

City of Encinitas

Development Services Department

505 S. Vulcan Avenue, Encinitas, California 92024-3633

January 31, 2019

Department of Housing and Community Development
Division of Housing Policy Development
Attn: Ms. Robin Huntley
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

RE: Responses to Comments Received by HCD on the Draft 2019 Encinitas Housing Element Update

Dear Ms. Huntley:

The following is the response of the City of Encinitas to the comments submitted to HCD on January 30, 2019 by Damien Mavis regarding the Draft 2019 Encinitas Housing Element Update (Housing Element).

Mr. Mavis focuses his comments on the proposed amendments to the Encinitas Municipal Code regarding how the City measures building height, which language has not changed since HCD initially approved the proposed development standards on June 12, 2018.

Without the proposed amendment, the City's Municipal Code requires height to be measured from the lower of natural or finished grade. The proposed development standards increase the permitted height of residential buildings on Candidate Sites identified in the Housing Element, and they provide a process to obtain an exception to the measurement standards if those standards would prevent development at the density permitted.

The proposed development standards will enable the Planning Commission to approve modifications to the designation of "natural grade" for purposes of measuring building height within the R-30 zone where grading is required due to geotechnical concerns; drainage or flood control requirements; accessibility requirements; remediation; or where a modification is needed to permit development at the minimum density of 25 units per net acre. These findings are contained in Section 30.16.010(B)(6)(d) of the proposed zoning ordinance.

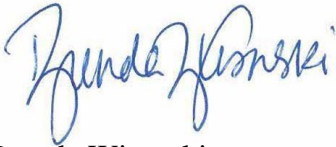
The comment claims that use of the word "required" will make it too hard for projects to use the exception, because projects may be economically infeasible if they employ engineering alternatives to modifying the height measurement standards. This is not correct. In the hypothetical examples given in the comment, a modification due to economic infeasibility would be "required" and could be approved. Moreover, the comment ignores the final finding, which provides that any time the code results in a physical constraint that precludes construction of the housing development at a density of 30 units per net acre, a modification "shall be allowed."

This language is similar to the standard for granting a waiver of development standards under State Density Bonus Law and the Encinitas Municipal Code, which is an alternative process commonly used and approved in the City.

The alternative finding proposed in the comment, which would require modifications to "minimize site grading, or minimize retaining wall heights, or maximize solar access for residents, or accommodate at grade parking" is highly subjective, and the comment's desired end result is already adequately addressed in the current proposed language.

Should you have any further questions or comments, please feel free to contact me directly at 760/633-2712 or bwisneski@encinitasca.gov.

Sincerely,



Brenda Wisneski
Development Services Director