ The number of incentives or concessions that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

b. Nothing in this subsection requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

c. Waivers may be requested for projects that exceed the Maximum Allowable Residential Density or that receive incentives or concessions.

ed. An affordable housing project that is not subject to any limitations on density under Government Code Section 65915(ef)(3) shall not be eligible to receive any waivers.

7. Local Coastal Plan Consistency.

a. State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, and further provides that the granting of a density bonus or an incentive or concession shall not be interpreted, in and of itself, to require a local coastal plan amendment.

b. For development within the coastal zone, any requested density bonus, incentive(s) or concession(s), waiver(s), parking ~~reductionatio~~(s), or commercial development bonus shall be consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.

8. Review Procedures. All requests for density bonuses, incentives or concessions, parking ~~reductionatios~~, waivers, or commercial development bonuses shall be considered and acted upon by the approval body with authority to approve the development within the timelines prescribed by Government Code Sections 65950 et seq., with right of appeal to the City Council.

a. Eligibility for Density Bonus, Incentive(s) or Concession(s), Parking ~~Ratioeduction~~, and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law:

i. The housing development provides the affordable units or senior housing required by ~~State Density Bonus Law~~ pursuant to Government Code Sections 65915(b), (c), and (f) to be eligible for the density bonus and

any incentives or concessions, parking ratioeduction, or waivers requested, including the replacement of units rented or formerly rented to low and very low-income households as required by Government Code Section 65915(c)(3).

ii. Any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

iii. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.

iv. The housing development is eligible for ~~any requested~~ the parking ratioeductions provided requested under Government Code Section 65915(p).

v. If the housing development is in the coastal zone, the requested density bonus and any requested incentive(s) or concession(s), waiver(s), or parking ratioeduction(s) are consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.

vi. If the density bonus is based all or in part on donation of land, all of the requirements included in Government Code Section 65915(g) have been met.

vii. If the density bonus or incentive or concession is based all or in part on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915(h) have been met.

viii. If the density bonus or incentive or concession is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.

b. If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of subparagraph C.11.c, that the city has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the city and the commercial developer. If the project is in the coastal zone, the decision-making body shall also find that the commercial development bonus is consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.

c. The decision-making body shall grant an incentive or concession requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

- i. The proposed incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety code, or for affordable rents, as defined in Section 50053 of the Health and Safety Code; or
 - ii. The proposed incentive or concession would be contrary to state or federal law; or
 - iii. The proposed incentive or concession would have a specific, adverse impact as defined in Section 30.16.020(C)(2). ~~upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.~~
- d. The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
- i. The development standards requested to be waived will not have the effect of physically precluding the construction of a housing development at the permitted density or with the incentives or concessions, and, as a consequence, grant of the waiver would be contrary to state law; or
 - i-ii. The proposed waiver would be otherwise contrary to state or federal law; or
 - ii-iii. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
 - iii-iv. The proposed waiver would have a specific, adverse impact as defined in Section 30.16.020(C)(2). ~~upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.~~
- e. If any density bonus, incentive or concession, parking ratio reduction, waiver, or commercial development bonus is approved pursuant to this chapter, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to subsection C.9.

9. Affordable Housing Agreement and Senior Housing Agreement. Except where a density bonus, incentive or concession, waiver, parking ratioeduction, or commercial development bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this subsection are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.

Where a density bonus, waiver, or parking ratioeduction is provided for a market-rate senior housing development, the applicant shall enter into a senior housing agreement and restrictive covenant with the city, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.

The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

10. Design, and Quality and Location.

a. The City may not issue building permits for more than 50 percent of the market rate units until it has issued building permits for all of the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.

b. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city.

c. In multi-family housing developments, the affordable units shall be at least seventy-five percent (75%) of the average square footage of all market-rate units with the same bedroom count. In single-family housing developments, the affordable units shall be at least seventy-five percent (75%) of the average square footage of all market-rate units with the same bedroom count, not to exceed 2,000 square feet.

For all housing developments, the unit mix based on bedroom count provided for affordable units shall be proportional to the unit mix based on bedroom count provided for market-rate units. Examples are illustrated in the City's guidelines.

The number of bedrooms of the affordable units shall at least equal the minimum number of bedrooms of the market-rate units.

d. Affordable units shall be dispersed throughout the housing development, on each floor, elevation, and section of the building(s) and throughout the site such that:

i. No more than 50 percent of the proposed affordable housing units are consolidated into one structure in developments with more than one multi-unit structure, and

ii. No more than 20 percent of affordable housing units in a single multi-unit structure may be located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution, and

iii. No more than 20 percent of the affordable housing units may be located adjacent to each other within single-family residential subdivisions.

e. Affordable units shall have similar access to amenities as market rate units including but not limited to views and access to open space, and shall have similar protection from environmental impacts, including but not limited to distance from arterial and collector streets and from adjacent non-residential land uses.

f. When a housing development proposes for sale and for rent units, the affordable units shall be dispersed proportionally between for sale and for rent units.

g. The dispersion requirements of this subsection shall not be applicable if the affordable units are financed with low-income tax credits or consist of affordable senior housing.

11. Commercial Density Bonus.

a. The following definitions shall apply to this subsection C.11:

i. "Commercial development" means a development project for nonresidential uses.

ii. "Commercial development bonus" means a modification of development standards mutually agreed upon by the city and a commercial developer and provided to a commercial development eligible for such a bonus under subparagraph C.11.c. Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.

iii. "Partnered housing agreement" means an agreement approved by the city between a commercial developer and a housing developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent consistent with subparagraph C.11.c. A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized

by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial development and the housing development.

b. When an applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the city, the city shall grant a commercial development bonus mutually agreed upon by the developer and the city. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide for affordable housing.

c. The partnered housing agreement shall include all of the following provisions:

i. The housing development shall be located either: (A) on the site of the commercial development; or (B) on a site within the city that is within one-half mile of a major transit stop and is located in close proximity to public amenities, including schools and employment centers.

ii. At least 30 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for very low-income households.

iii. The commercial developer must agree either to directly build the affordable units; donate a site consistent with subparagraph (i) above for the affordable units; or make a cash payment to the housing developer for the affordable units.

d. Any approved partnered housing agreement shall be described in the city's housing element annual report as required by Government Code Section 65915.7(k).

12. Interpretation. If any portion of this subsection 30.16.020C conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this subsection. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law. All code references in this ordinance include all successor provisions.

SECTION TWO: SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION THREE: PUBLIC NOTICE AND EFFECTIVE DATE

The City Clerk is directed to prepare and have published a summary of the ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast. This Ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas and California Coastal Act.

SECTION FOUR: INTRODUCTION

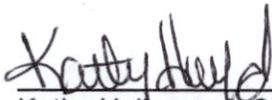
This Ordinance was introduced on December 9, 2020.

PASSED, APPROVED AND ADOPTED this 16th day of December, 2020 at a regular meeting of the City Council.



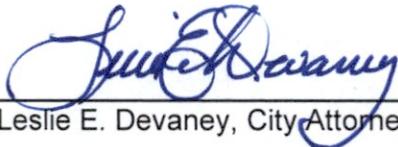
Catherine S. Blakespear, Mayor

ATTEST:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM

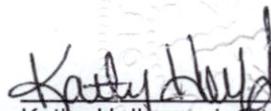


Leslie E. Devaney, City Attorney

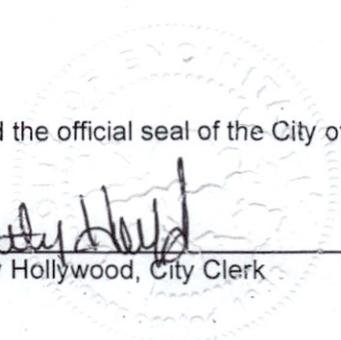
CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the 9th day of December, 2020 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 16th day of December, 2020 by the following vote, to wit:

AYES: Blakespear, Hinze, Kranz, Mosca
NOES: None
ABSENT: Hubbard
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, on this 17 day of December, 2020.



Kathy Hollywood, City Clerk



Jennifer Gates

From: Elena Thompson <elenathompson@cox.net>
Sent: Friday, January 29, 2021 4:35 PM
To: Jennifer Gates
Subject: Housing Element Update
Attachments: 1-1-21 Request for Public Input on City of Encinitas Housing Update.pdf

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Hello Jennifer,

We would like to see the city reject the Cycle 6 housing numbers for the following reasons:

1. Our zoning does not permit this statewide intrusion in our city.
2. Our city charter does not allow for the city council and Mayor change the current zoning in our city. This council works for the citizens, not Governor Newsom and the state legislature.
3. Proposition A does not allow to modify zoning in the city without a vote of the people
4. Before any new housing permits were to be issued in Encinitas for any projects in excess of 10 units, accompanying infrastructure must be funded and built in order to protect public safety and ensure safe mobility of all people (the city is FAR behind, since incorporation, in doing this, especially on the west side of the I-5, older neighborhoods.
5. Full mobility must be assured before any housing is built; this means safe and sound roads, sidewalks, bike lanes, crosswalks, ADA where applicable, bus stops, etc.
6. The assurance of water must be had, given the ongoing and dire drought and predictions of drought in California.
7. The assurance of sewer hook-ups, already at their capacity, must be assured.
8. An Environmental Impact Report should be filed and approved, prior to any new bonus density units.
9. Any building must conform and comport with the Climate Action Plan and not add any additional car trips or vehicle miles traveled, water pollution or dog waste and pass the sustainability test.
10. Accompanying public safety service capacities would need to be funded and expanded: fire, sheriff, teachers, etc. before any of this could come to fruition.
11. Have I left anything out here?

It seems that NONE of this housing can possibly be approved until the above items are fully satisfied! Doing so would be contrary to everything this city (planning and zoning included) has spent decades putting in place.

Kindly confirm receipt of this email and where we can read other feedback received please (link).

Respectfully,

Elena and John Thompson

(858) 876-8957

- Luke Harold, Reporter
(858) 876-8939

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Input wanted on City of Encinitas 2021-2029 Housing Element (Cycle 6)

The City of Encinitas is seeking input from the community on the latest housing plan that is currently under review by the State Department of Housing and Community Development, known as HCD. During this review process, residents of Encinitas are able to review the latest draft of the housing plan and provide their input on current housing needs and solutions in Encinitas.

What is a Housing Element?

The Housing Element is one of several "elements," or focus areas, included in the City's General Plan, which serves as the City's blueprint for the growth and development.

Every eight years, the State of California requires cities to update their Housing Elements to address future housing needs.

This draft Housing Element includes updates to the City's housing policies to allow for the addition of 1,554 housing units by the year 2029. Of these 1,554 total units, 838 are required to be designated as affordable housing for community members with very low to low-income categories. For a family of four, the income threshold to qualify is less than \$92,400. For a single person, it is \$64,700. Example professions of residents who might fall into these categories are

healthcare support, restaurant staff, personal care staff, retirees on a fixed income and entry level positions.

How can you provide input?

The City values and welcomes input from the community, housing stakeholders, and service providers to inform the draft Housing Element. Visit Encinitas' Housing Element - Cycle 6 webpage at bit.ly/3nZEADa for a link to the draft documents. Please submit your comments by Jan. 29, 2021 at 5p.m.

Comments can be provided by:

- Sending an email to Jennifer Gates, principal planner, at jgates@encinitasca.gov
- Mailing comments to Jennifer Gates, principal planner, Development Services Department, City of Encinitas, 505 South Vulcan Avenue, Encinitas, CA 92024.

* Taking the survey: The City is requesting additional input on the topics of affordable housing for all income levels and fair housing through an online survey at surveyMonkey.com/r/X8B5FS7

Input from Encinitas residents will provide the City valuable information to make informed decision relative to incentivizing the development of affordable housing in the community. — City news release

Enc. Advocate 1-1-21

Jennifer Gates

From: Joshua Lazerson <hlthwriter@sbcglobal.net>
Sent: Wednesday, January 27, 2021 1:47 PM
To: Jennifer Gates
Subject: Comments on 6th Cycle Housing Element - E4E
Attachments: E4E-HsngCmte-6thCycleHsgElmntLtr-012721.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

January 27, 2021

Jennifer Gates
Principal Planner
City of Encinitas

Dear Ms. Gates,

Please find attached a letter with input regarding the 6th Cycle Housing Element from Encinitas for Equality's Housing Committee.

Thanks very much for your consideration.

Best Wishes,

Joshua Lazerson
E4E Housing Committee Member



Encinitas4Equality

January 27, 2021

Ms. Jennifer Gates, AICP
Principal Planner
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
Submitted via email: jgates@encinitasca.gov

Re: Draft 6th Cycle Housing Element

Dear Ms. Gates:

Encinitas for Equality (**E4E**) appreciates the opportunity to provide the input below specific to our review of Encinitas' Sixth Cycle Housing Element draft. This letter comes to you specifically from E4E's Housing Committee. We are dedicated to making Encinitas a community whose neighborhoods are affirmatively anti-racist, and a city that intentionally increases access to housing opportunities for low-income individuals and families, and for black and indigenous persons, and people of color (**BIPOC**). Simply put, we exist to promote and facilitate the titled purpose enshrined in Program 5 of the City's Housing Element: the affirmative furtherance of fair housing.

E4E arose in the wake of the murder of George Floyd, and the desire on the part of a number of Encinitas residents to take actions stemming from its members' understanding of the reality of the existence and effects of systemic racism at all times and at all levels of American society, with particular reference to African Americans, and inclusive of other persons of color.

E4E has dedicated itself to addressing the realities of racism, discrimination, and inequities in our City and region, and the opportunities that exist for common effort toward the common good. It is our hope to do so in a collective and collaborative manner, working with public bodies, private entities, and residents to make Encinitas a community known for ensuring that all people who live here or wish to live here have equitable opportunities to do so.

The following comments are organized by the Programs that structure the Housing Element.

Program 1 – Adequate Sites

This portion of the Housing Element speaks to the manner in which the City will address its regional housing needs allocation (**RHNA**) of 1,554 dwelling units during the 2021-2029 planning period. It is notable that the RHNA categorizes units into very low, low, moderate, and above-moderate income categories. The largest allotment of RHNA units by category will be

very low income units (469). While not addressed in this Housing Element, the SANDAG RHNA Fifth Cycle Fact Sheet illustrates that the region generally, and Encinitas specifically, habitually underperform in the context of RHNA recommendations. Between 2010 and 2018, Encinitas issued permits sufficient to nearly meet its RHNA goals for "above moderate" units while missing significantly in all other categories (including a deficit of nearly 500 "very low" income units). Nor are the current trends set forth in the Housing Element more promising. In the June 30 - December 31, 2020 period the City has 67% of its RHNA requirements for "above moderate" units either under construction or permitted, while only 15% of "moderate" and less than 6% of "low" and "very low-income" units combined are accounted for. Our concern is that the City is on track, during the 2021-2029 planning period, to repeat its poor historical performance with regard to realizing units for lower-income households while surpassing its targets for those units affordable only to more affluent housing consumers.

The Housing Element also does not follow the RHNA distinction of separating "low" and "very low" income units into their own categories, creating an aggregate category for most projections and metrics. The "low income" qualification requires a household income below 80% of the Area Median Income (AMI), while the "very low" qualification requires a household income below 60% of AMI. For a family of four in San Diego County, those incomes would be \$92,400 and \$69,300 respectively: a significant difference. We are concerned that aggregating these groups makes it impossible to develop a clear picture of housing access or barriers thereto that relatively impoverished persons face in the context of housing in Encinitas. This is a significant oversight that ideally would be corrected in the next draft.

We would like to know not just how Encinitas will meet its low/very low-income targets in the aggregate, but how it will meet its very low income targets specifically. Additionally, racial disparities between income levels are significant in California. Latinx and black Californians are vastly overrepresented in lower-income percentiles, while white Californians are dramatically overrepresented in the very highest-income percentiles. Not providing adequate housing for those significantly below the AMI has the downstream effect of creating unofficial housing segregation in the San Diego region, which has some correspondence with the fact that (as noted in Housing Element) Encinitas is 88.7% white.

The Housing Element (we think correctly) notes and praises the increasing rate of ADU construction in the Encinitas. Rapid construction of ADUs will accommodate more people at varied income levels, and we support this City initiative. However, the City projects that 25% of these units will accommodate low-income renters. This is inconsistent with the City's own findings, as page 1-19 of the Housing Element notes that of the units permitted as ADUs in 2019, 20% were being offered at rents affordable to very low income or low income households and that this is consistent with the 2018 survey result that shows 25% of ADUs being offered to very low and low income households. We note that these are markedly inconsistent, rather than consistent, data, illustrating a 20% decrease in the number of newly permitted ADUs offered at affordable rates. We would suggest that these data illustrate a decrease in the affordability of newer ADUs, given the rapidly rising cost of housing in San Diego County. We are hoping the next draft will address ADU costs over time, and support assumptions with greater detail. If that is not possible, we think the Housing Element should not imply that newly built ADUs will serve

as a source of affordable housing until the city has completed the development of programs to encourage ADU affordability, as it proposes to do, and outlines, in Program 1D.

We applaud the City's commitment to addressing the affordability of ADUs in Program 1D. We look forward to learning about this in greater detail. As noted above, the affordability of ADUs is a key focus of E4E, as we believe that this will increase the affordable housing stock generally in Encinitas. In addition to affordable ADUs, we would like the City to consider how additional programs could encourage current rental units to remain, or to become, affordable.

Program 2 – Affordable Housing

Some of the topics covered in this section overlap with other portions of the Element and have been addressed in more detail elsewhere in this letter.

Program 2A. Continue and Improve Inclusionary housing policies; and Program 2B. Facilitate affordable Housing for all income levels. The City reaffirms its commitment to providing housing affordable to persons of all income levels and the intention that amendments to the Zoning Code, in conjunction with the Density Bonus Ordinance, will lead to production of more housing affordable to both low and very low-income families. We encourage this effort and particularly encourage the City to focus on Density Bonus projects that include units designed for “very low-income” families. At present we are aware of only one project containing “very low-income” units moving through the approval process. We encourage the city to find ways to incentivize developers to build for this population which, as defined as 50% of AMI, is \$40,450 per year for a single person and \$57,750 per year for a family of four. This income stratum incorporates many important workers in our community including numbers of firefighters, teachers, and law enforcement personnel. Workers at the “extremely low income” level of 30% of AMI include numbers of healthcare support personnel, personal services providers, and food service workers. Currently the City’s policies do little to nothing to support the ability of any of these groups to live in the community where they work.

Program 2C: Utilize Section 8 Housing Choice Vouchers. The City’s own document acknowledges that, at current levels of funding and given current housing costs, Encinitas has funds to subsidize only 98 households through Housing Choice Vouchers (Section 8). The City’s own budgeted funds for supporting subsidized loans or rent subsidies are woefully inadequate. The affordable housing funds garnered through in-kind payments in lieu of provision of affordable units by developers amount to just \$5000 for FY 2020-2021, according to the published budget. Community Development Block Grant funding is allocated at around \$315,000 for the same period. This is hardly adequate to make housing in our city available to a significant number of persons and families.

Program 2D. Ensure that the Density Bonus Ordinance Continues to be Consistent with State Law. The City, and the Planning Commission particularly, have done an outstanding job of ensuring this compliance. However, complying with the State’s mandates does not in itself ensure that additional units built as allowed by the density bonus and its adjuncts will be affordable to those who most need them. We urge the City to aggressively seek additional funding (whether through grants and/or through re-evaluation of some of its existing funding

allocations in the budget) to support creation of more “very low” and “extremely low” income housing as an outgrowth of the density bonus.

Program 2E. Accommodate Specialized Housing Types to Assist Persons with Special Needs; and 2F. Continue Programs to Reduce Homelessness. These address pressing shelter needs among the city’s most vulnerable populations. Statutes exist to support transitional housing, emergency shelter, and SRO housing. These in turn tie to *Program 2F. Continue Programs to Reduce Homelessness.* E4E submitted a comprehensive comment letter on the *City’s Homeless Action Plan* in November. E4E appreciates the thoughtfulness and comprehensiveness of this plan. We are hopeful that the new Board of Supervisors will provide additional support to the City in implementing this plan.

E4E supports the creation of a special position within its City staff focused solely on issues of housing - both affordable housing and homelessness. Rather than hiring outside consultants, the City’s funds could be spent on a person who focuses only on our City’s issues. The mandate of this position would be that of arriving at creative solutions to achieving a more equitable housing terrain. This would include working more closely with developers to encourage their buy-in to this critical element in making our community more economically and humanly diverse. Funding is also needed for a proactive outreach program, one that could be driven by this new staff member, to encourage members of the BIPOC community in particular to take advantage of the housing opportunities that are available, and to create an atmosphere of proactive inclusion in our City,

Program 3 – Mitigation of Constraints

Program 3 delivers a mix of actionable and less clearly directed initiatives to reduce constraints or obstacles to the affordable development process that are within governmental control.

On the actionable side, E4E applauds the City’s focus on concrete policy initiatives such as:

1. Relaxing parking requirements for mixed-use and affordable housing projects;
2. Modifying requirements for ground floor commercial outside of absolutely critical areas;
3. Considering flexibility for innovative and cutting-edge construction methodologies (such as modular/pre-fabricated);
4. Amending Proposition A to place more power with the City Council to allow actions on key revisions to the zoning code (specifically adding density and modifying other uses to residential) to occur without a vote of City residents;
5. Bringing in an architectural consultant to help establish and publish objective guidelines for project review.

With regard to the development process, E4E agrees that creating a streamlined and expedited review process consisting of objective feedback is a potential incentive worthy of exploration. This process is known to be cumbersome in many municipalities, and the affordable housing development community would, theoretically, be motivated to pursue more projects or units in a City with a simpler, more expeditious process. The City’s initiative to improve this process, as described in the Housing Element, states that the City will review its policies and procedures for

opportunities and will expedite affordable projects. This seems like a relatively weak commitment, lacking concrete targets and not based on actual feedback from those developers with experience participating in the process. If the City is going to expedite affordable projects, target approval timelines for the typical affordable project submittal should be set forth in the Housing Element and communicated to the development community to enhance effectiveness. The City should then measure its actual results against the targets to ensure the efficacy of this initiative.

The Community Engagement Survey in Appendix A contains a section on page 3 titled “Affordable Housing Developer Roundtable,” which states that the City conducted two discussions with the affordable development community stakeholders. We did not find a matrix of comments and discussion topics from those stakeholders included in the Appendix. Ideally, those discussions would be communicated therein, and specific commentary on the development process from developers would be addressed as a part of the Housing Element. A list of developers noticed of the sessions is included, but there is no list of developers who actually participated, so it is unclear if feedback was appropriately solicited and received. Having these discussions, and clearly communicating the topics and ideas expressed therein, are critical pieces of information relating to the potential success of this initiative, which seem to be missing or incomplete.

Program 5 – Affirmatively Furthering Fair Housing

Program 5A – Affirmatively Further Fair Housing – With regard to Program 5A, we appreciate the recognition provided that Latinx persons, and African Americans particularly, continue to be underrepresented in the homebuyer population. We would note that, in a more general sense, these populations are significantly underrepresented in Encinitas, and we understand that to be in large part an outcome of the historical realities of discrimination in housing practices in our region that were designed to keep persons of color from settling here. This speaks both to access to housing itself, and to access to loan capital. E4E stands very much in favor of City and collaborative regional actions that will address such discrimination and related disparities. We strongly support the expansion of fair housing testing, and would suggest that the three fair housing tests proposed as a minimum be increased if possible, if that increase will more readily identify any discriminatory patterns or particular, serial offenders.

We recognize that the Housing Choice Voucher (Section 8) program is a key means of providing opportunities for very-low income persons to enter and maintain housing in Encinitas, and that the ongoing education of property owners with regard to the program is an essential program aspect both to broaden access to housing and to ensure that the program operates free of discrimination.

As suggested by a number of the City’s objectives under this program element, the realization of a more equitable housing situation in Encinitas will be a function of education: both of property owners, and of those individuals and families who historically have borne the brunt of housing discrimination as a result of race, ethnicity, income, or disability. This education should encompass, for prospective residents/owners, information related to homeownership and loan funding. It also should incorporate information that may assist persons who cannot afford to

purchase in Encinitas, but who are seeking affordable rental opportunities, with knowledge that will help them to identify affordable properties and determine their ability to manage those rents. The multimedia outreach that the City alludes to in its objectives is a key means of reaching targeted populations, and E4E believes that there is likely a role for organizations such as itself, in collaboration with the City, in supporting this education and the dissemination of related resources, given the alignment of missions and availability of resources.

The idea of making housing education opportunities available year-round appears to be a valuable goal: in engaging in this type of outreach and education, we believe that it is critical to gain the input of targeted communities and those who are most familiar with those communities to determine the most effective means of communicating with them, and ensuring that that communication is culturally and linguistically relevant.

In the context of discussion of this Program, the City writes that “affirmatively furthering fair housing means the elimination of discrimination in all aspects of housing, including home sales, rentals, housing policies and financing.” The actions proposed by the City in this context, if taken, will further this key goal. We would also suggest, per our prior discussion, that the creation of a City staff position focused on housing equity in Encinitas could do much to promote all of those initiatives discussed within this Program.

Program 5B – Reasonably Accommodate Housing for Persons with Disabilities – E4E recognizes the importance of ensuring that all persons have access to housing in Encinitas, and that discrimination on any basis is recognized and addressed, including that faced by persons living with a disability. The Reasonable Accommodation Ordinance passed by the City in 2019 provides for significant accessibility and flexibility in addressing requests that will support modification of zoning and development standards to meet the needs of persons with a range of disabilities, and the effectiveness of this Ordinance is enhanced by its provision for annual review of the Ordinance and related updating to ensure its effectiveness in the context of changing knowledge and circumstances.

The dissemination of information regarding these City initiatives in support of housing access for persons living with disabilities is a critical element in creating related access and reducing discrimination. E4E is pleased that the City will continue to develop new resources and pathways for getting word of its efforts in the context of housing for persons with disabilities into relevant communities and hands. E4E hopes that the City will draw upon complementary organizations as civic partners in ensuring the dissemination of this content.

Program 5C – Economic Displacement Risk Analysis – E4E strongly endorses the City’s plan to engage in an economic displacement analysis. Anecdotally, E4E and its Housing Committee have worked under the assumption that the accelerating rise in the value of housing stock, and the steady increase in rents here, must be driving the flight of persons who, even if they have extensive histories in Encinitas, can no longer afford to remain here, or who had hoped to purchase housing at some point and for whom that goal is no longer attainable. In the worst case scenario, this type of displacement can tear a community apart, making it impossible for families to remain in the same municipality or region. We would suggest that, to the extent possible, this

study will be of particular value if its analysis can pinpoint to some extent the demographics of those who have been and are being negatively affected by these expense factors.

If, as suggested by the language in this Program's description, the City has an interest in mitigating such effects if identified, E4E very much shares the objective of taking action to make it possible for people with a broad range of incomes to be able to remain in Encinitas. Rising housing costs have served as the prime factor in changing the character of Encinitas and much of Coastal North San Diego County, in the realm of housing, but also in terms of the nature of commerce and the ability of entrepreneurs to build and maintain new ventures in this community. Many individuals in this area remember a time when towns such as Encinitas were certainly much more affordable for working people, if not absolutely welcoming based on other factors such as race and ethnicity and language and culture. E4E believes that it is absolutely to the benefit of Encinitas to be proactive in maintaining some semblance of that accessibility for generations to come.

Program 6 -- At-risk Housing

Program 6 addresses a crucial element of a comprehensive housing program: the preservation of low-cost housing units over time. Without this program, it is likely that market forces will eventually eliminate affordability by conversion of properties to market rates. We wholeheartedly agree with the two elements of Program 6: to monitor and preserve "at risk" units, and continue providing credit to preserve at-risk housing.

Again, we appreciate the opportunity to participate in this meaningful process with you. We understand that these are complex and time-consuming issues, and people of good will are likely to have differing perspectives with regard to the issues raised within the Housing Element. We look forward to maintaining this dialogue in support of our community's development.

Sincerely,



Joshua Lazerson signing for
Members of the Housing Committee
Encinitas for Equality

Jennifer Gates

From: James Stiven <jstiven@roadrunner.com>
Sent: Tuesday, January 19, 2021 2:08 PM
To: Jennifer Gates
Cc: 'Jim Stiven'
Subject: Comments to Draft Sixth Cycle Housing Element
Attachments: Comments to the latest Draft for the Sixth Cycle Housing Element.docx

Follow Up Flag: Flag for follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Jennifer – Attached please find Comments submitted by Faith in Action at St Andrew’s Episcopal, and joined in by Keys4Homes – to the latest draft of the Sixth Cycle Housing Element. As a whole, we find it to be a strong document, but we do point out a few areas where it might be improved and make a stronger statement about the city’s efforts to support truly affordable housing. Thanks.

Comments to the latest Draft for the Sixth Cycle Housing Element (Jan. 19,2021)

The below named members of Faith in Action at St Andrew's Episcopal Church, Encinitas, and Keys4Homes offer the following comments regarding the latest Draft of the Sixth Cycle Housing Element, currently out for public comment.

- 1. Echoing a comment made to an earlier draft, we remain concerned that while the Housing Element still shows excess capacity to meet the requirements of the RNHA Allocation, there is no assurance that the sites identified will actually yield the requisite numbers of affordable units in the Low and Very Low income ranges. When the No Net Loss policy is applied, we would expect that the City will, in fact, fall short of what is needed. Though the new draft recognizes the need to monitor actual market pricing and actual yield, there is no built-in mechanism to assure the needed numbers of units are actually affordable.**
- 2. We note that the numbers of projected units in the inventory for the Moderate and Above Moderate categories has been reduced somewhat. This at least reflect a focus on the more affordable classifications.**
- 3. We remain concerned that, in the main, when numbers of prospective 'affordable' units are identified, there is not a clear distinction or delineation between Low, Very Low and Extremely Low buyer income levels.**
- 4. Much of the discussion about the prospect for providing 'affordable' housing for the Low and Very Low income categories, is focused on rental rather than ownership units. We would hope in the implementation of the Sixth Cycle, some additional focus of providing ownership opportunity would be salutary. This is key to narrowing the wealth gap that exists.**
- 5. Possibly we're not reading the Draft correctly, or the Draft was created before the December City Council action, but this Draft does not appear to address the amendment(s) the City recently enacted to the State's Density Bonus Law.**

6. At a recent City Council meeting, the Mayor and Council members recited the commitment to support the development of a 100% affordable project; yet this commitment is not expressly included in the Sixth Cycle. The commitment is a laudable goal, and should be articulated in the document.

7. While we support the City's advancement of the prospect of more ADU's as one means to create more affordable housing, we were surprised to read that in 2018 – 2020, only about 20-25% of ADU's built, or applied for, were found to be in the Low or Very Low income categories.

8. Though there is some language reflecting the need to partnership with county or other agencies, there are few specifics as to particular parcels, sites or partnerships which may result in additional affordable housing units. Site control is essential.

9. We applaud the increased emphasis seen in the Sixth Draft to both the fact of, and means to address, equal opportunity and access to all ethnic, racial and language groups.

Signed:

Jim Stiven Kathleen Stiven
Betsy Vaughn Dan Vaughn
Georgina Miller Linda Nolton
Teresa Baggot Roberts Virginia Sublett
Rev. Richard Hogue

For Faith In Action at St. Andrew's Episcopal, Encinitas

Bob Kent Lois Sunrich

For Keys4Homes

Susan M. Sherod
123 Camino De Las Flores
Encinitas, CA 92024

January 18, 2021

On this "Day of Service" I chose to update my Public Comment, feedback and recommendations to Jennifer Gates, and City Council, including Mayor Blakespear, on the 6th Cycle Housing Element Draft and beyond.

Dear Esteemed City Representatives,

I have written previously and have additional feedback. Upon closer examination, I find that:

1. The [U.S. Census Bureau](#) shows Encinitas population has had a *slight, but steady decline in the years since 2016. Population has decreased from a 2016 high of 62921 down to 2019 at 62709*
2. SANDAG has zero current projects for update to the Encinitas public mass transit system, which does not provide adequate scheduling to support any increase in housing projects. Per documented work of SANDAG, affordable housing should be served by a minimum of public mass transit at 15 minute intervals.
3. SANDAG identifies three "Tier 4" (the lowest priority SANDAG tier) employment centers for Encinitas. A total of 19,750 employees, with barely any living nearby, at present. They are:
 - a. 1-5 Eastward – 5,857 employees, only 3% live in this area
 - b. Beach – 7,369 employees, only 3% live in this area
 - c. La Costa – 6524 employees, only 0.4% live in this area
4. [SANDAG current projects](#) won't reduce vehicle traffic and won't fund for: its rail relocation, to be near I5, or long-range planning, such as for service to Encinitas "Centers of Employment" areas.
5. ***R30 upzoning was NEVER a requirement for HCD approval.*** Proper environmental review was not included when it was done. It was unfortunately recommended as a prescriptive approach by prior Encinitas Planning Staff. Developers operate on the "number of doors" and area to maximize profit and will build as many doors and as many square feet as allowed, covering up land that was previously zoned to maintain at least 40% open. It is incumbent on the City of Encinitas to update the General Plan and Overlays to protect and preserve open space. ***Inclusion of public or donated land is desirable.***
6. The City of Encinitas Planning Staff is nearly always recommending approvals for variations to the requirements of the General Plan. ***This erodes the effectiveness of the General Plan to preserve and protect community character and our fragile coastal environment.*** My recommendation is that reports not include Planning Staff approval recommendation, but still include the features that meet, fail to meet, or exceed particular requirements. Planning Commissioners, living in Encinitas can see the full reports and attachments and should not be "steered" by Planning Staff, who may or may not live in Encinitas. Upzoning increased the upzoned parcel land value immensely, but results in barely any new affordable housing. [A five year study](#) showed this to be true elsewhere. Please educate yourselves and remove as many R30 sites as possible, while finding creative solutions that do provide affordable housing, such as milder approaches [without dramatically changing the character](#) of a neighborhood or adaptive use of vacant retail spaces, that provide walkable neighborhoods, and enhance character.
7. Planning Commissioners review and make recommendations about complex items, and are paid a small stipend. It is appropriate that ***education and experience in Planning, Architecture, Civil Engineering, and related fields should be required of appointees.*** Please modify the description of Planning Commissioners so that those who serve, have backgrounds appropriate to the review of the matters they evaluate and vote upon.
8. Some of the mandates from the State of California are being pushed back with a group called "[Livable California](#)" The City of Encinitas leaders should attend their meetings to see what can be done at this point to preserve and protect our environment and the existing character of our town.

All My Best, Susan M. Sherod

Jennifer Gates, principal planner
Development Services Department
505 South Vulcan ave.
Encinitas, ca. 92024

Helene Bourne
454, Requeza St., apt. 114A
Encinitas, ca. 92024
January 14, '21

Dear Ms. Gates;

I am writing to share my comments and suggestions for future housing development.

All existing mature trees on a lot should be preserved, including enough space for roots and canopy to grow without endangering buildings. Homes could be built around the lot, leaving the tree area as garden or "parklet" shared space.

Parking space requirements need to be reduced, as many people today no longer want cars.

walking paths of rolled dirt or porous materials should replace cement sidewalks in order to allow water to be absorbed, and to help cool our city.

I urge the city to create a "community land trust" for any city owned property for the purpose of building smaller, ecologically designed homes of between 300 to 1,000 square feet of living space. They could be efficiency apartments, studios, or small homes of diverse design, solar powered, and well insulated. By creating flexible building codes and offering incentives to build better, we could make housing more available for all tastes and income levels. It would serve us well to use less resources, while preserving more of the natural world. I am excited about the "agritopia" recently approved by the planning commission. This is what we need!

Thank you for considering my comments.

Sincerely,
Helene Bourne
760-625-5621