

A.2 City Council/Planning Commission Work Session Notes

This section contains summary notes of the City Council/Planning Commission Work Session held as a part of the Housing Element Update process. This Work Session was open to the public.

**MINUTES OF THE JOINT SPECIAL MEETING OF THE ENCINITAS CITY
COUNCIL AND THE PLANNING COMMISSION
DECEMBER 11, 2019, 4:00 P.M., 505 SOUTH VULCAN AVENUE**

CALL TO ORDER/ROLL CALL

Mayor Blakespear called the meeting to order at 4:07 P.M.

City Council

Mayor Catherine S. Blakespear, Deputy Mayor Jody Hubbard, Council Members Kellie Shay Hinze, Tony Kranz and Joe Mosca

Planning Commission

Chair Michael Glenn O'Grady, Commissioners Al Apuzzo, Kevin Doyle, Bruce Ehlers and Brett Farrow

Absent: None

Also present: City Manager Brust, City Attorney Devaney, Principal Planner Gates, Development Services Director Wisneski, City Planner Sapa'u, City Clerk Hollywood and Deputy City Clerk Bingham

There being a quorum present, the meeting was in order.

AGENDA ITEMS

1. City Council and Planning Commission discussion regarding the Housing Plan Update process to date and associated analysis to achieve a State-certified Housing Element by April 2021. Contact Person: Principal Planner Gates

Recommended Action: Discuss Housing Element Update 2021-2029 findings to date and provide direction to staff as necessary.

Principal Planner Gates and Consultant Dave Barquist with Kimley-Horn, presented the key features of the plan, process benefits and what is included in the 6th cycle update.

SPEAKERS:

Dan Vaughn, Juliana Maxim, Stacey Smith, Robert Ruhe, Jon Bilsel, Robert Dyer, Julie Thunder, Jessica Carilli and Barbara Grayquist.

Planning Commissioners and City Council discussed different strategies for the Housing Element update.

There was Council consensus to direct Council Member Kranz to work with NCTD to develop a joint development agreement with NCTD and the City of Encinitas for housing along the rail corridor.

2. City Council and Planning Commission review and discussion of the nexus study, gap analysis, and financial feasibility analysis for potential increase in inclusionary housing requirements and in-lieu fee. Contact Person: Principal Planner Gates

Recommended Action: Discuss completed feasibility analysis and nexus studies and provide direction to staff.

Principal Planner Gates and Paul Marston with Keyser Marston Associates, Inc., presented the draft Feasibility Analyses and Findings.

Planning Commissioners and City Council discussed inclusionary housing and in-lieu fees.

SPEAKERS:

Michael McSweeney, Kurt Groseclose and Jessica Carilli.

COUNCIL ACTION:

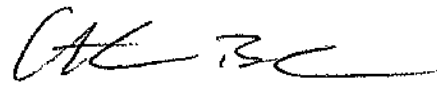
Blakespear moved, Mosca seconded to direct staff to proceed with the staff recommendations as presented; start the process of a zoning amendment to increase the inclusionary percentage of affordable housing for residential development for consideration by the Planning Commission and City Council; and, staff to proceed with the necessary steps to adopt a new affordable housing fee for residential development and residential care facilities. Motion carried. Ayes: Blakespear, Hinze, Hubbard, Kranz, Mosca. Nays: None.

ADJOURNMENT

Mayor Blakespear adjourned the meeting at 6:15 P.M.



Kathy Hollywood, City Clerk
By: Claudia Bingham
Deputy City Clerk



Catherine S. Blakespear, Mayor

Special Joint City Council & Planning Commission – December 11, 2019
Housing Plan Update

Public Comments:

Dan: agrees that there is an unmet need for low income housing, opposes Goodson Proposal, R—30 zoning projects – developer wins, city loses

Julianna: skeptical that no new sites are needed for 6th HE cycle; Goodson site – city is giving a lot and getting little in return with 6 market rate units to 1 affordable unit; need a shift in mindset – housing as a basic human right

Stacy: Rancho Santa Fe is a heavily trafficked, dangerous road; increasing traffic is illogical and irresponsible

Community member: concerned about traffic conditions on Rancho Santa Fe

John: previous HE has undermined public trust, Goodson project - only 41 out of 277 units are classified as low income

Robert: Goodson project is a monstrosity, flooding issues, traffic issues

Julie: RHNA numbers are faulty; stand up to SANDAG and the state instead of rolling over

Jessica: 5th and 6th HE cycle is causing the city to require gentrification

Barbara: trying to protect Olivenhain; please support and maintain the community of Olivenhain; Goodson development is not wanted

A.3 City Council Study Session Notes

This section contains summary notes of the City Council Study Session held as a part of the Housing Element Update process. This Study Session was open to the public.

**MINUTES OF THE ENCINITAS CITY COUNCIL SPECIAL MEETING
NOVEMBER 16, 2020, 5:00 P.M., 505 VULCAN AVENUE**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Orders.

1. CALL TO ORDER/ROLL CALL

Mayor Blakespear called the meeting to order at 5:00 P.M.

Present: Mayor Catherine S. Blakespear, Deputy Mayor Kellie Shay Hinze, Council Members Jody Hubbard, Tony Kranz and Joe Mosca

Absent: None

Also present: City Manager Antil, City Attorney Devaney, Special Counsel Barbara Kautz, Principal Planner Gates, Development Services Director Doherty, Assistant Development Services Director Sapa'u, City Clerk Hollywood and Deputy City Clerk Bingham

There being a quorum present, the meeting was in order.

2. SPECIAL MEETING ACTION ITEM

2A. City Council discussion regarding the current status of the Sixth Cycle Housing Plan Update and draft responses to HCD comments to achieve a State-certified Housing Element by April 15, 2021. Contact Person: Principal Planner Gates

Recommended Action: Discuss Sixth Cycle Housing Element Update 2021-2029 findings to date and provide direction to staff as necessary.

Public Speakers:

Barbara Murray, Theresa Beauchamp, Bob Kent, Susan Turney and Laini Cassis.

Principal Planner Gates presented the staff report and reviewed the draft Sixth Cycle Housing Element Update findings to date and draft responses to comments from HCD.

After Council discussion, Principal Planner Gates stated that staff would be resubmitting the draft Sixth Cycle Housing Element to HCD by December 4, 2020 and would bring forward a Draft Housing Element for

review by the Planning Commission and City Council in February or March of 2021.

2. ADJOURNMENT

Mayor Blakespear adjourned the meeting at 6:53 P.M.

Kathy Hollywood, City Clerk
By: Claudia Bingham
Deputy City Clerk

Catherine S. Blakespear, Mayor

Special City Council Meeting Summary Notes

Monday, November 16, 2020 5:00 p.m.

Public Speakers

Barbara Murray: recapped HE history; Prop A is a hindrance, consider measure on ballot to amend Prop A to a simple majority vote

Theresa Bauchon – aware of lack of affordable housing; in support of 44 VL at Foxpointe Farms Community

Bob Kent – Keys for Homes; support adoption of 6th cycle HE

Susan Turney: CC assumes 100% affordability when most building comes in at 15%; upzoning will be necessary; Nexus study? increase inclusionary to 20%?

Council confirmed Prop A is 51%

Jennifer Gates: Nexus study does not need to be redone and is online
Mayor Blakespeare to staff -prioritize inclusionary increases

Staff Presentation

Staff - Jennifer Gates presented a presentation. Jennifer Gates with Barbara Kautz, Special Counsel and Roy Sapau, Assistant Director of Development Services answered questions from Council.

Slide 6 discussion:

Councilmember Mosca: Discuss realistic capacity

Gates: Many sites that have turned in applications – planning on more than 25 dwelling units per acre

Kautz: HCD would not allow DENSITY BONUS calculations and net acreage – density bonus allows gross acreage

Councilmember Hubbard: question about 25 and 30 units per acre

Kautz: Developers already entitled to 30 units per acre with density bonus

Councilmember Kranz: 30 dwelling units per acre does not take into consideration the cost of the land; catch 22 between upzoning sites and the reality of the plan

Councilmember Hinze: affordable by design – take credit for units that are not deed restricted?
Urgency to update Inclusionary – developers already taking advantage of density bonus or by right allowance of 20%?

Gates: City keeps track of non-deed restricted units with h-form; submitted projects are currently using density bonus or by right

Councilmember Mosca: frustration with capacity

Mayor Blakespeare: all projects coming in above 20% affordable?

Gates: inclusionary requirements currently are 10% for VL and 15% for L; Proposed ordinance would be 20% for L and 15% for VL

Mayor Blakespeare: How many are by right?

Gates: 5 out of 7 proposed projects are by right

Mayor Blakespeare: minimum should be at highest % possible; HCD guidelines are being followed and we are pushing back to the extent we can so sites realistically reflect what will be built there

Slide 8 Discussion:

Councilmember Hinze: CC doesn't get the affordability information until BP is issued; great time difference between approval and BP issuance

Gates: HE sites are required to have % affordable

Kautz: have to make the findings when project is approved – inclusionary and affordable units developer promises to provide; if City finds out later that rents are affordable – numbers can be adjusted

Councilmember Hinze: might find out too late re affordability for no net loss

Kautz: City has substantial buffer

Mayor Blakespeare: when application is submitted, is there a process to follow units affordability as project moves forward?

Gates: developer can submit affordability if they know; H- forms will be used

Mayor Blakespeare: Are we set up to be following if rentals will be moderate?

Gates: Yes – H-form will be submitted before BP is issued

Mayor Blakespeare: changes in rental between BP and actual rental

Gates: Report was is permitted every year in the annual report to HCD; follow up with deed-restricted units every year

Mayor Blakespeare: Are we not circling back on non deed restricted units? Is there a way to assess what is happening in our city?

Gates: Currently only track non deed restricted units when constructed. RHNA reduction is for new units put on the market.

Gates to Kautz: For conversion of unit in the future to mod or low, can they be counted later down the road?

Kautz: Rent can be accounted for at time of occupancy. 5 years later if a unit becomes affordable, it can't be counted

Gates: We can build in a check prior to certificate of occupancy.

Sapau: 5 years down the road, rent is mod or low, can we count it?

Kautz: No – building permit or occupancy. Can collect H-form at occupancy. Can go back and correct numbers – can make corrections between BP and Occupancy

Councilmember Kranz: keep track of affordable units as years go by for community; even if RHNA doesn't allow it; come up with strategy for surveying rents as years go by

Hinze: responsible for preservation of affordable units; we need to become experts in what rent is being charged

Public Comment

Laney Kassis: nervous about being able to afford to live here; encourage funding for homelessness and rental assistance; extend eviction moratorium

Presentation Continues

Councilmember Mosca: Why do we start with notion that each site will produce 100% affordability?

Kautz: State law says you have to identify sites that are suitable for affordable housing. If 20% were used, many more sites would need to be upzoned. State changed requirements that sites need to be suitable for affordable housing and now if sites are to actually develop affordable housing, cities have to make up the difference. Important to get an affordable housing project in the city.

Councilmember Mosca: Suitability is 100% but developer is not forced to do more that law requires; if there's not 100% affordability it is going to come back to with a series of continued upzoning.

Kautz: Most cities assume all the sites will not develop; Encinitas is unusual in that there is a lot of development occurring.

Councilmember Kranz: we are one of the first jurisdictions to have to comply with new state laws intended to increase housing production; want to upzone as few parcels as possible

Kautz: could be an issue if a site becomes unsuitable ie landslide

Councilmember Kranz: speaker talked about Prop A – would colleagues be willing to consider to run parallel track to put idea on ballot in 2022 to modify Prop A to allow HE to be approved without voter initiative?

Mayor Blakespeare to Kautz: define by right?

Kautz: By right means if it's a project that has 20% affordable housing it is exempt from all city discretion review except design review, exempt from CEQA; does need Coastal Development permit

Mayor Blakespeare: huge buffer of 1000 units; HCD argument collapses that we need a larger buffer; data collection related to affordable is critical – we need to preserve and get credit for all aff, making sure we are following up not just at BP but when it is actually built; data collection with ADU's as well; we need an affordable housing project – at 100%

Councilmember Kranz: suggest working with NCTD to explore aff housing development along rail corridor; look at model in Oceanside; further conversation with NCTD – parking lots owned by them and city hall property

Councilmember Hinze: City needs skin in the game; supports both ideas from Kranz; looking at public comments - certain groups are overrepresented (homeowners and older folks), we need to find people in community that are lower income residents

1st draft and 2nd draft – considerable effort is noted

Ideas to reach the lower income population: holiday baskets program to reach people and work with school districts specifically dual immersion programs

Councilmember Hubbard: support Kranz in working with NCTD and affordable by design

Councilmember Mosca: happy with what staff put in front of us; support standing our ground in terms of inventory to HCD; identify impacts in circulation element; support putting skin in the game – move beyond what private sector can deliver; how can we put together project with 100% affordability

Councilmember Kranz: supports that city participates in project with 100% affordable– more than donating land; shared letter from HCD March 1990 addressing issue of voting on upzoning; remember that process started with general plan update

Councilmember Mosca: El Camino Real Specific Plan first, then general plan

Mayor Blakespeare to City Manager: next steps to pursue affordable housing project?

City Manager: Kranz is correct to bring something before Council before staff is directed to do investigation

Mayor Blakespeare: great idea

Councilmember Mosca: Yes and contact affordable housing groups

Councilmember Hubbard: L7 not good for low income but good to sell

Mayor Blakespeare: Burn site is also available

Councilmember Hubbard: Yes, would like to pursue burn site, maybe homeless tents there

Councilmember Mosca: no homeless tents on that property - keep off list for now to see what has to happen to clean it up; look toward other parcels

Councilmember Hubbard: great to start pushing on burn site – County has to pay for clean up

Comments to the draft Sixth Cycle Housing Element

Having read through the Draft of the Sixth Cycle Housing Element, the Faith in Action Ministry at St Andrew's Episcopal Church offers the following comments focusing on policy issues which we think need further emphasis (or correction) in the Housing Element:

- There seems to be too much emphasis on meeting (or exceeding) the RNHA total housing units requirements, while we believe that greater focus should be placed on the #s of 'truly affordable' units which will be produced and available in the period covered by the Sixth Cycle. The fact that more 'Above Moderate' income level housing will be built is no real help when there is already a fully adequate supply of housing available in the market or above market cost categories.
- The #s of units which will be built in the Low and Very Low income levels is misleading for at least two reasons; first, the combining of Low and Very Low (not to mention Extremely Low) categories leaves the reader unclear as to how many units would be truly affordable for people making less than \$50K per year. Secondly, because of the 'No Net Loss' policy, it is clear that the #s of prospective 'affordable' units which would actually be built by developers on the designated sites is very likely to be only a fraction of the total projected possible affordable units shown in the current Draft.
- All of this suggests (and the Draft recognizes) that additional sites will need to be added to truly succeed in producing meaningful numbers of affordable units. We urge that the City look at City-owned property as well as property in Encinitas owned by the County and NCTD.
- When looking at building affordable units, to the extent possible (particularly in Low and Moderate income levels) the focus should be on building units for sale (as opposed to rental) so that the people in Encinitas will avail themselves of the opportunity to build wealth through equity ownership of property, thus reducing wealth disparity.
- Recognizing that convincing (through various incentives) private developers/land owners to build large #s of affordable units in an R-30 development, and that non-profit or dedicated affordable housing developers

need access to financing, the City should identify ways in which more public (or alternative) funding for such projects can be accumulated.

- We applaud the creation of a Citizen's Participation Process (CPP), but we think the problem of Community opposition should not be overlooked. Any project proposed which would offer significant #s of truly affordable units is likely to face community opposition, and a program like CPP will need to be augmented to educate the public and create 'buy-in' from our community. Non-profit organizations like ours could play an important role in such an education process.
- The fact that there are currently 1030 people on the wait list for Sec. 8 Housing Choice Vouchers is disturbing.
- We support encouraging use of ADU's, manufactured or modular homes and 'Tiny-Homes' to help meet the need for affordable housing.
- We support the focus on Examining and Mitigating Barriers to Racial and Ethnic Equity

Respectfully Submitted,

Faith in Action Ministry at St. Andrew's Episcopal Church, Encinitas

Adam Belt

Rev. Richard Hogue

Betsy Vaughn

Dan Vaughn

Gigi Miller

Teresa Baggot Roberts (St John's Catholic)

Linda Nolton

Virginia Sublett

Jim Stiven

Kathleen Stiven

Jennifer Gates

From: Annemarie Clisby
Sent: Monday, November 16, 2020 10:25 AM
To: Jennifer Gates
Subject: FW: November 16 Council meeting, item 2a

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

From: Harold Loyd <haroldloyd99@gmail.com>
Sent: Monday, November 16, 2020 9:52 AM
To: Council Members <council@encinitasca.gov>
Subject: November 16 Council meeting, item 2a

[NOTICE: Caution: External Email]

Good Morning,

My observations and comments on the planning process for the 6th cycle and resulting product are as follows:

While the need for more and affordable housing is obvious, it should be done in a way that is least harmful to the fragile ecosystems and the environment. This includes high density housing built in proximity to transportation corridors, preservation of open spaces, adequate infrastructure and a requirement that new housing be green and efficient including building electrification. We should take this opportunity to construct new residential buildings (that will be utilized more than 50 years) in the most environmentally friendly manner as possible.

Thank you for your hard work and service to the City of Encinitas.

Harold Standerfer

Sent from my iPad

Jennifer Gates

From: Annemarie Clisby
Sent: Monday, November 16, 2020 2:24 PM
To: Jennifer Gates
Subject: FW: Housing Element: Sixth Cycle

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

From: Dianna Mansi Nunez <dianna.nunez@gmail.com>
Sent: Monday, November 16, 2020 2:10 PM
To: Council Members <council@encinitasca.gov>
Subject: Housing Element: Sixth Cycle

[NOTICE: Caution: External Email]

Dear Council,

I am requesting that when considering the sixth Housing Element, that a priority be made that sufficient safe infrastructure be mandated with all sites considered for this Housing Element and all future Housing Elements.

Thank you.

Kind regards,
Dianna Mansi Nunez

Susan M. Sherod
123 Camino De Las Flores
Encinitas, CA 92024

November 16, 2020

Here is my Public Comment for City Council for the meeting for agenda item Case Number: PLCY-003816-2020, 6th Cycle Housing Element Update.

Dear Esteemed City Representatives,

This letter is written to assist you in studying the 6th Housing Element (HE) Draft. The HE is deeply flawed.

In the HE Draft, Appendix "C" Site Inventory Draft of the HE Draft, it shows that we are creating much market-rate housing by allowing developers density bonuses, but we are not providing the numbers of affordable dwellings intended when parcels were up-zoned to R30. I respectfully request the L7 site to be added back to the list and a removal of R30 as far as is possible from sites from the list. Please read on, to see why.

Per Appendix C,: "As demonstrated in Table C-4, the City has received applications on approximately half of the sites which indicate the potential dwelling unit yield is **much higher than anticipated during the City's 2019 HE update with proposed units exceeding the planned units by 70%.**" "Whereas Table C-1 projected a unit yield of 847 units on these sites, developers have requested 1,453 units on these sites with the use of density bonuses." "...the applications received to date **do not contain as many units at the lower income level as projected, with 227 lower income units proposed compared with 847 projected.** Information then adds that including ADU's, we do exceed the required number of affordable units, however.

The Housing Density Bonus Law program of the State of California was created as a tool to add affordable housing near transit to be an environmentally sound development since locating affordable housing at transit locations should result in greatly reduced traffic, emissions and reduce the need for more roads and related infrastructure. The public transit service should happen every 15 minutes during rush hours. We do not have that type of public transit service in any location in Encinitas. Even if we put that aside, for the moment, the numbers do not compute for the volume of market rate dwelling units in the HE.

On September 18, 2019, at a regularly scheduled meeting, the City Council approved the Agreement for Professional Consultant Services between the City of Encinitas and Kimley-Horn & Associates, Inc. (KHA), for work on the 6th Cycle Housing Element Update (2021-2029), which is due to HCD for certification by April 15, 2021. Per the report paid for by the City of Encinitas to Kimley-Horn & Associates, Inc. (KHA) dated May 25, 2018, the city had 4.4% growth from 2000-2010 and it is projected to experience 8.6% growth by 2050. It is unclear why growth would double. It is illogical that the city planned R30 Zones for so many new homes that it doesn't need. If we tackle this another way and we consider how many affordable homes are needed, **based on the consultant Nexus report, just under one-third (29 percent) of Encinitas households earned low, very low or extremely low incomes.**

If we calculate it based on **existing** dwellings: $(23,996 \text{ existing}) \times (29\%) = 6,958.84$ affordable homes. We would theoretically require (even though we can't know why so many more were estimated than the prior 4.4% growth) 8.6% more by 2050 totaling to 7,557.30024, which is $7557 - 6959 = 598.3$. Dividing by 30 years that is only 20 affordable homes per year out of the 69 new homes per year to achieve 8.6% by 2030, so simply up-zoning single family detached homes solves the problem not only immediately, but for the foreseeable projection into 2050 and beyond rather than creating unwieldy sprawl. Sprawl transforms the earth, and former agricultural community into covered over expanses of market-rate housing with hard covered walks, parking lots, and wastes enormous amounts of time and energy transporting an influx of people, goods, & services for it. We need

public transit-oriented affordable housing density instead, with smaller dwellings that leave larger green areas undeveloped or only lightly developed.

We should consider requiring 36% affordable as the alternative to the State Assembly Bill 2345 50%.

Additionally, there is the Embarcadero Institute report, which showed that CA Housing Needs Assessment Used Incorrect vacancy rate and double counting, which exaggerates by more than 900,000 the number of units needed in SoCal, the Bay Area and the Sacramento Area.

It is necessary to create a "Major Revision" to submit to HCD for the 6th Housing Element Draft due to all of the issues that are detailed in this correspondence.

It is possible to have much smaller units such as a mix of single room occupancy, micro, and compact living units of 150 square feet up to 625 square feet. On public owned land up to 100% can be affordable dwelling units.

.
Please don't be fooled into allowing developers to create a lot of market rate housing sprawl instead of affordable housing. Encinitas is surrounded by the ocean, lagoons at each end and waterways inland and is a very fragile part of the California Coast. It is undeniably clear that without adequate public transit, and building affordably housing near to it, the character of this town will be forever altered and the earth will be covered and far less permeable, so that existing flooding problems increase dramatically.

All My Best,
Susan M. Sherod

A.4 City Council/Planning Commission Study Session

This section contains minutes and public comments received at the City Council/Planning Commission Work Session held as a part of the Housing Element Update process. This Study Session was open to the public.

**MINUTES OF THE JOINT SPECIAL MEETING OF THE
ENCINITAS CITY COUNCIL AND THE PLANNING COMMISSION
TUESDAY, FEBRUARY 16, 2021, 5:00 P.M., 505 SOUTH VULCAN
AVENUE**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Orders.

1. CALL TO ORDER/ROLL CALL

Mayor Blakespear called the meeting to order at 5:01 P.M.

City Council: Mayor Catherine S. Blakespear, Deputy Mayor Tony Kranz, Council Members Kellie Shay Hinze and Joe Mosca

Planning Commission: Chair Bruce Ehlers, Vice Chair Kevin Doyle, Commissioners Brett Farrow, Amy Flicker (joined at 6:00 P.M.), and Susan Sherod

Absent: None

There is one vacancy on the City Council.

Also present: City Manager Antil, Assistant City Attorney Schultz, Principal Planner Gates, Development Services Director Doherty, Special Counsel Barbara Kautz, City Clerk Hollywood and Deputy City Clerk Bingham.

There being a quorum present, the meeting was in order.

2. PLEDGE OF ALLEGIANCE

3. AGENDA ITEMS

- 3A. City Council and Planning Commission discussion regarding the current status of the Sixth Cycle Housing Plan Update and draft responses to HCD comments to achieve a State-certified Housing Element by April 15, 2021. Contact Person: Principal Planner Gates

Recommended Action: Discuss Sixth Cycle Housing Element Update 2021-2029 findings to date and provide direction to staff, as necessary.

Development Services Director Doherty presented a short video regarding how a planning department works.

Principal Planner Gates presented the Sixth Cycle Housing Element Update 2021-2019 findings to date and the draft responses to comments from HCD.

SPEAKERS:

Patricia Vasquez, Darcy Lyons, Peter Stern, William Fleck, Doug Wierenga and Bob Kent.

City Council and the Planning Commission discussed the Draft Sixth Cycle Housing Element update including the formal comments from HCD in their February 4, 2021 letter.

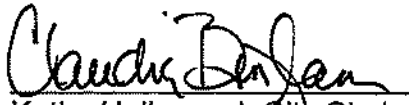
There was general consensus of commitment to the core of Programs 2D and 2E with no modifications at this time; however, staff was directed to have further dialogue with HCD regarding these programs and certification of the Housing Element.

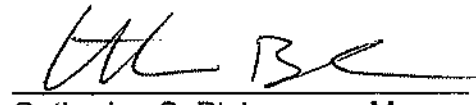
There was consensus to move forward with additional modifications, including to programs 3D and 3F as proposed by staff and outlined in the staff report.

There was consensus to identify Mayor Blakespear and Council Member Hinze to work with staff as necessary.

4. ADJOURNMENT

Mayor Blakespear adjourned the meeting at 7:00 P.M.


Kathy Hollywood, City Clerk
By: Claudia Bingham
Deputy City Clerk


Catherine S. Blakespear, Mayor

Peter Weichers

From: Patricia Vasquez <mspmvasquez@gmail.com>
Sent: Monday, February 15, 2021 2:52 PM
To: City Clerk
Cc: Council Members; Planning; Traffic User
Subject: Comments for 02/16/21 City Council & Planning Commission Meeting
Attachments: Comments to Special Joint City Council and Planning Commission meeting 021421.docx; Safe mobility survey Northwest Leucadia results 20210215.pdf

[NOTICE: Caution: External Email]

Hello, attached please find my comments as well as a survey reflecting the needs and preferences of the Northwest Leucadia community to address traffic and public safety issues along the La Costa Avenue corridor.

Thanks,
Patricia Vasquez
Leucadia Cares Volunteer

As you've observed in recent Council and Commission meetings, residents of northwest Leucadia are seeking action from our city leaders to address traffic and public safety issues on the La Costa Avenue corridor. We have become acutely aware of the huge waves of development being proposed for our small neighborhood, which will undoubtedly make a dangerous situation even worse.

The tipping point for my neighbors and I was the construction of the Alila Marea hotel, as traffic and public safety were clearly not prioritized for that development. In fact, the development resulted in two crosswalks actually being removed at La Costa and the 101, now forcing pedestrians headed to the beach to walk directly in front of the flow of traffic going into and out of the hotel.

I'd like to remind you that La Costa Avenue west of the 5 freeway is a residential neighborhood with many homes and driveways directly located on the street. Although we reside just blocks from the beach, the lack of basic infrastructure forces us to make the difficult decision of either endangering our lives by walking or cycling on unprotected paths, or adding to traffic congestion by driving our cars the short distance. If you wish to fully appreciate the situation, a walk from the 5 freeway to the beach via La Costa Avenue will allow you to quickly understand our concerns.

Please also bear in mind that La Costa Avenue is the only legal path to the beach for our neighborhood, since there are no rail crossings between Leucadia Blvd and La Costa Avenue.

As was suggested in a meeting my neighbors and I held with Mayor Blakespear and Deputy Mayor Kranz last November, I have provided you with the results of a survey representing the opinions of 135 Northwest Leucadia residents which prioritizes traffic and public safety needs along the La Costa Avenue corridor.

We urge you as city leaders to address these urgent traffic and public safety needs BEFORE allowing any further hotel, housing or retail developments to proceed in Northwest Leucadia. We ask that you start funding these projects as soon as possible so that work may begin in 2022.

Thank you in advance for taking action on this important matter.

Northwest Leucadia Safe Mobility Survey

Leucadia Cares • 02.15.2021

Survey Overview

Survey fielded Jan 29-Feb 15 2021; 135 respondents from Northwest Leucadia


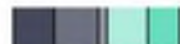



Objective: As suggested by Mayor Blakespear and Deputy Mayor Kranz in Nov 2020 Zoom meeting, we are providing neighborhood input on infrastructure priorities to address traffic and public safety issues in NW Leucadia

Survey covered four areas:

- Ped/cyclist safety on La Costa Ave
 - Traffic safety at key intersections
 - Traffic calming on adjoining streets
 - Overall traffic and public safety priorities
-

**Priority for La
Costa Ave:
Sidewalks**




1. Pedestrian / cyclist safety on La Costa Ave: Please rank

Item	Overall Rank	Rank Distribution	Score	Number of Rankings
Sidewalks	1		557	135
Reduce speed limit	2		443	135
Speed humps	3		360	135
Concrete & plastic bollards	4		341	135
More speed limit signage	5		324	135

Priority for
Sheridan & La
Costa:

Mini
roundabout

2. Traffic safety at Sheridan and La Costa: Please rank

Item	Overall Rank	Rank Distribution	Score	Number of Rankings
Mini roundabout	1		298	135
All way stop	2		271	135
Traffic signal	3		241	135

Priority for
Vulcan & La
Costa:

Mini
roundabout

3. Traffic safety at Vulcan and La Costa: Please rank

Item	Overall Rank	Rank Distribution	Score	Number of Rankings
Mini roundabout	1		286	135
Traffic signal	2		263	135
All way stop	3		261	135

Priority for
streets that
adjoin La
Costa Ave:
Speed humps

4. Traffic calming on streets adjoining La Costa Ave. west of the 5 freeway:
Please rank

	1		2		3		Responses
	Count	Row %	Count	Row %	Count	Row %	Count
Speed humps	64	47.4%	19	14.1%	52	38.5%	135
Reduce speed limits	52	38.5%	62	45.9%	21	15.6%	135
More speed limit signage	47	34.8%	30	22.2%	58	43.0%	135

5. Please list the adjoining streets to La Costa Ave. that you feel require traffic calming solutions (if any), in order of priority

1. Vulcan
2. Sheridan
3. Andrew

A word cloud visualization of the survey responses. The words are arranged in a cluster, with 'sheridan' and 'vulcan' being the largest and most prominent. Other words include 'impacted intersection', 'leucadia', 'north', 'traffic', 'hillcrest', 'stop', 'pch', 'east', 'andrew', 'la costa', 'speed', 'eolus', 'cars', 'ave', 'humps', 'calming', and 'avenue'. The words are in various colors and orientations, creating a dynamic visual representation of the data.

6. Please rank the projects in order of importance

Item	Overall Rank	Rank Distribution	Score	Number of Rankings
Traffic safety at Vulcan and La	1		417	135
Traffic safety on La Costa Ave	2		365	135
Traffic safety at Sheridan and La	3		348	135
Traffic calming on adjoining streets	4		220	135

Overall priority for projects:

- Traffic safety at Vulcan & La Costa
 - Traffic safety on La Costa Ave
 - Traffic safety at Sheridan & La Costa
 - Traffic calming on adjoining streets
-

Representative comments

"The city needs to ensure the proposed projects are not going to increase the danger of driving, cycling, walking on La Costa"

"Please make La Costa a priority BEFORE the hotel opens"

"Hope they do something. They've added so many projects, but they haven't considered safety at all for the pedestrian, biker and walker"

"Traffic is already getting congested on neighboring streets as people reroute from La Costa"

"We would use (La Costa Ave) for walking & riding bikes if it was safer"

"If all projects are built as proposed, they are creating an imminent health and safety hazard for the community, AND only fulfilling less than 5% of their affordable housing mandate."

Conclusions

Top priority for projects & preferred solutions:

1. Mini roundabout at Vulcan & La Costa
 2. Sidewalks on La Costa Ave
 3. Mini roundabout at Sheridan & La Costa
 4. Speed humps on adjoining streets (Vulcan, Sheridan, Andrew)
-

**Thank you in advance for
taking action to address these
critical infrastructure needs!**

Dear City Council and Planning Commission members,

Thank you for this opportunity to address you tonight.

As long-term residents of a single-family home off of La Costa Ave. in northwest Leucadia, my wife and I have been closely following the recent and very rapid development of our area. That development includes the imminent opening of the very large Alila Marea Hotel at La Costa and 101 and the numerous proposed houses, apartments, hotels, and multi-use developments in the mere one-mile road corridor from the I-5 to the 101 and slightly south from there.

As daily walkers to Ponto Beach, we have been increasingly more concerned about our safety and that of bicyclists along La Costa Ave.- a two-lane road without an elevated off-road sidewalk, unlike almost every other major transit road within our city. Not only have the car speeds remained in excess of the posted 35 mph limit, but, as you very well know, drivers have become ever more distracted with the advent of cell phones and the perceived need to remain constantly connected to their work, family and friends!

Consequently, during our walks we are constantly at risk, with our eyes always focused on oncoming traffic, largely because of the absence of a proper off-road sidewalk and, of course, the very hazardous La Costa/Vulcan Ave. intersection.

I speak to you tonight in light of the City's very recent "Notice of Preparation of a Draft Environmental Impact Report" for the proposed Marea Village Mixed Use Development Project, just south of the new Alila Marea Hotel. Specifically, within that notice, it states that the EIR will focus on 16 different environmental issue areas. The 14th item is "transportation", which can be interpreted in a number of different ways, although I suspect that it does not include "traffic and public safety." We would like to suggest to all members tonight that "traffic and public safety" should be a stand-alone topic of study AND one at the top of the priority list for investigation, not the 14th out of 16 items, if in fact it is even included in the City's definition of "transportation".

Given the very serious traffic issues highlighted in the February 2020 traffic study for the proposed apartment complex at La Costa and Vulcan, we simply cannot imagine any comprehensive EIR that does not address the major traffic and public safety issues and implications for La Costa Ave., which the City managers seem to continue to support maintaining as a two-lane road.

In sum, we ask that the City ensure that the forthcoming EIR fully address this very important topic, one which the City managers claim is of utmost importance when considering any future development within our city. And, I might add, traffic and public safety should be thoroughly addressed before any future developments within this very small quadrant of our City. Specifically, the Alila Marea Hotel, Marea Mixed Village, 1967 Vulcan apartment complex and likely development at Surfer's Point are ALL within ¼ mile of each other. Please think of the huge associated traffic and public safety issues!

Thanks in advance for all of your considerations,

Steve and Meg Norton

283 La Costa Ave.

Peter Weichers

From: Bill Fleck <billfleck@yahoo.com>
Sent: Tuesday, February 16, 2021 8:55 AM
To: City Clerk
Subject: Special Meeting Agenda 3A (specifically re: RSF-Gaffney/Goodson Project)

[NOTICE: Caution: External Email]

As a resident of Olivenhain, I (along with many other residents) are justifiably disturbed with the development plans for the RSF-Gaffney/Goodson Project, which violates key City and State development laws and will, if allowed to proceed 'As Is' by the Planning Department and the City, will greatly impact the community of Olivenhain in a permanent and negative way.

First and foremost, as a whole, Encinitas residents understand the unaffordability issue and the need for increased low/mid-income level housing in our city. This problem - a lack of compliance with state law re: the City's Housing Element - has been weaponized by the majority of developers currently pushing multi-family development projects in the City. The 'weaponization' has led developers to submit plans on rezoned R30 lots that are proposing for 11 of those sites the propose 1453 units vs. the R30 project TOTAL yield (using R30 density) of 847 units.

This is 172% of the ALLOWED units on those 11 sites (Table C-5: Applications Received to Date for Lower Income Sites) based on the City's own assessments, and represents a density closer to 41 units per net acre versus 30. For the RSF Gaffney/Goodson project, the density is nearly 48 units per acre.

Table C-5:

Table C-5: Applications Received to Date for Lower Income Sites					
Site	Total Net Acreage	Projected Unit Yield	Proposed Number of Units	Proposed Number of Affordable Units	Affordability Level
Rancho Santa Fe Parcels (Gaffney/Goodson) (08a, 08b)	6.02	149	283	42	Low
Baldwin & Sons Properties (AD2a, AD2b, AD2c)*	9.05	225	483	72	Low
Echter Property (09)	9.85	246	250	40	Very Low
Sunshine Gardens Parcels (12)	3.39	84	140	21	Low
Jackel Properties (07)	2.97	33	94	19	Low
Sage Canyon Parcel (AD1)*	2.4	60	135	21	Low
Vulcan & La Costa Site (AD8)*	2	50	68	12	Low
Total		847	1,453	227	
*Submittal comment requires calculations of the number of affordable units to be verified.					

This 'Compliance' assault on the residents started back in 2016/17 when the City began the rezoning process - a faulty and seemingly arbitrary process - in order to increase density on parcels across Encinitas. We understand that owners and developers were fundamentally more engaged with the City than the City was engaged with the residents during that

process. Regardless of the unbalanced nature of the results, this represented a HUGE giveaway to the developers, as most of the R30 zoning - at least in the case of Olivenhain-related parcels - was initially R2!

The rezoning provided a 15x increase over the initial density limits, and is a windfall to all of those property owners. But, greed prevails, and since the owners aren't happy enough with a 15x increase in density, they submit projects that reflect plans for units over 20 times the initial zoning!

Yet, even with that, the City has seemingly turned it's back on the residents in order to cater to these developers. By allowing these plans to continue to move forward under the 'threat of lawsuits' from the State, but in reality, the biggest threat is coming from the developers, who are trying to use a small provision ('by right'), along with the emergency nature of State requirements for the City to be in compliance Housing Plan to shove through these non-conforming projects at a record pace.

In Section F of the Goldfard, et al, letter to the City (dated Feb, 10, 2021), it mentions a stipulation of the Housing Accountability Act, which states the '...grounds for denying housing developments in which 20 percent of the total units are affordable to lower income households or 100 percent are affordable to moderate or middle income households' are limited. However, one 'out' for the City is if the '...development is inconsistent with both the City's zoning ordinance and the City's general plan land use element.'

The RSF-Gaffney/Goodson project is offering up 42 units as 'Affordable', which is less than 15% of the total units available. The RSF-Gaffney/Goodson project IS out of compliance with both the zoning and the City's planned land use element, and therefore should not be approved as submitted.

But, again, because of the failure of the City to adequately push requirements on developers after many, many years of development projects in Encinitas, the developers are trying to ram these projects through, and has put the residents in a Catch-22 (dated April 15 2021), which creates a situation in which zoning laws and general development requirements (CEQA/Traffic), are THROWN OUT - inapplicable - for any of these developments.

This cannot be! Basically, given the situation the City is in, there are NO zoning or plan requirements for these properties. The only thing that seemingly matters is the WILL of the developers and what they think they can SELL. Greed rules the day.

If this isn't an abandonment of citizens' rights, I don't know what is. How can the City (and State for that matter) just toss out community requirements? Aren't we citizens of the State too? Further, the R30 zoning, which I feel most citizens, while not happy about the significant changes, are willing to accept, were DESIGNED to meet the City's obligations for the State's housing plan requirements. But, because of loopholes (I'm sure inserted into State law by developers to begin with), the developers are looking for an even greater extraction of wealth from the City and it's residents.

Where are our State representatives on this issue? As citizens of California, don't we have any rights guaranteed by the State? Do we really fear the State or the developers? I'm pretty sure, as things are, the concern of the City is focused on what these developers will do to us - and how they will attack us for failure to swallow what they are feeding us.

I've sat in on the planning calls with Gaffney/Goodson - what I heard was a big 'tough sh**' from the Developers. They know they have us in a bind. In a situation that was created by them, for them and exacerbated by the actions and inactions of our City government. I'm looking to the Planning Commission to help restore some balance to this equation, and enforce the basic requirements (compliance with zoning laws, CEQA requirements, and traffic requirements), and bring these projects into alignment with existing laws.

To allow anything less is to throw out our rights - as residents of Encinitas and as citizens of California - and allow money, greed and power - not community - to be the real forces that design our City's future.

I formally ask the planning team and the City to enforce our rights, formally seek accommodations and relief from the State, and push to get the developers and owners to back away from their goal of ruining our City and trampling our rights. I know their are some champions for our rights on the Planning Commission.

Sincerely,
William Fleck

Peter Weichers

From: Aven, Gina (RGP - RSC) <Gina.Aven@rgp.com>
Sent: Tuesday, February 16, 2021 10:18 AM
To: City Clerk; Deana Gay
Cc: encinitasrrd@gmail.com
Subject: Public comment regarding Agenda item 3A for the special joint city council/planning meeting on 2/16/21

[NOTICE: Caution: External Email]

Hello,

As a resident of Olivenhain, I write to express my deep concerns, opposition and disappointment with the Goodson project. Please share my comments with the City Council members and have them made a part of the official record.

This is a monstrosity of a project attempting to be stuffed in to the most rural neighborhood within the City of Encinitas with the least amount of infrastructure. It is completely out of character with Olivenhain and will become the tallest building in the entire City of Encinitas. How does this make any sense at all?

The amount of affordable housing proposed by this developer makes barely a dent in what is required for our City. Goodson claims to be so interested in providing low income house but the amount is a fraction of what the site was designated for in the Housing element (approximately 120 units). Why isn't the developer being required to provide 120 affordable housing units? The City of Encinitas claims to be concerned about "equity". Where is the equity here? This is a travesty.

The developer claims that there would be no traffic impact to RSF Road as a result of this project. Does the City agree with this assessment? How old is the traffic study that was conducted and was this study performed by someone hired by the developer or hired by the City? I've asked the developer what the current level of service is considered to be at the intersection of RSF Road and Encinitas Blvd (pre-Covid) but I've had no response. If traffic flow is already considered to be a failing grade and this project continues to make it fail then isn't the impact increased failure versus no impact at all? Goodson claims, "there will be no impact to the traffic on RSF road as there is only emergency vehicle access" is a fallacy. Just because residents can't turn directly from the complex onto RSF road doesn't mean they won't increase congestion at that intersection and ultimately turn onto RSF road. There are 5 schools in our valley with 6000 kids only serviced by a two lane road. What is the exact impact in number of cars pulling out of one driveway onto Encinitas Blvd. every morning (M-F) expected to be?

All the data I've seen to date on fire evacuation times for Olivenhain is 4 hours. If this building is allowed to go through, and an additional 500 residents need to be evacuated, this will exacerbate traffic and further increase evacuation time. What happens when a fire comes through Olivenhain like it has in other parts of California and all those people have to evacuate past a 6 story high rise through one intersection? With the increase in traffic at that intersection and when the "fire lanes" onto RSF Road open up, what does the time impact analysis on resident's ability to evacuate show?

Is the Encinitas Fire Department even equipped to address a hi-rise 4 alarm fire at this location which has more stories than any other building in Encinitas?

Thank you for considering my comments.

Sincerely,
Gina Aven

Gina Aven

Vice President, Corporate Internal Audit
Gina.Aven@rgp.com
W: +1 714 430 6306 M: +1 619 889 2032



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Peter Weichers

From: Amy <amyhmccord@gmail.com>
Sent: Tuesday, February 16, 2021 10:39 AM
To: City Clerk; Catherine Blakespear; Tony Kranz; Joe Mosca; Kellie Shay Hinze
Cc: Deana Gay; Bruce Ehlers; Lillian Doherty; Anna Colamussi; Roy Sapau
Subject: Agenda Item 3-A

[NOTICE: Caution: External Email]

To Members of Encinitas City Council and Planning Commission:

At the request of Jennifer Gates I submitted comments which appear in the attachments to the Sixth Cycle Housing Element Update. I'd like to summarize those points but start by saying that being an Encinitas resident is a wonderful privilege and as citizens, we welcome the opportunity to be heard in matters that will affect our future.

Residents of Encinitas cherish our small town atmosphere and we hope to retain the characteristics of Encinitas that led us to choose it as home.

Overzealous up-zoning and new State Laws that favor developers have led us to a very precarious situation. We all need to stop and think about precedents that will be set by overly-dense and overly tall developments that do not take into consideration their many negative effects on surrounding communities.

The project known as Encinitas Blvd. Apartments is the most egregious example of what should never be allowed in Encinitas.

Future development would be far preferable if kept within the following constraints:

- No project should be allowed to exceed the 39' height limit 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 overestimated and should be verified), all projects should be required to build at least 50% affordable housing units. We do not need to build more market rate housing
- All R-30 projects should be located in public transportation corridors with nearby infrastructure to support their needs

- 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. Citizens' questions should be answered and those sufficiently detailed answers should be in the public record. The City should have a qualified representative at CPP meetings to make sure proceedings satisfy all requirements

Some of these stipulations have long been a part of how development was allowed to proceed. Please don't overturn what has worked to keep Encinitas the town we love.

Thank you all for your time.

Respectfully submitted,

Amy McCord

From: Pam Ferris <pferris@seacrestvillage.org>
Sent: Tuesday, February 16, 2021 11:18 AM
To: Council Members; City Clerk
Cc: Pam Ferris; Bob Kent
Subject: Upcoming meetings regarding the topic of Affordable Housing

[NOTICE: Caution: External Email]

Dear Members of the City Council and the City Clerk,
I understand there is an upcoming mtg to discuss the 6th Cycle Housing Element. Please be advised that as a senior living provider in Encinitas, we fully support the adoption of a compliant Housing Element Plan, with an emphasis on incentivizing the actual building of more affordable housing by promoting public/private collaboration, including a commitment of city financial resources. We also support the city council's recent commitment to pursue the building of a 100% (or close as possible) affordable community for our seniors and family residents, as well as for our essential workers who are commuting long distances or finding difficult living situations in the city they serve. Thank you for your consideration in this very important matter that greatly impacts seniors, families and essential workers. We have over 300 staff members and most come from surrounding communities. In fact, we recently lost a very good employee because she could no longer afford the gas nor the time it took to drive from Temecula each day. This is just one example many I'm sure you've heard that accentuates the need for affordable housing in our community. Again, thank you for your consideration.
Best,
Pam
Pam Ferris
President and CEO
The Melvin Garb Foundation
Presidential Chair

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From: Theresa Beauchamp <tbeau2014@gmail.com>
Sent: Tuesday, February 16, 2021 12:52 PM
To: City Clerk
Subject: Public comment in writing for Feb 16 Special Joint Meeting re: 6th Cycle Housing Plan Update

[NOTICE: Caution: External Email]

To Mayor Blakespear, City of Encinitas Council Members and City of Encinitas Planning Commission Members:

I am a 33 year resident of Encinitas and a member of the Encinitas 4 Equality Housing Committee. I applaud your efforts in the creation of and support the updated 6th Cycle Housing Plan.

After studying the Affordable Housing history in the City of Encinitas, I agree with City of Encinitas Planning staff recommendation to increase the inclusionary percentage of very low income housing units from 10% to 15% and low income from 15 to 20% for future housing developments. HCD Annual Progress report on October 6, 2020 revealed that Encinitas Housing Production Relative to Demand in 2013-2020 for Low Income households is 1033 with a mere 94 produced. We need more 2 bedroom apartments to house our essential workers that make \$15 to \$20 per hour, new college graduates in entry level positions (our kids who were born and raised here) and seniors on a fixed income.

E4E and I strongly support 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. This would include working more closely with developers to encourage their buy-in to 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. Additionally, federal and state funding programs present erratically and our city needs one person who is "at the ready" to meet deadlines to complete the application process when opportunities arise.

Thank you for your investment of time and patience to listen to Encinitas residents opinions in this complex process. Best wishes in the completion process of the 6th Cycle Housing Plan by the April 2021 deadline and HCDs approval of the plan's final draft.

With gratitude,

Theresa Beauchamp

From: William Racine <wcracine@yahoo.com>
Sent: Tuesday, February 16, 2021 1:31 PM
To: City Clerk
Subject: EIR for Marea Village - City Council Meeting of February 16, 2021

[NOTICE: Caution: External Email]

My wife and I have lived on La Costa Avenue for the last 42 years. We have been witnesses to the tremendous increases in traffic and traffic accidents on the road over that time. One or both of us walk to the beach almost every day even though the journey is becoming more and more dangerous. I am concerned that the subject EIR will not adequately address the negative traffic impacts that Marea Village will add to an already dangerous situation on La Costa Avenue. I have listed below the existing problems on La Costa Avenue, along with possible solutions. The EIR should address these problems and suggest ways Marea Village will add to them. The EIR also should provide suggested ways that Marea Village should mitigate their increased impacts of traffic and speed on the many pedestrians who walk on La Costa Avenue.

Crosswalk at La Costa and Vulcan

Trying to cross Vulcan on La Costa can only be described a very dangerous proposition. There is no crosswalk or signal to protect pedestrians and dog walkers. Westbound and eastbound cars turn south from La Costa to Vulcan while northbound cars on Vulcan turn on to La Costa. There is a lone stop sign on Vulcan with no other traffic control devices, so we end up with a free-for-all which has and will continue to result in injury accidents.

I suggest installing a crosswalk with flashing yellow lights to alert motorists when someone is walking across Vulcan. This would be similar to the crosswalk / signal arrangements that one sees on Hwy 101 in Encinitas and Carlsbad.

Sidewalk along La Costa

Currently, there are bicycle and pedestrian lanes marked on the south side of La Costa Avenue. Motorists routinely drift in and out of the bicycle and pedestrian lanes, especially where the road curves. This is an extremely dangerous situation which has resulted in many near misses of pedestrians.

I suggest installing a raised sidewalk to the south of the current pedestrian lane to separate cars and bikes from pedestrians.

Speed Limit on La Costa

Motorists routinely drive well over the 35 mph limit on La Costa. This, of course, contributes to traffic hazards on our street. We need some traffic calming measures to protect motorists, pedestrians and cyclists.

I suggest lowering the speed limit to 25 mph from Hwy 101 to the freeway. I also suggest installing speed bumps similar to those recently installed on Hwy 101 in Leucadia.

Signal at 101 and La Costa

As currently configured, this traffic signal allows pedestrian crossing of Hwy 101 only on the south side of La Costa. As a result all pedestrians (and their dogs in many cases) who are going north on 101 toward Ponto beach will have to cross in front of the new hotel. This negative impact on hotel guests could be

mitigated if pedestrians could walk diagonally across 101. In addition, it would be far safer for pedestrians to avoid the cars entering and leaving the hotel driveway.

I suggest installing a signal that will stop all traffic at the La Costa / 101 intersection to allow pedestrians to walk parallel or diagonally across Hwy 101. This would be similar to the signals at Hwy 101 Carlsbad Village Drive in Carlsbad.

Marea Village, along with the numerous other proposed developments along La Costa Avenue, will add considerable traffic and increase the risks to pedestrians and cyclists alike. These negative impacts must be spelled out in the Marea Village EIR and mitigation should be provided prior to approval of the development.

W C Racine
Leucadia

From: Mary Thomas <marypthomas88@gmail.com>
Sent: Tuesday, February 16, 2021 1:35 PM
To: City Clerk
Cc: Mary Thomas
Subject: PUBLIC COMMENT for Special Joint City Council/Planning Commission Meeting - 5:00 p.m. February 16, 2021

[NOTICE: Caution: External Email]

This letter contains PUBLIC COMMENTS for the Special Joint City Council/Planning Commission Meeting to be held on February 16, 2021:
https://encinitas.granicus.com/GeneratedAgendaViewer.php?view_id=7&event_id=3193

I am writing to you let you know that I am OPPOSED to the project called "Rancho Santa Fe Parcels" (Gaffney/Goodson) (08a, 08b).

The expected number of units for a project in an R30 (30 units/acre) is 149 .
At 283 units and 6 acres, the density is 47 units/acre. THIS IS TOO MUCH!

I have lived here since 1987 and cannot imagine the impact on our quality of life we will experience as a result of this housing project. We live on the hillside off Townwood Way and we spend our evening envisioning what a ~ 70' high apartment complex will look like to us and our neighbors across the hills, and what the increase in traffic noise will be like. We try to envision what the traffic will be like when we have hundreds of cars using an already overloaded intersection during peak rush hour traffic:

It is a disaster and heartbreak for us. Please do not approve this project.

Regards,
Mary Thomas
149 Townwood Way
Encinitas, CA

From: Cynthia Brandenburg <cynthiabran@gmail.com>
Sent: Tuesday, February 16, 2021 2:24 PM
To: City Clerk; Deana Gay
Subject: Public comment regarding Agenda item 3A for the special joint city council/planning meeting on 2/16/21

[NOTICE: Caution: External Email]

Dear Mayor, Members of City Council, and Planning Commissioners

It is my hope, and that of my entire family, and I think all of our neighbors throughout Olivenhain, and even Village Park and High Country Villas on Willowspring, that the Goodson "Encinitas Blvd. Apartments" be rejected.

I understand that Mayor and Council were dismayed when Mr. Goodson played a "bait and switch" on them by first gaining R30 upzoning based on his proposal of a 110-unit senior/assisted living facility, and then, once granted, he cancelled that plan and resubmitted a huge plan for a 6-7 story apartment complex. I hope that dismay is still true. Quite frankly, I think the R30 zoning could have been rescinded based on Goodson's bad faith practice of misrepresenting his plans.

I think the biggest, most valid, reason to reject this complex in spite of state mandates, is the drastic effect on fire safety for all residents of Olivenhain. With just one lane in each direction, the four-hour current evacuation time is already frightening; the addition of 283 homes more will certainly add to that danger. People will be trying to return to their homes from

work to evacuate horses, livestock and pets; many people will try to go against the flow of evacuation to try to go and get their children from school at Olivenhain Pioneer Elementary. Olivenhain is a "Paradise" fire scenario waiting to happen, even without this project.

There are all sorts of other reasons to reject the project: high rises marring the rural character of the town, false claims of affordability, too few affordable units, probable increases in traffic/speeding/parking problems in and around Olivenhain including the shortcut to El Camino Real via Willowspring and High Country Villas (a senior neighborhood), falsely stated proximity to affordable shopping and so on. But the single factor that no one can deny, is the effect on the safety of residents in case of a fire event.

In spite of the COVID pandemic, Rancho Santa Fe Road is once again getting backed up starting around 3:30 rush hour - after the March/April 2020 initial shut-down when there were no more backups at stop signs, we are now back to nearly the previous levels of traffic. It will only get worse when the restrictions are lifted. Pre-COVID, often on a Friday afternoon, northbound RSF Road could take an hour to get from Peppertree Lane to our home's nearest intersection at El Camino del Norte.

I hate to think of the liability for the City if this project is allowed to proceed, and then a massive fire event occurs. The canyon (Spooks) running down into Olivenhain will be a funnel

of fire leading straight to the heart of Colony Olivenhain. And Village Park is next... our home shares a low boundary fence with the farthest east homes of Village Park - so there is really no gap between VP and Olivenhain. I think the City of Encinitas has enough lawsuits without positioning for another one.

As I said, there are many more reasons NOT to permit this gross project, but the increase in fire risk is of paramount reason to lawfully deny it. Please please please represent us and do NOT approve this project.

Respectfully,

Cindy Brandenburg

648 Lomas de Oro Court

Olivenhain

(858) 395-7587

From: Bob Kent <bobkent84@gmail.com>
Sent: Tuesday, February 16, 2021 2:52 PM
To: Council Members; Deana Gay
Cc: City Clerk; Lois Sunrich
Subject: Agenda Item - 3A Sixth Cycle Housing Element Update

[NOTICE: Caution: External Email]

Dear City Councilmembers and Planning Commission Members:

On behalf of Keys4Homes, we support your efforts to adopt a compliant 6th Cycle Housing Element Update that will focus on truly moving the needle in the actual building of more affordable homes in Encinitas.

We understand that there is no one single solution or silver bullet here. So, we support the City's efforts to bolster the many tools required to build more affordable housing, including:

ADU's: and other smaller unit types. We encourage the City to develop a plan so that financing can be provided for ADUs, (along with tiny homes, modular units) to incentivize and ensure long term affordability.

Inclusionary housing: by increasing the percentage of affordable housing for residential development, if economically feasible and not a disincentive to building affordable homes.

We also support the City's recent commitment to pursue the building of a 100% (or close as possible) affordable community for our seniors and family residents, as well as for our essential workers who are community long distances or finding difficult living situations to stay in the city they serve. Any new site selected should focus on utilizing and/or monetizing city, county or other government owned land as a path to building a model affordable community, that we can be proud of. Especially since we live in a high land cost area, the City and to the extent it has partners in this endeavor, must have financial "skin in the game," to leverage additional financing required to achieve this objective. This approach would truly move the needle in building more affordable housing.

The private sector cannot solve our housing affordability crisis on its own; public private collaboration is an essential component to successfully creating affordable housing opportunities in Encinitas.

Lastly, we respectfully request that as you thread this needle and balance competing interests, please adopt policies that create incentives and programs to encourage affordable housing opportunities that fit well in our neighborhood, across the income spectrum. (whether it be for: a senior living on a fixed income of \$35,000, a single parent raising their child earning \$45,000, a recent college graduate earning \$65,000 or the working family of four earning \$90,000). Thank you.

Bob Kent
Keys4Homes



Virus-free. www.avast.com

A.5 Public Comments Received at Planning Commission and City Council

This section contains the public comments received during Housing Element Update adoption process at the Planning Commission hearing and the City Council hearing.

Deana Gay

From: Theresa Beauchamp <tbeau2014@gmail.com>
Sent: Thursday, March 4, 2021 1:25 PM
To: Deana Gay; Planning
Subject: Public written comment for March 4 2021 Planning Commission Meeting
Attachments: page 6 production vs demand gap.pdf

[NOTICE: Caution: External Email]

To Honorable Chair Ehlers and Planning Commissioners:

In the current Draft of the 6th Cycle Housing Element, 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 of diverse backgrounds 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. It is important that the City supports these groups to live in the community where they work.

We support The City of Encinitas efforts to close the production and demand gap for the low income population demonstrated in the attached slide (See final slide #6) that appeared in the State of California Housing and Community Development Annual Progress Report of October 6, 2020. Between the years 2013-2020, The City of Encinitas produced 94 low income units and the demand was 1033. We believe that the City's pursuit of a 100% low income affordable housing development will be a major step forward in closing this housing production relative to demand gap.

Thank you for your patience, attention to the complexities and overwhelming need for Affordable Housing and your efforts to create an Encinitas that is "diverse and inclusive by design".

Sincerely,

Theresa Beauchamp
33 year resident Encinitas
Member of Encinitas 4 Equality Housing Committee

Affordability Crisis



Median Rents vs. Median Wages in Fastest Growing Occupations

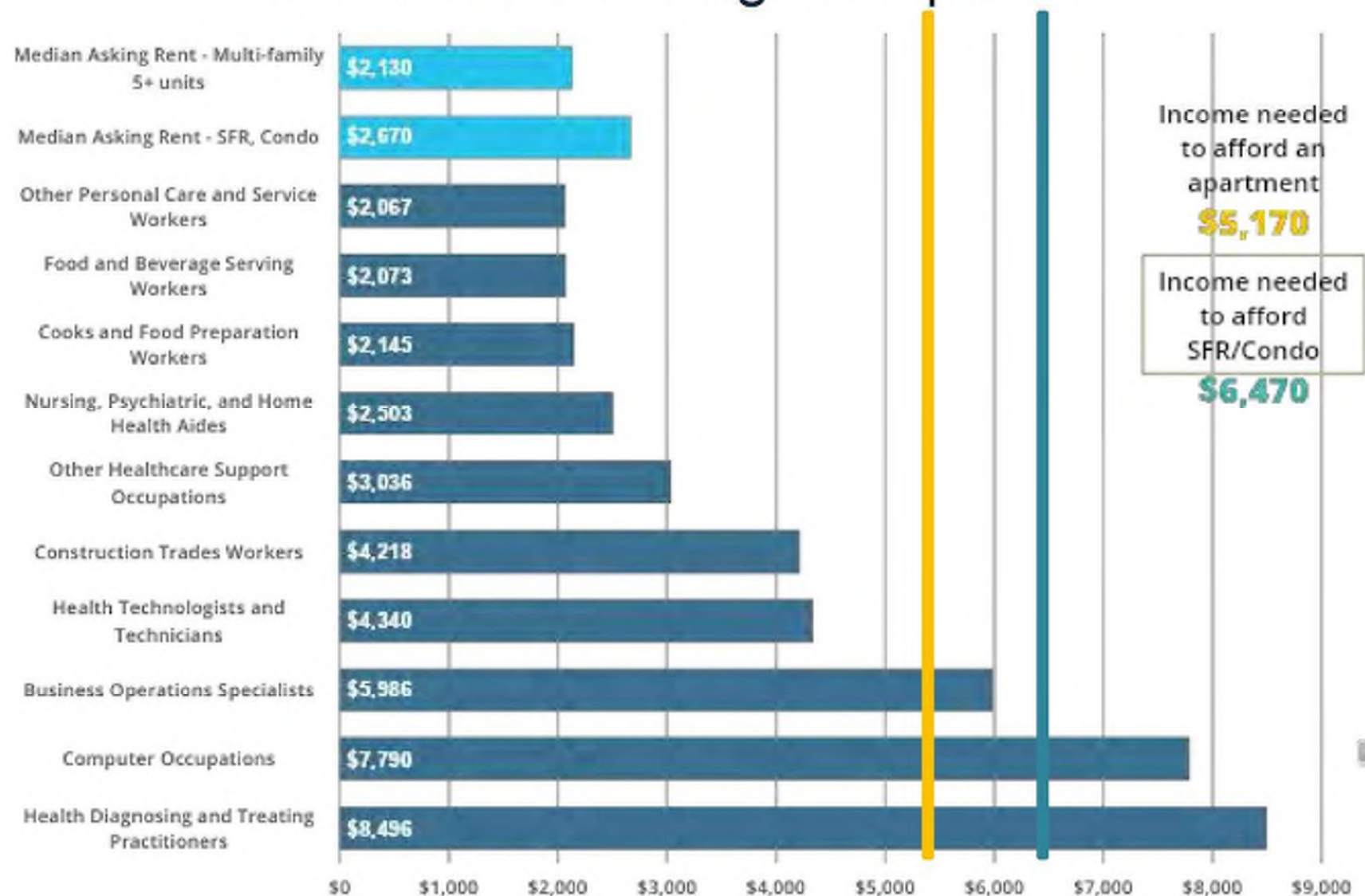
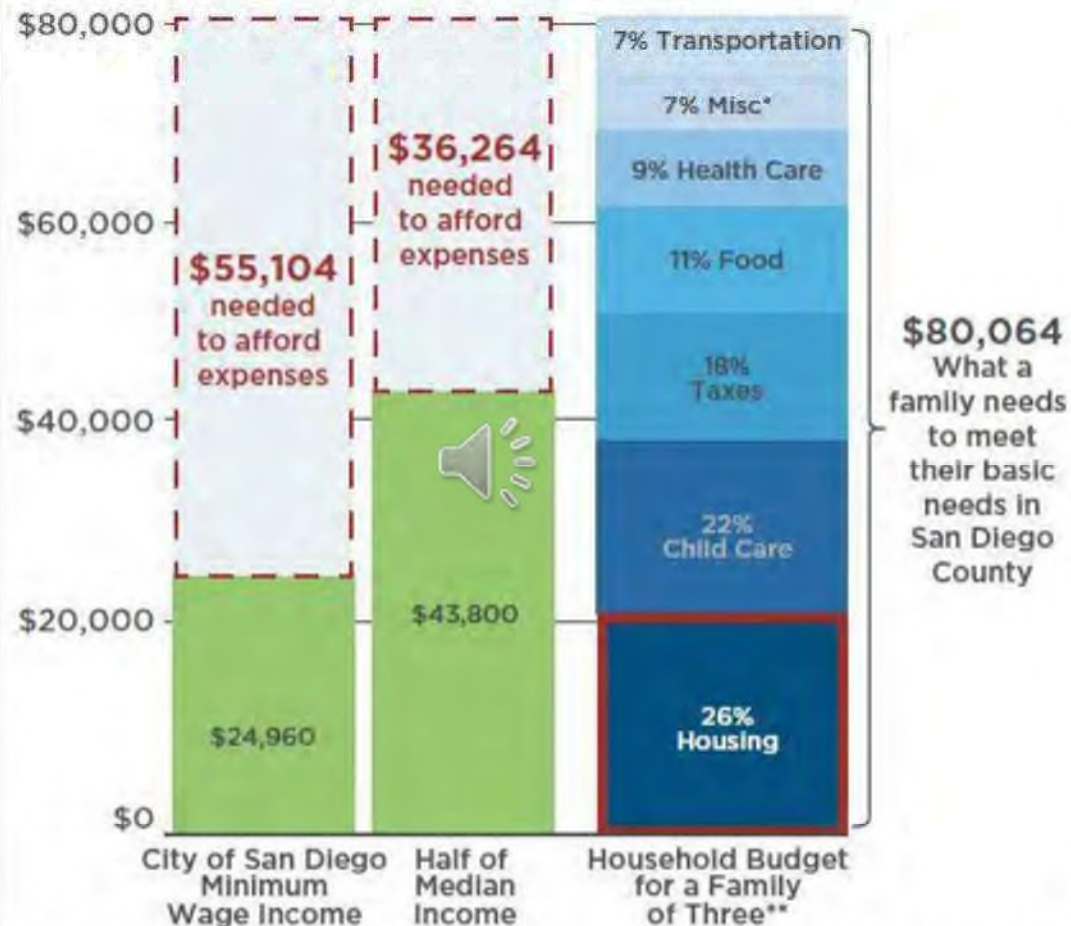


Figure 1.23
Renter Income Has Not Kept Pace with Increasing Rents 2000-2013
 Change in Inflation Adjusted Median Rent and Renter Income Since 2000



Source: California Housing Partnership analysis of 2000 Decennial Census and 2005-2014 American Community Survey 1 year data. 2001-2004 and 2015-2016 are an estimated trend. Median rent and renter income are inflation adjusted to 2014 dollars. Graphic recreated by HCD.

HOUSING PRICES ARE DRIVING COSTS OF LIVING OUT OF REACH FOR LOW INCOME FAMILIES IN SAN DIEGO COUNTY

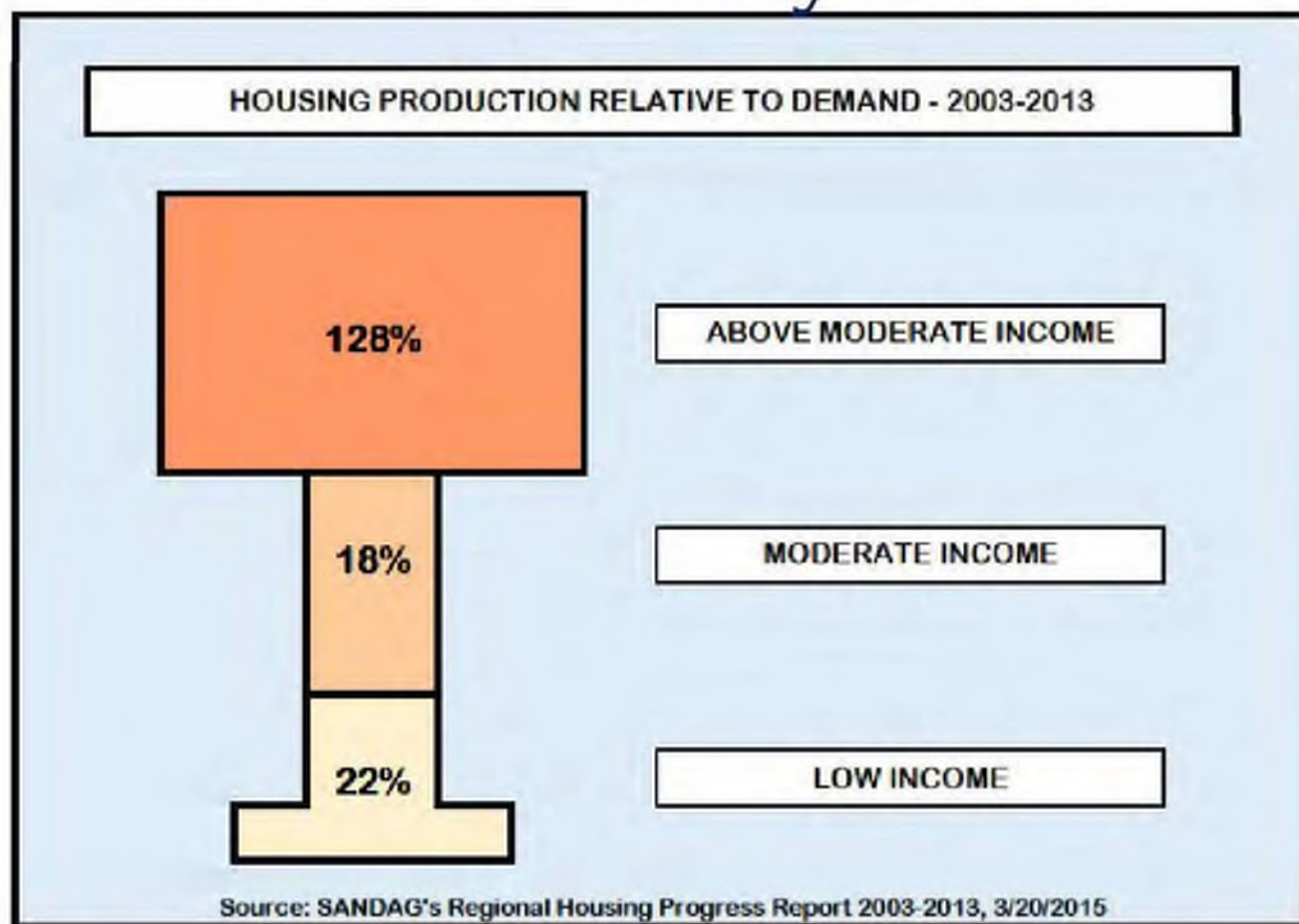


Source: The above budget is a preview of United Way's forthcoming data release on the Real Cost Measure. Please visit <https://www.unitedwaysca.org/realcost> for more information about what it takes to meet basic needs in San Diego County.

*The "miscellaneous" budget category includes all other categories not defined.

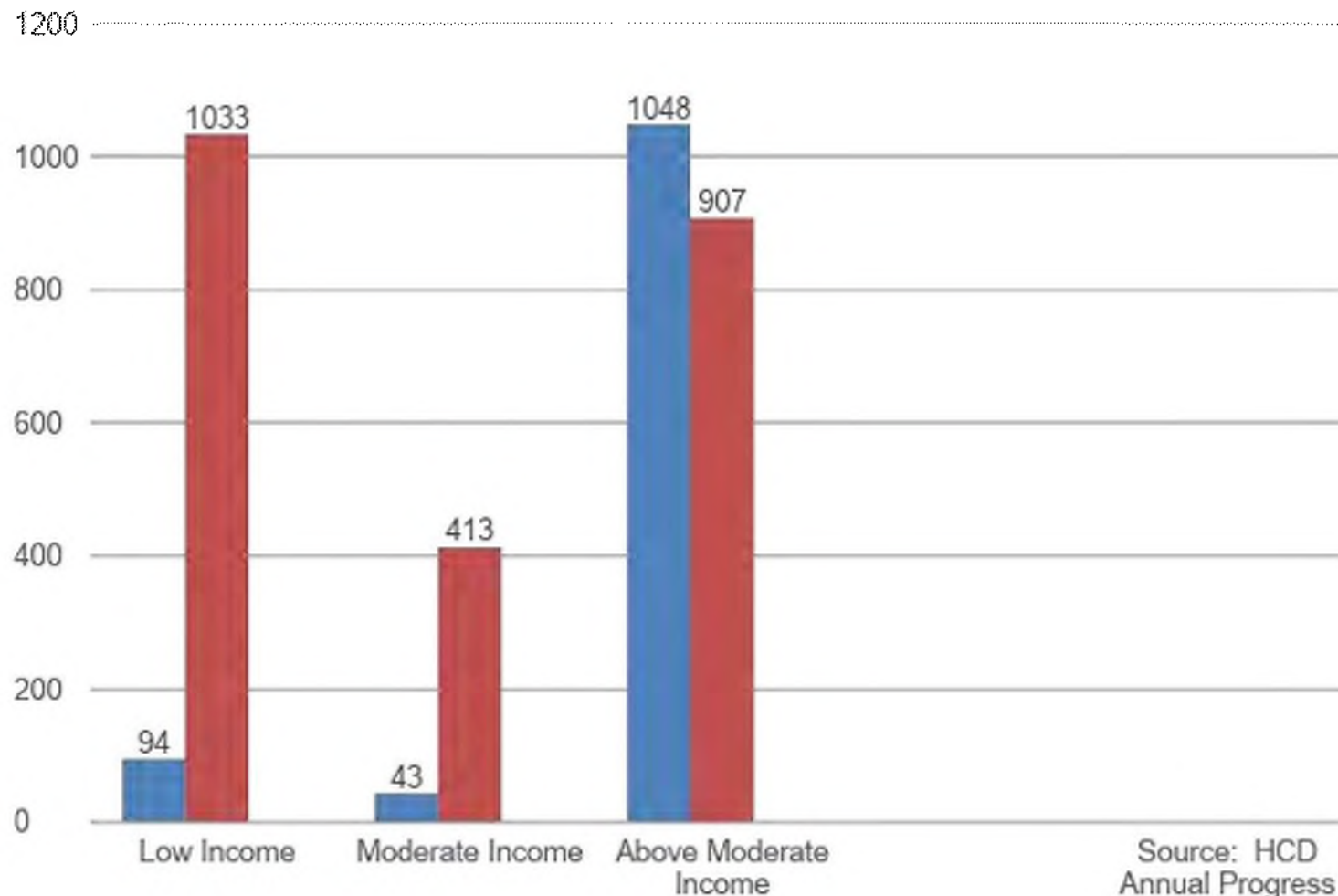
**The household budget for a family of three uses a population weighted average to estimate the costs associated with one working adult and two children (one school-aged child and one toddler). Each percentage represents how much a family's annual budget is captured in each cost category (housing, child care, etc.).

Affordability Crisis



Encinitas

Housing Production Relative to Demand 2013-2020



Source: HCD
Annual Progress
Report 10/6/20

2021-04-07

■ Production
■ Demand
— Column1

Item #03A - Attachment 08

Page 7 of 34



Deana Gay

From: DW <twicesites@yahoo.com>
Sent: Thursday, March 4, 2021 12:24 PM
To: Deana Gay
Subject: Housing element update - please don't approve

[NOTICE: Caution: External Email]

Please provide to each Commissioner:

Dear Planning Commissioner,

Please don't approve the housing element update.

This update is written to give millions of dollars to some developers.

Please don't become part of this illegal plan by the council.

Thank you.
Donna Westbrook

Deana Gay

From: Daniela Rodriguez on behalf of Planning
Sent: Thursday, March 4, 2021 4:52 PM
To: Deana Gay
Subject: FW: Housing Element

Here's another one...

Thank you,
Daniela

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

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Thursday, March 4, 2021 4:23 PM
To: Planning <planning@encinitasca.gov>
Subject: Housing Element

[NOTICE: Caution: External Email]

To Planning, Mayor and Council,

As i am too late to speak this evening, I will just say that knowing you are in somewhat of a tough situation, you need not buckle under the pressure.

I hope you will pause and take note, we are at such a crossroads now in our city, where all open space, and vacant lots and view corridors we love to take in are under attack. The state is mandating that we destroy what we love, that everyone who comes here loves, beauty, open space and a place to breathe!

Once these last plots are taken under the Density Bonus monster, we CANNOT get ANY of it BACK!

Take pause , as you look around and regard what you see as endangered, and under your care. It will be historically known that on your watch, the last nail was driven into the coffin of Encinitas preservation.

Decades of committed citizens have fought for this preservation, and in short order you will allow it to be stolen away, and all their work wasted. It bought some time, but did not buy understanding or appreciation, or continuation of that labor.

The housing Element, you attempted to draft to appease the state. was not enough, and I want to tell you it will NEVER be enough!

This idea that you can build your way out of a housing "crisis" is insanity. Never ending growth is an impossible goal, it is UNSUSTAINABLE and will doom us all to misery. I ask you to take pause, and imagine how different this place will look and feel in 5 years. That will be your doing if the proposed density pushed by the state is allowed to take us. We are not Orange County or LA County, but they will make it so.

The masses flock here to escape that which they help to create again, congestion, stress, dissatisfaction, more concrete, siding, pavement... and for what?

It will NEVER be enough... so what's your next step? I ask that you protect us, your constituents from that fate.

The beauty is not just the weather, it's whether you can enjoy a life within it. No one will at the rate we are going.

There are MULTIPLE projects up for decisions, and I have been overwhelmed as I see the plans. The hotel on Ponto's beautiful beach bluff should never have been allowed, now the cliffs on La costa Blvd are under attack. STOP THERE, take pause and think about what we love and will never get back!

Get preservation on the docket and in the budget now, all soon will be forever lost.

Sincerely saddened, Jennifer Hewitson

Deana Gay

From: Daniela Rodriguez on behalf of Planning
Sent: Thursday, March 4, 2021 4:38 PM
To: Deana Gay
Subject: FW: Item 8 A - Housing Element Update
Attachments: 2020 Income Limits and Affordable Housing Costs HCD.pdf

Hi Deana,

Is this something that should be sent your way for PC?

Thank you,
Daniela

From: Bob Kent <bobkent84@gmail.com>
Sent: Thursday, March 4, 2021 1:37 PM
To: Planning <planning@encinitasca.gov>
Subject: Item 8 A - Housing Element Update

[NOTICE: Caution: External Email]

Dear Planning Commission Members:

My name is Bob Kent, Encinitas resident and member of Keys4Homes. We are local residents who advocate for the building of affordable homes in Encinitas.

We support the adoption of the 6th Cycle Housing Element Update.

We have a housing affordability crisis both regionally and locally, which is driven by stagnant wages for lower income households and a lack of affordable housing supply. For instance, renters need to earn approximately \$38/hour to afford an asking rent, while many of our essential workers earn between \$14-20/hour. The general rule of thumb is that 30% of household income should be spent on housing costs. Here in Encinitas, over 73% of the lower income households are paying more than 30% and over 52% experience a severe cost burden by paying over the 50% of their income towards their housing costs. (Source: Appendix B – Section 3.2 Draft Sixth Cycle Housing Element) The effect is many people live paycheck to paycheck and have to make often impossible choices such as: rent vs. car repair, rent vs. medical expense or rent vs. healthy food.

On the supply side, between 2013 – 2020, only 94 affordable units were built in Encinitas vs. the 1,033 RHNA target (Source: HCD Annual Progress Report 10-6-20)

To provide additional context approximately 29% of our Encinitas households or about 6,800 households (Source Appendix B – Table B-12 Draft Sixth Cycle Housing Element), which equates to 17,000 residents qualify as either extremely low, very low income or low income, so there is a current need for more affordable housing in our community.

We understand that there is no one single solution or silver bullet here. So, we support the City's effort as outlined in the plan, to enhance the tools required to build more affordable housing, including:

ADU's; and other smaller unit types. We encourage the City to develop a plan so that financing can be provided for ADUs, to incentivize and ensure long term affordability;

Inclusionary housing: by increasing the percentage of affordable housing for residential development if economically feasible and not a disincentive to building affordable homes; and

The City's recent commitment to build a 100% affordable community.

The Housing Element is one piece of the puzzle; however, the private sector cannot solve our housing affordability crisis on its own; public private engagement, collaboration and innovation is an essential component to successfully creating affordable housing opportunities here in Encinitas.

That said, the Housing Element is important because it helps create a housing opportunity path for all income levels, including our seniors on a fixed income along with giving our workers the chance to live in the community they serve. The Housing Element also creates housing opportunities for the young adults of our community, who grew up here to live and stay here.

To comply with state law, the City must adopt a Housing Element and it also ensures the City will continue to be eligible for state grant funds.

We respectfully request you recommend adoption of the Housing Element.

Thank you.

P.S. - attached please find the City's 2020 Income Limits and Affordable Housing Costs chart. I have found it to be a useful tool when discussing housing affordability.



**State of California – Housing and Community Development (HCD)
2020 Income and Affordable Housing Cost Schedule**

Maximum Annual Income Limits				
Household Size	30% AMI (Extremely Low)	50% AMI (Very Low)	80% AMI (Low)	120% AMI (Moderate)
1	\$24,300	\$40,450	\$64,700	\$77,900
2	\$27,750	\$46,200	\$73,950	\$89,000
3	\$31,200	\$52,000	\$83,200	\$100,150
4	\$34,650	\$57,750	\$92,400	\$111,250
5	\$37,450	\$62,400	\$99,800	\$120,150
6	\$40,200	\$67,000	\$107,200	\$129,050
7	\$43,000	\$71,650	\$114,600	\$137,950
8	\$45,750	\$76,250	\$122,000	\$146,850

Affordable Housing Costs *					
Renters	Unit Size	30% AMI (Extremely Low)	50% AMI (Very Low)	60% AMI (Low)	110% AMI (Moderate)
	Studio	\$487	\$811	\$973	\$1,784
	1-Bedroom	\$556	\$927	\$1,112	\$2,039
	2-Bedroom	\$626	\$1,043	\$1,251	\$2,294
	3-Bedroom	\$695	\$1,159	\$1,391	\$2,549
	4-Bedroom	\$751	\$1,251	\$1,502	\$2,753
Homeowners	Unit Size	30% AMI (Extremely Low)	50% AMI (Very Low)	70% AMI (Low)	110% AMI (Moderate)
	Studio	\$487	\$811	\$1,136	\$2,082
	1-Bedroom	\$556	\$927	\$1,298	\$2,379
	2-Bedroom	\$626	\$1,043	\$1,460	\$2,677
	3-Bedroom	\$695	\$1,159	\$1,622	\$2,974
	4-Bedroom	\$751	\$1,251	\$1,752	\$3,212

Effective: 4-30-2020 --- San Diego Median Income: \$92,700 -- Source: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>

	RENTER	OWNER
Health & Safety Code	§§50053	§§50052.5
Extremely Low	30%	30%
Very Low	50%	50%
Low	60%	70%
Moderate	110%	110%

*Allowance for renter-paid utilities must be deducted from rent. See the most recent Utility Allowance Schedule published by the Encinitas Housing Authority. Utility Allowance and other housing costs (HOA, taxes, insurance, etc...) must be deducted from the affordable housing cost for homeowners/for sale units.

Deana Gay

From: Jennifer Gates
Sent: Tuesday, March 2, 2021 2:44 PM
To: Deana Gay
Cc: Roy Sapau
Subject: Fw: Encinitas Housing Element March 4, 2021

Please forward to Planning Commission.
Thank you,
Jennifer

From: melissa mcclave (colfer) <bmobile2@yahoo.com>
Sent: Tuesday, March 2, 2021 2:40 PM
To: Jennifer Gates <jgates@encinitasca.gov>
Cc: Aaron Abrams <aabrams@encinitasca.gov>; Nick Zornes <nzornes@encinitasca.gov>; Evan Jedynak <ejedynak@encinitasca.gov>
Subject: Encinitas Housing Element March 4, 2021

[NOTICE: Caution: External Email]

Dear Ms Gates,
Please do not approve the upcoming Encinitas Housing Element as currently written. Any approved documents and policies must be in accordance with the guidelines set by the development propositions voted on by the residents.

In Gratitude,
Melissa McClave
Encinitas Resident

Deana Gay

From: Kathy Hollywood
Sent: Thursday, March 4, 2021 2:04 PM
To: Deana Gay; Roy Sapau
Subject: FW: Council Meeting 3/4, City Housing Element 8A

Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

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

From: desire smith <desiresmith12@gmail.com>
Sent: Thursday, March 4, 2021 2:03 PM
To: Council Members <council@encinitasca.gov>; Tony Kranz <tkranz@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; Planning <planning@encinitasca.gov>; Jace Schwarm <jschwarm@encinitasca.gov>; Kathy Hollywood <khollywood@encinitasca.gov>
Cc: Krista Montgomery <kmontgom66@gmail.com>; Steve And Meg Norton <nortsurf4@yahoo.com>; Neighborhood leucadia Cares <terimc445@gmail.com>; daniel oliver <palmolivers@sbcglobal.net>; Lyn <l.selzer@me.com>; Craig Racine <wcracine@yahoo.com>; Linda Bergelson <lbergelson@att.net>; Louis Vasquez <luchoevr@yahoo.com>; Patricia <mspmvasquez@gmail.com>; Brian Belknap <bellstar@me.com>; Doug Wierenga <dougwierenga@icloud.com>; macmccarter@cox.net; Lisa Curry <lcurry@cox.net>; mike blackman <mblackman0@gmail.com>; Jill Denver <jdenver02@yahoo.com>; Cyndy Walker <cyndyw@cox.net>; lynda bissell <lyndabissell@hotmail.com>; Ron Ranson <rranson@ucsd.edu>; Hugh Buchanan <brh361@yahoo.com>; DD Flynn <flynndd@yahoo.com>
Subject: Council Meeting 3/4, City Housing Element 8A

[NOTICE: Caution: External Email]

>
>> Dear Council,
>> Thank you again for your time.
>> I'm attaching a map of Encinitas, and as you can see the northwest corridor of Leucadia (west of 5 freeway) is a small portion, approximately 2 square miles in size of the remaining approximate 20 square miles of coastal Encinitas and Cardiff, yet our corridor has been burdened with 44% of the Housing Element Update commitment made by you. This is a very high percentage in such a small corridor, which has led to numerous reports confirming that additional and greater safety and traffic problems will occur.
>> Our corridor's infrastructure is lacking and there doesn't appear to be a proactive holistic plan to address the traffic and safety problems. And to further discourage residents, we have been made aware that a "fee" can be paid by the developers that is not dedicated to our corridor's infrastructure, but added to a general

fund. Are these fees 100% designated to our corridor or a General Fund? If the fees go to the General Fund, are the monies used for projects such as Birmingham Beautification and ADA improvements and Artwork for the Encinitas Av. underpass? La Costa is the only street connecting to the 5 freeway without a raised ADA sidewalk and Vulcan with its many residents from the already large amount of apartments has no complete sidewalk. It's currently very dangerous and risky to walk or cycle on La Costa Av and Vulcan even under the current traffic volume.

>> Can you please go back and review the housing development situation in our corridor in totality and make safety the number one priority before approving any further developments and minimize the potential of a severe or fatal accident, the risk is in your hands!

>> Kind Regards,

>> Desiré and Chris Smith

Sent from my iPhone

Deana Gay

From: Kathy Hollywood
Sent: Thursday, March 4, 2021 9:24 AM
To: Roy Sapau; Deana Gay
Subject: FW: 3-4-21 March 4th Planning Commission Agenda item 8A - Public Comment
Attachments: 1986 Encinitas City Charter- at incorporation.jpg; City of Encinitas Mission.PNG; 6th Housing Cycle-No land use or density changes claims.jpg; 2021 State Housing Law-Encinitas Carrot and Stick Threats.jpg



Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

From: Elena Thompson <elenathompson@cox.net>
Sent: Thursday, March 4, 2021 9:21 AM
To: Planning <planning@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: 3-4-21 March 4th Planning Commission Agenda item 8A - Public Comment

[NOTICE: Caution: External Email]

Agenda:

https://encinitas.granicus.com/GeneratedAgendaViewer.php?view_id=7&event_id=3170 tonight's agenda>>

Hello Planning Commissioners,

Your all volunteer commission must please delay any approval of tonight's agenda item 8A for the following reasons:

1. The City Charter of Encinitas that the city of Encinitas elected officials swore to uphold is being violated by this current 6th cycle Housing Update. The city does not have the authority to violate the City Charter or Zoning law of Encinitas, no matter the circumstances. Nor does the state of CA. External threats to justify not upholding the 1986 City Charter must be postponed til further notice.

2. Encinitas current land-use, density and/or zoning cannot be changed by this body (your planning commission), the city council or mandated by the state without a vote of the people in Encinitas- See Proposition A
3. The City of Encinitas' mission statement is about protecting property and the environment. This agenda item ignores both and defies the mission of the city.
4. The city would be creating MAJOR public safety hazards if you vote to approve this housing update, by not first addressing the looming public safety issues confronting our city today in so far as the absence of safe mobility infrastructure to accommodate for this planned growth (sidewalks, bike lanes, functional road capacity, parking, classroom space, utility services, water availability -all lacking). This was neglected in the last housing update and continues to be as of this update now before you.
5. This plan to bring more people and their cars, vehicle emissions, run-off and waste to Encinitas in in direct conflict with the city-wide Climate Action Plan. You cannot possibly vote tonight to approve another 1554 housing units in Encinitas. It would be wrong to accept the daunting, 944 page staff report that says that none of this involves any "land use or density changes to property located within the city" (page 3 of the 944 page report!).

Until the Planning Commission and city leadership can have an honest dialogue about these breaches or public trust and property/zoning rights in violation, public safety and environmental hazards, this agenda item must be delayed to a future date and an updated staff report encompassing these realities fully reviewed by the public. This housing plan basically screws hard-working Encinitans and trashes years of careful and cautious city-wide investment in planning, land use and zoning in the city of Encinitas since the city's incorporation in 1986.

Thank you for your service,

Elena Thompson, "E.T.", Encinitas Realtor



DISCUSSION AND ANALYSIS:

Housing Element Update

In 2019, the City adopted the 5th Cycle Housing Element. Since March 2019, the Housing Element has been amended to reflect any recent changes to State law and new guidance provided by HCD to determine compliance with State law. The proposed amendments do not propose any land use or density changes to property located within the City. Since the first public review draft in June 2020, the Housing Element has been updated to address comments received from the public and HCD. All of the drafts are available on the project webpage. The February Public Review Draft of the Housing Element reflects the most recent modifications (~~striketrough~~ underline format) to address the comments received from the public and HCD through February 2021. This is the draft under consideration for recommendation by the Planning Commission to City Council for adoption (Attachments PC-5 thru PC-8).

The Housing Element is organized in four parts. Section 1 contains the Housing Element Policy Programs including the goals, objectives, and timelines for each Program. The programs are organized in six major subject areas that are required by Government Code Section 65583, Housing Element Law, that include adequate sites, affordable housing, mitigation of constraints to residential development, conservation of existing housing stock, affirmatively furthering fair housing and at-risk housing. Appendix A provides a summary of community engagement activities conducted and community comments; Appendix B provides the required analyses required by

WASHINGTON, FRIDAY, SEPTEMBER 12, 1986

House of Representatives

THE NEW CITY OF ENCINITAS, CALIFORNIA

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, on October 1, 1986, a new city will be born in my district—the city of Encinitas. Encinitas incorporates 26 square miles of some of the most beautiful coastline in San Diego County. 44,000 Californians make their homes there.

The decision to incorporate was made by 70 percent of the voters in order to gain local control of land use issues and to develop a community identity. A great deal of pride went into this important decision resulting in the incorporation of the largest area in recent California history. This proud community has elected its first city council, comprised of Marjorie Gaines, Greg Luke, Ann Omsted, Rick Shea, and Gerald Steel.

**Congratulations to Encinitas on its
October 1, 1986, birthday!**

8:27



AA 🔍 city of Encinitas Safet ↻




🔍 city of Encinitas Safety Mission Sta ✕

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Mission Statement

"Proudly committed to providing the highest level of service to our communities and the people we serve, by protecting life, property and the environment."

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Mission, Values, Vision & Motto - City of Encinitas

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Public Safety - City of Encinitas

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Mission, Values, Vision & Motto · Emergency
Preparedness · Fire Administration · Fire Operations, ...



BACKGROUND:

Every eight years the State requires that each jurisdiction update its Housing Element to address future housing needs. The Department of Housing and Community Development (HCD) is the agency responsible for tracking and determining compliance with the State Housing Law. On October 8, 2019, HCD certified the City's Housing Element for 2013-2021 (Cycle 5), which was adopted by City Council in March 2019. Since adoption in 2019, there have been new state laws and further direction from HCD on what is required to be included in a Housing Element. The City has been working since October 2019 to update the Housing Element for the Sixth Cycle (2021-2029). The City of Encinitas ("the City") must adopt the Sixth Cycle Housing Element Update (2021-2029) by April 15, 2021.

There are consequences for the City if the Housing Element is adopted after April 15, 2021 or if the Housing Element is not in substantial conformance with state law. If the City does not adopt a housing element by April 15, 2021, it will be required to adopt a housing element every four years through 2037 or until the City has two consecutive on-time adoptions. If a housing element is not in substantial conformance with state law, the City will be vulnerable to litigation by the State Attorney General and other interested parties, be potentially ineligible for some state and regional funding, and other penalties as described in [Attachment PC-2](#).

Regional Housing Needs Allocation

Deana Gay

From: Roy Sapau
Sent: Monday, March 1, 2021 9:48 AM
To: Deana Gay
Cc: Jennifer Gates
Subject: FW: Comments for March 4 Planning Commission Meeting - item 8A

Hi Deana,

Please forward to PC.

Thanks,
Roy



ROY SAPA'U
Assistant Director/City Planner

Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2734 | rsapau@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: Annemarie Clisby <Aclisby@encinitasca.gov>
Sent: Monday, March 1, 2021 8:50 AM
To: Lillian Doherty <ldoherty@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>
Subject: FW: Comments for March 4 Planning Commission Meeting - item 8A

From: Patricia Vasquez <mshpmvasquez@gmail.com>
Sent: Sunday, February 28, 2021 7:14 PM
To: Planning <planning@encinitasca.gov>
Cc: Council Members <council@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>
Subject: Comments for March 4 Planning Commission Meeting - item 8A

[NOTICE: Caution: External Email]

Dear All,
Below are my comments for the March 4th Planning Commission Meeting:

Good evening. First, I'd like to thank the Planning Commission for hearing and understanding the concerns of Northwest Leucadia residents regarding the current traffic and public safety issues. We look forward to an

update on the sub-committee formed by Commissioner Amy Flicker and Vice Chair Kevin Doyle, and the proposal for the March Annual Capital Improvement Planning Meeting.

I would also like to address the Housing Element draft, and particularly the inclusion of the Jackel Properties (AKA, Fenway Mixed use or Marea Village) and Vulcan & La Costa (AKA 1967 Vulcan or Vulcan Encinitas LLC) projects that have been incorporated into the Housing Element draft.

As many of my neighbors and I have expressed at previous Planning Commission, Traffic and Public Safety Commission and City Council meetings, we are extremely concerned about the level of development being proposed for this small corner of the Northwest Leucadia and Southwest Carlsbad.

While we all understand the need for the city to identify sites to add very low and low income housing, we feel it is the moral responsibility of our city leaders to do so in a safe and responsible manner.

As our city leaders and staff are well aware, La Costa Avenue is already a dangerous corridor, with a level of service rating of "F" in segments, as well as a lack of sidewalks and protected bike lanes. La Costa Avenue is the only legal access point across the railroad tracks by foot, bike or car for the 1.5 mile stretch north of Leucadia Blvd.

It is unconscionable for city leaders to propose or approve further developments in this corridor without first addressing the serious lack of infrastructure and current dangers to pedestrians, cyclists and motorists in Northwest Leucadia.

Specifically, the Jackel and Vulcan developments listed in the Housing Element contribute only 31 low income housing units in total, but would result in an estimated 1,646 additional daily trips for all of the retail, hotel and residential units to be added by the projects, which are in addition to the 1,200 estimated additional daily trips which are expected with the opening of the Alila Marea hotel in this already traffic burdened neighborhood.

We urge the Planning Commission not to approve the Housing Element until these two projects are removed from it.

We thank you in advance for protecting the safety and welfare of your neighbors.

Best regards,
Patricia Vasquez
Leucadia Cares Volunteer

Deana Gay

From: Planning
Sent: Thursday, March 4, 2021 3:19 PM
To: Deana Gay
Subject: FW: City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021
Attachments: Letter to Encinitas.pdf

Not sure if you need this too. Forwarded.

From: Jon Wizard <jon@yimbylaw.org>
Sent: Wednesday, March 3, 2021 9:10 PM
To: Jennifer Gates <jgates@encinitasca.gov>
Cc: Planning <planning@encinitasca.gov>; rhuntley@hcd.ca.gov
Subject: City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021

[NOTICE: Caution: External Email]

Hello Ms. Gates:

Attached is a letter submitted on behalf of YIMBY Law, a California nonprofit organization, and on my own behalf as a resident of California impacted by the statewide housing crisis.

Thank you,
Jon

--

Jon Wizard
Housing Elements Coordinator

[YIMBY Law](#)
1260 Mission Street
San Francisco, CA 94103

fairhousingelements.org

calendly.com/jonyimbylaw/30min → personal calendar
calendly.com/housingelements → housing element watchdogs calendar



YIMBY LAW

YIMBY Law
1260 Mission St
San Francisco, CA 94103
hello@yimbylaw.org

03/03/2021

Jennifer Gates, AICP
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

jgates@encinitasca.gov, planning@encinitasca.gov, rhuntley@hcd.ca.gov;
Via Email

Re: Encinitas 6th Cycle RHNA Draft Housing Element

Dear Ms. Gates:

Please find enclosed with this letter a detailed analysis of the City of Encinitas' 2021-2029 draft housing element for the 6th Cycle RHNA. We wish to express our concern regarding a myriad of issues raised in that document, including the likelihood of development, forecasted ADU production and the affordability of those ADUs, local density bonus ordinance, permitting of group homes, AFFH, Environmental Assessment and Citizen Participation Program, and site inventory. Please note that pursuant to the instructions listed on the Planning Commission's agenda, I have also emailed this letter and its enclosure to the planning department email to ensure it will both be distributed to the commissioners and included in the record for the March 4, 2021 hearing. I have also forwarded a copy of this letter and its enclosure to the city's housing element reviewer at HCD.

Sincerely,

Jon Wizard
Housing Elements Coordinator
YIMBY Law
jon@yimbylaw.org

Enclosure

Likelihood of Development

According to the *Site Inventory Guidebook* (pp. 20–21), a site inventory must include an analysis of the “likelihood of residential development,” which is “based on the rate at which similar parcels were developed during the previous planning period.” Barring such an analysis, local agencies are instructed to “report the proportion of parcels in the previous housing element’s site inventory that were developed during the previous planning period.” The *Site Inventory Guidebook* thus makes it abundantly clear that cities must accommodate enough *realistic capacity* to accommodate the RHNA target (through the site inventory and, if necessary, through rezoning).¹ Simply demonstrating that the city has *theoretical capacity* that is equal to the RHNA target is insufficient, since not all theoretical capacity will be permitted during the 6th Cycle.

The City of Encinitas analyzed its zoning capacity assuming all of its sites would be developed; however, there is no analysis in their housing element of the likelihood that development would occur at any, or even one, of those inventoried sites. Between 2013 and 2018, Encinitas permitted or entitled 71 homes for lower-income households, which is approximately 6.9% of the city’s total lower-income zoned capacity (1,033 homes).² Taking this assumption that zoned capacity for dwelling units for lower-income households has a 6.9% chance of being built during the 6th Cycle—no analysis or evidence exists to suggest a higher rate will be observed than was in the 5th Cycle—Encinitas should zone for 19,045 lower-income dwelling units ($0.069 * 12,145 = 838$) in order to achieve its 6th Cycle RHNA of 838 dwelling units for lower-income households.

Additionally, per the *Site Inventory Guidebook* (p. 22), cities should include a 15–30% No Net Loss buffer. Consequently, Encinitas should therefore zone for between 13,967 and 15,789 homes for lower-income households.

Forecasts of ADU Development

While the City of Encinitas should be applauded for its success in fostering a regulatory environment that has produced a wave of new ADU construction, its claims about the number of ADUs it believes will be developed during the upcoming planning period should be supported by building permit data included in the housing element. Furthermore, according to the *Site Inventory Guidebook* (p. 31), local agencies are instructed to calculate “trends in ADU construction since January 2018 to estimate new production.” The city reports it permitted 77 ADUs in 2018, 103 in 2019, and 129 in 2020.³ The average number of permits issued each year, therefore, is 103, not 125 as indicated in the draft housing element. We encourage Encinitas to amend Programs 1C to include a mid-cycle review to verify the effectiveness of its ADU program and allow it to adjust its zoned capacity accordingly.

¹ We acknowledge that there is an exception for vacant parcels zoned exclusively for residential use and counted at their minimum zoned density.

² [February 7, 2020 letter from HCD to City of Encinitas](#): Notice of Violation and Revocation of Compliance, p. 3

³ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. 1–14.

Affordability of ADUs

Similar to Encinitas' claims regarding its forecasted production of ADUs, the data Encinitas relies upon to determine the affordability of ADUs should be included in the housing element. The city's report about affordability is unclear as to whether it annually surveys all property owners who have ever been issued a building permit for an ADU or whether it surveys only those owners who were issued a building permit for an ADU in the preceding year (see *Accessory Unit Survey – Housing Element Update* form).⁴ Additionally, nothing on the form indicates that a response is required; therefore, without evidence demonstrating otherwise, one can safely assume that the respondents constitute a small sample size compared to the total population of property owners with ADUs, which skews the affordability data. Moreover, at roughly the 56 minute mark of the February 16, 2021 joint special meeting of the City of Encinitas City Council and City of Encinitas Planning Commission, Principal Planner Jennifer Gates alluded to some forms not being returned, further supporting the assumption that the affordability data is incomplete.

Nevertheless, Encinitas reported that in 2019, “20 percent [of permitted ADUs] 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.”⁵ If those percentages hold throughout the entirety of the 6th Cycle, Encinitas should modify its zoned capacity to reflect 200 ADUs at the very low-income and low-income level, 300 ADUs at the moderate-income level, and 500 ADUs at the above moderate-income level, which is different than the numbers reported in *Table 2-4: Remaining RHNA Obligation*.⁶ Moreover, the data that supports the city's projections about ADU affordability are from 2019, not 2020, so, again, the city should update its information to provide more current, realistic, and defensible assumptions. Last, the city should include annual reviews as part of Program 1D to ensure that its affordability data do not become stale and outdated. This will ensure the city understands and accurately reports the affordability of the ADUs that exist within its boundaries.

State Density Bonus Law

HCD determined that the city's recently adopted density bonus ordinance does not comply with state law, and that “to the extent that the City's proposed ordinance is impermissibly inconsistent with SBDL to increase the costs and burdens on applicants, the ordinance *disincentivizes* affordable housing.”⁷ Specifically, Encinitas' requirement that an applicant provide a financial analysis or report is preempted by state law.⁸ Furthermore, the city's abrupt change in density bonus calculations are also inconsistent with state law.⁹ For these reasons,

⁴ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. B-131

⁵ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. B-130

⁶ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. 1-14

⁷ [February 7, 2020 letter from HCD to City of Encinitas](#), p. 4

⁸ Cal. Gov. Code, § 65915(a)(2)

⁹ [February 7, 2020 letter from HCD to City of Encinitas](#), p. 5; Cal. Gov. Code § 65915(f) and (r)

we recommend the city rescind its local density bonus ordinance and remove Program 2D to eliminate any references to the local density bonus ordinance from its housing element.

Group Homes

HCD determined that Ordinance No. 2020-16 discriminates against persons with disabilities and is inconsistent with the state law.¹⁰ Specifically, this ordinance “explicitly targets persons with disabilities and imposes different requirements on a protected class...creates an onerous permitting requirement that jeopardizes the financial feasibility of group homes and sober living homes... requires written notice to neighbors within 500 feet, thus stigmatizing the tenants and additionally requiring a Good Neighbor Policy, which assumes the tenants—persons with disabilities—will be bad neighbors...[and] limits the use and enjoyment of the home by including additional limitations including, but not limited to, use of the garage, and driveway, use of ADUs, limiting the number of cars, and more.”¹¹ For these reasons, we recommend the city rescind its local group home ordinance and remove Program 2E to eliminate any references to the group home ordinance from its housing element.

Affirmatively Furthering Fair Housing

The city has failed to satisfy this requirement of Housing Element Law. Neither a plan to conduct some future study or review, nor a review of the analysis of impediments, nor recruiting diverse and multilingual staff satisfy the elements of AB 686 (2018, Santiago).¹² Furthermore, the obligation creating a duty to AFFH became effective on January 1, 2021, and that obligation did not provide for Program 3H to be completed by December 31, 2022 or implemented by December 31, 2023. Moreover, the belief that Encinitas is some utopian paradise free from our shared segregationist and exclusionary past is laughable, especially considering HCD has, as recently as February 7, 2020, identified “the City’s policies perpetuate segregation on persons in protected classes.”¹³ It is patently offensive that the city’s housing element would only conditionally commit to reversing its established history of discriminatory practices in a vague, meandering program that does not even cover two full pages.

Additionally, Program 5 is less of a housing element program than a report about the Analysis of Impediments used to justify collecting CDBG funds.¹⁴ This does not satisfy the city’s duty to AFFH. While the city did complete a more thorough analysis of racially and ethnically concentrated areas of poverty, their analysis failed to investigate median income, BIPOC homeownership, BIPOC residents as a proportion of total population, or family size at the census tract level. Furthermore, there is no census tract analysis of the current and proposed location of affordable housing in Encinitas, nor is there a program identifying how the city will increase opportunity for its disadvantaged residents by locating higher-amenity resources

¹⁰ [February 4, 2021 letter from HCD to City of Encinitas](#), pp. 2-3

¹¹ [February 4, 2021 letter from HCD to City of Encinitas](#), p. 3

¹² City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. 1-45

¹³ [February 7, 2020 letter from HCD to City of Encinitas](#), p. 4

¹⁴ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. 1-51

near their current residences or facilitating their relocation to residences in higher opportunity areas. Additionally, even the diagrams used to illustrate data about RECAP in Appendix B are skewed and do not follow statistical best practices, with legends that include bands labeled <4%, 4%-6%, 6%-11%, 11%-17%, and 17%-53%.¹⁵ Nevertheless, one diagram in particular demonstrates the tremendous work that lies ahead for the city in its work to AFFH: *Figure B-13*.¹⁶ In this diagram, one can clearly see that the majority of the sites for the proposed lower-income RHNA obligation are slated to be developed in low and median income CDBG Block Groups. If the city truly intends to reduce and eventually eliminate RECAP, continuing to warehouse its lower-income residents in areas with fewer resources has the opposite effect.

Constraints

Environmental Assessment

Program 3D constitutes an arbitrary governmental constraint because its existence creates additional duties and obligations for applicants, which unnecessarily adds time and cost to projects. Furthermore, there is no legal mandate for this review mechanism to exist, having the effect of making development more complex, more precarious, and less expensive in Encinitas. Since the Environmental Assessment is part of the city's general plan, this added obligation becomes an extraordinary burden, especially in the development of lower-income housing. As HCD noted in their February 4, 2021 letter to the city, considering that the city "adopted both the Environmental Impact Report and the EA with overriding considerations regarding inmitigable traffic impacts...the City has declared the provision of housing takes precedence over any potential significant and inmitigable impacts development may have on traffic."¹⁷ Therefore, Encinitas should modify Program 3D to rapidly decouple the EA from by-right development, such as with the city's lower-income housing RHNA; eliminating the EA altogether would be better. After exempting by-right development from the EA, the city should further amend Program 3D to include an annual monitoring provision to better understand how the EA affects housing development.

Citizen Participation Program

It is definitively disingenuous for the city to mandate a non-binding but discretionary community engagement process. If the Citizen Participation Program is not used as a basis to approve or deny a project, what purpose does it serve and why is it required, especially for by-right projects, such as all of the proposed lower-income housing development projects in the 6th Cycle? If the results of the CPP are non-binding and carry no weight, why are they provided to the decision-making bodies in the staff report?¹⁸ Additionally, SB 330, the Housing Crisis Act of 2019, limits the number of public hearings a local agency can require of a project's proponent to no more than five, so the mandatory, discretionary, non-binding CPP meeting

¹⁵ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. B-57

¹⁶ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. B-60

¹⁷ [February 4, 2021 letter from HCD to City of Encinitas](#), p. 5

¹⁸ [February 4, 2021 letter from HCD to City of Encinitas](#), p. 6

uses 20% of the city's allotment of quasi-judicial proceedings in evaluating housing proposals.¹⁹ At a minimum, Program 3F should be modified to include the rapid decoupling of the CPP from by-right development, such as with the city's lower-income housing RHNA; eliminating the CPP altogether would be better. After exempting by-right development from the CPP, the city should further amend Program 3F to include an annual monitoring provision to better understand how the CPP affects housing development.

Site Inventory

The city's draft site inventory as presented in Appendix C includes seven vacant and ten non-vacant sites, and the zoned capacity is 673 and 682 dwelling units, respectively. According to the *Site Inventory Guidebook* (pp. 26-27), "[i]f a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site's existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period."

All of the vacant sites identified in *Table C-3: Net Acreage and Unit Yield on Residentially Zoned Sites* were included in the city's previous housing element, making the 6th Cycle housing element the second consecutive planning period where these vacant sites were used. In March 2019, the city rezoned these sites to create a 30 du/ac density in line with *Mullin Densities*, and the monitoring of those sites' appropriateness and readiness for development is supported through Program 1B.²⁰ However, all but one of the vacant sites' unit yield equals 30 du/ac, including Site 08a at 36 du/ac instead of 44 du/ac, Site AD1 at 60 du/ac instead of 72 du/ac, Site AD2a at 74 du/ac instead of 90 du/ac, and Site AD2b at 121 du/ac instead of 146 du/ac. In addition to these unit yield shortfalls, Site AD1, for example, the *Sage Canyon Parcel*, is described as having a maximum density of 30 du/ac and a minimum density of 25 du/ac.²¹ However, with the city going to great lengths to rezone this and similar sites, there is no discussion about No Net Loss and the potential for a reduced unit yield through development of the site at the minimum density. If the city intends to permit development at 25 du/ac instead of 30 du/ac, it must include a program to prescribe a rezoning program to ensure there is no improper loss of zoned capacity. Furthermore, if the city does not include a buffer in its zoned capacity to accommodate for No Net Loss provisions, a development with reduced unit yield will result in the city failing to meet several of its housing programs, resulting in the city's housing element falling out of compliance, and, presumably, decertified by HCD.

Beginning on Page C-29 of the site inventory, the city describes each of the nonvacant sites it has identified for development during the 6th Cycle. None of the descriptions for these sites includes a discussion with *substantial evidence*—or any evidence at all—that the site will be redeveloped during the planning period. Furthermore, some sites, such as Site 06 (a,b), the *Armstrong Parcels*, include notes about *steep slopes* and *wetlands*, both of which are well-known

¹⁹ Cal. Gov. Code, § 65905.5(a)

²⁰ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. 1-17

²¹ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. C-22

environmentally sensitive features that are not easily developed.²² Furthermore, Site 12, the *Sunshine Gardens Parcels*, includes a land value of \$3,448,000, an astronomically high price for disturbed land that will require demolition of existing structures before it can be redeveloped for lower-income housing.²³ The land alone for Site 12 will add approximately \$41,000 in cost per unit before any site work, improvements, or construction begin. Ironically, the housing element does not identify any constraints at the Sunshine Gardens Parcels.

Last, Site 02, the *Cannon Properties*, was included in comments to HCD made by the public that were subsequently forwarded to the city by HCD staff. Those comments, generally, allege that Site 02 is unsuitable for development because of sloping topography caused or worsened by a landslide. Unless Site 02 has been studied for environmental impacts and includes a certified geologist's report or soils study declaring the land stable and developable, it is improper to include this site in the site inventory or to count its unit yield toward the city's RHNA.²⁴

²² City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, pp. C-32, C-33

²³ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. C-38

²⁴ City of Encinitas 6th Cycle Housing Element Public Review Draft Feb 2021, p. C-12

Deana Gay

From: Jennifer Gates
Sent: Tuesday, March 2, 2021 4:45 PM
To: Deana Gay
Subject: Fw: Housing Elements- . CASE NUMBER: PLCY-003816-2020 (GPA – Housing Element Update)

Please forward to Planning Commission.
Thank you,
Jennifer

From: J Dichoso <JDichoso@encinitasca.gov> on behalf of Planning <planning@encinitasca.gov>
Sent: Tuesday, March 2, 2021 4:29 PM
To: Jennifer Gates <jgates@encinitasca.gov>; Nick Zornes <nzornes@encinitasca.gov>
Subject: FW: Housing Elements- . CASE NUMBER: PLCY-003816-2020 (GPA – Housing Element Update)

FYI

Thank you.



J. ALFRED DICHOSO, AICP
Associate Planner

760.633.2681 | jdichoso@encinitasca.gov
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
www.cityofencinitas.org

**Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.*

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>.

SERVICES AT THE CITY OF ENCINITAS ARE ONLINE!

Please visit: <https://portal.encinitasca.gov/CustomerSelfService>

Learn more and create a Customer Self Service Account.

From: Naimeh Woodward <naimeht@gmail.com>
Sent: Monday, March 1, 2021 11:44 AM
To: Planning <planning@encinitasca.gov>
Subject: Housing Elements- . CASE NUMBER: PLCY-003816-2020 (GPA – Housing Element Update)

[NOTICE: Caution: External Email]

Greetings,

ve been following the
Housing Element topic for the last few years.

This is to let you know that we are encouraged by the proposed plan and support the proposed housing plan elements offering an opportunity to seniors with fixed income and workers with lower income a chance to live in our community. This will allow our City to be compliant with the State Law and eliminate the need to spend more resources to litigate these mandates.

We respectfully request that you adopt the Housing Element for the reasons provided above.

Thank you for your consideration and your service to our beautiful and inclusive City.

Regards,
Naimeh and Jonathan Woodward

Jennifer Gates

From: Sanjum Samagh MD <sanjum.samagh@gmail.com>
Sent: Tuesday, March 30, 2021 8:00 PM
To: Jennifer Gates
Subject: 6th Cycle Housing Element Comments

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

[NOTICE: Caution: External Email]

Dear Encinitas Representatives,

I am Dr. Sanjum Samagh and I'm writing to you in regards to a proposed housing development in Encinitas. My wife and I (and our 6 month old Goldendoodle, Yogi) reside at 596 Union Street. Behind us, is Maldonado Farms where we enjoy the Christmas trees every year.

We recently became aware of a proposed housing development where Maldonado Farms currently is which over 199 residential units. As you may be aware, Union Street is a dead end and this housing proposal would add significant traffic to our street, and particularly be dangerous for children and pets (we are also expecting our first child this summer).

We are concerned as neighbors about the overflow of parking and residents onto the adjacent street and how this would already worsen the traffic on Saxony and Leucadia.

I know housing is a problem in Encinitas, but I would hope you would look at proposals with a less dense area with more through-fare where cars, people, and traffic could more easily come and go. A housing development of this size does not make any sense on a dead end street adjacent to a freeway with no outflow.

I hope to hear back from you soon regarding this issue.

Regards,

Sanjum Samagh, MD
Orthopaedic Sports Surgeon
Co-Chairman, Orthopaedic Surgery Division
Scripps Memorial Hospital - Encinitas
310 Santa Fe Drive, Ste 112
Encinitas, CA 92024
O: 760-690-3133
www.SamaghMD.com

Jennifer Gates

From: Wargo, Richard <rwargo@ucsd.edu>
Sent: Wednesday, April 7, 2021 2:56 PM
To: City Clerk
Subject: Agenda Item 3A Council Meeting 4/7/21

[NOTICE: Caution: External Email]

In regard to Agenda Item 3A I urge the city to NOT repeal 2020-09. Consider all the exhaustive work that all the citizens and diligent city staff conducted to create this planning ordinance. Please do not throw all this work away despite the threat of legal action from other constituencies. We are your constituency and we worked with the city to create this for our own good and better future.

Thank you for your time and consideration.

-Rich Wargo 1002 Wotan Drive

Jennifer Gates

From: Sheila Cameron <sheilaleucadia@gmail.com>
Sent: Wednesday, April 7, 2021 2:42 PM
To: Kathy Hollywood
Subject: April 7, 2021 Encinitas City Council Meeting

[NOTICE: Caution: External Email]

RE: 3A. City Council Public Hearing to review and consider the update to the City's Housing Element for the 2021-2029 Housing Cycle

To Mayor Blakespear; Deputy Mayor Tony Kranz; Council Members Mosca, Hinze and Lyndes:

As you must know, there are few people who have the time, knowledge, patience, or inclination to read and understand the hundreds of pages you, the Encinitas Mayor and Council, are expecting citizens to wade through in this Agenda item on Housing.

Another major decision being made by you under the cover of Covid.

There is hardly any part of our Zoning matrix and our Quality of Life that will not be affected by your decision today if you approve this Agenda item 3A.

Why are you, our City representatives so willing to cede local control to the State of California for a few dollars in Grant money?

The Housing Element legislation in this State is being misused and abused, and this Council has been an instrument of that abuse. The INTENT of the legislation was to provide low income and affordable housing in order to create home purchase opportunities for people of diverse economic and social backgrounds, NOT 85% to 90% expensive Market Rate Housing! The laws have been perverted and subverted so

that only the Building Industry Association profits! Why? How did that happen?

A partnership between the BIA and legislators at every level perhaps?

It is also important to question why the legislators of this State are focusing on forcing Coastal communities in particular to supply this housing? Why aren't communities much further inland who want more development, the goal and target of this Housing Element legislation? Same answer - greed and money! The BIA and the State of California stand to make more profits and taxes off market rate homes that sell for \$2,000,000 and more on the Coast than homes that sell for \$400,000 inland! And that is what the BIA and apparently this Council are after - profits and tax monies!

Your citizens asked repeatedly for Measure U to propose 25% to 50% low and affordable housing which would still allow the dwelling units built to meet Proposition A standards and create Quality housing in our City while meeting the goals of the State Housing Dept. The Mayor and Council rejected adhering to the INTENT of the Housing Statutes, going so far as to ignore the citizens' vote against Measure U, refusing to abide by the voters decision, and never reaching out in the four month aftermath to the citizens to find common ground.

In July 2020, 10 City and the County representatives walked out of the SanDag meeting in protest to the Regional Housing Numbers (RHNA) being assigned. Of those City representatives who stayed in that meeting - 4 voted against the proposed RHNA numbers - which made 14 of the 18 members of SanDag who protested. But our representative, Mayor Blakespear, voted with the few remaining cities two of whom had "weighted" votes - and that was enough to keep further discussion and reduction of RHNA possible. Too bad, our Mayor could not see her way

clear to stand up for our citizens and join the majority of SanDag members who wanted to negotiate for their cities!

So here we are again - by-passing the voices of your citizens and passing this all encompassing Housing Element to allow the State of California to roll over LOCAL CONTROL and our future!

Once again, I will remind you of the two precepts upon which this City of Encinitas was founded: Protection of Community Character and the assurance of the Quality of Life for all who live here. Well, this Mayor and Council are quickly eroding both of those precepts.

Other cities are suing the State to retain their local citizen government control of their zoning rights and to create their own cities under their own City Constitution guidelines. Why doesn't Encinitas join them? Protect our Local Control.

Submitted For the Record:

Sheila S. Cameron
former Mayor of Encinitas and
City Incorporation Member

Jennifer Gates

From: daniel_e_vaughn@yahoo.com
Sent: Wednesday, April 7, 2021 2:36 PM
To: Council Members
Cc: Jennifer Gates; Roy Sapau; Lillian Doherty; Pamela Antil
Subject: Fw: 6th Cycle HE - a few EDITS

[NOTICE: Caution: External Email]

Dear City Leaders,

I recognize the HCD has put the city in an extremely difficult spot by their fanatical misinterpretation of state DBL, and the leverage their threatend non-certification of our HE provides. However, the city still has some leverage and needs to avoid merely acceding to their bullying. The city will be better served by adopting a modestly modified HE that complies with state CEQA laws by removing the improper constraints on required design review mitigation (programs 1B, 3B, 3D, and 3F), even though complying with CEQA removes HCD preferred language limiting the review to only "objective standards" that goes beyond state law. A full repeal of the Encinitas DBL (Program 2B) is excessive, a commitment to ammend (amend) the ordinance to fully comply with state DBL should be adequate.

These steps would undoubtedly make HCD unhappy, and result in ongoing contentious negotiations potentially leading to non certification, referral (referral) to the attorney general, and potential litigation. However, the HCD notice of violation for the Encinitas DBL ordinance is so extreme in its pro-building industry stance and so deeply flawed with both factual errors and blunders in legal analysis that HCD has removed any remaining shadow of doubt that they can be a either a competent or neutral arbitrator. [Please see the letter from Craig Sherman on behalf of EncinitasRRD for detailed legal analysis and specific errors and misstatements.] So while a few of the HCD objections have merit, these can be resolved through amendment rather than repeal. More to the point, HCD is so extreme that we are better off with adjudication in the AG's office or the courts.

I'm sure you understand the fear and outrage throughout our Olivenhain Community at the proposed Goodson project that is so grossly out of scale with the surrounding neighborhood. The EA identified several potentially significant adverse impacts for development at this site, and identified the city's existing design review process as the required mitigation to make these impacts less than significant. The EA and design review processes rely on both subjective and objective standards which were in place before both the application was submitted and January 1, 2020 when new discretionary standards were prohibited. Thus these subjective standards are not only allowed, they are critical and required mitigation for this project (and other similarly situated projects).

Along with our fellow affordable housing advocates at E4E, Keys4Homes, and Faith-in-Action, we at Encinitas RRD share the earnest desire to provide badly needed affordable housing, especially for very low income residents (<50% AMLI). All four organizations share the desire that in providing this much needed housing, we maintain local land use control and not result in destruction of our beloved city or other

unmitigated environmental harm. We differ only to the extent that we believe the city should stand up to HCD, and risk non-certification. Encinitas RRD's more resolute position is driven by our intimate knowledge of the Goodson project, and the devastating harm to the community of Olivenhain if the city removes the more subjective design review mitigation measures currently required in the EA. Although the Encinitas DBL will not help us in Olivenhain (his application was deemed complete long before the ordinance was adopted), it has many very strong components that would prove an invaluable tool in restraining similar unscrupulous development for other R-30 projects that have not yet been submitted.

We all know that if you don't stand up to a bully, they just keep taking. I note with horror, the last second changes to the HE proposed by Jennifer last night. Now the HCD wants us not only to comply with SDBL requirements, but their biased policy interpretations as well. Not only does the moving HE target make a mockery of the City's CEQA Determination several revisions ago, but it ensures that HCD will keep moving their pro-building industry interpretations ever further to the destruction of our environment and influence in land use and planning. **We need to stand up to the bully or they will continue to eat our lunch!**

Please, unite our city behind doing the right thing for our residents by adopting an HE that both provides the much needed affordable housing and asserts local authority to protect our city and environment from unrestrained development. Let's work together to overcome Sacramento's overreach.

Yours in community, Dan

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 1:59 PM
To: Jennifer Gates
Subject: FW: Goodson Project

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

From: Vicki Ernenwein <marlo123@icloud.com>
Sent: Wednesday, April 7, 2021 1:57 PM
To: Council Members <council@encinitasca.gov>
Subject: Goodson Project

[NOTICE: Caution: External Email]

The size and scope of this project is unacceptable. This is only possible because of the missives coming out of Sacramento allowing builders to override local laws and directives that are in place voted in by our community. We incorporated in the eighties so our community character and lifestyle would be protected, not torn apart. You need to stand up for our community and add affordable housing in a practical and acceptable manner. So stand up, and do the right thing....help us by keeping in place our propositions that we voted in to protect our community.

Sincerely,
Vicki & JF Ernenwein
2335 Jennifer Ln
Olivenhain

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 1:57 PM
To: Jennifer Gates
Subject: FW: stand up to Sacramento

From: Janet fisher <billandjanet@gmail.com>
Sent: Wednesday, April 7, 2021 1:43 PM
To: Council Members <council@encinitasca.gov>; Encinitas Development <encinitasrrd@gmail.com>
Subject: stand up to Sacramento

[NOTICE: Caution: External Email]

Vote NO on 6thcycle housing element!
Janet Fisher 139 peppertree Ln. encinitas 760-805-7260

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 1:56 PM
To: Jennifer Gates
Subject: FW: encinitasrrd@gmail.com

From: Janet fisher <billandjanet@gmail.com>
Sent: Wednesday, April 7, 2021 1:44 PM
To: Council Members <council@encinitasca.gov>; Encinitas Development <encinitasrrd@gmail.com>
Subject: Fwd: encinitasrrd@gmail.com

[NOTICE: Caution: External Email]

----- Forwarded message -----

From: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Date: Mon, 5 Apr 2021 at 21:14
Subject: encinitasrrd@gmail.com
To: <billandjanet@gmail.com>

[View this email in your browser](#)

Urgent: Tell City Council to stand up to Sacramento!

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

This Wednesday, April 7th at 6:00 p.m., the Encinitas City Council will vote on a 6th cycle Housing Element (HE). The HE as proposed would yield local control of our city housing

planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Tell our city council to stand up to Sacramento!!

Please send an email by Wednesday at 2:00 p.m. to Encinitas City Council members and copy Encinitas RRD.

City Council Group email

council@encinitasca.gov

Encinitas RRD

encinitasrrd@gmail.com



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Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 1:56 PM
To: Jennifer Gates
Subject: FW: HCD Vote today

From: Dan Boyle <theboylefarm@yahoo.com>
Sent: Wednesday, April 7, 2021 1:52 PM
To: Council Members <council@encinitasca.gov>; Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: HCD Vote today

[NOTICE: Caution: External Email]

Council members,

My wife, Valerie Thorpe, and myself, Daniel Boyle, strongly urge you to reject the demands of the state to cede local control over our community's character and ability to deal with our housing and do not allow the state to overrule the Encinitas Density Bonus Law. We have lived in Encinitas for almost 30 years and see this as a way to take away the rights of the local citizens to the community they want to live in. We do not have to be dictated to by Sacramento as to how to live our lives nor raise our families and ceding local control of housing decisions to the state does exactly this, so please, support your constituents and do not give in to Sacramento on the EDBL. It is there to protect our community.

Thank you for your service,

Daniel Boyle
Valeri Thorpe
2148 13th St
Encinitas, CA 92024

Jennifer Gates

From: Lois Sunrich <sunrich@storyartsinc.org>
Sent: Wednesday, April 7, 2021 1:35 PM
To: Council Members; City Clerk
Subject: Please pass the HOUSING ELEMENT PLAN.

[NOTICE: Caution: External Email]

I highly support the adoption of the Housing Element Plan, with an emphasis on now translating the plan into action and the actual building of more affordable housing.

And I personally thank you for all the hard work and difficult pressure you had to face to get to this vote.

Lois

**Lois Sunrich,
Keys4Homes
StoryArts, Inc.**

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 1:30 PM
To: Jennifer Gates
Subject: FW: Encinitas RRD

From: Peggy French <peggydfrench@gmail.com>
Sent: Wednesday, April 7, 2021 1:27 PM
To: Catherine Blakespear <cblakespear@encinitasca.gov>; Kellie Shay Hinze <khinze@encinitasca.gov>; Tony Kranz <tkranz@encinitasca.gov>; Joe Mosca <jmosca@encinitasca.gov>; Jody Hubbard <jhubbard@encinitasca.gov>; Annemarie Clisby <Aclisby@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Encinitas RRD

[NOTICE: Caution: External Email]

Dear Council Members,

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl. Please protect the city that I love.

Thank you,
Peggy French

Jennifer Gates

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Wednesday, April 7, 2021 12:39 PM
To: City Clerk
Subject: 4-7-21, Special City Council Meeting ,6th cycle Housing Element, Agenda Item 3A
Repeal of Ordinance 2020-09

[NOTICE: Caution: External Email]

Jennifer Hewitson
1145 WOTAN DR. Encinitas Ca. 92024

To City Clerk for Council, Mayor and City Attorney,

I am deeply saddened to see what is happening within our city regarding the Housing Element and Density Bonus Housing Laws.

What I see is an over reach by the state to force Encinitas to allow rampant and unfettered high density growth, regardless of the consequences to neighborhoods, environmental impacts, increased congestion, traffic, and destruction of that which our citizens have fought to preserve over many decades.

Why does Encinitas "feel" the way it does in comparison to other coastal cities?

It is the result of hard working citizens who fought to preserve some beauty, open spaces, rural character, agricultural history and a down to earth land use perspective.

NOW, after endless debating, handwringing, meetings, legal fees, and billable hours paid for by tax payers, you came up with a local ordinance, 2020-09, which was recently approved.

Although NOT what local citizens see as a great option, since it should include requirement of low income units of 20 or 25%, it still seemed much more reasonable than the disastrous AB2345, which is a BIA dream!

NOW, since the state didn't like what you came up with, you are voting to repeal that ordinance? Just like that?

SO, Encinitas is expected to bow down to builders and the state, rollover and say...never mind, we'll just make it go away now? Our very respected city attorney who argued the benefits and legality of this ordinance, now says never mind? Our mayor and council who represents us, sees the BIA and the state threatening lawsuits and they say, NEVER MIND?

WHAT have we become? WHERE is this leading? I am discouraged, sad, angry, and feel utterly unrepresented here.

You know most citizens don't have any idea what is happening, and they will never read an ordinance or attend a council meeting. It is all too complicated and convoluted to even follow.

Well, some of us are paying attention, and while we pay the bills for all this circular and in the end potentially pointless housing element slog, we do not like what we see.

Gross acreage calculation based on estimates, even exaggerated acreage, on tentative maps, with incentive to fudge the numbers on acres, because hey, we'll just round it up and get even MORE houses and tighter density!

Unbuildable land is included, why not? 50% density bonuses, and endless waivers of building restrictions, no expectations of consideration for, well, ANYTHING or ANYONE else!

Minimal parking, tiny setbacks, half baked water management plans, toxic runoff, traffic impacts, congestion, out of character builds in rural neighborhoods, NO PROBLEM! HAVE AT IT!!

I do not think this is what the citizens of this lovely city ever had in mind! It is time to stand up and say ENOUGH!

It's time for an overlay on top of the state overlay, and Encinitas needs to join forces with other cities who are fighting this mass land grab, and cookie cutter planning, before we lose it all.

Remember, it will NEVER be ENOUGH HOUSING, no matter how you force it. The destruction of quality of life for all, is where we are headed. The destruction of open spaces in our midst, the untenable traffic, the cumulative effects of all

this density, are countless, and will not pay off. Once our hard fought control of this tiny spot on the map is given up it is gone forever!

Thank you for your RE-consideration of this repeal, Jennifer Hewitson .

Jennifer Gates

From: workinger <craigworkinger@yahoo.com>
Sent: Wednesday, April 7, 2021 12:10 PM
To: City Clerk
Subject: HCD

[NOTICE: Caution: External Email]

Dear Mayor and City Council,
Please vote against the HCD for the future of Encinitas and for the citizens of Encinitas. On NextDoor many of the comments you will read will say "This City Council does what they want not what the residents want." Please consider the residents as we believe this will not help the City Of Encinitas character.

Sincerely,
Rachel Workinger

[Rachel J Workinger](#)

Jennifer Gates

From: Teresa Barth
Sent: Wednesday, April 7, 2021 12:08 PM
To: Council Members; Kathy Hollywood
Subject: Agenda Item 3a

[NOTICE: Caution: External Email]

Dear Mayor and Councilmembers,

I support the adoption of the 2021-2029 Housing Element Update and the repeal of the Density Bonus Regulations.

While efforts to modify the Density Bonus Regulations were most likely well intentioned, the reality is that they are not in compliance with state law. Let's stop wasting money on no-win legal efforts and actually build affordable housing, specifically a 100% affordable community.

I applaud the city for joining the special, bond-issuing government agency to support the development of 'missing middle' housing. Encinitas is in need of a greater variety of housing types, especially condominiums, townhouses, duplex/triplex units and apartments to provide housing opportunities for young families, essential workers, seniors and entry-level professionals. A diversity of ages and incomes add to the vitality of a community.

Thank You and Stay Well,

Teresa Arballo Barth

Jennifer Gates

From: Stacy Wolter <stacy.wolter@gmail.com>
Sent: Wednesday, April 7, 2021 12:08 PM
To: Council Members; Kathy Hollywood
Cc: encinitasrtd@gmail.com
Subject: 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Dear Council Members,

I understand that you will be deliberating on the 6th Cycle Housing Element this evening, which will include a response to the California Department of Housing and Community Development (HCD) which demands that Encinitas repeal its Density Bonus Ordinance.

My request is that the City of Encinitas:

- Does not commit to repeal the Encinitas DBL ordinance, but instead promises to make revisions to the ordinance to fully comply with State DBL requirements.
- Does not make any concessions that reduce local land use authority, for example by eliminating the EA required mitigation measures achieved through the city's well established discretionary design review processes.
- Does not make any concessions that reduce environmental protection, for example falsely claiming CEQA exemption for adopting this HE.
- Does provide local solutions that provide the affordable housing Encinitas needs while preserving and enhancing our great city.
- Collaborates more with cities facing these same issues with HCD.

Thank you for your consideration.

Sincerely,
Stacy Wolter

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:46 AM
To: Jennifer Gates
Subject: FW: Ordinance 2020-09

From: Glenn Kovary <g.kovary@gmail.com>
Sent: Wednesday, April 7, 2021 10:07 AM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Ordinance 2020-09

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Encinitas does not have a housing crisis, we have a shortage of affordable housing and congestion issues. HCD is imposing projects that do not meet our needs for our community character and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe and undesirable development.

Sincerely,
Glenn Kovary

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:46 AM
To: Jennifer Gates
Subject: FW: Oppose 6th Cycle Housing Element Vote

From: mary dreamhomesbymary.com <mary@dreamhomesbymary.com>
Sent: Wednesday, April 7, 2021 10:05 AM
To: Council Members <council@encinitasca.gov>
Subject: Oppose 6th Cycle Housing Element Vote

[NOTICE: Caution: External Email]

This Wednesday, April 7th at 6:00 p.m., the Encinitas City Council will vote on a 6th cycle Housing Element (HE). The HE as proposed would yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Please stand up for our Encinitas residents and vote no.

Sincerely,
Mary Wilson

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:46 AM
To: Jennifer Gates
Subject: FW: Community Density

From: Dede Sumner <lilyonjames@yahoo.com>
Sent: Wednesday, April 7, 2021 10:09 AM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Community Density

[NOTICE: Caution: External Email]

Tell our city council to stand up to Sacramento!! Please send an email by Wednesday at 2:00 p.m. to Encinitas City Council members and copy Encinitas RRD. Do not repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Diana Sumner Ahlrich Ave

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:44 AM
To: Jennifer Gates
Subject: FW: Housing and the environment

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

From: Cathy Small <cathysmall@pacbuilders.com>
Sent: Wednesday, April 7, 2021 10:29 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Housing and the environment

[NOTICE: Caution: External Email]

To the people who represent me, my neighbors and all citizens of Encinitas.

When we built our home in Olivenhain in 1991 we were required to satisfy a great number of environmental considerations. To think that today the current thinking is to completely disregard any and all environmental concerns when it comes to building in our city is mind numbing. Are we going backwards?

I am writing to you all today to encourage you to reject the Housing and Community Development demands that Encinitas repeals its Density Bonus Ordinance which eliminates the enforcement of environmental regulations. When did our environmental concerns fall to such a low level on the priority list? I believe that you as our leaders can find better solutions if you have the will and the desire to do it. Please don't be bullied into accepting less than what is best for the people and city and the environment that you represent and serve.

Thank you,

Cathy Small
Olivenhain Homeowner and Resident since 1991

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:44 AM
To: Jennifer Gates
Subject: FW: City Council maintain EDBL

From: robertruhe <ruhers@roadrunner.com>
Sent: Wednesday, April 7, 2021 10:35 AM
To: Council Members <council@encinitasca.gov>
Subject: City Council maintain EDBL

[NOTICE: Caution: External Email]

Encinitas must maintain local control of local housing policies.

I urge you not to side with large developers and the paid lobbyists of the building industry. California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. Our community needs to come 1st. Do not yield to HCD! Maintain our Encinitas E.D.B.L.

Stand up to Sacramento!! Encinitas must come 1st!!!!!!

Sheri J. Ruhe and Robert D. Ruhe,JD

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:44 AM
To: Jennifer Gates
Subject: FW: Housing Element

From: Jennifer Bishop <jbishop@att.net>
Sent: Wednesday, April 7, 2021 10:38 AM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Housing Element

[NOTICE: Caution: External Email]

Honorable Mayor Blakespear and City Council,

We understand that the Council is considering the 6th cycle Housing Element at its meeting tonight . Please consider that we, like many other families in Encinitas are encouraging you to "Stand up to Sacramento."

As Leaders of our city, we ask that you:

- Do not commit to repeal the Encinitas DBL ordinance, instead promise to make revisions to the ordinance to fully comply with State DBL requirements instead
- Do not make any concessions that reduce local land use authority, for example by eliminating the EA required mitigation measures achieved through the city's well established discretionary design review processes
- Do not make any concessions that reduce environmental protection, for example falsely claiming CEQA exemption for adopting this HE
- Do provide local solutions that provide the affordable housing Encinitas needs while preserving and enhancing our great city.
- Work with other Local Government agencies to preserve the community characters of our neighborhoods, rich with separate and distinct diversities enjoyed by all.

We are aware that several of you campaigned for election and re-election in part on your commitment to "preserve our community character". We urge you to keep your promises by placing needed affordable living spaces appropriately, near local services and transportation.

Thank you,
Jennifer & Kathy Bishop
Encinitas residents since 1973 & Olivenhain since 2005

Jennifer Bishop
760-518-7065
Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:43 AM
To: Jennifer Gates
Subject: FW: Strongly Oppose

From: Strachan, Chris (MMA) <Chris.Strachan@MarshMMA.com>
Sent: Wednesday, April 7, 2021 10:40 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com; 'Kalee' <Kalee.strachan@gmail.com>
Subject: Strongly Oppose

[NOTICE: Caution: External Email]

City Council,

As a citizen of Olivenhain / Encinitas who specifically sought out the Olivenhain area because of its very unique rural "country feel" (something growing more and more rare each day thanks to the short-sighted interests of profit-seeking developers "partnering" (\$\$) with local and state government officials whom have forgotten whom they truly serve, the citizens; not the developers, I wanted to express that I very strongly oppose both the state legislation and the current trajectory of events, which I find to be unconstitutional in nature, as it violates the basic rights of private property ownership and local governance in a free America.

I encourage our city council to do their job and stand up for the citizens you represent.

All you need to do is look at any beautiful area that have grown without vision and you will see nothing but big box stores and apartment high rises.. we do NOT want to see Olivenhain look like downtown San Diego.

As for the argument that there is a "need" to provide more affordable housing in our area: this is an viewpoint/argument that deserves an opposing POV to balance and temper its potential impact, or else, we are on the road to having NOTHING else other than aggressively sprawling urban areas here in CA, which come with horrific impacts on the natural environment and "character and fabric" of the communities.

There is more than enough high rise, dense, more affordable housing within a very short driving distance of Olivenhain. We DO NOT need to increase our population density to pave the way for affordable housing. Is it government's responsibility to represent people who do not currently live in Olivenhain, but who would like to be able to afford to live there, or is it their job to represent the interests and the will of the residents who live here? Please do not be fooled into the utopian childish dream that "everyone should be able to afford to live in Encinitas". I spent 10 years living in a 900 sq ft apartment with 2 children and my wife in a very densely-populated part of nearby Carmel Valley religiously *saving* so that one day I could afford to live in a place like Olivenhain with its open space and more rural character. This was done through good old fashioned hard work, personal sacrifice, and faith in my own ability to improve my family's future. Why should someone else be robbed of the same opportunity that I had? They will be if this pattern continues. All of Encinitas will eventually look like PB. Who wants this other than the developers?

This is a slippery slope that eventually obliterates the natural habitat in our special area with an urbanizing congestion that the people DO NOT WANT. Where will the locally endangered wildlife go when we slowly continue to replace all their remaining open spaces with high density buildings and more cars, more traffic, more lights.

Please stand up to Sacramento and represent our interests as citizens of one of the very last special places that is on the brink of being ruined by developers whom we all know are interested in one thing at the cost of our community.

Chris Strachan

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Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:43 AM
To: Jennifer Gates
Subject: FW: FIGHT FOR ENCINITAS TONIGHT

From: Robert Campbell <jayhawk0@flash.net>
Sent: Wednesday, April 7, 2021 10:54 AM
To: Council Members <council@encinitasca.gov>
Subject: FIGHT FOR ENCINITAS TONIGHT

[NOTICE: Caution: External Email]

PLEASE!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

DO NOT TURN CONTROL OF OUR HOME OVER TO BUREACRATS. You were elected to DEFEND us, not surrender.

Robert Campbell
2001 14th Street
Encinitas, CA 92024
(760) 519-1299 cell

From: Encinitas Residents For Responsible Development
Sent: Monday, April 5, 2021 9:14 PM
To: jayhawk0@flash.net
Subject: encinitasrrd@gmail.com

[View this email in your browser](#)

Urgent: Tell City Council to stand up to Sacramento!

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD)

demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

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Tell our city council to stand up to Sacramento!!

Please send an email by Wednesday at 2:00 p.m. to Encinitas City Council members and copy Encinitas RRD.

City Council Group email

council@encinitasca.gov

Encinitas RRD

encinitasrrd@gmail.com



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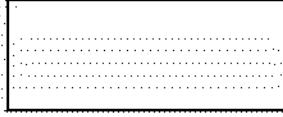
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Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:42 AM
To: Jennifer Gates
Subject: FW: Maintain Control of Encinitas Local Housing Policies

From: Sheri Ruhe <sjruhe@roadrunner.com>
Sent: Wednesday, April 7, 2021 11:06 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Maintain Control of Encinitas Local Housing Policies

[NOTICE: Caution: External Email]

Dear Council Members,

In Encinitas and Olivenhain, we need to maintain the beauty and tranquility that this fabulous city and the community of Olivenhain offers. We can not afford to have large developers come in and make decisions to build monstrosities like the Goodson Project in Olivenhain. This complex would destroy the character and values of Olivenhain, increase traffic on our local roads and interactions to a dangerous level. This dangerous travel level not only affects day-to-day travel but in the case of wildfires, a timely evacuation would be nearly impossible with all of the excess vehicles that the Goodson Project brings. This Project is BAD for this community. It does not fit into the natural environment of Olivenhain which has dark skies, horses, and other animals. This project would bring a plethora of lights to negatively light up our beautiful valley. The traffic on Rancho Santa Fe Rd. is already unbearable and can not afford several hundred more cars on it every day. The local schools can not support any more students. This Project would also hurt our property values. Our local police and fire departments can not support any more residents at the volume which this project predicts.

I urge you NOT to side with the large developers and paid lobbyists in the building industry. They don't care about this city and community. They don't live here. Their kids don't go to school here. They don't travel down Rancho Santa Fe Rd. and Encinitas Blvd. daily. They don't have to evacuate their families, horses, and other animals quickly during a wildfire.

Stand up for your constituents who have elected you and are pleading with you NOT to approve the 6th cycle Housing Element. Stand up to Sacramento. We pay you to protect and support our local residents not to allow large developers to build complexes for their own profit and bottomline.

Sincerely yours,

Sheri J. Ruhe
1011 Calle Anacapa
Olivenhain, CA 92024
(760) 450-6155 Cell
Sjruhe@roadrunner.com

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 11:42 AM
To: Jennifer Gates
Subject: FW: Local control only

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

From: David Diehl <dvddiehl@gmail.com>
Sent: Wednesday, April 7, 2021 11:30 AM
To: Council Members <council@encinitasca.gov>
Subject: Local control only

[NOTICE: Caution: External Email]

Dear City Council

As a concerned local Encinitas resident for 40 years I urge the council to be strong with our overreaching state government who feels they are better to make decisions at a state level then allowing control at the local level. Please don't allow this to happen to our very special and unique city, let's keep control here and not in the hands of developers and uncaring state housing commission. Do the right thing. Thanks David Diehl

179 peppertree lane
Encinitas

Sent from my iPhone

Jennifer Gates

From: Kathy Hollywood
Sent: Wednesday, April 7, 2021 10:32 AM
To: Jennifer Gates
Subject: FW: Please stand up to the State



Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

From: Lyle Donovan <lyledon1@gmail.com>
Sent: Wednesday, April 7, 2021 9:31 AM
To: Council Members <council@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Please stand up to the State

[NOTICE: Caution: External Email]

Encinitas City Council,

Thank you in advance for working with the citizens of Encinitas and not ceding to the inaccurate demands of the State's Department of Housing and Community Development.

Please work with the citizens of Encinitas to maintain local land use authority and continue to protect our unique local environment.

The citizens have very well articulated how the State's development plan does next to nothing with respect to alleviating a shortage of housing for lower income residents but rather enhances the profit potential for developers.

Again, thank you for maintaining your alliance with the local citizenry and standing up to the overreach of State agencies and those seeking to use systemic flaws to enhance their personal profits.

Respectfully,

Lyle Donovan

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 10:27 AM
To: Jennifer Gates
Subject: FW: Housing density

From: pkessler@pkdal.com <pkessler@pkdal.com>
Sent: Wednesday, April 7, 2021 10:26 AM
To: Council Members <council@encinitasca.gov>
Subject: Housing density

[NOTICE: Caution: External Email]

Council members,
Please vote against The HE as proposed. We don't want to yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Thanks,
Phil Kessler
pkessler@pkdal.com
Cell: 858-414-2146

Jennifer Gates

From: Bob Kent <bobkent84@gmail.com>
Sent: Wednesday, April 7, 2021 10:20 AM
To: Catherine Blakespear; Tony Kranz; Joe Mosca; Kellie Shay Hinze; Joy Lyndes
Cc: City Clerk
Subject: Item 3A - Housing Element - in Support

[NOTICE: Caution: External Email]

Dear Mayor Blakespear, Deputy Mayor Kranz, Council Member Hinze, Council Member Lyndes, Council Member Mosca:

I am sending this email on behalf of Keys4Homes in Encinitas. We are local residents who advocate for the building of affordable homes in Encinitas for our seniors, millennials 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.

We support the adoption of the 6th Cycle Housing Element Update, so the plan can be translated into action and the actual building of more affordable housing.

We understand that there is no one single solution. So, we support the City's efforts (as outlined in the plan), to enhance the tools required to build more affordable housing, including:

Accessory Dwelling Units ("ADU's"): We are encouraged that approximately 25% of the ADU's built are deemed affordable.

Inclusionary housing: We support increasing the percentage of affordable housing if economically feasible and not a disincentive to building affordable homes; and

Collaboration with other agencies: such as the City's recent decision to join CalCHA, which will hopefully create and/or preserve both lower income and middle-income affordable housing opportunities.

The ADU & Inclusionary Programs help move the needle by currently yielding somewhere between 15% - 25% affordable housing and hopefully those %'s can increase. The biggest takeaway here is that the private sector, by itself, cannot solve our affordable housing challenges. That is why we support the City's recent commitment to build a 100% (or as close as possible) affordable community in Encinitas. So rather than having 1 in 5 units built affordable, 100% of units (or at least a much higher %) are affordable for our seniors, grocery store workers, medical technicians, service workers and so many others. This will require your leadership, community engagement, public/private collaboration, a significant financial commitment from the city for a local match, and of course, land.

This process is far from perfect and so while we support maintaining local control, we are concerned that if this plan is not adopted, we run the risk of more taxpayer funded legal fees, litigation battles and ultimately a loss of local land use control to the courts. So, let's address the state density bonus issue in the next 90 days or at the legislative level, if necessary, and not in the courts.

In the meantime, we respectfully request you adopt the Housing Element, so we can move forward with taking action to build more affordable housing in our community.

Thank you for your service.

Bob Kent

Jennifer Gates

From: Bob Kent <bobkent84@gmail.com>
Sent: Wednesday, April 7, 2021 10:20 AM
To: Catherine Blakespear; Tony Kranz; Joe Mosca; Kellie Shay Hinze; Joy Lyndes
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[NOTICE: Caution: External Email]

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In the meantime, we respectfully request you adopt the Housing Element, so we can move forward with taking action to build more affordable housing in our community.

Thank you for your service.

Bob Kent

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 10:00 AM
To: Jennifer Gates
Subject: FW: My name is Niall Conway. I am a resident and taxpayer in Encinitas

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

From: NIALL CONWAY <niallconway@mac.com>
Sent: Wednesday, April 7, 2021 8:59 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: My name is Niall Conway. I am a resident and taxpayer in Encinitas

[NOTICE: Caution: External Email]

I'd like to join those voices that are expressing concern to you about the proposed 6th cycle Housing Element. I believe the city should retain local control of housing development and put the priorities of residents first. I oppose eliminating the recently adopted Encinitas Density Bonus Law.

Niall Conway

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 10:00 AM
To: Jennifer Gates
Subject: FW: Housing element vote

From: Tamara Ballensky <tam.ballensky@gmail.com>
Sent: Wednesday, April 7, 2021 9:00 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Housing element vote

[NOTICE: Caution: External Email]

Dear Encinitas City Council Members,

In anticipation of your upcoming vote on the 6th cycle Housing Element, I'd like to voice my concern regarding the possible repeal of the Encinitas Density Bonus Law. I feel strongly that Encinitas should maintain local control of its housing policy and not allow the HCD to determine the future of our community.

Development should be carefully planned and regulated, with a focus on affordable housing that meets environmental and zoning requirements. I trust in the ability of Encinitas to meet these goals and do not want to see our housing governed by Sacramento.

Thank you for your time and attention.

Best regards,
Tamara Ballensky
Olivenhain resident

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 9:59 AM
To: Jennifer Gates
Subject: FW: Ordinance2020-09

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

From: Kate Kovary <kate.kovary@gmail.com>
Sent: Wednesday, April 7, 2021 9:12 AM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Ordinance2020-09

[NOTICE: Caution: External Email]

Thank you for applying sound reason when you passed Ordinance 2020-09.
Net vs gross acreage makes sense and follows CEQA guidelines.

HCD continues to misrepresent the truth and insists Encinitas has a housing crisis. It does NOT.
Please stop high density housing developments. HCD is ignoring common sense in it's drive to benefit FOR-PROFIT developers and disregards the well being of our community.

Respectfully,
Kate Kovary

Sent from my iPad

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 9:59 AM
To: Jennifer Gates
Subject: FW: Agenda Item 3A - Housing Element

From: Jill Weinberger <jlweinberger@gmail.com>
Sent: Wednesday, April 7, 2021 9:30 AM
To: Council Members <council@encinitasca.gov>
Subject: Agenda Item 3A - Housing Element

[NOTICE: Caution: External Email]

Dear Members of the City Council,

I am writing to express my support for repealing local ordinance 2020-09 DensityBonus Regulations and adopting a new housing element. I am a resident of Olivenhain and have no love for large development, but am aware of the desperate need for affordable housing in both the state as a whole and in our city. I support additional housing that will maintain a healthy community and I support requiring more low-income housing.

I also hope that you recognize the direct tie between this issue and the short-term rental issue you reviewed two weeks ago. I live next to a "problem" short term rental house. The owner/occupant of the house used to rent out rooms on a long-term basis in order to help make ends meet. Two to three years ago, he realized he could make more money by throwing out the long-term renters and renting out his house as a party venue on airbnb. After many complaints to the City by neighbors he eventually got a permit. The City issued the permit despite several written objections from neighbors documenting his willingness to support loud parties with underage drinking that required the sheriff to respond. The occupant still routinely allows events and loud vacationers to rent his property (which is listed as an "owner-occupied" short-term rental) as he goes off and stays elsewhere for the weekend. This house used to provide affordable housing. Now it is simply a nuisance.

As you deliberate on the next steps to create a unified housing policy that addresses the needs of the city residents, I hope you take a balanced approach that allows for additional development, places requirements on developers to ensure low-income housing units are included, and eliminates incentives for conversion of long-term rentals to short-term rentals. These issues are directly linked and should be considered together.

Thank you,
Jill Weinberger

Jennifer Gates

From: nevillewoodgroup@cox.net
Sent: Wednesday, April 7, 2021 9:50 AM
To: Council Members
Cc: encinitasrrd@gmail.com; Kathy Hollywood
Subject: 6th Cycle Housing Element - Comment for Submittal

[NOTICE: Caution: External Email]

Honorable Mayor Blakespear and City Council,

On behalf of my family and I, I respectfully request you hear and understand this comment as it relates to the subject. We understand that the Council is considering the 6th cycle Housing Element at its meeting tomorrow evening. Please consider that we, like many other families in Encinitas are encouraging you to "Stand up to Sacramento."

As Leaders of our city, we ask that you:

- Do not commit to repeal the Encinitas DBL ordinance, instead promise to make revisions to the ordinance to fully comply with State DBL requirements instead
- Do not make any concessions that reduce local land use authority, for example by eliminating the EA required mitigation measures achieved through the city's well established discretionary design review processes
- Do not make any concessions that reduce environmental protection, for example falsely claiming CEQA exemption for adopting this HE
- Do provide local solutions that provide the affordable housing Encinitas needs while preserving and enhancing our great city.
- Work with other Local Government agencies to preserve the community characters of our neighborhoods, rich with separate and distinct diversities enjoyed by all.

We are aware that several of you campaigned for election and re-election in part on your commitment to "preserve our community character". We urge you to keep your promises by placing needed affordable living spaces appropriately, near local services and transportation.

Thank you,

Dallas & Kandace Neville

326 Cole Ranch Road
Encinitas, CA 92024

(760) 415-9345
nevillewoodgroup@cox.net

Jennifer Gates

From: nevillewoodgroup@cox.net
Sent: Wednesday, April 7, 2021 9:50 AM
To: Council Members
Cc: encinitasrrd@gmail.com; Kathy Hollywood
Subject: 6th Cycle Housing Element - Comment for Submittal

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326 Cole Ranch Road
Encinitas, CA 92024

(760) 415-9345
nevillewoodgroup@cox.net

Jennifer Gates

From: gretchen donovan <gretchendonovan56@gmail.com>
Sent: Wednesday, April 7, 2021 9:52 AM
To: Kathy Hollywood; Olivenhain Task Force
Subject: State Density Bonus Law does not Resolve the Housing Crisis

[NOTICE: Caution: External Email]

Dear Elected Officials-

As a concerned citizen of Encinitas, I urge you to stand up to Sacramento and continue working with the local citizenry to maintain local control of land use and housing development.

HCD's claim that any waiver or concession that will reduce the cost of development is allowable whether or not that cost reduction is linked to any other metric seems to border on absurd.

We are a sensible community with locally elected reasonable officials. Please stand up to HCD and work with your constituents to maintain the integrity of our local environment.

Thank you,
Gretchen Donovan



Jennifer Gates

From: gretchen donovan <gretchendonovan56@gmail.com>
Sent: Wednesday, April 7, 2021 9:52 AM
To: Kathy Hollywood; Olivenhain Task Force
Subject: State Density Bonus Law does not Resolve the Housing Crisis

[NOTICE: Caution: External Email]

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Thank you,
Gretchen Donovan



Jennifer Gates

From: Jim Stiven <jstiven@roadrunner.com>
Sent: Wednesday, April 7, 2021 9:45 AM
To: Council Members; City Clerk
Subject: Fwd: 6th cycle Housing Element - Agenda item 3A

[NOTICE: Caution: External Email]

FYI

Sent from my iPhone

Begin forwarded message:

From: Jim Stiven <jstiven@roadrunner.com>
Date: April 6, 2021 at 11:49:35 AM PDT
To: council@encinitasca.gov, clerk@encinitasca.gov
Subject: 6th cycle Housing Element

Council members - I recently wrote in support of what I believed was the most recent draft of the HE submitted by staff. I have since learned that the draft has been revised in response to notices of violations from HCD, particularly relating to the Density Bonus laws. This is a complex issue, and it appears the HCD is being a bit hard nosed. I simply ask this be given careful consideration to decide whether or not resistance to the HCD's demands is needed to ensure that our hopes for real affordable housing is not traded for density aimed at moderate income vs low and very low income categories. Thank you. Jim Stiven

Sent from my iPhone

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Sent from my iPhone

Jennifer Gates

From: Kim Piker <kim.piker@gmail.com>
Sent: Wednesday, April 7, 2021 9:35 AM
To: Council Members; City Clerk
Subject: Item 3A

[NOTICE: Caution: External Email]

To: Mayor Blakespear, Deputy Mayor Kranz, Council member Hinze, Council Member Lyndes, Council Member Mosca:

I continue to support the adoption of the Housing Element, so the city can focus on building affordable housing rather than spending taxpayer funds on defending lawsuits, which may not be winnable.

Respectfully,
Kim Piker

Jennifer Gates

From: Kim Piker <kim.piker@gmail.com>
Sent: Wednesday, April 7, 2021 9:35 AM
To: Council Members; City Clerk
Subject: Item 3A

[NOTICE: Caution: External Email]

To: Mayor Blakespear, Deputy Mayor Kranz, Council member Hinze, Council Member Lyndes, Council Member Mosca:

I continue to support the adoption of the Housing Element, so the city can focus on building affordable housing rather than spending taxpayer funds on defending lawsuits, which may not be winnable.

Respectfully,
Kim Piker

Jennifer Gates

From: Lyle Donovan <lyledon1@gmail.com>
Sent: Wednesday, April 7, 2021 9:31 AM
To: Council Members
Cc: Kathy Hollywood; encinitasrrd@gmail.com
Subject: Please stand up to the State

[NOTICE: Caution: External Email]

Encinitas City Council,

Thank you in advance for working with the citizens of Encinitas and not ceding to the inaccurate demands of the State's Department of Housing and Community Development.

Please work with the citizens of Encinitas to maintain local land use authority and continue to protect our unique local environment.

The citizens have very well articulated how the State's development plan does next to nothing with respect to alleviating a shortage of housing for lower income residents but rather enhances the profit potential for developers.

Again, thank you for maintaining your alliance with the local citizenry and standing up to the overreach of State agencies and those seeking to use systemic flaws to enhance their personal profits.

Respectfully,

Lyle Donovan

Jennifer Gates

From: Kathy Hollywood
Sent: Wednesday, April 7, 2021 9:07 AM
To: Jennifer Gates
Subject: FW: Housing Element item 3 A



Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

From: Karen Koblentz <revk2@yahoo.com>
Sent: Wednesday, April 7, 2021 9:05 AM
To: Encinitas Mayor Catherine S. Blakespear <catherine@blakespear4encinitas.com>; Tony Kranz <tkranz@encinitasca.gov>; Joe Mosca <jmosca@encinitasca.gov>; Council Members <council@encinitasca.gov>; City Clerk <CityClerk@encinitasca.gov>; Joy Lyndes <jlyndes@encinitasca.gov>; Kellie Shay Hinze <khinze@encinitasca.gov>
Subject: Housing Element item 3 A

[NOTICE: Caution: External Email]

Dear Mayor Blakespear, Deputy Mayor Kranz, Council member Hinze, Council Member Lyndes, Council Member Mosca:

We are local residents who advocate for the building of affordable homes in Encinitas for our seniors, millennials 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.

We support the adoption of the 6th Cycle Housing Element Update, so the plan can be translated into action and the actual building of more affordable housing. We understand that there is no one single solution. So, we support the City's effort (as outlined in the plan), to enhance the tools required to build more affordable housing. We support increasing the percentage of affordable housing if economically feasible and not a disincentive to building affordable homes; and Collaboration with other agencies. such as the City's recent decision to join CalCHA.

Therefore, we support the City's recent commitment to build a 100% affordable community in Encinitas. This will require leadership, community engagement,

public/private collaboration), a significant financial commitment from the city for a local match and of course, land.

So, let's address the state density bonus issue in the next 90 days or at the legislative level, if necessary, and not in the courts.

Therefore, we respectfully request you adopt the Housing Element, so we can move forward with taking action to build more affordable housing in our community.

Thank you for your dedication and service.

Rev. Karen Koblentz, Encinitas resident and member of San Dieguito Interfaith Ministerial Association

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 8:31 AM
To: Jennifer Gates
Subject: FW: Urgent: Maintain Local Control!!!

From: Douglas Warner <warnerdds@gmail.com>
Sent: Wednesday, April 7, 2021 8:06 AM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Urgent: Maintain Local Control!!!

[NOTICE: Caution: External Email]

Dear City Council,

As you vote on the Housing Element today please maintain local control and do not give decision power over to Sacramento! Let us, the people of Encinitas, be able to decide what is best for Encinitas, not the Sacramento politicians or the pro-developer HCD.

Thank you for serving our community!!

Dr Douglas Warner

www.warnerpediatricdental.com

Cell: 760-310-9495

Office: 760-942-1570

warner
pediatric
dental

Jennifer Gates

From: Kathy Hollywood
Sent: Wednesday, April 7, 2021 8:26 AM
To: Jennifer Gates
Subject: FW: Item 3A in the Subject Line of your email.

Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

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

From: gita St John <denisegita70@gmail.com>
Sent: Tuesday, April 6, 2021 8:29 PM
To: Council Members <council@encinitasca.gov>; City Clerk <CityClerk@encinitasca.gov>
Cc: Bob Kent <bobkent84@gmail.com>
Subject: Item 3A in the Subject Line of your email.

[NOTICE: Caution: External Email]

Council Member and City Clerk,

I respectfully request you adopt the new Housing Element for the City of Encinitas.

The new development is again a reminder by the City Attorney (a legal wake up call) that if the City does not commit to repealing

the newly enacted Group Homes ordinance and amendment to the City Density bonus Ordinance; the City will be sued and of course

at taxpayers expense! Folks, please face the facts The City will have to comply sooner or later .

So you can kick the ball down and become liable for all the penalty to potential loss of local land control to the courts and where things

could be even more difficult for todays' naysayers. Or, you can make life more comfortable for yourselves and for us, your constituents.

So if i add up the loss of time and money and local land use to the courts that could eventually cost the City quite a bit of heartache!!

I mean money and so much more When then not comply with Law, once and for all?

I strongly urge you to adopt the Housing Element and without hesitation, especially when considering the alternatives.

Respectfully

gita St John

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 8:02 AM
To: Jennifer Gates
Subject: FW: April 7 council meeting

From: Barry Walker <87ferrari@gmail.com>
Sent: Tuesday, April 6, 2021 5:49 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: April 7 council meeting

[NOTICE: Caution: External Email]

To Encinitas council,

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

The HE as proposed would yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Please do not allow this to happen.

Barry Walker

City Council Group email
council@encinitasca.gov

Encinitas RRD
encinitasrrd@gmail.com

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 8:01 AM
To: Jennifer Gates
Subject: FW: encinitasrrd@gmail.com

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

From: Cashew Peanut <mahalokai@icloud.com>
Sent: Tuesday, April 6, 2021 6:24 PM
To: Council Members <council@encinitasca.gov>
Subject: encinitasrrd@gmail.com

[NOTICE: Caution: External Email]

Dear City Council,

My family and I urge you to please stand up to the state. Please do not let the state bully you nor any of us in Encinitas. We support you standing up against the state. Please do it for us long time residents who have also supported you.

Regards,
KC Scott

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 8:00 AM
To: Jennifer Gates
Subject: FW: Item 3A - Housing element

From: Lisa Shaffer <lshaffer@ucsd.edu>
Sent: Tuesday, April 6, 2021 8:06 PM
To: Council Members <council@encinitasca.gov>
Subject: Item 3A - Housing element

[NOTICE: Caution: External Email]

I support adoption of the proposed updated 6th cycle Housing Element, as well as rescission of the previously adopted density bonus ordinance, which HCD has determined to be unacceptable.

It's time to accept the need to comply with state housing regulations.

--
Dr. Lisa R. Shaffer

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:59 AM
To: Jennifer Gates
Subject: FW: HCD

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

From: Mary O'Boyle <mkoboyle@hotmail.com>
Sent: Tuesday, April 6, 2021 8:20 PM
To: Council Members <council@encinitasca.gov>
Subject: HCD

[NOTICE: Caution: External Email]

Dear Council Members,

I am a resident of Encinitas and ask that at the meeting this Wednesday to you vote down the proposal to yield control of our city housing planning to HCD.

HCD has sided with large developers and paid lobbyists for the building industry. They would eliminate the enforcement of environmental regulations that are so vital to the essence of our community. HCD would also overrule housing solutions that are meant to meet the needs of our community after our very careful and considered analysis.

It also would be a terrible mistake to yield control to them as a have a stated purpose to repeal the recently adopted Encinitas density bonus law.

HCD control would usurp our autonomy and personality as a community and turn a blind eye to the environment and the needs of our community.

I implore you to vote no. HCD is not who we are.

Sincerely,
Mary K. O'Boyle M.D.

Sent from my iPad

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:59 AM
To: Jennifer Gates
Subject: FW: Item 3A in the Subject Line of your email.

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From: gita St John <denisegita70@gmail.com>
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To: Council Members <council@encinitasca.gov>; City Clerk <CityClerk@encinitasca.gov>
Cc: Bob Kent <bobkent84@gmail.com>
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at taxpayers expense! Folks, please face the facts The City will have to comply sooner or later .

So you can kick the ball down and become liable for all the penalty to potential loss of local land control to the courts and where things

could be even more difficult for todays' naysayers. Or, you can make life more comfortable for yourselves and for us, your constituents.

So if i add up the loss of time and money and local land use to the courts that could eventually cost the City quite a bit of heartache!!

I mean money and so much more When then not comply with Law, once and for all?

I strongly urge you to adopt the Housing Element and without hesitation, especially when considering the alternatives.

Respectfully

gita St John

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:59 AM
To: Jennifer Gates
Subject: FW: the horrible Goodson Project

From: Valerie Zirpolo <valerie.zirpolo@gmail.com>
Sent: Tuesday, April 6, 2021 8:42 PM
To: Council Members <council@encinitasca.gov>
Subject: the horrible Goodson Project

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:58 AM
To: Jennifer Gates
Subject: FW: State Department of Housing and Community Development

From: Alex Zirpolo <alex@avcaminc.com>
Sent: Tuesday, April 6, 2021 8:50 PM
To: Council Members <council@encinitasca.gov>
Subject: State Department of Housing and Community Development

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Alex Zirpolo
776 Jacqueline Ct
Encinitas, CA 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:58 AM
To: Jennifer Gates
Subject: FW: Local Housing

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

From: Jane Burke <janeburke4@gmail.com>
Sent: Tuesday, April 6, 2021 9:34 PM
To: Council Members <council@encinitasca.gov>
Subject: Local Housing

[NOTICE: Caution: External Email]

I urge you to keep local control of future local housing/Bldg. development in Encinitas.

As a resident of Olivenhain, I urge the council to only approve safe, well-planned development that will maintain the unique character of each community in Encinitas.

Jane Burke

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:57 AM
To: Jennifer Gates
Subject: FW: Repeal Density Bonus Ordinance

From: Nancy Bonnafox <nbonnafoux@gmail.com>
Sent: Tuesday, April 6, 2021 9:41 PM
To: Council Members <council@encinitasca.gov>
Subject: Repeal Density Bonus Ordinance

[NOTICE: Caution: External Email]

Dear Council,

Please do not support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

Please repeal the Density Bonus Ordinance and help preserve the quality of life in Encinitas.

Thank you for your consideration regarding this matter.

Sincerely,

Nancy Bonnafox
Resident of Encinitas since 1980

Jennifer Gates

From: Annemarie Clisby
Sent: Wednesday, April 7, 2021 7:57 AM
To: Jennifer Gates
Subject: FW: NO REPEAL OF THE EDBL!!!

From: Jim <jlinds.new@comcast.net>
Sent: Wednesday, April 7, 2021 7:05 AM
To: encinitasrrd@gmail.com; Council Members <council@encinitasca.gov>
Subject: NO REPEAL OF THE EDBL!!!

[NOTICE: Caution: External Email]

Rancho Santa Fe Road between Encinitas BLVD and Olivenhain Road is a mess around the clock.

The Encinitas Blvd/RSF intersection is a mess all day every day....and school has not started up!

From: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Reply-To: <encinitasrrd@gmail.com>
Date: Tuesday, April 6, 2021 at 2:16 PM
To: <jlinds.new@comcast.net>
Subject: encinitasrrd@gmail.com

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 5:31 PM
To: Jennifer Gates
Subject: FW: Please have courage to say no to Sacramento!

From: Maureen hammock <hammfamm@msn.com>
Sent: Tuesday, April 6, 2021 4:49 PM
To: Council Members <council@encinitasca.gov>
Subject: Please have courage to say no to Sacramento!

[NOTICE: Caution: External Email]

Dear members of the city council of our great city, Encinitas,

Please stand up to Sacramento! We can no longer stay quiet! Please represent your good citizens with fairness and courage, and stand up to the demands of state mandates on housing here in Encinitas.

Encinitas must maintain local control of local housing policy. We truly need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Thank you very much,

Maureen Hammock
1278 Quail Gardens CT
Encinitas, CA 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 5:30 PM
To: Jennifer Gates
Subject: FW: Styand up to Sacramento

From: Stephen Lord <slord.lec@gmail.com>
Sent: Tuesday, April 6, 2021 5:08 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Styand up to Sacramento

[NOTICE: Caution: External Email]

We want local control of our city .That why we incorporated!
Please vote no against the housing element as written. Do not give up our new bonus law.
Its ridiculous that we can not control our own city and quality of life.
Where does it stop?
Why have a city council or mayor at all?

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 5:30 PM
To: Jennifer Gates
Subject: FW: Encinitas to maintain control of Local Housing Policy

From: Rooz Golshani <babrac@hotmail.com>
Sent: Tuesday, April 6, 2021 5:22 PM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: Encinitas to maintain control of Local Housing Policy

[NOTICE: Caution: External Email]

Dear Encinitas City Council Members,

As elected representatives of Encinitas I respectfully ask that you please listen and respect the greater community in maintaining control of local housing policy.

The politics and political pundits of Sacramento should not have authority in controlling housing policy in local communities. All too often their decisions follow a political agenda that cares little for established residents of a community. We are at the mercy of Sacramento in many different aspects of our lives. However, I think it is critical that we maintain control of our housing policy. The location, density, size, and makeup of a housing complex significantly influence the makeup and therefore character of a community. And as residents of a community we should have the right to maintain the character of an established community.

Regards,

Rooz Golshani
3104 Via De Caballo, Encinitas

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:48 PM
To: Jennifer Gates
Subject: FW: 6th cycle Housing Element

From: Paul Van Slyke <paul@vanslykelandscape.com>
Sent: Tuesday, April 6, 2021 2:53 PM
To: Council Members <council@encinitasca.gov>
Subject: 6th cycle Housing Element

[NOTICE: Caution: External Email]

Honorable Encinitas City Council Members,
I urge you to stand with your constituents by not letting HCD and Sacramento bully you into what amounts to a take over of our current Housing Element.
Please vote to keep Encinitas the jewel it really is by not being pushed around by Sacramentos HCD and big developers.
Respectfully,
Paul Van Slyke

--
President Van Slyke Landscape Inc. 1989 - Currently
Formerly:
Owner, Olivenhain Gardens Nursery 1974 -1989
Olivenhain Town Council 1979 -1982
City of Encinitas, Olivenhain Community Advisory Board 1991-1995
City of Encinitas, Planning Commission 2006 - 2010

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:48 PM
To: Jennifer Gates
Subject: FW: Wed. Meeting

From: Sheri Armendariz <sher@surfboardhouse.com>
Sent: Tuesday, April 6, 2021 3:08 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Wed. Meeting

[NOTICE: Caution: External Email]

Dear Mayor & Council,

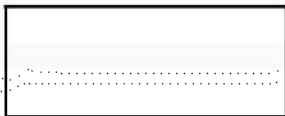
We are not happy with the housing path you are taking. Please take a step back and do not give control to pro developers and lobbyists for this.

We are sad to see ugly expensive developement along 101 Coast Hwy. We are becoming like NewPort beach and losing our Encinitas we love.

We'll move away if this continues.

Thank you,
~ Sheri & Art Armendariz
Encinitas residents

[View this email in your browser](#)



Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:47 PM
To: Jennifer Gates
Subject: FW: urban sprawl

From: mark wishner <mdwishner@hotmail.com>
Sent: Tuesday, April 6, 2021 3:14 PM
To: Council Members <council@encinitasca.gov>
Subject: urban sprawl

[NOTICE: Caution: External Email]

Dear Council,

Continued development is going to create a situation where there is not only no longer any empty spaces in our town, but the roads and infrastructure will be even more burdened.

It is time to take a step forward and stand up for ourselves. Encinitas should manage its own growth not some outside agency or money hungry developers. Tell Sacramento to BUTT OUT!

Mark Wishner
Calle Christopher Encinitas

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:47 PM
To: Jennifer Gates
Subject: FW: Do Not Repeal Ordinance 2020-09 Please

From: Kevin Quellmalz <kevinquellmalz@gmail.com>
Sent: Tuesday, April 6, 2021 3:37 PM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Development <encinitasrdd@gmail.com>; Rachel Norton <rachelnorton44@hotmail.com>
Subject: Do Not Repeal Ordinance 2020-09 Please

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Kevin Quellmalz & Rachel Norton
777 Jacqueline Court
Encinitas, CA 92024
415-699-0834

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:45 PM
To: Jennifer Gates
Subject: FW: Encinitas & HCD

From: Robin Missailidis <rmiss2002@yahoo.com>
Sent: Tuesday, April 6, 2021 3:51 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Encinitas & HCD

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Robin Missailidis

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:45 PM
To: Jennifer Gates
Subject: FW: Development

From: Ann Swan <ann.swan07@gmail.com>
Sent: Tuesday, April 6, 2021 4:05 PM
To: Council Members <council@encinitasca.gov>
Subject: Development

[NOTICE: Caution: External Email]

I am writing this email to notify the City Council that I am strongly opposed to the 6th Housing Element and that I urge you all to vote against approving the 6th Cycle Housing Element.

Ann Swan
3282 Brookside Lane
Encinitas, CA 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 4:44 PM
To: Jennifer Gates
Subject: FW: Housing

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

From: Nancy Dirks <dirksbl@mindspring.com>
Sent: Tuesday, April 6, 2021 4:27 PM
To: Council Members <council@encinitasca.gov>
Subject: Housing

[NOTICE: Caution: External Email]

Please vote against the 6th cycle Housing Element Nancy Dirks
710 Cole Ranch Road

Jennifer Gates

From: Kathy Hollywood
Sent: Tuesday, April 6, 2021 2:54 PM
To: Jennifer Gates
Subject: FW: Housing element

Mayor and Council have been blind copied on this email.

Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

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

From: Jerylanne <jerylanne68@gmail.com>
Sent: Tuesday, April 6, 2021 2:20 PM
To: City Clerk <CityClerk@encinitasca.gov>
Subject: Housing element

[NOTICE: Caution: External Email]

Please rethink all this explosive housing that you are placing through out Encintas. The council and members are not looking at the overall picture and what eyesores you will be creating. This will be overcrowding , traffic problems and not look like the traditional charming Encintas landscape. It seems like you should have the ability to amend the states mandated housing and should have been working with citizens for the last year rather than developers. You are supposed to be thinking new green ideas but all I see is pure concrete and cement ideas. Reducing our carbon footprint none of these housing projects have mentioned anything about that. This city council legacy will be looked at as slamming down poorly thought out housing developments and not working with any of the exsisting community members or landscape. It's disgraceful. I'm in medical field I would be fired for not caring properly for any patient I take care of. This city council and members have not done your due diligence with the housing element and not put what is best for the Encintas community. They are just trying to church boxes. It saddens me and many members of this community.

Respectfully and despondent
JerylAnne Kessler

Sent from my iPhone

Jennifer Gates

From: JerylAnne <jerylAnne68@gmail.com>
Sent: Tuesday, April 6, 2021 2:20 PM
To: City Clerk
Subject: Housing element

[NOTICE: Caution: External Email]

Please rethink all this explosive housing that you are placing through out Encintas. The council and members are not looking at the overall picture and what eyesores you will be creating. This will be overcrowding , traffic problems and not look like the traditional charming Encintas landscape. It seems like you should have the ability to amend the states mandated housing and should have been working with citizens for the last year rather then developers. You are supposed to be thinking new green ideas but all I see is pure concrete and cement ideas. Reducing our carbon footprint none of these housing projects have mentioned anything about that. This city council legacy will be looked at as slamming down poorly thought out housing developments and not working with any of the exsisting community members or landscape. It's disgraceful. I'm in medical field I would be fired for not caring properly for any patient I take care of. This city council and members have not done your due diligence with the housing element and not put what is best for the Encintas community. They are just trying to church boxes. It saddens me and many members of this community.

Respectfully and despondent
JerylAnne Kessler

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:15 PM
To: Jennifer Gates
Subject: FW: Special City Council Meeting - Wednesday, April 7, 2021

From: Nate Bear <natebear@yahoo.com>
Sent: Tuesday, April 6, 2021 11:32 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Special City Council Meeting - Wednesday, April 7, 2021

[NOTICE: Caution: External Email]

Dear Council,

I am a resident of Encinitas, specifically Olivenhain. We bought our home and chose to raise our family here, in part because my wife grew up in Encinitas, when it was the Flower Capital of the World. But then the greedy, capitalistic developers descended like locusts - converting greenhouses into McMansions, building strip malls, creating sprawl, and hurting the city.

This history should be in the forefront of your considerations when it comes to the current and future development of Encinitas. It serves as a caution - a warning of what happens when those greedy developers, with no stake in our community, have control of development. I fear that we are on the cusp of repeating that mistake, to the detriment of Encinitas and its residents.

Accordingly, I urge each of you to vote AGAINST any proposal or agenda item that would yield local control of our city housing planning to the California Department of Housing and Community Development (HCD.) To be specific, you should vote AGAINST Agenda Item 3A at the Special City Council Meeting on Wednesday, April 7, 2021. You should fight for your constituents, not fold.

Instead of passing laws that destroy neighborhoods, create safety concerns, and ruin the quality of life of its residents (by ceding local housing control to the state), the city and council should pass laws to limit high density development to those areas that have the infrastructure to support it, by requiring and incentivizing re-development of existing "more urban" pockets within the city, and precluding new development in our few remaining open spaces.

I am entirely in favor of diversity and affordable housing. But rather than "up-zone" selected parcels, which grants developers a lottery ticket that they can cash in with the state - as we are experiencing with the Grayson project in Olivenhain, where the developer lied to the city about building a retirement village - Encinitas should first look to re-develop existing areas (e.g. the El Camino Real corridor) to create a more vibrant, diverse, walkable area of mixed-use development. That is the future, and we should embrace it, rather than continue the mistakes of the past.

That type of vision and action would serve multiple purposes. First, of course, it would enable the city to comply with the mandates of the state and HCD with regard to affordable housing, etc. Secondly, it

would undo the prior poor decisions which led to the sub-optimal development of that area into multiple strip malls with very little (if any) housing. Third, it would preserve the nature of Encinitas' existing neighborhoods by not forcing high density development in areas that lack the infrastructure to support that density.

What have the city and council done to promote or advance (let alone require) this type of smart, sensible, development in Encinitas?

Something missing from the conversation about expanding development to increase diversity is the fact that diversity is actually being DESTROYED by the city and the council in its prior decisions. Olivenhain provides diversity to the city - via open spaces, trails, dark skies, horses, agriculture, etc. Why is this diversity not considered in your decisions and policies?

Thank you for your time and consideration.

Sincerely,
Nate Bear

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:14 PM
To: Jennifer Gates
Subject: FW: Ordinance 2020-09

From: Baum, David (US) <David.Baum@cobhamaes.com>
Sent: Tuesday, April 6, 2021 11:36 AM
To: Council Members <council@encinitasca.gov>
Cc: amyhmccord@gmail.com
Subject: Ordinance 2020-09

[NOTICE: Caution: External Email]

CATEGORIZATION: PUBLIC

To the Encinitas City Council,

As a longtime resident of Encinitas, I want to emphasize the importance of the character of the city of Encinitas. Ordinance 2020-09 was designed to establish sensible and fair guidelines allowing for controlled development while maintaining the ambience of the area. The repeal of this Ordinance, potentially allowing for hasty growth of high density, inappropriate housing solutions will not resolve the issues of affordability, will not improve access to living in the community, and degrades the emotional environment that makes living here so desirable. The State Department of Housing and Community Development's pressure to repeal this protection serves no interest other than a political agenda from an organization that failed to act appropriately in the past and is attempting to make up for policy failures with heavy handed bullying to address their own performance shortfalls. I request that you consider the impact to the community of repealing this ordinance and continue to maintain the sensible approach the resulted Ordinance 2020-09 being established in the first place.

David Baum
862 Marisa Lane
Encinitas, CA
92024

CATEGORIZATION: PUBLIC This email was categorized by Baum, David (US) on Tuesday, April 6, 2021 11:35:44 AM

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:13 PM
To: Jennifer Gates
Subject: FW: save our community!

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

From: Erin Plasse <folseye@gmail.com>
Sent: Tuesday, April 6, 2021 11:38 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: save our community!

[NOTICE: Caution: External Email]

Good morning again Mayor Blakespear, Councilwoman Hinze, Councilman Kranz, Councilman Mosca, and Councilwoman Lyndes, Please vote to maintain local control of our local housing policies. We voted for many of you. We love Encinitas and where we live in Olivenhain. Please do your jobs to represent the local people who live here and love the communities we have full of families, lots of kids and horses. We already have significant traffic and evacuation concerns with the constant threat of fire. Please support the many local voices who are concerned you will bow to outside pressure... We need young are counting on all of you to remember who you represent please. We moved here from Los Angeles for the amazing quality of everyday life and have embraced Encinitas and Olivenhain. We work hard to support each other in our neighborhoods and communities.

We are expecting you to support all of our local voices and stand for the residents who love their city. You all passed Ordinance 2020-09 for a reason. Please maintain that trust with your voters!

Most gratefully
The Plasse Family

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:13 PM
To: Jennifer Gates
Subject: FW: Ordinance 2020-09 (Encinitas Density Bonus Law)

From: Ken McCord <mccordk@gmail.com>
Sent: Tuesday, April 6, 2021 11:42 AM
To: Council Members <council@encinitasca.gov>
Subject: Ordinance 2020-09 (Encinitas Density Bonus Law)

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Ken McCord

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:12 PM
To: Jennifer Gates
Subject: FW: Housing and Community Development

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

From: Rosemary Wolanin <rwolanin@gmail.com>
Sent: Tuesday, April 6, 2021 11:43 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Housing and Community Development

[NOTICE: Caution: External Email]

Dear City Council,

It is a sad day when we lose local control of our community. The building industry is rejoicing in the state's blind regulations. You MUST stand up for our city to provide for environmentally sound solutions and the needs of our community in our future housing plans. This is not the first time I have implored to you about the safety and preservation of this place where we live.

I find the notion hypocritical that our housing crisis is being solved by central control with their declaration, "All levels of government must work together and do their part."

We are NOT working together. We are being told what to do. We elected you to STAND UP to the bullies.

Sincerely,
Rosemary Wolanin
Encinitas Resident
Sent from my iPad

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:11 PM
To: Jennifer Gates
Subject: FW: 6th cycle Housing Element

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

From: Jim Stiven <jstiven@roadrunner.com>
Sent: Tuesday, April 6, 2021 11:50 AM
To: Council Members <council@encinitasca.gov>; Kathy Hollywood <khollywood@encinitasca.gov>
Subject: 6th cycle Housing Element

[NOTICE: Caution: External Email]

Council members - I recently wrote in support of what I believed was the most recent draft of the HE submitted by staff. I have since learned that the draft has been revised in response to notices of violations from HCD, particularly relating to the Density Bonus laws. This is a complex issue, and it appears the HCD is being a bit hard nosed. I simply ask this be given careful consideration to decide whether or not resistance to the HCD's demands is needed to ensure that our hopes for real affordable housing is not traded for density aimed at moderate income vs low and very low income categories. Thank you. Jim Stiven

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:11 PM
To: Jennifer Gates
Subject: FW: *Stand up to Sacramento regarding maintaining control of local housing policy.

From: Cheryl Butera <cherylbutera@sandiego.edu>
Sent: Tuesday, April 6, 2021 12:00 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: *Stand up to Sacramento regarding maintaining control of local housing policy.

[NOTICE: Caution: External Email]

City Council of Encinitas:

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

As a resident of Encinitas for over 30 years, I would urge the Encinitas City Council **to vote against** the 6th cycle Housing Element on Wednesday, April 7, 2021. As proposed, this Housing Element would yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL). I do not want the Encinitas Density Bonus Law repealed as it benefits the needs of our community.

Thank you for your consideration of my stance and request on this matter.

Best regards,
Cheryl Butera, PhD

Cheryl Butera, PhD, MEd., MSN, FNP-BC, NP-C, PHN, CHSE
Associate Professor of Nursing (retired)
University of San Diego
Hahn School of Nursing and Health Science
Beyster Institute of Nursing Research
5998 Alcala Park
San Diego, CA 92110
(760) 815-0422
cherylbutera@sandiego.edu



Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:10 PM
To: Jennifer Gates
Subject: FW: Encinitas must maintain local control of local housing policy.

From: Bob Hickey <rjhickey@earthlink.net>
Sent: Tuesday, April 6, 2021 12:08 PM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: Encinitas must maintain local control of local housing policy.

[NOTICE: Caution: External Email]

City council,

I am fed up with state mandates on housing here in Encinitas.

Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Regards,

Bob Hickey an Encinitas resident.

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:09 PM
To: Jennifer Gates
Subject: FW: Council

From: Tom Schroeder <tischroeder23@gmail.com>
Sent: Tuesday, April 6, 2021 12:29 PM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Council

[NOTICE: Caution: External Email]

To the Encinitas city council

Please make decisions locally rather than letting those in Sacramento decide. For profit developers don't have our interests at heart. We have unique issues pertaining to traffic and fire safety/evacuation that need to be addressed.

Tom Schroeder

--

Tom Schroeder

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:09 PM
To: Jennifer Gates
Subject: FW: Encinitas housing density

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

From: Barbara Drosman <cedrosc@aol.com>
Sent: Tuesday, April 6, 2021 12:32 PM
To: Council Members <council@encinitasca.gov>
Subject: Encinitas housing density

[NOTICE: Caution: External Email]

Stand up to Sacramento. Do not yield. This vote will affect Olivenhain forever!
Thank you for standing fast!

Barbara and Dr. Steven Drosman
2909 Wishbone Way, Encinitas

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:09 PM
To: Jennifer Gates
Subject: FW: City Council VOTE Wednesday 4/7

From: Pat Hall <pathall1@gmail.com>
Sent: Tuesday, April 6, 2021 1:05 PM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: RE: City Council VOTE Wednesday 4/7

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of our community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis! We have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers. It has complete disregard for the well-being of this community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully,
Pat and Steven Hall
Olivenhain Residents

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:08 PM
To: Jennifer Gates
Subject: FW: Goodson project

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

From: Kelli McCauley <kelli@mccauleyandco.com>
Sent: Tuesday, April 6, 2021 1:11 PM
To: Council Members <council@encinitasca.gov>
Subject: Goodson project

[NOTICE: Caution: External Email]

Dear Encinitas City Council, it's no secret that the majority of Encinitas citizens are disappointed and confused by the choices you, our elected officials, have been making with regard to the Goodson project. It's not that we are against affordable housing, but the Two projects being considered on RSF/Pepper Tree/Encinitas Blvd cause way more problems than what is being promised and not being solved. For instance adding more congestion to the already overtaxed RSF Road through Olivenhain & where are all of the new homeowners going to park given the Goodson parking structure doesn't give all "2 bedroom high end luxury, only affordable to wealthy people condos, 2 parking spaces - where will they park?" On RSF road, the Riteaid parking lot? None of those folks will be taking the bus.

You all know what the consequences are to our community and yet you seem to refuse to explore solutions that would accomplish the goal as intended and also work for the community.

Encinitas residents are begging you to get innovative and lead our city with the tax paying residents interests in mind in a way that will accomplish the goals of "affordable housing" as per required by Sacramento.

Thank you.

Concerned Citizen,
Kelli McCauley & Steve Kress

McCauleyandCo.com
Helping Good Leaders Become Great

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:07 PM
To: Jennifer Gates
Subject: FW: Fed Up With State Mandated Housing

From: Richard Cornell <racornell@hotmail.com>
Sent: Tuesday, April 6, 2021 1:21 PM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Fed Up With State Mandated Housing

[NOTICE: Caution: External Email]

City council,

I am fed up with your support for state mandates on housing in Encinitas. You are ruining our city!

As our city council you must maintain local control of our housing policy. We need some common sense, which has been lacking, planning affordable housing in Encinitas.

Richard Cornell

Attorney at Law

2236 Encinitas Boulevard, Suite A

Encinitas, CA 92024

(760) 753-0088

For what shall it profit a man, if he shall gain the whole world, and lose his own soul? Mark 8:36

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 2:07 PM
To: Jennifer Gates
Subject: FW: In Defense of Encinitas Density Bonus Ordinance

From: Can Bilseel <cbilseel@sandiego.edu>
Sent: Tuesday, April 6, 2021 1:59 PM
To: Council Members <council@encinitasca.gov>
Cc: Joe Mosca <jmosca@encinitasca.gov>; catherine@blakespear4encinitas.com; Tony Kranz <tony@tonykranz.com>; encinitas Residents For Responsible Development <encinitas-residents-for-responsible@googlegroups.com>; Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: In Defense of Encinitas Density Bonus Ordinance

[NOTICE: Caution: External Email]

Dear Mayor Blakespear and the Members of Encinitas City Council:

The Notice of Violation that HCD sent on March 25, 2021 to the City of Encinitas is a clear misinterpretation of Encinitas Density Bonus Ordinance. Sadly, HCD continues to interpret state law that is singularly advantageous to for-profit large developers and land speculators, and to the detriment of the people of California.

I will list here only one example (although examples can be multiplied). On Page 7 HCD alleges that: "... the new ordinance dictates that affordable units must be at least 75 percent of the average square footage of market rate units. SDBL does not mandate the size of either the density bonus units or the affordable units in the development. SDBL references only the requirements for replacement units, which is based upon bedroom count, not square footage."

To whom does HCD's interpretation serve? HCD's letter effectively enable a developer to provide only tiny studio apartments or so called "one-bedroom apartments" for "affordable" units, and extremely limit the affordable floor areas in otherwise gigantic luxury apartment complexes. If HCD and the paid lobbyists of the Building Industry Association win, low and moderate-income residents will have access only to small units.

Unfortunately, HCD's violation letter arrived only after the City planning staff found that one developer (Randy Goodson) whose project is under review, has made a last-minute change to his project to limit low-income units to only studios or small one-bedroom apartments. Discriminating against low-income single-parent families, and low-income families with children and the low-income elderly who need to live with a care giver, are against the Federal Fair Housing Law and California Fair Employment. I suspect that HCD understands that.

I am therefore disappointed to find that HCD's letter appears to be—if not coordinated with BIA and the developer—shared with Mr. Goodson's attorney, who promptly used it against the City.

I would like to appeal to you to defend our City, the public, and the principle of local control of planning against HCD and the Building Industry lobbyists. Please do not yield to pressure. Please defend your City's Density Bonus Ordinance.

Sincerely,

Can Bilseel

Encinitas Resident

Jennifer Gates

From: Jim Stiven <jstiven@roadrunner.com>
Sent: Tuesday, April 6, 2021 11:50 AM
To: Council Members; Kathy Hollywood
Subject: 6th cycle Housing Element

[NOTICE: Caution: External Email]

Council members - I recently wrote in support of what I believed was the most recent draft of the HE submitted by staff. I have since learned that the draft has been revised in response to notices of violations from HCD, particularly relating to the Density Bonus laws. This is a complex issue, and it appears the HCD is being a bit hard nosed. I simply ask this be given careful consideration to decide whether or not resistance to the HCD's demands is needed to ensure that our hopes for real affordable housing is not traded for density aimed at moderate income vs low and very low income categories. Thank you. Jim Stiven

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:42 AM
To: Jennifer Gates
Subject: FW: Ordinance 2020-09

From: Lissy Concurso <lissy.concurso@gmail.com>
Sent: Tuesday, April 6, 2021 11:29 AM
To: Council Members <council@encinitasca.gov>; EncinitasRRD@gmail.com
Subject: Ordinance 2020-09

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Mary and Joseph Concurso
769 Corinia Court
Encinitas, CA 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:22 AM
To: Jennifer Gates
Subject: FW: Oppose HCD efforts to repeal Encinitas' Density Bonus Ordinance

From: Diane <dnewberg@gmail.com>
Sent: Tuesday, April 6, 2021 11:17 AM
To: Council Members <council@encinitasca.gov>
Subject: Oppose HCD efforts to repeal Encinitas' Density Bonus Ordinance

[NOTICE: Caution: External Email]

Dear City Council Members,

Please retain local control of EDBL (do not vote to repeal). Respect your constituents - those who live here - and the integrity of our community.

There are many ways to improve quality of life for all of us and accomplish the goals of HCD. Giving local control to the HCD is the worst possible answer.

Thank you,
Diane Newberg
144 W Jason
Leucadia

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:22 AM
To: Jennifer Gates
Subject: FW: Housing Element Meeting

From: Ryan Woods <woodsryan@hotmail.com>
Sent: Tuesday, April 6, 2021 8:30 AM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: Housing Element Meeting

[NOTICE: Caution: External Email]

Dear City Counsel Members,

As a contributing tax paying resident of Encinitas, this email is documentation that I vehemently stand against any legislation that minimizes and/or removes our local control of housing development decisions. I urge you to do the right thing, and stand up for our neighborhood. Special interests are the root of most our issues plaguing this country, please represent us and not those interest when you make this decision.

As in prior emails, please feel free to reach out to me directly with any questions.

Regards,

Ryan Woods

Sent from [Mail](#) for Windows 10

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:22 AM
To: Jennifer Gates
Subject: FW: 6th Cycle Housing Element

From: William Larkins <larkins_william@yahoo.com>
Sent: Tuesday, April 6, 2021 8:30 AM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Encinitas City Council,

I'm aware of the upcoming vote on the 6th Cycle Housing Element later this week. I'm encouraging the council to vote against this proposal and maintain local control of development in Encinitas. Please do all that you can to maintain the desirability of Encinitas.

Regards,

Dr. William Larkins
Resident of Olivenhain

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:22 AM
To: Jennifer Gates
Subject: FW: Encinitas Density Bonus Ordinance

From: Molly Webb <marypwebb@gmail.com>
Sent: Tuesday, April 6, 2021 8:56 AM
To: Council Members <council@encinitasca.gov>
Subject: Encinitas Density Bonus Ordinance

[NOTICE: Caution: External Email]

We support Encinitas sensible growth plans which consider the safety and environmental consequences of projects like the Goodson Project. The City can reject this project based upon the safety consequences of that development. We are an independent city that has done a huge amount of affordable housing development within the past 15 years. Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community. Please consider the long term effects of dense housing with no infrastructure to support the growth.

Thank you,

Mary and Thomas Webb

Colony Terrace
Encinitas, CA 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:20 AM
To: Jennifer Gates
Subject: FW: Encinitas Density Bonus Ordinance

From: Tracy Myers <tracymyers10@yahoo.com>
Sent: Tuesday, April 6, 2021 9:33 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Encinitas Density Bonus Ordinance

[NOTICE: Caution: External Email]

Dear City Council,
Please stand up to Sacramento! Encinitas must maintain local control of local housing policy! We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl. Siding with large developers and the paid lobbyists of the building industry, the California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. HCD has adopted extreme positions that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community. I know the Encinitas City Council will soon vote on a 6th cycle Housing Element (HE). The HE as proposed would yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL). City council, stand up to Sacramento!!

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:20 AM
To: Jennifer Gates
Subject: FW: Saving Encinitas

From: Marla Zanelli <realestate@delmarla.com>
Sent: Tuesday, April 6, 2021 10:12 AM
To: Council Members <council@encinitasca.gov>
Subject: Saving Encinitas

[NOTICE: Caution: External Email]

Dear Council Members,

You were elected by the tax paying citizens of Encinitas to represent us always, in our best interest. Sacramento sits behind their desks and makes rules that will ruin our quality of life in San Diego North County, and turn us into Los Angeles. We are trying hard to get Gavin Newsom out of office. He is a self serving moron of a governor and he needs to get out of our Governors office. Please stand up to Sacramento and say NO!

As a Realtor who has sold real estate in North County for over 30 years, we cannot let the State control our real estate values, zoning and quality of life. Look what the State has done to Brentwood! A friend of mine lives there and there are tents all over their streets to house the homeless. That is NOT how you take care of the homeless. There are plenty of outer low cost areas where the State can build facilities that would offer these people drug and alcohol treatment and rehabilitation. What is wrong with living in Escondido, San Marcos, Carlsbad???? There is lower income housing in these areas.

PLEASE SAY NO TO SACRAMENTO!

Marla Zanelli
Global Luxury Specialist
Broker Associate
Coldwell Banker Realty
M: (858) 922-1341 E: realestate@delmarla.com
www.delmarla.com / www.MarlaZanelli.com
EquestrianRanchRE.com

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Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:20 AM
To: Jennifer Gates
Subject: FW: Encinitas Density Bonus Law

Importance: High

From: Dr. Shirley C. Strum <dr.shirleycstrum@gmail.com>
Sent: Tuesday, April 6, 2021 10:31 AM
To: Council Members <council@encinitasca.gov>
Subject: Encinitas Density Bonus Law
Importance: High

[NOTICE: Caution: External Email]

Dear Council,

I am writing to ask you to maintain the EDBL in the face of pressure from the building industry. It is what the citizens of Encinitas want and you should be representing us.

Thank you,

Dr. Shirley C. Strum
Department of Anthropology
University of California, San Diego
La Jolla, California, USA 92093
And
Director
Uaso Ngiro Baboon Project
Box 62844
Nairobi, Kenya 00200

www.BaboonsRus.com

Education is what is left when what is learned has been forgotten. B.F. Skinner

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:19 AM
To: Jennifer Gates
Subject: FW: HCD letter of non-compliance

From: James Frost <jfrost@frosthawood.com>
Sent: Tuesday, April 6, 2021 10:47 AM
To: Council Members <council@encinitasca.gov>; Joe Mosca <jmosca@encinitasca.gov>
Subject: HCD letter of non-compliance

[NOTICE: Caution: External Email]

Honorable Mayor and City Council,

I remember back prior to Encinitas Cityhood we wanted to forge our own path as a new city...for the people and by the people of Encinitas and not subject to the guidelines and ordinances of the County of San Diego. It is no different today.

Being the first permitted home under the new City of Encinitas we looked forward to a community we could raise a family and knew that the City would be growing around us in a very logical manner with local leadership, input and control.

Now comes the HCD with a very heavy hand and no thoughtful reasoning behind its aggression other than to produce as much housing as possible without regard to the environment, community character, safety or the City's adopted Housing Element which allows a calculation for Net and not Gross acreage.

There should be no question what the 5th cycle says and I believe it was certified by the state (Net not Gross). I implore the council to forge our cities own path and not side with the HCD in determining our future.

Respectfully,

James M Frost
President/General Manager
Frost Hardwood Lumber Co
6565 Miramar Road
San Diego, CA 92121
858-455-9060 x 321 fax 858-455-0455
www.frosthawood.com

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:19 AM
To: Jennifer Gates
Subject: FW: Tomorrow's vote on our Housing Proposal

From: Pete Lawley <petelawley@yahoo.com>
Sent: Tuesday, April 6, 2021 10:54 AM
To: Council Members <council@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: Tomorrow's vote on our Housing Proposal

[NOTICE: Caution: External Email]

Hello-

I urge you to amend the proposed HE under consideration tomorrow so that it doesn't yield local control of our city housing planning to the pro-developer HCD by promising to repeal our recently adopted Encinitas Density Bonus Law (EDBL).

I expect you to fight to keep control of our housing local vs yielding to Sacramento.

Thank you,
Pete Lawley

[Sent from Yahoo Mail for iPad](#)

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:19 AM
To: Jennifer Gates
Subject: FW: DO NOT let HCD take control of our local housing policy

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

From: DOAL MILLER <doalm@roadrunner.com>
Sent: Tuesday, April 6, 2021 10:59 AM
To: Council Members <council@encinitasca.gov>
Cc: Akiko <awamiller@gmail.com>; Austin <shamankingmiller@gmail.com>
Subject: DO NOT let HCD take control of our local housing policy

[NOTICE: Caution: External Email]

It is imperative that the city council does not let the HCD take control of our local housing policy. On April 7th. Please vote against the 6th cycle Housing Element. It's not worth it.

I've lived in the Encinitas community for over 35 years and what is coming is not progress it is the destruction of our community.

Doal Miller

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:18 AM
To: Jennifer Gates
Subject: FW: The Housing Element

From: Leilani Perrelli <lperrelli@crcncc.org>
Sent: Tuesday, April 6, 2021 11:02 AM
To: Council Members <council@encinitasca.gov>; City Clerk <CityClerk@encinitasca.gov>
Subject: The Housing Element

[NOTICE: Caution: External Email]

Council Members and City Clerk,

As a resident of Encinitas for over twenty years I support the building of affordable housing. The current housing costs do not support the main stream population of low to mid-range earners. Children growing up in Encinitas cannot afford to live here as young adults, even after graduating college. I love my town but am embarrassed by our lack of affordable housing and non-compliance with the state.

Regards,

Leilani Perrelli
Domestic Violence Case Manager | Community Resource Center
o. 760-670-2528 | f. 760-670-2528
LGBTQ & Child Safe Zone
Pronouns: She/Her/Hers

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Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:18 AM
To: Jennifer Gates
Subject: FW: Housing Element and Ordinance 2020-09

From: Amy <amyhmccord@gmail.com>
Sent: Tuesday, April 6, 2021 11:09 AM
To: Council Members <council@encinitasca.gov>; Catherine Blakespear <cblakespear@encinitasca.gov>
Cc: Encinitas Residents For Responsible Development <EncinitasRRD@gmail.com>
Subject: Housing Element and Ordinance 2020-09

[NOTICE: Caution: External Email]

To the Mayor and City Council of Encinitas:

Thank you for applying sound reason when you passed Ordinance 2020-09. It is my understanding that we have always used net vs. gross acreage and followed CEQA guidelines to assure that development meets the needs of the community.

HCD continues to misrepresent the truth and insists we have a housing crisis. Encinitas does not have a housing crisis, we have a shortage of affordable housing. HCD is forcing on us projects that do not meet our affordability needs and instead create super high-density, mostly market-rate housing with a host of unmitigated negative impacts achieved through unprecedented waivers and incentives. HCD is ignoring common sense in its drive to benefit for-profit developers and its complete disregard for the well-being of the community.

Please stand behind the sensible legislation you passed and do not bow to HCD's demand to repeal it!

Please continue to represent the interests of citizens of Encinitas and protect us from unsafe development.

Respectfully submitted,

Amy McCord

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 11:18 AM
To: Jennifer Gates
Subject: FW: April 7th, City Council Vote

From: Dawn Pursell <dawnkshane@att.net>
Sent: Tuesday, April 6, 2021 11:07 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: RE: April 7th, City Council Vote

[NOTICE: Caution: External Email]

To Encinitas City Council Members,

As residents of Encinitas for 30 Years, we adamantly agree and support the position maintained by Encinitas Residence for Responsible Development (RRD):

"Encinitas must maintain local control of local housing policy. We need sensible planning that brings affordable housing to Encinitas without unregulated sprawl.

Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community."

Please do not allow the HCD, with its pro development influencers, to take control of our unique community of Encinitas. DO NOT allow the repeal of our recently adopted Encinitas Density Bonus Law (EDBL).

Respectfully,

Shane and Dawn Pursell
129 Peppertree Lane
Olivenhain

Jennifer Gates

From: Leilani Perrelli <lperrelli@crcncc.org>
Sent: Tuesday, April 6, 2021 11:02 AM
To: Council Members; City Clerk
Subject: The Housing Element

[NOTICE: Caution: External Email]

Council Members and City Clerk,

As a resident of Encinitas for over twenty years I support the building of affordable housing. The current housing costs do not support the main stream population of low to mid-range earners. Children growing up in Encinitas cannot afford to live here as young adults, even after graduating college. I love my town but am embarrassed by our lack of affordable housing and non-compliance with the state.

Regards,

Leilani Perrelli
Domestic Violence Case Manager | Community Resource Center
o. 760-670-2528 | f. 760-670-2528
LGBTQ & Child Safe Zone
Pronouns: She/Her/Hers

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Jennifer Gates

From: Kathy Hollywood
Sent: Tuesday, April 6, 2021 8:58 AM
To: Jennifer Gates
Subject: FW: April 7th City Council Meeting Agenda Item 3A - Housing Element

Mayor and Council have been blind copied on this email.



Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

From: Joshua Lazerson <hlthwriter@sbcglobal.net>
Sent: Monday, April 5, 2021 8:00 PM
To: City Clerk <CityClerk@encinitasca.gov>
Subject: April 7th City Council Meeting Agenda Item 3A - Housing Element

[NOTICE: Caution: External Email]

Monday, April 5th, 2021

Dear Encinitas City Council Members:

I first want to appreciate the effort that I've witnessed all of you make in grappling with the Housing Element task - it seems like no mean feat, and I appreciate the energy and thoughtfulness that you have brought to this.

I have commented prior to this during this process, and while I do not have much to add to prior statements, I will share the following.

Many of us not only are privileged to live in this lovely community: we are, per the standards of living and quality of life witnessed across this planet, quite privileged. Privileged not to worry so much about whether we will have a roof over our heads next month or next year; whether we will have sufficient food on our table; whether our children will have the resources they need to grow to healthy adulthood. For many of us, our cups runneth over.

My beliefs run toward the simple: I think we would be a better society in every sense if we worked consciously to leaven to gross inequalities that are absolutely evident in terms of resources and opportunities, inequalities that have been baked into this society since its inception. I think that a community like Encinitas has a role and responsibility to play in considering how these processes occur, and how we as a community use our wealth and power and resources to promote that leavening process.

We have some ability - not infinite, but not meager either - to promote the development of more affordable housing, to reduce the barriers that historically have kept many low-income people and people of color from being able to make a life here, to promote justice through dedication and creativity in the face of an uninspiring and unnecessary status quo.

My hope is that Encinitas will dedicate itself to exploring pathways to developing fully affordable housing projects, while using those tools available in the immediate sense to maximize the amount of affordable housing that is developed in current and near-term projects.

All of us, as people, can probably conjure in our memories instances where we thought that something that seemed impossible - a pipe dream - came to fruition in our lifetime. I believe equally in human stubbornness and the likelihood of significant surprise.

Let's see if, in the coming years, we can surprise ourselves. I think this Housing Element can serve as a start in that direction.

Best Wishes,

Joshua Lazerson

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:13 AM
To: Jennifer Gates
Subject: FW: Housing density

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

From: PamSullivan <pamdea@aol.com>
Sent: Tuesday, April 6, 2021 8:11 AM
To: Council Members <council@encinitasca.gov>
Subject: Housing density

[NOTICE: Caution: External Email]

Dear Council Members,

Please know that we are totally against the proposed housing density at the area near Encinitas blvd and Rancho Santa Fe Road. It does not fit in with what the area is or should remain. There are other areas in our community that this would better be suited for. Somewhere along El Camino Real, Encinitas Blvd closer to the freeway. This development would create more problems that it would solve.

We have lived in Encinitas for more than 40 years and until recently the development of this area has, for the most part been reasonable. This is not! What are you thinking? The area in question does not provide the services lower income people need; transportation, access to shopping (Harvest Ranch is far from an economical choice). Plus the issue of traffic at that intersection would be very dangerous at all times of the day...especially during an emergency not to mention a school nearby.

You must rethink this option and find a better solution to this. Reduce the density, the height, etc., etc. Or better yet, stop it all together. It is not what Encinitas should be.

Regards,

Mr & Mrs Patrick J Sullivan
335 Whitewood Place
Proud to but Encinitas in my address...hopefully it will stay that way.

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:12 AM
To: Jennifer Gates
Subject: FW: Stand Up to Sacramento!

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

From: Mary Braun <61braun@gmail.com>
Sent: Tuesday, April 6, 2021 8:08 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Stand Up to Sacramento!

[NOTICE: Caution: External Email]

Encinitas City Council-

Save our Encinitas and do what you were elected to do — take care of the tax paying citizens. The traffic and overdevelopment of Encinitas is out of control!!

We DO NOT need to pad the pockets of greedy developers or Sacramento Special Interest Groups.

It is SHAMEFUL - that the development was approved at the corner of Encinitas Blvd and RSF. If this is how you are managing our city - then you all need to take a good continuous look at what is motivating you.....power, control, money — OR

THE WELL BEING OF OUR COMMUNITY!

You listen to the small minority of bikers who have privileges but who do not obey any of the traffic stop sign..... listen to someone who has been gravely impacted by overdevelopment- and actually pays the taxes that fund your job.

We live on Lone Jack. STOP the DEVELOPMENT!

Mary Braun
2545 Lone Jack Road

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:12 AM
To: Jennifer Gates
Subject: FW: April 7th City Council Meeting Agenda Item 3A - Housing Element

From: Joshua Lazerson <hlthwriter@sbcglobal.net>
Sent: Monday, April 5, 2021 7:55 PM
To: Council Members <council@encinitasca.gov>; cityclerk@encinitas.gov
Subject: April 7th City Council Meeting Agenda Item 3A - Housing Element

[NOTICE: Caution: External Email]

Monday, April 5th, 2021

Dear Encinitas City Council Members:

I first want to appreciate the effort that I've witnessed all of you make in grappling with the Housing Element task - it seems like no mean feat, and I appreciate the energy and thoughtfulness that you have brought to this.

I have commented prior to this during this process, and while I do not have much to add to prior statements, I will share the following.

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We have some ability - not infinite, but not meager either - to promote the development of more affordable housing, to reduce the barriers that historically have kept many low-income people and people of color from being able to make a life here, to promote justice through dedication and creativity in the face of an uninspiring and unnecessary status quo.

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Let's see if, in the coming years, we can surprise ourselves. I think this Housing Element can serve as a start in that direction.

Best Wishes,

Joshua Lazerson

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:11 AM
To: Jennifer Gates
Subject: FW: Do not side with California Department of Housing and Community Development (HCD)

From: Ed Robertson <edrobertson@hotmail.com>
Sent: Monday, April 5, 2021 9:37 PM
To: Council Members <council@encinitasca.gov>; Encinitas Residents For Responsible Development <encinitasrrd@gmail.com>
Subject: Do not side with California Department of Housing and Community Development (HCD)

[NOTICE: Caution: External Email]

Dear Council,

Please represent me & my family. Do not side with large developers and the paid lobbyists of the building industry. This is WRONG!

Siding with large developers and the paid lobbyists of the building industry, California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. [HCD has adopted extreme positions](#) that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

Thank you.

Ed Robertson
218 RSF Rd.
92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:11 AM
To: Jennifer Gates
Subject: FW: Opposition to repeal of Encinitas Density Bonus Law (EDBL)

From: Emily Lukacz <mimilukacz@gmail.com>
Sent: Monday, April 5, 2021 9:31 PM
To: Council Members <council@encinitasca.gov>
Cc: Dan Vaughn, Encinitas RRD <encinitasrrd@gmail.com>
Subject: Opposition to repeal of Encinitas Density Bonus Law (EDBL)

[NOTICE: Caution: External Email]

I am aware that the California Department of Housing and Community Development (HCD) demands that Encinitas repeals its Density Bonus Ordinance. HCD has adopted extreme positions that support the for-profit building industry and eliminate the enforcement of environmental regulations and housing solutions that meet the needs of our community.

PLEASE DO NOT LET THE 6TH CYCLE HE GO THROUGH AS PROPOSED!!! As 20+ year residents we built here because of the rural residential restrictions. The development plans being forced down our throats like the high rise apartments on Manchester and Encinitas Blvd (Goodson Project) are a 1000% departure from what this city was founded on. I am astounded that elected officials could blatantly defy the will of the taxpayer and destroy this town by overturning the Encinitas Density Bonus Law (EDBL). The people who live here and pay taxes here deserve the right to review and approve the development of our community.

I have no opposition to low income housing or a small development, but the monstrosities proposed by the current developers will overwhelm and destroy our community. These developments need to be scaled back to 3 stories or less like the rest of the height restricted developments.

Please DO NOT repeal the EDBL and PLEASE LISTEN to and seek council from those of us who actually LIVE here to help solve the housing problem. There are many ways to improve quality of life for all of us and accomplish the goals of HCD.

Sincerely,

Emily Lukacz
3631 Manchester Ave
Encinitas CA92024

Sent from my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:11 AM
To: Jennifer Gates
Subject: FW: Do Not Repeal EDBL

From: Andy Kreutzer <kreutzer.andrew@gmail.com>
Sent: Monday, April 5, 2021 9:42 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Do Not Repeal EDBL

[NOTICE: Caution: External Email]

Please vote to NOT repeal the EDBL. Please do what is right for our community and stand up to this political BS. This is a profound moment for the future of our community. Please do the right thing.

Andy Kreutzer



Sent from my iPhone.

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:10 AM
To: Jennifer Gates
Subject: FW: 6th cycle Housing Element (HE)

From: Ben Bowen <benjbowl@gmail.com>
Sent: Monday, April 5, 2021 9:48 PM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: 6th cycle Housing Element (HE)

[NOTICE: Caution: External Email]

Dear Council Members, as someone who is directly being affected negatively by the rezoning of property in Encinitas I implore you to not yield control of our city housing planning. The lot next to my home was rezoned to high density and is going to be a significant negative impact on our local neighborhood.

I have not heard from a single person in Encinitas that supports the rezoning to high density. The voters of Encinitas have spoken several times against these developments. The CA state Governor Newsom, who is pushing the density compliance, could be recalled.

I'm a lifelong Democrat, but this issue has me seriously considering voting Republican for the first time in my life. It's the only issue I agree with Republicans on and it's literally affecting my neighborhood/me directly. Forcing the existing community members of Encinitas to accept high density developments is a disgrace. I've lived in Encinitas for about 20 years. I, like many others, chose to buy a home in a community that has a small town feel. It's really sad to see this housing issue negatively affect our community.

3 out of 30 neighbors in our neighborhood of Sage Canyon have already sold their homes and moved as a direct impact to the pending apartment building next door. They've lived here for many years and were dear to many neighbors. It's really sad to see what is happening to Encinitas with these density changes. It's a temporary fix that only benefits the developers and does VERY little for affordable housing.

We can't give up local control. Stand your ground! The Governor could be out of office soon. Things change constantly. It's a fight worth fighting. Keep Encinitas small. No one wants more density or multiple story apartment buildings right next to single family homes.

Thank you,
Ben Bowen

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:10 AM
To: Jennifer Gates
Subject: FW: Protect our community character and the environment

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

From: Liz Griffiths <griffiths.elizabeth@gmail.com>
Sent: Monday, April 5, 2021 9:55 PM
To: Council Members <council@encinitasca.gov>; encinitasrrd@gmail.com
Subject: Protect our community character and the environment

[NOTICE: Caution: External Email]

Please stand up to Sacramento and do what is best for the environment and for Encinitas. As someone who grew up in Encinitas, I'm saddened to see it turn into a traffic-ridden, over-developed city. Please don't allow the irreversible high density developments to be built. They do not solve the low income housing problem, and they will cause more harm than good.

Liz Gilmore

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:09 AM
To: Jennifer Gates
Subject: FW: Vote NO on HE

From: Stacey Smith <staceysmith001@hotmail.com>
Sent: Monday, April 5, 2021 10:22 PM
To: Council Members <council@encinitasca.gov>
Cc: Dan Vaughn, Encinitas RRD <encinitasrrd@gmail.com>
Subject: Vote NO on HE

[NOTICE: Caution: External Email]

Stand up to Sacramento and do not yield local control of our city housing planning to the HCD!

My family and neighbors will not be safe with the incredible influx of poorly managed traffic which will come from the overcrowding and poor design of these profiting developers.

Let logic lead the design, taking into account what works in housing numbers for each area's community.

Represent your citizens - we won't let you down so don't let us down.

Sincerely,
Stacey Smith

Get [Outlook for iOS](#)

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:09 AM
To: Jennifer Gates
Subject: FW: STAND UP TO SACRAMENTO

From: Paula Paschal <paulapaschal@att.net>
Sent: Tuesday, April 6, 2021 12:51 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: STAND UP TO SACRAMENTO

[NOTICE: Caution: External Email]

KEEP OUR ENCINITAS Density Bonus Ordinance!

Fight for us, the community. Otherwise, resign or be voted out!

Paula Paschal
2340 8th St. Unit A
Encinitas, CA 92024
760-877-9200

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:09 AM
To: Jennifer Gates
Subject: FW: Repeal the Density Bonus Ordinance

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

From: Trevor Vaithianathan <trevorsemail.com@gmail.com>
Sent: Tuesday, April 6, 2021 1:15 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Repeal the Density Bonus Ordinance

[NOTICE: Caution: External Email]

We need housing solutions that meet the needs of our community.
We must maintain control of local housing policy.

The Vaithianathan Family
2280 11th St. Encinitas Ca 92024

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:08 AM
To: Jennifer Gates
Subject: FW: stand up to Sacramento

From: bspiro1987@aol.com <bspiro1987@aol.com>
Sent: Tuesday, April 6, 2021 5:27 AM
To: Council Members <council@encinitasca.gov>
Subject: stand up to Sacramento

[NOTICE: Caution: External Email]

PLEASE Do not repeal our recently adopted Encinitas Density Bonus Law (EDBL).

Barbara Spiro
832 Marisa Lane
Encinitas CA

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:08 AM
To: Jennifer Gates
Subject: FW: Do not repeal HDBL

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

From: Shawn Sugarman <ssugarman@me.com>
Sent: Tuesday, April 6, 2021 5:59 AM
To: Council Members <council@encinitasca.gov>
Cc: encinitasrrd@gmail.com
Subject: Do not repeal HDBL

[NOTICE: Caution: External Email]

As city council members you are responsible for representing the interests your constituents, those who voted you into office. If you cede local responsibility for housing development to the state, you will be failing us. What does Sacramento know about what is good for Encinitas?

You must stand for our interests, not those of the bureaucrats in HCD, who are in the pockets of big money developers.

You must vote against the repeal of HDBL.

Sincerely,
Shawn

Olivenhain resident since 2004

From my iPhone

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:08 AM
To: Jennifer Gates
Subject: FW: Encinitas housing control

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

From: Lynda Coe <lcoe7@aol.com>
Sent: Tuesday, April 6, 2021 7:10 AM
To: Council Members <council@encinitasca.gov>
Subject: Encinitas housing control

[NOTICE: Caution: External Email]

Encinitas City Council,

As long-time residents of Encinitas and participants in our fight for the city's incorporation, we strongly urge the city council to maintain control over our housing concerns. Maintaining control over issues that directly face Encinitas is exactly why we voted for incorporation in the first place. If you don't place Encinitas first, no one else will. Other entities will always look after themselves and their concerns first at the possible detriment to our city.

It's time the City Council listens to the Encinitas residents and acts to ensure that Encinitas continues to be the special place it has been for decades.

Be creative, strong, and determined to make decisions that are beneficial to Encinitas and its future.

Pete and Lynda

Jennifer Gates

From: Annemarie Clisby
Sent: Tuesday, April 6, 2021 8:07 AM
To: Jennifer Gates
Subject: FW: Please Stand Up to Sacramento

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

From: J Rufeh <rufehphoto@gmail.com>
Sent: Tuesday, April 6, 2021 7:57 AM
To: Council Members <council@encinitasca.gov>; EncinitasRRD@gmail.com
Subject: Please Stand Up to Sacramento

[NOTICE: Caution: External Email]

Dear City Council,

I am asking as a long time resident of Olivenhain to please stand up for our City of Encinitas and protect our community! Please do not let Sacramento decide how our city should build and live- hold strong and do not give in. I chose to live in Encinitas for its quiet and cozy beach and horse town.

If we give up and allow high density housing and humongous buildings to be built here- we will destroy the beauty of this city and what makes it so special. As a citizen I am also extremely disappointed that this is not already part of the City Council's objective and we have to constantly reach out pleading for defending our city and keeping it quaint. We are NOT Long Beach or Downtown San Diego and nor do we ever want to be.

Sacramento does not care about our community and we rely on you all who have been voted in to protect our city. Please stay strong and stand up to Sacramento that we can manage our own housing issues and not allow high density buildings.

Please don't give up on your community and your citizens!

Thank you kindly,

Jiela Rufeh
Brookside Lane

Sent from my iPhone

Jennifer Gates

From: Joshua Lazerson <hlthwriter@sbcglobal.net>
Sent: Monday, April 5, 2021 8:00 PM
To: City Clerk
Subject: April 7th City Council Meeting Agenda Item 3A - Housing Element

[NOTICE: Caution: External Email]

Monday, April 5th, 2021

Dear Encinitas City Council Members:

I first want to appreciate the effort that I've witnessed all of you make in grappling with the Housing Element task - it seems like no mean feat, and I appreciate the energy and thoughtfulness that you have brought to this.

I have commented prior to this during this process, and while I do not have much to add to prior statements, I will share the following.

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My hope is that Encinitas will dedicate itself to exploring pathways to developing fully affordable housing projects, while using those tools available in the immediate sense to maximize the amount of affordable housing that is developed in current and near-term projects.

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Let's see if, in the coming years, we can surprise ourselves. I think this Housing Element can serve as a start in that direction.

Best Wishes,

Joshua Lazerson

Jennifer Gates

From: Annemarie Clisby
Sent: Monday, April 5, 2021 1:21 PM
To: Jennifer Gates
Subject: FW: Please include affordable housing in Housing Element, Item 3A

From: Dadla Ponizil <dadlaponizil@gmail.com>
Sent: Monday, April 5, 2021 12:57 PM
To: Council Members <council@encinitasca.gov>; City Clerk <CityClerk@encinitasca.gov>
Cc: Judy Berlfein <judyberlfein@gmail.com>
Subject: Please include affordable housing in Housing Element, Item 3A

[NOTICE: Caution: External Email]

Dear Encinitas City Council Members and City Clerk:

Thank you thank you thank you for keeping our city--as Teresa Barth liked to say--growing gracefully. Specifically, thank you for your recent commitment to

- pursue the building of a 100% affordable community for our seniors, and family residents, as well as for our essential workers who are commuting long distances or finding difficult living situations in the city they serve.

As you adopt the Housing Element Plan, please do all you can to:

- include as much affordable housing as possible
- ensure that whatever is legislated is actionable

My family would not be able to move here today. Our children, now in their early thirties, can't afford to live here. It's a big problem. And the other end of the scale, we have a growing homeless population.

These are big problems that require a complex set of solutions. Here is one that shows much promise:

<https://nextcity.org/daily/entry/california-bond-program-cities-middle-income-housing-without-upfront-cost>
<https://cscda.org/Workforce-Housing-Program/>

Thank you,
Dadla Ponizil
1145 Stratford Drive
Encinitas 92024

Jennifer Gates

From: Dadla Ponizil <dadlaponizil@gmail.com>
Sent: Monday, April 5, 2021 12:57 PM
To: Council Members; City Clerk
Cc: Judy Berlfein
Subject: Please include affordable housing in Housing Element, Item 3A

[NOTICE: Caution: External Email]

Dear Encinitas City Council Members and City Clerk:

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<https://cscda.org/Workforce-Housing-Program/>

Thank you,
Dadla Ponizil
1145 Stratford Drive
Encinitas 92024

Jennifer Gates

From: Theresa Beauchamp <tbeau2014@gmail.com>
Sent: Monday, April 5, 2021 10:51 AM
To: City Clerk; Council Members
Subject: April 7 2021 Special City Council Meeting Item 3A Housing Element written comment

[NOTICE: Caution: External Email]

Honorable Mayor, City Council Members and staff:

Thank you for your service and thoughtful approach to the complexities of affordable housing. 84% of folks employed in Encinitas commute to work from other cities. I experienced this with employees in my medical practice. These employees often jumped at the chance when job opportunities presented closer to their own homes so left their job with me! Many commuters made up my family practice medical support team and earned \$15 to \$20 per hour. Encinitas community would be stronger if we provided Affordable Housing for healthcare workers. The definition of Affordable Housing is that no more than 30% of monthly income is spent on housing.

Many of my medical staff that commute are members of the BIPOC community. Speaking as a member of Encinitas 4 Equality Housing Committee, we aspire to create an Encinitas for Everyone where a greater diversity of people – in terms of income, race and ethnicity – are able to BOTH call Encinitas home, AND KNOW that they are essential threads in the weave of this community. We support the city's efforts to adopt a Housing Element compliant with state requirements which will free our city from lawsuits. We can then move forward and work towards an impactful affordable housing solution which is to build a 100% affordable housing community. A mission that this council and Affordable Housing advocates share.

Building a 100% affordable community requires a strong political will of our local government, affordable housing coalition and residents in partnership with an experienced Affordable Housing developer AND state or federal subsidies. The current White House administration is proposing \$40 billion investment into construction of affordable housing projects. I am hopeful that the city's economic analysis of the El Camino Real Corridor will identify a commercial property that can be repurposed into a location for an affordable community. The El Camino Real Corridor is an ideal location. It is adjacent to public transit and within walking distance to many places of employment, shopping and restaurant destinations. We have an extraordinary opportunity with the makeup of this council. Your hearts are in the right place and I know you have the courage to do the BOLD right action to create an Encinitas for Everyone.

Thank you,

Theresa Beauchamp
33 year Encinitas resident
Encinitas 4 Equality Housing Committee member

Jennifer Gates

From: Kathy Hollywood
Sent: Monday, April 5, 2021 10:09 AM
To: Jennifer Gates
Subject: FW: City's Houseing Element 2021-2029

Mayor and Council have been blind copied on this email.



Kathy Hollywood
City Clerk, City of Encinitas
505 S. Vulcan Avenue, Encinitas, CA 92024
760.633.2601
khollywood@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

From: Lori Forsythe <lforsythe@me.com>
Sent: Saturday, April 3, 2021 11:19 AM
To: City Clerk <CityClerk@encinitasca.gov>
Subject: City's Houseing Element 2021-2029

[NOTICE: Caution: External Email]

As my voted in council and a citizen of Encinitas I would like my council to fight these State Mandates and not turn our city into Orange County or LA County.

We the voters, voted for Prop A. It is in place to protect the City's zoning laws from developers and their over reaching. Others Cities have similar propositions in place.

As our voted in council by the citizens you are there as our voice and your constituents have spoken.

AB2345 was never meant to be more than a supplement to actual financing of affordable housing.

By granting market-rate developers excessive concessions and incentives it will all but eliminate the City of Encinitas planned building height, parking, building setbacks, side yards, open space and other standards.

As our City council you should all be defending Prop A.

Lori Forsythe

Jennifer Gates

From: James Stiven <jstiven@roadrunner.com>
Sent: Monday, April 5, 2021 9:59 AM
To: Council Members; City Clerk
Subject: 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Honorable Mayor and City Council Members – On behalf of St Andrew's Faith in Action, I write in support of the current version of the proposed 6th Cycle Housing Element. It takes important steps to ensure and expand the city's commitment to the development of appropriate affordable housing projects. Your responsibility going forward is to positively support conforming plans to actually realize the potential that exists for affordable homes in Encinitas. Thank You all. Jim Stiven

Jennifer Gates

From: Lori Forsythe <lforsythe@me.com>
Sent: Saturday, April 3, 2021 11:19 AM
To: City Clerk
Subject: City's Houseing Element 2021-2029

[NOTICE: Caution: External Email]

As my voted in council and a citizen of Encinitas I would like my council to fight these State Mandates and not turn our city into Orange County or LA County.

We the voters, voted for Prop A. It is in place to protect the City's zoning laws from developers and their over reaching. Others Cities have similar propositions in place.

As our voted in council by the citizens you are there as our voice and your constituents have spoken.

AB2345 was never meant to be more than a supplement to actual financing of affordable housing.

By granting market-rate developers excessive concessions and incentives it will all but eliminate the City of Encinitas planned building height, parking, building setbacks, side yards, open space and other standards.

As our City council you should all be defending Prop A.

Lori Forsythe

Jennifer Gates

From: Craig Sherman <craigshermanapc@gmail.com>
Sent: Wednesday, April 7, 2021 3:15 PM
To: City Clerk
Cc: Roy Sapau; Lillian Doherty; Leslie Devaney; Barbara Kautz; Council Members; Dan Vaughn
Subject: Opposition and Public Comment - Item 1 (Special Meeting 4/7/21)
Attachments: Comment Special Meeting (for 4-7-21) FINAL.pdf

[NOTICE: Caution: External Email]

Re: *Comment for April 7, 2021 Special City Council Agenda*
[Item No. 1: Resolution No. 2021-16](#)

To the City Clerk for the City of Encinitas,

On behalf of the association Encinitas Residents for Responsible Development ("Encinitas RRD"), Craig A. Sherman, APC, please see the **attached opposition and comment letter** to the Encinitas Mayor and City Council for their consideration of Item 1, Adopt Resolution No. 2021-16 for the April 7, 2021 Special Meeting of the Encinitas City Council. Please be advised that last minute updates were required based on sudden revisions made yesterday, April 6, 2021 that affected the timing of the distribution of this comment letter.

Encinitas RRD requests that City Council deny or continue Item 1 until appropriate CEQA review can be performed, as the March 9, 2021 purported "common sense" exemption is invalid and does not account for subsequent changes to adopt the 2021-2029 6th Cycle Housing Element Update to the General Plan ("Project").

The attached comment details a number of problematic features of the Project that are legally unnecessary and curtail City's police powers and ability to have regulated development.

The City should investigate methods of self-certification, based upon its existing complete or substantial compliance with Housing Element requirements, including correct law and implementation of state density bonus law.

Encinitas RRD requests City vote "NO" or alternatively, continue Item 1 until CEQA review is complete.

-Craig

Craig A. Sherman, Attorney



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San Diego, CA 92101

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April 7, 2021

Via email

cityclerk@encinitasca.gov
City Council
CITY OF ENCINITAS
c/o Kathy Hollywood, City Clerk
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: *Comment for April 7, 2021 Special City Council Agenda*
Item No. 1: Resolution No. 2021-16

To the Mayor and Members of the Encinitas City Council:

This office represents the association Encinitas Residents for Responsible Development ("Encinitas RRD"), an association of community members and stakeholders within the City of Encinitas ("City").

City's action via adoption of Resolution No. 2021-16 intends to repeal the entirety of the 2013-2021 Housing Element and adopt the 2021-2029 6th Cycle Housing Element Update to the General Plan (the "Project"). As part of this process, the Project incorporates a number of significant changes to the existing 2013-2021 Housing Element.

A primary issue of concern is language in Programs 1B, 3B, 3D, and 3F committing to only consider objective standards in project review. This will have the effect of permanently removing current and long-standing objective and discretionary Design Review standards for DBL housing projects that can and should remain in place because they were timely adopted and in place before the SDBL has precluded any further changes.¹ These changes to design review will directly impact the environment by restricting the Environmental Assessment required mitigation.

Another issue of concern is the statement and commitment in Resolution No. 2021-16 that the "City has revised Program 2D to state that the City will repeal Ordinance No. 2020-09 within six months and will immediately apply current State Density Bonus Law [SDBL] to pending projects." **The City Council should reject the repeal of Ordinance No. 2020-09 and the language and wording committing to do so should be removed from the proposed Project and its Resolution No. 2021-16.**

Encinitas RRD is opposed and requests the City Council to reject staff's recommendation to repeal the entirety of the City's Density Bonus Law that was adopted in December 2020 as Ordinance No. 2020-09 (hereafter "CDBL").

¹ Gov. Code, section 66300, subdivision (b)(1)(C) makes it clear that discretionary standards in effect prior to January 1, 2020 are valid and may remain.

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Further, Encinitas RRD opposes approval of the Project in its current form on multiple grounds including:

- (1) the abandonment and preemption of current and applicable Design Review standards set forth in the Encinitas Municipal Code;
- (2) repeal of the CDBL is unnecessary based upon misstatements of law and fact from the Department of Housing and Community Development (HCD) as it has set forth in its HCD's March 25, 2021 Letter "RE: City of Encinitas Notice of Violation, Ordinance No. 2020-09 (Density Bonus)"
- (3) the abandonment of the City's long-standing standard of calculating housing density based on a property's net acre basis, and
- (4) there is no exemption for the Project's compliance with the California Environmental Quality Act (CEQA).

The Project **cannot** be approved until CEQA review is performed. During this review period, City has the opportunity to preserve and positively modify its existing Design Review program and method of net acre base density calculations for residential projects.

**1. PROPOSED CHANGES TO THE HOUSING ELEMENT WILL
UNDERMINE CITY'S AUTHORITY TO INTEGRATE NEW HOUSING
PROJECTS VIA DISCRETIONARY DESIGN REVIEW**

In addition to the City unnecessarily and permanently removing current and long-standing objective and discretionary Design Review standards for DBL housing projects – that can and should remain in place because they were timely adopted and in place before the SDBL has precluded any further changes (see footnote 1 above), the City's effective development controls of over such DBL projects will be dramatically, and unnecessarily, reduced or completely eliminated.

The proposed Sixth Cycle Housing Element ("Proposed HE") and Project would substantially eliminate existing subjective standards for Design Review by the City. (See Proposed HE Program 1B at pp. 1-17 to 1-18, Program 3B at p 1-37, Program 3D at pp. 1-41 to 1-42, and Program 3F at pp 1-42 to 1-43.) Projects that come before the City under the SDBL are currently subject to review standards applicable to the Project and Project site, as set forth in the existing 2016-2021 Housing Element ("Existing HE"), its programmatic Environmental Assessment ("EA"), and pursuant to City's Design Review, including the design guidelines promulgated by the city council. (Encinitas Municipal Code ["EMC"] § 23.08.100.) Under the current HEU, EA, and pursuant to Gov. Code section 65759 projects are required to comply with the specific standards, considerations, and mitigation measures, identified and set forth therein.

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The term “use by right”² has a specific statutory definition, and is limited to a restriction on local government from requiring “a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a ‘project’ for purposes of [CEQA].” (Gov. Code, § 65583.2, subd. (i).) **Significantly, use by right does not exempt a project from Design Review, where, as here it is provided by local ordinance and timely adopted.** (Gov. Code, § 65583.2, subd. (i); see EMC § 23.08.)

Thus, “by right” development under Government Code section 65583.2 is subject to a number of exceptions and there is no automatic or ministerial “grant” or “approval” that must be made. Substantial review and discretion are undoubtedly involved and necessary:

A local ordinance may provide that “use by right” does not exempt the use from Design Review. However, that Design Review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(Gov. Code, § 65583.2, subd. (i).)

The removal of discretionary Design Review for a DBL project is not necessary and is an incorrect reading of Government Code section 65583.2, subdivision (i) on the face of the statute. The statute does not distinguish ministerial-only Design Review, it simply states that Design Review will not be considered a “project” for the purposes of CEQA. Much like CEQA exemptions, the statute merely makes a legislative determination as to whether project-specific environmental review for a particular project may need to be performed.

The statutory language of Gov. Code, section 66300, subdivision (b)(1)(C) makes it clear that discretionary standards in effect prior to January 1, 2020 are permissible; only after January 1, 2020 is there a prohibition of imposing subjective standards. By specifically exempting “objective” design standards, the statute only concerns new subjective or discretionary standards put into place after the effective January 1, 2020 date. Thus, the City’s Design Review standards that were in place before January 1, 2020 remain in effect – including standards that are either *objective* or *discretionary*.

State law expressly authorizes the City to require an applicant to comply with written development standards, conditions, and policies, including: (a) **general plan, community plan, specific plan, zoning, Design Review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements;** (b) policies of a local agency, as defined in Government Code section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions; and (c) **implementation of prior adopted mitigation measures to lessen the impacts of a**

² Known and often referred under the misnomer as “by right development.”

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housing development project under CEQA. (Gov. Code § 65589.5, subd. (d)(2)(A); Gov. Code § 65915, subds. (f), (o).)

The abandonment of allowed preexisting subjective standards will be detrimental to City's authorized and appropriate design review and other plan and program-level CEQA-adopted development controls on DBL projects. The elimination of subjective design review, as identified in the EA as the mechanism to apply and enforce required mitigation to all current and future by-right projects, will effectively eliminate prior CEQA programmatic-level mitigation measures that were studied and set forth in the EA, and that were incorporated into the general plan as the Existing HE. (See comment below in Section 4 regarding inapplicability of a CEQA exemption for the Project).

2. HCD PRESENTS A NUMBER OF LEGAL AND FACTUAL ERRORS; THE EXISTING HE UNNECESSARILY UNDERMINES CITY'S POLICE POWERS AND ABILITY TO AFFECT DEVELOPMENT TO THE BENEFIT OF THE COMMUNITY

City has proposed a number of changes, including last minute changes on April 6, 2021 that move the goal posts for effective review and comment by Encinitas RRD and other members of the public without sufficient time to review and provide meaningful comment. These last minute April 6, 2021 changes unnecessarily undermine the City's own police powers and zoning controls. These changes were in response to notices of violation generated by the HCD. The reasoning behind HCD's notices are summarized in HCD's March 25, 2021 Letter "RE: City of Encinitas Notice of Violation, Ordinance No. 2020-09 (Density Bonus)" hereafter referred to as "HCD Letter." City's compliance with HCD's demands is primarily based on the calculus of avoiding litigation, as detailed in the April 1, 2021 letter of City's Counsel Barbara E. Kautz.

However, the mere threat of litigation cannot be a reason for City to concede its review powers when not mandated or compelled by the state. The HCD Letter makes a number of factually and legally incorrect statements and demands City make concessions in the Project and through recession of ordinances, specifically Ordinance No. 2020-09 ("Design Review Ordinance"). Encinitas RRD implores City to maintain its police powers in a way that is legally authorized, even under the SBDL.

The errors of the HCD Letter at issue are primarily in two areas (1) requirements that requested concessions, incentives, and waivers are merely actual cost reductions; and (2) gross acre versus net acre calculations of base density.

First, the HCD selectively interprets the State Density Bonus Law ("SDBL") to ignore the requirement that the identified cost reductions are to provide for affordable housing costs. (See HCD Letter at p. 2 [selectively references Gov. Code § 65915, subd. (k) on cost reductions, intentionally omitting the clause on providing for affordable housing].) The HCD letter asserts that "SDBL merely requires that such cost reductions help free up funds for affordable housing"

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(HCD Letter at p. 4, citing Gov. Code § 65915, subds. (a)(2), (j), and (k).) The HCD further misrepresents a citation to Lynn E. Hutchins and Karen Tiedemann, Goldfarb & Lipman “Not Just Density Bonuses: Dealing with Demands Beyond the Bonus.”³ (HCD Letter at p. 4 [arguing that “These requirements in the City’s ordinance are contrary to SDBL and *disincentivize* affordable housing.”].) In fact, the cited work specifies the standards for a city to deny an incentive/concession, where “[t]he concession or incentive is not required to provide for affordable housing costs” (Bonus Guide at p. 16.) It is the applicant who “must show that the development standard being waived will preclude the physical construction of the project with the density bonus, incentives and concessions to which the project is entitled. . .” (Id.) Finally, the HCD Letter itself acknowledges the “financial feasibility” standard in the provision of affordable housing. (Id. at p. 9.)

Second, HCD makes a direct factual misrepresentation, contending that “the previous version of the City’s ordinance calculated density based on gross acres, rather than net acres.” (HCD Letter at p. 6.) As explained in Section 3 below, the EMC does not, and has not, relied on gross acre calculations to determine base density. HCD’s only legal support is a citation to Government Code section 65583.2, subdivision (c), which does not mandate or require the use of gross acre to calculate base density. HCD is demanding that City take the unprecedented action to change its longstanding use of net acres to calculate base density based on a factual misrepresentation and dubious and ineffectual statutory citation.

Even in the case that HCD may have identified some other certain incompatibilities with SDBL identified by HCD, the appropriate response is revision, rather than wholesale repeal of the CDBL.

3. NOTHING IN STATE LAW MANDATES THAT CITY ABANDON ITS ZONING CODE APPROVED METHOD OF CALCULATING DENSITY BASED ON “NET ACRE”

Counter to the misstatements by HCD explained above, the City and its outside counsel have already fully and correctly set forth the reasons why the City may practically and legally continue to calculate density based on *net acre* rather than the impractical use of *gross acre* as proposed by the HCD.

The February 1, 2021 letter of Barbara E. Kautz Re: City of Encinitas’ Density Bonus Ordinance – Letter of Technical Assistance (“Feb. 1, 2021 Kautz Letter”), a copy of which is attached hereto as Exhibit A, sets forth a concise factual analysis and history of the use of net acres for density calculations in the EMC. (See Feb. 1, 2021 Kautz Letter at pp. 4-5 [“Use of Net Lot Area, Rather than Gross Lot Area, to Calculate Base Density”].) Ms. Kautz correctly establishes that, apart from an irrelevant mention of density in relation to gross acreage in the Land Use

³ Hereafter referred to as “Bonus Guide.”

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Element of the General Plan, the City can and should exclusively use “net acreage” in order to calculate density limits in its Zoning Code. (Feb. 1, 2021, Kautz Letter at pp. 4-5.)

This is supported by the EMC. The zoning tables in EMC section 30.16.010, A.1-3, including for the subject R-30 zone, calculate density based on “Maximum dwelling units per net acre[.]” (Id.) As noted in the Feb. 1, 2021 Kautz Letter, “The City’s prior density bonus ordinance contained no language relating to calculation of base density based on gross acreage.” (Id. at p. 4.) Ms. Kautz elaborated further that (1) the use of net acreage for density calculation is allowable in HCD’s Housing Element Site Inventory Guidebook if consistent with the standard the City uses to determine allowable density; (2) city staff incorrectly, and without authorization and in conflict with the EMC and General Plan, began to calculate density based on gross acreage based on an inapplicable change in the definition of the term “density bonus” by AB 2501; and (3) other North County cities and the City of San Diego consistently use net acreage for density bonus calculations. (Id. at pp. 4-5.)

Abandoning the net acre calculation methodology is not warranted or necessary and would lead to absurd results and unanalyzed and unmitigated CEQA adverse impacts. City defines net acreage as “the slope adjusted unconstrained gross acreage within the subject property.” (EMC § 30.16.010.B.2.) Constrained acreage includes flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, existing and future right-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less. (Id.)

In a real example of the Seacoast Church project, the R-30 allowed density using a gross acre calculation would lead to 4.45 acres (rather than 1.41 net acres) that would be an effective density of 128 du/net acre after 35% density bonus. (See Proposed HE at p. 1-15.) To accommodate that density a developer could assert height and story waivers up to 12 stories. City is in danger of giving away all sensible design constraints, even though they are consistent with the SDBL.

4. THERE IS NO “COMMON SENSE” OR OTHER CEQA EXEMPTION FOR CITY’S ADOPTION OF THE PROJECT; ABANDONMENT AND REPEAL OF CITY’S ADOPTED CODIFIED STANDARDS AND/OR PLANS MAY CAUSE POTENTIAL ADVERSE IMPACTS AND IMPLICATE ONE OR MORE PHYSICAL CHANGES TO THE ENVIRONMENT

On March 9, 2021, City made a determination that the Project was exempt from CEQA based on the “common sense” exemption pursuant to Cal. Code Regs., tit. 14, (“CEQA Guidelines”) § 15061, subd. (b)(3). Principally, and as discussed below, the Project did not qualify for the common sense exemption at the time of City’s March 9, 2021 determination because the exemption is only available “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. . .” (Id.) Here, there is most definitely a possibility that the Project may have a significant effect on the environment.

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However, there is a further procedural defect to City's exemption. Since its March 9, 2021 determination, City has had two separate rounds of revisions to the Project, including on April 6, 2021, yet City has failed to consider the effect those further plan and code *changes* may have on the environment and the appropriateness of a CEQA exemption for the Project.

First, Section 15378, subdivision (a)(1) of the CEQA Guidelines explains in pertinent part that "project" includes "an activity directly undertaken by a public agency including but not limited to ... enactment and amendment of zoning ordinances, and the adoption and **amendment of local General Plans** or elements thereof." (Id., bold added.)

Second, as argued and set forth above in Section 1, the elimination of the EA's applicability to all current and future by-right projects will effectively eliminate all prior CEQA programmatic-level mitigation measures that were studied and set forth in the EA, and that were incorporated into the general plan as the Existing HE.

Third, because Encinitas RRD has raised a reasonable argument to "suggest a possibility that a project will cause a significant environmental impact" and therefore, "the agency [City] must refute that claim *to a certainty* before finding that the exemption applies." (*Davidon Homes v. City of San Jose*, (1997) 54 Cal.App.4th 106, 118.)

By way of example, eliminating the programmatic CEQA review and mitigation measures in the Existing HE and its EA for all by right projects may result in physical changes or adverse impacts to the environment.

Program 1B (amended program) "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."

Contrary to the Table in Attachment 15 of the CEQA determination, the elimination or restrictions from using preexisting subjective EA Design Review standards can and "may likely" adversely affect the physical environment. Specifically, the Goodson project at Site 8 proposes height waivers that result in a project massively out of scale to the community character and designated view corridor for which the EA specifies reliance on Design Review to ensure the effective mitigation of this potentially significant adverse impact.

By limiting Design Review to only "objective" standards, the amendments materially reduce the required mitigations identified in the EA that were studied, adopted, and required for specific sites and purposes such as: (1) scenic road and scenic view corridor sites along scenic highways and/or adjacent to significant viewsheds or vista points, which are subject to compliance with EMC section 30.34.080 and require "consideration be given to the project's overall visual impact and conditions or limitations on project bulk, mass, height, architectural design, grading, and other visual factors that may be applied to Design Review. . ." (EA at p. 4.1-13); (2) hazardous materials analyses to identify potential conditions for further regulatory oversight and

demonstrate compliance through one or more phases of environmental site assessment (EA at p. ES 24-25); (3) applicants are required to prepare a project-specific GHG analyses to identify appropriate project-level significance threshold and project-specific mitigation measures for all discretionary projects that exceed the CAPCOA 900 MTCO₂E screening threshold (EA at p. ES-22); (4) circulation system capacity and operations that require an applicant to provide a site-specific study to determine and implement fair-share contribution infrastructure to mitigate any significant traffic impacts resulting from build-out of the development (EA at p. ES 32-33); (5) the requirement for a biological report to identify and mitigate impacts to sensitive species and vegetation communities (EA at p. ES 12, 14); and (6) impacts to historical resources must be analyzed and reported. (EA at p. ES 17.)

By way of another example, the City's determination for "Program 2D," as contained in "Attachment A" chart and table set forth in the *City of Encinitas 6th Cycle Housing Element CEQA Determination* (at p. 6)⁴, is vastly incorrect. Program 2D does not *simply mirror* the 5th Cycle Housing Element. Rather, it is a substantive change contemplated to abandon a long-standing requirement in the Encinitas Municipal Code to use "net acre" calculations for determining density. (6th Cycle Housing Update at pp. 1-30 to 1-32.) As proposed, the Project intends to use "gross acre" calculations in a manner that will likely increase the density of all of the contemplated projects under the 5th Cycle Housing Element. (Id.)

Specifically, as applied to Site 8 in the 5th Cycle Housing Element (current Encinitas Boulevard Apartment project) there would be an allowable base density of 160 units under a *net acre* calculation. However, that project's base density jumps 49 extra units to a base density of 209 units under a *gross acre* calculation. A base increase of 49 units has a potentially significant project level and cumulative impacts to traffic, circulation, parking, GHG, noise, aesthetics, and a host of other potential impacts. As extenuated over the entirety of Proposed HE developments contemplated by the Project, there will be hundreds of additional units, along with their incumbent potentially adverse impacts.

The Seacoast Church site (AD9) is another example for how adverse impacts and physical changes may arise from a repeal of the gross vs. net DBL unit calculation methodology. As a not yet submitted project, it is currently subject to the CDBL. It has 4.45 gross acres but only 1.41 net acres such that the base R-30 density could rise from 42 to 134, and with the 35% density bonus, the physical project could grow from 57 to 181 units (318%).

The Cannon Property (Piraeus) site 2 is another good example of the potential adverse and unanalyzed impacts arising from repeal or lowering the standards for incentives/waivers. The EA identified, at 4.1-4, Issue 4: visual character is a potentially significant adverse impact, and specifies subjective design features to mitigate the adverse impact. If the developer elects an incentive/waiver just to save a few bucks (rather than the higher

⁴ Attachment 15 to staff report for Item 3A - *6th Cycle Housing Element CEQA Determination* dated March 9, 2021.

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standard of needing the accommodation to make the provision of the affordable housing feasible), the required mitigation may not occur and adverse environmental impacts may result:

Candidate Site #2 is a vacant site located on Piraeus Street. The surrounding area is diverse, with vacant land to the north, Plato Place and single-family residential to the south, single family residential to the east, and I-5 directly to the west. The future development on Candidate Site #2 would be dissimilar to the existing neighborhood concerning land use, density, and scale and could negatively impact the neighborhood's character. However, future development would be reviewed to confirm compliance with EGP policies and EMC Section 30.34.080 and Chapter 23.08 standards, as well as other regulations to maximize compatibility with surrounding land uses. Appropriate landscaping, setbacks, height, transparency, building articulation, and other design features would be required. Therefore, following compliance with the established regulatory framework, future development of Candidate Site #2 would result in a less than significant impact concerning visual character.

(Id.)

HE Program 2D also affects and creates lower standards for granting waivers and incentives/concessions. Allowing incentives/concessions for mere cost savings, rather than to provide affordable housing, has the predictable effect of removing constraints and mitigating adverse and physical impacts to the environment.

HE Program 3B (amended) states: "The City currently reviews all housing development applications for conformance with adopted general plan, zoning, subdivision, and objective design standards." This language is a specific change from the currently allowed (and per EA required) use of subjective Design Review to enforce required mitigation.

HE Program 3D (amended) states: "This amended program contains new and different language since the March 9, 2021 CEQA Determination was conducted."

HE Program 3F inserts new language after the CEQA determination that lays out a novel standard for by-right project applicants to object to subjective standards being applied to their project, contrary to the Determination assertion that this is merely "public dissemination of information."

The proposed Project cannot be approved until either an appropriate CEQA review is performed, or the proposed HE is revised to remove all potential significant environmental impacts.

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CONCLUDING REMARKS

Thank you for consideration of the above information, arguments and evidence in support of City's review and consideration of the 2013-2021 Housing Element.

Should you have any questions, please do not hesitate to contact my office or contact Dan Vaughn on behalf of my client, Encinitas RRD.

Sincerely,



Craig A. Sherman

cc: Roy Sapau, City Planner (rsapau@encinitasca.gov)
Lillian Doherty, Director of Development Services (ldoherty@encinitasca.gov)
Leslie Devaney, City Attorney (ldevaney@encinitasca.gov)
Barbara Kautz, Counsel for City (BKautz@goldfarbblipman.com)
City Council (c/o council@encinitasca.gov)
Dan Vaughn, Encinitas RRD (Daniel_E_Vaughn@yahoo.com)

Jennifer Gates

From: 8589431209@mms.att.net
Sent: Tuesday, April 6, 2021 8:04 PM
To: encinitasrrd@gmail.com; Council Members
Attachments: text_0.txt

As a longtime resident of Encinitas I am appalled that our City Council would even consider relinquishing housing control and density requirements to HCD. You were elected to represent our interests. We want to maintain local control and expect you to vote that way. A very concerned citizen,
Katie Brown

Jennifer Gates

From: Laini Cassis <lainicassis@gmail.com>
Sent: Wednesday, April 7, 2021 10:16 AM
To: City Clerk
Subject: Written comment for City Council 4/7/21 Item 3A
Attachments: Housing Element April 7 2021 Cassis.docx.pdf

[NOTICE: Caution: External Email]

Hello,

Please see my written comment regarding Item 3A in the upcoming City Council meeting.

Thank you,
Laini Cassis

City of Encinitas City Council Meeting- April 7, 2021
Laini Cassis Oral/Written Comment re: 6th Cycle Housing Element

Email by 2 pm of April 7th: cityclerk@encinitasca.gov and council@encinitasca.gov
Subject Line: Agenda Item 3A – Housing Element

Honorable Mayor, City Council Members and staff:

My name is Laini Cassis, a young professional and member of Encinitas4Equality. I support the adoption of the 6th Cycle Housing Element, and executing towards the actual building of more affordable housing.

Speaking as a member of Encinitas 4 Equality Housing Committee, we aspire to create an Encinitas for Everyone where a greater diversity of people – in terms of income, race and ethnicity – are able to BOTH call Encinitas home, AND KNOW that they are valued members of this community. To achieve this vision, I encourage the production of an affordable housing community for middle and low income residents where no more than 30% of household income is required for housing.

We understand that the Housing Element Plan falls short of closing the supply demand gap for low and very low housing due to flaws of state requirements. To not adopt this plan puts Encinitas at risk of lawsuits by the state and may cause the state to take control of our land use. So, we support the City's outlined plan to build out affordable housing toolkit, including:

1. ADU's: (and other smaller unit types). We are encouraged that approximately 25% of the ADU's built are deemed affordable. The ADU & Inclusionary Programs help move the needle by currently yielding between 15% - 25% affordable housing and hopefully those %'s can increase. We support the City's recent commitment to build a (100%) affordable community in Encinitas for our senior citizens, essential workers, and those like myself who are "just starting out" in life. This bold action requires leadership, innovation, and collaboration.
2. Inclusionary housing: (under the current program 10-15% of units built are affordable). We support increasing the percentage of affordable housing where economically feasible and not a disincentive to building affordable homes.
3. Collaboration with other agencies, such as the City's recent decision to join CalCHA, which will hopefully create (and/or preserve) both lower income and middle-income affordable housing opportunities.

We have an extraordinary opportunity before us to create an Encinitas for Everyone.

This process is far from perfect and so while we support maintaining local control, we are concerned that if this plan is not adopted, we run the risk of more taxpayer funded legal fees and ultimately a loss of local land use control to the courts. So, let's address the state density bonus issue in the next 90 days or at the legislative level, if necessary, and not in the courts.

To summarize, I respectfully request you adopt the Housing Element, so we can move forward with taking action to build more affordable housing in our community. Thank you for your service and thoughtful approach to the complexities of affordable housing.

Peter Weichers

From: Craig Sherman <craigshermanapc@gmail.com>
Sent: Wednesday, April 7, 2021 3:15 PM
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Encinitas RRD requests that City Council deny or continue Item 1 until appropriate CEQA review can be performed, as the March 9, 2021 purported "common sense" exemption is invalid and does not account for subsequent changes to adopt the 2021-2029 6th Cycle Housing Element Update to the General Plan ("Project").

The attached comment details a number of problematic features of the Project that are legally unnecessary and curtail City's police powers and ability to have regulated development.

The City should investigate methods of self-certification, based upon its existing complete or substantial compliance with Housing Element requirements, including correct law and implementation of state density bonus law.

Encinitas RRD requests City vote "NO" or alternatively, continue Item 1 until CEQA review is complete.

-Craig

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April 7, 2021

Via email

cityclerk@encinitasca.gov
City Council
CITY OF ENCINITAS
c/o Kathy Hollywood, City Clerk
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: *Comment for April 7, 2021 Special City Council Agenda*
Item No. 1: Resolution No. 2021-16

To the Mayor and Members of the Encinitas City Council:

This office represents the association Encinitas Residents for Responsible Development ("Encinitas RRD"), an association of community members and stakeholders within the City of Encinitas ("City").

City's action via adoption of Resolution No. 2021-16 intends to repeal the entirety of the 2013-2021 Housing Element and adopt the 2021-2029 6th Cycle Housing Element Update to the General Plan (the "Project"). As part of this process, the Project incorporates a number of significant changes to the existing 2013-2021 Housing Element.

A primary issue of concern is language in Programs 1B, 3B, 3D, and 3F committing to only consider objective standards in project review. This will have the effect of permanently removing current and long-standing objective and discretionary Design Review standards for DBL housing projects that can and should remain in place because they were timely adopted and in place before the SDBL has precluded any further changes.¹ These changes to design review will directly impact the environment by restricting the Environmental Assessment required mitigation.

Another issue of concern is the statement and commitment in Resolution No. 2021-16 that the "City has revised Program 2D to state that the City will repeal Ordinance No. 2020-09 within six months and will immediately apply current State Density Bonus Law [SDBL] to pending projects." **The City Council should reject the repeal of Ordinance No. 2020-09 and the language and wording committing to do so should be removed from the proposed Project and its Resolution No. 2021-16.**

Encinitas RRD is opposed and requests the City Council to reject staff's recommendation to repeal the entirety of the City's Density Bonus Law that was adopted in December 2020 as Ordinance No. 2020-09 (hereafter "CDBL").

¹ Gov. Code, section 66300, subdivision (b)(1)(C) makes it clear that discretionary standards in effect prior to January 1, 2020 are valid and may remain.

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Further, Encinitas RRD opposes approval of the Project in its current form on multiple grounds including:

- (1) the abandonment and preemption of current and applicable Design Review standards set forth in the Encinitas Municipal Code;
- (2) repeal of the CDBL is unnecessary based upon misstatements of law and fact from the Department of Housing and Community Development (HCD) as it has set forth in its HCD's March 25, 2021 Letter "RE: City of Encinitas Notice of Violation, Ordinance No. 2020-09 (Density Bonus)"
- (3) the abandonment of the City's long-standing standard of calculating housing density based on a property's net acre basis, and
- (4) there is no exemption for the Project's compliance with the California Environmental Quality Act (CEQA).

The Project **cannot** be approved until CEQA review is performed. During this review period, City has the opportunity to preserve and positively modify its existing Design Review program and method of net acre base density calculations for residential projects.

**1. PROPOSED CHANGES TO THE HOUSING ELEMENT WILL
UNDERMINE CITY'S AUTHORITY TO INTEGRATE NEW HOUSING
PROJECTS VIA DISCRETIONARY DESIGN REVIEW**

In addition to the City unnecessarily and permanently removing current and long-standing objective and discretionary Design Review standards for DBL housing projects – that can and should remain in place because they were timely adopted and in place before the SDBL has precluded any further changes (see footnote 1 above), the City's effective development controls of over such DBL projects will be dramatically, and unnecessarily, reduced or completely eliminated.

The proposed Sixth Cycle Housing Element ("Proposed HE") and Project would substantially eliminate existing subjective standards for Design Review by the City. (See Proposed HE Program 1B at pp. 1-17 to 1-18, Program 3B at p 1-37, Program 3D at pp. 1-41 to 1-42, and Program 3F at pp 1-42 to 1-43.) Projects that come before the City under the SDBL are currently subject to review standards applicable to the Project and Project site, as set forth in the existing 2016-2021 Housing Element ("Existing HE"), its programmatic Environmental Assessment ("EA"), and pursuant to City's Design Review, including the design guidelines promulgated by the city council. (Encinitas Municipal Code ["EMC"] § 23.08.100.) Under the current HEU, EA, and pursuant to Gov. Code section 65759 projects are required to comply with the specific standards, considerations, and mitigation measures, identified and set forth therein.

The term “use by right”² has a specific statutory definition, and is limited to a restriction on local government from requiring “a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a ‘project’ for purposes of [CEQA].” (Gov. Code, § 65583.2, subd. (i).) **Significantly, use by right does not exempt a project from Design Review, where, as here it is provided by local ordinance and timely adopted.** (Gov. Code, § 65583.2, subd. (i); see EMC § 23.08.)

Thus, “by right” development under Government Code section 65583.2 is subject to a number of exceptions and there is no automatic or ministerial “grant” or “approval” that must be made. Substantial review and discretion are undoubtedly involved and necessary:

A local ordinance may provide that “use by right” does not exempt the use from Design Review. However, that Design Review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(Gov. Code, § 65583.2, subd. (i).)

The removal of discretionary Design Review for a DBL project is not necessary and is an incorrect reading of Government Code section 65583.2, subdivision (i) on the face of the statute. The statute does not distinguish ministerial-only Design Review, it simply states that Design Review will not be considered a “project” for the purposes of CEQA. Much like CEQA exemptions, the statute merely makes a legislative determination as to whether project-specific environmental review for a particular project may need to be performed.

The statutory language of Gov. Code, section 66300, subdivision (b)(1)(C) makes it clear that discretionary standards in effect prior to January 1, 2020 are permissible; only after January 1, 2020 is there a prohibition of imposing subjective standards. By specifically exempting “objective” design standards, the statute only concerns new subjective or discretionary standards put into place after the effective January 1, 2020 date. Thus, the City’s Design Review standards that were in place before January 1, 2020 remain in effect – including standards that are either *objective* or *discretionary*.

State law expressly authorizes the City to require an applicant to comply with written development standards, conditions, and policies, including: (a) **general plan, community plan, specific plan, zoning, Design Review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements**; (b) policies of a local agency, as defined in Government Code section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions; and (c) **implementation of prior adopted mitigation measures to lessen the impacts of a**

² Known and often referred under the misnomer as “by right development.”

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housing development project under CEQA. (Gov. Code § 65589.5, subd. (d)(2)(A); Gov. Code § 65915, subds. (f), (o).)

The abandonment of allowed preexisting subjective standards will be detrimental to City's authorized and appropriate design review and other plan and program-level CEQA-adopted development controls on DBL projects. The elimination of subjective design review, as identified in the EA as the mechanism to apply and enforce required mitigation to all current and future by-right projects, will effectively eliminate prior CEQA programmatic-level mitigation measures that were studied and set forth in the EA, and that were incorporated into the general plan as the Existing HE. (See comment below in Section 4 regarding inapplicability of a CEQA exemption for the Project).

2. HCD PRESENTS A NUMBER OF LEGAL AND FACTUAL ERRORS: THE EXISTING HE UNNECESSARILY UNDERMINES CITY'S POLICE POWERS AND ABILITY TO AFFECT DEVELOPMENT TO THE BENEFIT OF THE COMMUNITY

City has proposed a number of changes, including last minute changes on April 6, 2021 that move the goal posts for effective review and comment by Encinitas RRD and other members of the public without sufficient time to review and provide meaningful comment. These last minute April 6, 2021 changes unnecessarily undermine the City's own police powers and zoning controls. These changes were in response to notices of violation generated by the HCD. The reasoning behind HCD's notices are summarized in HCD's March 25, 2021 Letter "RE: City of Encinitas Notice of Violation, Ordinance No. 2020-09 (Density Bonus)" hereafter referred to as "HCD Letter." City's compliance with HCD's demands is primarily based on the calculus of avoiding litigation, as detailed in the April 1, 2021 letter of City's Counsel Barbara E. Kautz.

However, the mere threat of litigation cannot be a reason for City to concede its review powers when not mandated or compelled by the state. The HCD Letter makes a number of factually and legally incorrect statements and demands City make concessions in the Project and through recession of ordinances, specifically Ordinance No. 2020-09 ("Design Review Ordinance"). Encinitas RRD implores City to maintain its police powers in a way that is legally authorized, even under the SBDL.

The errors of the HCD Letter at issue are primarily in two areas (1) requirements that requested concessions, incentives, and waivers are merely actual cost reductions; and (2) gross acre versus net acre calculations of base density.

First, the HCD selectively interprets the State Density Bonus Law ("SDBL") to ignore the requirement that the identified cost reductions are to provide for affordable housing costs. (See HCD Letter at p. 2 [selectively references Gov. Code § 65915, subd. (k) on cost reductions, intentionally omitting the clause on providing for affordable housing].) The HCD letter asserts that "SDBL merely requires that such cost reductions help free up funds for affordable housing"

(HCD Letter at p. 4, citing Gov. Code § 65915, subs. (a)(2), (j), and (k).) The HCD further misrepresents a citation to Lynn E. Hutchins and Karen Tiedemann, Goldfarb & Lipman “Not Just Density Bonuses: Dealing with Demands Beyond the Bonus.”³ (HCD Letter at p. 4 [arguing that “These requirements in the City’s ordinance are contrary to SDBL and *disincentivize* affordable housing.”].) In fact, the cited work specifies the standards for a city to deny an incentive/concession, where “[t]he concession or incentive is not required to provide for affordable housing costs” (Bonus Guide at p. 16.) It is the applicant who “must show that the development standard being waived will preclude the physical construction of the project with the density bonus, incentives and concessions to which the project is entitled. . .” (Id.) Finally, the HCD Letter itself acknowledges the “financial feasibility” standard in the provision of affordable housing. (Id. at p. 9.)

Second, HCD makes a direct factual misrepresentation, contending that “the previous version of the City’s ordinance calculated density based on gross acres, rather than net acres.” (HCD Letter at p. 6.) As explained in Section 3 below, the EMC does not, and has not, relied on gross acre calculations to determine base density. HCD’s only legal support is a citation to Government Code section 65583.2, subdivision (c), which does not mandate or require the use of gross acre to calculate base density. HCD is demanding that City take the unprecedented action to change its longstanding use of net acres to calculate base density based on a factual misrepresentation and dubious and ineffectual statutory citation.

Even in the case that HCD may have identified some other certain incompatibilities with SDBL identified by HCD, the appropriate response is revision, rather than wholesale repeal of the CDBL.

3. NOTHING IN STATE LAW MANDATES THAT CITY ABANDON ITS ZONING CODE APPROVED METHOD OF CALCULATING DENSITY BASED ON “NET ACRE”

Counter to the misstatements by HCD explained above, the City and its outside counsel have already fully and correctly set forth the reasons why the City may practically and legally continue to calculate density based on *net acre* rather than the impractical use of *gross acre* as proposed by the HCD.

The February 1, 2021 letter of Barbara E. Kautz Re: City of Encinitas’ Density Bonus Ordinance – Letter of Technical Assistance (“Feb. 1, 2021 Kautz Letter”), a copy of which is attached hereto as Exhibit A, sets forth a concise factual analysis and history of the use of net acres for density calculations in the EMC. (See Feb. 1, 2021 Kautz Letter at pp. 4-5 [“Use of Net Lot Area, Rather than Gross Lot Area, to Calculate Base Density”].) Ms. Kautz correctly establishes that, apart from an irrelevant mention of density in relation to gross acreage in the Land Use

³ Hereafter referred to as “Bonus Guide.”

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Element of the General Plan, the City can and should exclusively use “net acreage” in order to calculate density limits in its Zoning Code. (Feb. 1, 2021, Kautz Letter at pp. 4-5.)

This is supported by the EMC. The zoning tables in EMC section 30.16.010, A.1-3, including for the subject R-30 zone, calculate density based on “Maximum dwelling units per net acre[.]” (Id.) As noted in the Feb. 1, 2021 Kautz Letter, “The City’s prior density bonus ordinance contained no language relating to calculation of base density based on gross acreage.” (Id. at p. 4.) Ms. Kautz elaborated further that (1) the use of net acreage for density calculation is allowable in HCD’s Housing Element Site Inventory Guidebook if consistent with the standard the City uses to determine allowable density; (2) city staff incorrectly, and without authorization and in conflict with the EMC and General Plan, began to calculate density based on gross acreage based on an inapplicable change in the definition of the term “density bonus” by AB 2501; and (3) other North County cities and the City of San Diego consistently use net acreage for density bonus calculations. (Id. at pp. 4-5.)

Abandoning the net acre calculation methodology is not warranted or necessary and would lead to absurd results and unanalyzed and unmitigated CEQA adverse impacts. City defines net acreage as “the slope adjusted unconstrained gross acreage within the subject property.” (EMC § 30.16.010.B.2.) Constrained acreage includes flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, existing and future right-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less. (Id.)

In a real example of the Seacoast Church project, the R-30 allowed density using a gross acre calculation would lead to 4.45 acres (rather than 1.41 net acres) that would be an effective density of 128 du/net acre after 35% density bonus. (See Proposed HE at p. 1-15.) To accommodate that density a developer could assert height and story waivers up to 12 stories. City is in danger of giving away all sensible design constraints, even though they are consistent with the SDBL.

4. THERE IS NO “COMMON SENSE” OR OTHER CEQA EXEMPTION FOR CITY’S ADOPTION OF THE PROJECT; ABANDONMENT AND REPEAL OF CITY’S ADOPTED CODIFIED STANDARDS AND/OR PLANS MAY CAUSE POTENTIAL ADVERSE IMPACTS AND IMPLICATE ONE OR MORE PHYSICAL CHANGES TO THE ENVIRONMENT

On March 9, 2021, City made a determination that the Project was exempt from CEQA based on the “common sense” exemption pursuant to Cal. Code Regs., tit. 14, (“CEQA Guidelines”) § 15061, subd. (b)(3). Principally, and as discussed below, the Project did not qualify for the common sense exemption at the time of City’s March 9, 2021 determination because the exemption is only available “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. . .” (Id.) Here, there is most definitely a possibility that the Project may have a significant effect on the environment.

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However, there is a further procedural defect to City's exemption. Since its March 9, 2021 determination, City has had two separate rounds of revisions to the Project, including on April 6, 2021, yet City has failed to consider the effect those further plan and code *changes* may have on the environment and the appropriateness of a CEQA exemption for the Project.

First, Section 15378, subdivision (a)(1) of the CEQA Guidelines explains in pertinent part that "project" includes "an activity directly undertaken by a public agency including but not limited to ... enactment and amendment of zoning ordinances, and the adoption and **amendment of local General Plans** or elements thereof." (Id., bold added.)

Second, as argued and set forth above in Section 1, the elimination of the EA's applicability to all current and future by-right projects will effectively eliminate all prior CEQA programmatic-level mitigation measures that were studied and set forth in the EA, and that were incorporated into the general plan as the Existing HE.

Third, because Encinitas RRD has raised a reasonable argument to "suggest a possibility that a project will cause a significant environmental impact" and therefore, "the agency [City] must refute that claim *to a certainty* before finding that the exemption applies." (*Davidon Homes v. City of San Jose*, (1997) 54 Cal.App.4th 106, 118.)

By way of example, eliminating the programmatic CEQA review and mitigation measures in the Existing HE and its EA for all by right projects may result in physical changes or adverse impacts to the environment.

Program 1B (amended program) "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."

Contrary to the Table in Attachment 15 of the CEQA determination, the elimination or restrictions from using preexisting subjective EA Design Review standards can and "may likely" adversely affect the physical environment. Specifically, the Goodson project at Site 8 proposes height waivers that result in a project massively out of scale to the community character and designated view corridor for which the EA specifies reliance on Design Review to ensure the effective mitigation of this potentially significant adverse impact.

By limiting Design Review to only "objective" standards, the amendments materially reduce the required mitigations identified in the EA that were studied, adopted, and required for specific sites and purposes such as: (1) scenic road and scenic view corridor sites along scenic highways and/or adjacent to significant viewsheds or vista points, which are subject to compliance with EMC section 30.34.080 and require "consideration be given to the project's overall visual impact and conditions or limitations on project bulk, mass, height, architectural design, grading, and other visual factors that may be applied to Design Review. . ." (EA at p. 4.1-13); (2) hazardous materials analyses to identify potential conditions for further regulatory oversight and

demonstrate compliance through one or more phases of environmental site assessment (EA at p. ES 24-25); (3) applicants are required to prepare a project-specific GHG analyses to identify appropriate project-level significance threshold and project-specific mitigation measures for all discretionary projects that exceed the CAPCOA 900 MTCO₂E screening threshold (EA at p. ES-22); (4) circulation system capacity and operations that require an applicant to provide a site-specific study to determine and implement fair-share contribution infrastructure to mitigate any significant traffic impacts resulting from build-out of the development (EA at p. ES 32-33); (5) the requirement for a biological report to identify and mitigate impacts to sensitive species and vegetation communities (EA at p. ES 12, 14); and (6) impacts to historical resources must be analyzed and reported. (EA at p. ES 17.)

By way of another example, the City's determination for "Program 2D," as contained in "Attachment A" chart and table set forth in the *City of Encinitas 6th Cycle Housing Element CEQA Determination* (at p. 6)⁴, is vastly incorrect. Program 2D does not *simply mirror* the 5th Cycle Housing Element. Rather, it is a substantive change contemplated to abandon a long-standing requirement in the Encinitas Municipal Code to use "net acre" calculations for determining density. (6th Cycle Housing Update at pp. 1-30 to 1-32.) As proposed, the Project intends to use "gross acre" calculations in a manner that will likely increase the density of all of the contemplated projects under the 5th Cycle Housing Element. (Id.)

Specifically, as applied to Site 8 in the 5th Cycle Housing Element (current Encinitas Boulevard Apartment project) there would be an allowable base density of 160 units under a *net acre* calculation. However, that project's base density jumps 49 extra units to a base density of 209 units under a *gross acre* calculation. A base increase of 49 units has a potentially significant project level and cumulative impacts to traffic, circulation, parking, GHG, noise, aesthetics, and a host of other potential impacts. As extenuated over the entirety of Proposed HE developments contemplated by the Project, there will be hundreds of additional units, along with their incumbent potentially adverse impacts.

The Seacoast Church site (AD9) is another example for how adverse impacts and physical changes may arise from a repeal of the gross vs. net DBL unit calculation methodology. As a not yet submitted project, it is currently subject to the CDBL. It has 4.45 gross acres but only 1.41 net acres such that the base R-30 density could rise from 42 to 134, and with the 35% density bonus, the physical project could grow from 57 to 181 units (318%).

The Cannon Property (Piraeus) site 2 is another good example of the potential adverse and unanalyzed impacts arising from repeal or lowering the standards for incentives/waivers. The EA identified, at 4.1-4, Issue 4: visual character is a potentially significant adverse impact, and specifies subjective design features to mitigate the adverse impact. If the developer elects an incentive/waiver just to save a few bucks (rather than the higher

⁴ Attachment 15 to staff report for Item 3A - *6th Cycle Housing Element CEQA Determination* dated March 9, 2021.

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standard of needing the accommodation to make the provision of the affordable housing feasible), the required mitigation may not occur and adverse environmental impacts may result:

Candidate Site #2 is a vacant site located on Piraeus Street. The surrounding area is diverse, with vacant land to the north, Plato Place and single-family residential to the south, single family residential to the east, and I-5 directly to the west. The future development on Candidate Site #2 would be dissimilar to the existing neighborhood concerning land use, density, and scale and could negatively impact the neighborhood's character. However, future development would be reviewed to confirm compliance with EGP policies and EMC Section 30.34.080 and Chapter 23.08 standards, as well as other regulations to maximize compatibility with surrounding land uses. Appropriate landscaping, setbacks, height, transparency, building articulation, and other design features would be required. Therefore, following compliance with the established regulatory framework, future development of Candidate Site #2 would result in a less than significant impact concerning visual character.

(Id.)

HE Program 2D also affects and creates lower standards for granting waivers and incentives/concessions. Allowing incentives/concessions for mere cost savings, rather than to provide affordable housing, has the predictable effect of removing constraints and mitigating adverse and physical impacts to the environment.

HE Program 3B (amended) states: "The City currently reviews all housing development applications for conformance with adopted general plan, zoning, subdivision, and objective design standards." This language is a specific change from the currently allowed (and per EA required) use of subjective Design Review to enforce required mitigation.

HE Program 3D (amended) states: "This amended program contains new and different language since the March 9, 2021 CEQA Determination was conducted."

HE Program 3F inserts new language after the CEQA determination that lays out a novel standard for by-right project applicants to object to subjective standards being applied to their project, contrary to the Determination assertion that this is merely "public dissemination of information."

The proposed Project cannot be approved until either an appropriate CEQA review is performed, or the proposed HE is revised to remove all potential significant environmental impacts.

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CONCLUDING REMARKS

Thank you for consideration of the above information, arguments and evidence in support of City's review and consideration of the 2013-2021 Housing Element.

Should you have any questions, please do not hesitate to contact my office or contact Dan Vaughn on behalf of my client, Encinitas RRD.

Sincerely,



Craig A. Sherman

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