

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, June 11, 2018 2:17 PM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Housing Element Update

I am forwarding comments HCD received from Mr. Stefan LaCasse.



Robin Huntley

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



From: Stefan LaCasse [mailto:stefan@quinncommunities.com]
Sent: Monday, June 11, 2018 1:21 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Element Update

Robin,

It is my understanding you are the contact person at Housing & Community Development as it relates to the update from the City of Encinitas.

We are an Encinitas development firm that builds single family and multifamily homes in Encinitas and other areas in San Diego. (We recently finish 88 units of 2 story walk-up apartments in Spring Valley.)

I sent an email to the City (Diane Langager) in April with some concerns about the Housing Element Update and Development Standards as proposed back then. (see below). I did not hear back.

Recently after I reviewed the Housing Plan Update dated 5/31/18 that the City had posted on their website, including the development standards, I noticed nothing has really changed.

My primary concerns are:

1. Parking ratios are too high. Extra parking takes away from area that could be used for units.
2. Height – needs to be at least 37' to achieve proper ceiling heights and measured from a newly created PAD elevation. NOT from existing grade.

These are just a couple of things that would need to be corrected in order to design a quality, efficient and desirable multifamily project.

I hope this information is helpful.

Please let me know if you have any questions or if this should be sent to someone else.

Thank you,

Stefan LaCasse

President

Quinn Communities

364 2nd Street, #5

Encinitas, CA 92024

(760) 942-9991 x101 t

(760) 942-9993 f

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From: Stefan LaCasse [<mailto:stefan@quinncommunities.com>]

Sent: Wednesday, April 18, 2018 2:12 PM

To: 'dlangager@encinitasca.gov'

Subject: Comments for Tonight's Meeting Regarding Development Standards Item 10A

Diane,

I will not be able to attend tonight's meeting regarding the proposed Development Standards for the up zoning to 25-30 units per acre (Item 10A). As you know, I am a resident, as well as a developer, in Encinitas and in favor of the zoning changes to allow for the required housing in the City. I would like to make some comments based on my experience in developing apartments and high density projects.

When I reviewed the proposed guidelines I see a number of items that will discourage and/or make the higher density unobtainable.

The items that were noticeable after a quick review are:

1. **Parking ratios are too high.** As mentioned in the Stakeholders meeting, in order to meet the required units per acre the ratio should be 1.8 spaces per unit inclusive of visitors spaces. Looking at other Cities, the more reasonable numbers could be - studio/1 bedroom to get one space, 2 – 3 bedrooms get 2 spaces and 4+ bedrooms get 3 spaces. What is proposed is much higher than other jurisdictions and makes the unit density unobtainable (cost and design). The proposed visitor parking add on is too high and it should be part of the requirement for the units, not added on.

2. **Height max at 37' –**

- a. the overall height may work but why add the requirement of “no direct view” to residential? A typical 2 story home built in the city does not have that requirement. It leaves too much ambiguity in the design. Maybe simply state landscape “should” be provided to minimize possible direct view into neighbors.
- b. No need to add extra cost of 6’ “masonry walls”. Regular wood or vinyl fencing at 6’ should be sufficient. No need to force the extra cost of the masonry. It should be a decision at time of design, not on obligation at this time.
- c. 37’ needs to be measured from PAD established permit, not from existing elevations as the current code states. Using the current code will not allow for any true 3 story buildings. The buildings would be 1 – 2 – 3 stories tall and not efficient enough to gain the units required. Looking at the proposed sites all seem to have some slope or change in elevation. None are a large flat pad or are ready to develop a multifamily 3 story building as they exist today.

3. **Private Storage of 200 sq. ft. is excessive for any single high density unit.** That is basically the size of a 1 car garage. All new developments value storage in units and is a marketing necessity to have proper storage. The storage is provided in the design in form of closets, cabinets, etc. No new development will be built without consideration for the appropriate amount of storage for the tenant/owner. Also, the appropriate amount will not be a single set amount for all size units. They smaller units will have less than the larger. Having a flat set amount is not the correct way to satisfy a need.
4. **Private and public open space of 300’ could also be viewed as excessive** on a per unit measurement as well too much on the total. Hard to say what would count towards this total at this time.

There needs to be a better and longer discussion about the guidelines. The City should take a closer look at other jurisdictions that have implement successful high density guidelines.

I apologize if I misinterpreted some of the Kimley Horn report, but this was a quick read based on the timeframe to be at City Council.

Please let me know if there are any questions.

Can you please provide this email to City Council for tonight’s hearing?

Sincerely,

Stefan LaCasse

President

Quinn Communities

364 2nd Street, #5

Encinitas, CA 92024

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, June 11, 2018 2:25 PM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Development Services Department Public Notice Page Updates

Here are comments and information from Mr. Keith Harrison.

**Robin Huntley**

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



From: Keith Harrison [mailto:keithharrison@sbcglobal.net]
Sent: Monday, June 11, 2018 1:40 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: FW: Development Services Department Public Notice Page Updates

Robin,

Just to make sure everyone is evaluating the same proposed development standards, here's the HEU update in the form of proposed changes to the Municipal Code (the development standards start on page 65 of the document):

http://encinitas.granicus.com/MetaViewer.php?view_id=7&event_id=1416&meta_id=87067

Of course, the above does not reflect what the Planning Commission recommended this past Thursday which is summarized on the City's website:

<http://www.encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Planning%20Commission%20Recommendations%2006072018.pdf>

Keith Harrison
 Harrison Properties
 (760) 436-7171 office
 (760) 436-9571 facsimile
 (858) 395-3408 cell

From: Keith Harrison <keithharrison@sbcglobal.net>
Sent: Monday, June 11, 2018 11:29 AM

To: 'robin.huntley@hcd.ca.gov' <robin.huntley@hcd.ca.gov>

Subject: FW: Development Services Department Public Notice Page Updates

Hello Robin,

Below is the email I received from the City of Encinitas that we briefly discussed this morning. The "here" link will take you to the Development Services Public Notices page. If you click the "Notice" link under the City Council Hearing Notices section for the June 20, 2018 hearing it will take you to the legal notice. About half way down the page you will see a reference to the June 7, 2018 Planning Commission meeting regarding development standards recommendations. I hope this helps.

Regards,

Keith Harrison
Harrison Properties
(760) 436-7171 office
(760) 436-9571 facsimile
(858) 395-3408 cell

From: City of Encinitas <cityofencinitas@cityofencinitas.ccsend.com> On Behalf Of City of Encinitas

Sent: Friday, June 08, 2018 2:01 PM

To: keithharrison@sbcglobal.net

Subject: Development Services Department Public Notice Page Updates

City of Encinitas

The Development Services Department Public Notice page has been updated with current public notices. Please click [here](#) to view posted notices.

If you have questions, comments or problems regarding any notice listed, please do not reply to this email. Contact the planner listed in the notice or email planning@encinitasca.gov.

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

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 14, 2018 8:38 AM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Comments on Development Standards relative to Encinitas

FYI – Additional comments received after HCD findings were issued on Encinitas' draft housing element.

All additional comments are considered during HCD's review of the adopted housing element.



Robin Huntley

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



From: Will Winkenhofer [mailto:will.winkenhofer@woodpartners.com]
Sent: Tuesday, June 12, 2018 5:00 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Comments on Development Standards relative to Encinitas

Hello Robin,

My name is Will Winkenhofer and I work with Wood Partners a national multifamily developer. I have been in touch with several property owners whose properties are on the list for up-zoning to R-30. I'm writing to express my views and recommendations as the City assesses adopting new development standards applicable to the proposed R-30 zone.

Given that Planning Commission has now presented its formal recommendations relative to development standards, I felt compelled to provide a few comments for consideration. I will say that I noted a few inconsistencies between staff's recommendation and Planning Commission's recommendations as presented at the Planning Commission hearing on June 7th. A summary of those issues follows.

Ambiguity relative to Product Type – It appears the Planning Commission acknowledges three-story product is necessary to achieve housing product yielding 25-30 units per acre. However, I would like to make it clear that traditional three-story product typically yields below 30 units per acre, and can easily yield less than 25 units per acre for irregular lots or sites with specific constraints. Further, I would caution against the narrative presented by certain members of the Planning Commission that a mix of two and three story product can yield a density within the 25-30 units per acre. That's not been my experience and adding another constraint with a third-floor stepback is only compounding the issue.

Thus, I would recommend that the design standards refrain from any ambiguity and allow for 3-story product without limitation on step backs.

Height Limits vs Financial Feasibility – Planning Commission recommends a base height limitation of 30’ with an adjustment to 33’ to accommodate equipment and/or implementation of pitched roofs. Based on our typical three-story walk-up product, 30’ feet and even the 33’ adjustment is not advisable. At 30’ you will be compromising the floor to ceiling heights within each floor and effectively building to a design standard that is atypical for the market. I’ve listened to some members of Planning Commission suggest that affordable housing should accept lower ceiling heights. Putting the social and homogenous product arguments aside, I think it’s important for City Council to focus on the financial feasibility of a project. Housing communities on the scale we are contemplating, are often financed by institutional equity and debt providers. These providers of housing capital do not look favorably on financing product that is inconsistent with market standards, and thus I think there is some risk that the current height recommendations could have the unintended consequence of jeopardizing the financial feasibility of building affordable housing within the City. I’d recommend that the development standard for height be consistent with staff’s recommendation (33’ flat roof and 37’ pitched).

Height Measurement Methodology – Perhaps the single greatest limiter to achieving the stated density goal of 25-30 units per acre within the R-30 would be deviating from lower of finished grade baseline or natural grade. It appears the Planning Commission is putting conditions on when and how the measurement of height is measured. There shouldn’t be ambiguity or a special request (discretionary process). A development standard should be objective not subjective.

In closing, I appreciate the efforts of Planning Staff, the Planning Commission, and the City Council in meeting their housing element goals. I hope my comments are given due consideration as I think they are important development standards to address to ensure builders/developers can feasibly build mixed-income and affordable housing at the necessary 25-30 unit per acre density as contemplated by the R-30 zone.

Will Winkenhofer
Wood Partners
760.846.4272
wew@woodpartners.com

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 14, 2018 8:37 AM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: HEU Development Standards

FYI – Additional comments received after HCD findings were issued on Encinitas' draft housing element.

All additional comments are considered during HCD's review of the adopted housing element.



Robin Huntley

Housing Policy Manager, Housing Policy Division
Housing & Community Development
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Phone: 916.263.7422



From: Keith Harrison [mailto:keithharrison@sbcglobal.net]
Sent: Tuesday, June 12, 2018 4:39 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: FW: HEU Development Standards

From: Keith Harrison <keithharrison@sbcglobal.net>
Sent: Tuesday, June 12, 2018 4:35 PM
To: 'DLangager@encinitasca.gov' <DLangager@encinitasca.gov>; 'Brenda Wisneski' <Bwisneski@encinitasca.gov>
Subject: HEU Development Standards

Diane and Brenda,

I haven't had a chance to review all the Planning Commission's recommendations regarding development standards for the HEU, but here are my thoughts on some:

BUILDING HEIGHT

The Planning Commission has recommended that building height be limited to "...30' to the top of the plate with an additional 3' (33' total) to accommodate a parapet and 5' (35' total) to accommodate a pitched roof" and it is my understanding that the City wishes to allow for 9' clear-heights in the higher density multi-family residential units contemplated in the HEU. The City's consultants have repeatedly shown a representative building section at City hearings related to the HEU to demonstrate that this can be accomplished in 30-foot height – 9' clear-height on the first floor with 1' floor plate for the second floor plus a 9' clear-height on the second floor with 1' floor plate for the third floor plus a 1' roof plate. Even on a completely flat parcel of land, this is not reality. First, such a structure would require at least a 6" slab above grade. Second, fire-separation and sound attenuation requirements will require that the

floor and roof sections exceed one foot in height (layers of drywall, RC channel, light-weight concrete, etc.). Keep in mind that sound attenuation becomes particularly important in multi-family buildings. Structurally, a typical 11 & 7/8" TJI truss-joist on 16" centers will span 17'8" and support a basic live-load 40 lbs. per square foot and basic dead-load of 20 lbs. per square foot. Under the representative building section used by the City, this would allow 1/8" for whatever combination of plywood decking, drywall, RC-channel and lightweight concrete necessary depending on the design, fire separation and sound attenuation requirements. Of course, if a span greater in 17'8" is required or if more load exists, the joist spacing and/or depth of the joists will have to be increased. It is easy to see how 9-foot ceilings within the sample section used by the City's consultants is a structural impossibility utilizing conventional framing.

Municipal Code section 30.16.010(B)(6)(a)(ii) requires that all sloped roofs have a 3:12 pitch. Therefore, PC's recommendation that the 30 ft height limit can only be exceeded by 5 ft. for a pitched roof means a building with a gable roof can be no more than 40' in width (20' on each pitch.) To put this in perspective, typical single-family homes on standard 50' X 100' lots in downtown Encinitas are 40' wide (50' wide lot less 5' setbacks on either side.) Now imagine a 40' wide structure as a multi-family building with a 6' wide hallway down the middle. The units on either side of the hallway would have a maximum depth from front to back of 16' assuming the outer walls of the units are 6" in width. Required building articulation could cut into that 16' even further. This is limiting to efficient multi-family development and could result in densities lower than targeted. Furthermore, the City has previously interpreted this same section of the Municipal Code to not allow single-pitch roofs (a.k.a. shed roofs) over the width of buildings because the code section only mentions "gables." As proposed, these limitations strongly encourage flat roofs.

MEASUREMENT OF BUILDING HEIGHT

None of the HEU sites are perfectly flat. In fact, most of the sites have significant slopes. Developing these sites will involve cut and fill to establish building pads. Measuring height from the lower of natural or finished grade will put significant limits on the building envelopes for these sites which will result in lower densities than projected.

The development standards for the draft HEU indicate that a development may obtain relief from the City's height measurement requirement at the discretion of the Planning Commission upon certain findings. This requires a developer to spend significant time and costs planning a project (probably north of \$1 million for most sites) speculating on how height will be measured. Furthermore, the findings make no mention of financial feasibility. How height is measured is so fundamental to project design that this will severely limit the number of projects being proposed for sites that require relief from the City's standard height limitation. Developers will likely only move forward with project proposals when it makes sense to design a project that does not require discretionary height approval.

PARKING

The City's off-street parking requirements seem to reflect a bias against multi-family housing and discourage affordability by design. For example, the City requires a single-family home up to 2,500 square feet in size (without any bedroom limitation) to have a total of two (2) parking spaces. Under the proposed development standards for the HEU, a one-bedroom apartment requires more parking - 2.25 off-street parking spaces (2 + .25 guest). The HEU requires the same amount of parking (2.25 spaces) for a 2-bedroom unit. Why would anyone build a one-bedroom unit? Similarly, the City just passed an accessory dwelling unit policy that allows up to a 1,200 square foot ADU on any single-family lot. The off-street parking requirement for an ADU is one (1) parking space. The City's proposed parking requirements under the draft HEU will strongly encourage the use of State density bonus law.

Regards,

Keith Harrison

SA

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 14, 2018 8:39 AM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Building height - Encinitas

FYI – Additional comments received after HCD findings were issued on Encinitas’ draft housing element.

All additional comments are considered during HCD’s review of the adopted housing element.

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Thursday, June 14, 2018 8:26 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Building height - Encinitas

Hi.

There seems to be a misunderstanding on building heights. The 2 story or 30 ft. maximum building height has been in the General Plan since at least 1991.

Donna

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*****CR

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5B

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 21, 2018 2:44 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: More information Re: Map site 02 - Piraeus (Cannon property) - closed southbound

Additional comments from Ms. Westbrook.

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Thursday, June 21, 2018 2:39 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: More information Re: Map site 02 - Piraeus (Cannon property) - closed southbound

When Caltrans rebuilt the northbound on ramps from Leucadia Blvd. they closed off the Piraeus southbound lane that connected with Leucadia Blvd. Anyone traveling Piraeus southbound has two choices - get on the northbound I-5 and exit at the next off ramp or turn left into the narrow residential streets to one that connects with Leucadia Blvd.

On Thu, 6/21/18, DW <twicesites@yahoo.com> wrote:

Subject: Map site 02 - Piraeus (Cannon property) - closed southbound
To: "Robin Huntley" <Robin.Huntley@hcd.ca.gov>
Date: Thursday, June 21, 2018, 1:09 PM

Hi.

There is no "out" going south on Piraeus for the residents in the communities. Now, with HCD approval, there will be another 173 dwelling units that will have no southbound exit on Piraeus.

For your information.

Donna Westbrook

--
*****CR

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 14, 2018 12:49 PM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Correspondence from BIA
Attachments: SKM_C554e18061314250.pdf

Here are additional comments from the BIA that were forwarded to HCD.



Robin Huntley

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



Doc #

2395341

From: Mike McSweeney [mailto:MMcSweeney@biasandiego.org]
Sent: Thursday, June 14, 2018 12:13 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Correspondence from BIA

Robin:

Here is the latest letter from BIA to the City regarding development standards.

Michael McSweeney

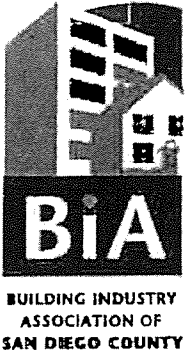
Sr. Public Policy Advisor
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**Demand, Resistance, and Policy:
Industry Leaders Project our Future**

**General Membership Breakfast
Thursday, June 14th
Del Mar Hilton**

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June 13, 2018

Mayor Catherine Blakespear
Councilmembers Boerner-Horvath, Muir, Kranz and Mosca
505 S. Vulcan Ave.
Encinitas, CA 92009

Dear Mayor Blakespear, City Councilmembers and Staff:

After reviewing your proposed Development Standards for the 2018 Housing Plan the BIA has determined that many components of these standards will not allow the required housing to be built, and if any is built, the number of units that can be built on the sites listed by the City will be far below what is being projected. The most significant issues we bring to your attention including the following:

1. Height limitations of 33' will cause conflicts with the building code. Our builders tell us they need to have 37' by right to be able to build three stories to be able to give the City flexibility regarding architectural styles and element along with grading and site conditions.
2. The determination of where to start the calculation of the building height is a major problem due to the topographies on many of the sites listed on the City's Sites list. The fact that the City's standard renders construction of three stories on any site that requires remedial grading or a cut and fill scenario severely limits the unit yields of the City's proposed sites, leading to a unit yield count which would make the proposed Housing Element out of compliance. See page 72 of the City's June 7, 2018 Agenda Report to the Planning Commission.
3. Calculations of net acreage eliminates about 30% of the density on average as each site is individually considered due to the elimination of the land within each parcel that falls into any of these categories:
 - a. Flood plains
 - b. Significant wetlands
 - c. Power transition easements
 - d. Railroad setbacks
 - e. Existing and future rights of way and easements for public or private streets and roads
 - f. Panhandle portion of lots
 - g. Environmental constraints
4. Calculation of Net Acreage due to the loss of 50% of the units that would otherwise be able to be constructed on land that exceeds a mere 25% in slope and the loss of all units otherwise potentially allocated to portions of lots with slopes in excess of 40%. This is calculated based on FIVE foot contours. This creates an extremely significant loss of density for properties in this coastal area with its topography and is a manufactured constraint because the

CHAIR

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Newland Real Estate Group

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Hunsaker & Associates San Diego

TREASURER / SECRETARY

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HomeFed Corporation

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ConAm

PRESIDENT & C.E.O.

Borre Winckel

AFFILIATES

California Building
Industry Association

National Association
of Home Builders

Building Industry Association of San Diego County

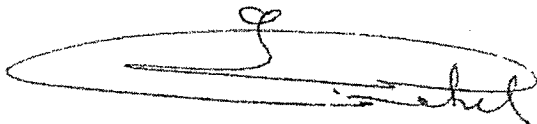
9201 Spectrum Center Blvd., Suite 110, San Diego, CA 92123-1407
P 858-450-1221 F 858-552-1445 www.biasandiego.org

construction of apartments and condominiums on this type of topography that is consistent along most of the Southern California Coast is common place outside of Encinitas. Why should Encinitas propose hurdles to development when their coastal neighbors in Southern California do not?

5. Excessive parking requirements that require more parking for a 2 bedroom 900 square foot apartment than for a 2 bedroom single family home typical of approximately 2,000 square feet.
6. Inclusionary housing of 20% further reduces the economics of building projects given that there will be a lot fewer units than the City is optimistically projecting and there will be extensive site development costs due to the numerous hurdles embedded throughout the City's Development Standards. Simply put, inclusionary unit costs are subsidized by the remaining units in a project. As the inclusionary requirement rises, the underlying project fundamentals are strained and become infeasible. In non-coastal areas inclusionary units typically require a subsidy of upwards of \$200,000 per unit. Needless to say in coastal Cities like Encinitas with high land costs the subsidy would be even larger.

We respectfully request that you address our concerns before you finalize the development standards of your Housing Element update.

Sincerely,

A handwritten signature in black ink, appearing to read "Borre Winckel", enclosed within a large, horizontal oval shape.

Borre Winckel
President & CEO
BIA San Diego

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, June 18, 2018 1:41 PM
To: Diane Langager; dave.barquist@kimley-horn.com; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas HEU - Site #2 Piraeus/Plato corner
Attachments: Piraeus Slope Failure -Images 10-22-03.pdf

Comments from Sheila S. Cameron.



Robin Huntley

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



From: donhcameron [mailto:donhcameron@cox.net]
Sent: Monday, June 18, 2018 1:14 PM
To: Zachary Olmstead <zolmstead@hcd.ca.gov>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas HEU - Site #2 Piraeus/Plato corner

RE: Encinitas HEU Site #2 Piraeus/Plato on Housing Site Map

Deputy Director Olmstead and Housing Policy Manager Huntley:

My name is Sheila Cameron and I am writing to you regarding your Certification of the HEU for the City of Encinitas. You suggest that Site #2 at the corner of Piraeus and Plato streets is an acceptable site for low income, 30 dwelling units/acre. On a flat map, I suppose it looks like a suitable site. That is why I am sending you these attached photos taken on October 22, 2003 showing where this bluff collapsed right down onto Piraeus Street. Piraeus is a well travelled Frontage Road between Leucadia Blvd., and La Costa Avenue. Due to this sloughing off the property, Piraeus was closed for at least a couple of days to all traffic while the pile of dirt was cleaned up and removed and/or repacked onto the site.

This site is, and always has been unstable topography.

Please review these photos as taken by the City of Encinitas Code Enforcement division on the day of the hillside collapse. This property is still in this condition today and the Neighbors above the site

tell me they are concerned because they have seen it shift 6 inches or more at a time over the years. After you review these photos, please let me know if you still think this property should be on the Site Map for low income housing here in Encinitas. Is this a Site you can recommend for low income housing development?

Also, you might wish to know that to the north end of this property, from 1999 until about 2003, it was used to grow flowers. When I inquired about this use, I was told the two foot high black plastic was put up to close that area from the Southern portion and was to protect the chaparral and possibly coastal gnatcatchers on the site, which hardly seemed adequate.

The flower grower was seen on multiple occasions covered from head to toe including a face mask, in a white protective suit when he sprayed his crops – all under the cover of darkness, but the toxic

air travelled on the ocean breezes down over several streets in the neighborhood. Within a short time after that, five those neighbors next to that area came down with cancer – 3 of them died. I can't

swear that it was caused by the air they were breathing during those years of spraying, but cause and effect are plausible.

I am letting you know this because I am sure you are not familiar with this property and cannot expect to be, and frankly, neither is the current City Council because they have never looked at it before placing it on the Site Map.

By contrast, the so called L-7 site (now #3 on the City Site Map) a property 100% owned by the City and paid for 20 years ago by our taxpayer dollars – is an ideal site for attractive, clusters of 100%

low income houses. It is empty, flat, ideally located and we own it. Why is it being rezoned to R-3? To do a local developer a favor perhaps?

I have lived in Encinitas for 44 years. I helped Incorporate these small communities into the City of Encinitas. I am a former City Council Member and Mayor here and I know every inch of this City.

So please, find and recommend that this property is NOT acceptable to be considered for low income in this HEU due to these health and safety issues.

Respectfully submitted,

Sheila S. Cameron
donhcameron@cox.net
(760) 436-1379



Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 21, 2018 2:27 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: HCD's findings letter for Encinitas

Comments on Encinitas' housing element from Jon R. Williams, Esq.



Robin Huntley

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



From: Jon R. Williams [mailto:williams@williamsiagmin.com]
Sent: Thursday, June 21, 2018 12:53 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: RE: HCD's findings letter for Encinitas

Ms. Huntley:

I attended the Encinitas City Council meeting last night (and into this morning) concerning the City's current Revised Housing Element.

As you know, I (and many of my neighbors) have long urged the City to take the Garden View Court (AD32) site off the Revised Housing Element submitted to the HCD because the Council's May 9, 2018 vote to place the property on the list of acceptable sites was not previously noticed to public, depriving them of any input before the Council voted. It was (and still remains) our contention that such an unnoticed vote of significant consequence constituted a Brown Act violation.

Putting that issue aside, however, it became apparent at last night's Council meeting that a separate but related issue also serves to disqualify the Garden View Court property from the Revised Housing Element. In particular, when the property owner (Keith Harrison) e-mailed Diane S. Langager (the City's Principal Planner) on the afternoon of May 9, 2018, touting the suitability of his property for inclusion in the City's Housing Element, he apparently did not

inform Ms. Langager that property was encumbered by a lease to the current occupant and gym owner (EOS) through 2029, including the existing gym building and adjacent parking lot. Moreover, neither Ms. Langager nor anyone on the City's Housing Element Task Force apparently investigated the presence of any such lease before recommending to both the Council and the HCD that the Garden View Court site be approved as part of the Revised Housing Element.

Notably, Government Code section 65583.2, subd. (g)(1) requires municipalities to analyze the development potential for "each site" within the planning period, and mandates that they "shall provide an explanation of the methodology used to determine the development potential." That subdivision of the Housing Element Law further requires that methodology "shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development," including "*an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development.*" (Emph. added.)

That analysis of the existing lease on the Garden View Court property was never undertaken by the City or its staff before it recommended the Garden View Court for approval by the HCD. Indeed, in a moment of candor at last night's meeting, Ms. Langager had to concede that she never inquired about the status of any lease on that property when the landowner contacted her because, at that point, City staff and the Task Force were "moving pretty fast" to find alternative sites to place before the Council on May 9, 2018 after the Quail Gardens (L7) site was suddenly removed from consideration. In short, the mandates of section 65583.2, subd. (g)(1) were never fulfilled as to the Garden View Court site, and consequently, the HCD was never informed of the existence of a long term lease on that property which will perpetuate the existing use and prevent redevelopment until at least until 2029, well outside the current planning period.

To its credit, the City Council – upon being apprised of the existence of that lease – voted to take the Garden View Court property off its list of sites to be recommended to the HCD and presented to the voters in November. The HCD is likely aware of that vote, but should also understand that its prior approval of that site was made without the analysis and information that section 65583.2, subd. (g)(2) requires. Under those circumstances, the HCD should accept the City Council's vote, removing the Garden View Court from the Revised Housing Element.

Regards,

Jon R. Williams, Esq.
Certified Specialist, Appellate Law
State Board of Legal Specialization



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San Diego, CA 92101
p.: (619) 238-0370
f.: (619) 238-8181
e.: williams@williamsiagmin.com
w.: www.williamsiagmin.com

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 14, 2018 9:16 AM
Subject: HCD's findings letter for Encinitas

For your reference, here is a copy of HCD's findings letter on Encinitas' draft housing element.



Robin Huntley

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



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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, June 21, 2018 2:37 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Housing Plan - Invalid Letter of Intent
Attachments: Pages from 2018-06-07 Appendix C CLEAN_20180531 reduced.pdf; City Council_20June_Meyer Site History_Sean McDaniel.pptx

Comments from Mr. McDaniel on Encinitas' housing element.

Please provide a response to HCD on this comment.



Robin Huntley

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



From: Sean McDaniel [mailto:smcdaniel@atlasground.com]
Sent: Thursday, June 21, 2018 2:16 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Plan - Invalid Letter of Intent

Dear Robin

I am one of the many citizens of Encinitas that presented during the Public Hearing portion of the June 20th Encinitas City Council meeting and public hearing on the Encinitas Housing Element Update. My presentation to the council was an expression of opposition to the City's late addition of a parcel of land to the Housing Element Update known as the "Meyer Site", also identified as AD31 on the proposed site map.

My presentation presented compelling evidence that we, the neighbors of the AD31 site property owners, have gathered that brings in to question the validity of the interest of the property owners in a rezoning of their property. The Letter of Intent (LOI) brought forth by a Developer, David Meyer (DCM Properties), represents to the city that the property owners agreed to have DCM represent their interest in an opportunity for a "land trade or rezoning" of their property.

We have evidence that strongly suggests Meyer obtained property owner signature under false pretense, that he intentionally misrepresented these property owners to the City of Encinitas.

My intent in presenting this information to the City Council late last night was to induce an independent validation of the Letter of Intent presented by David Meyer. It is apparent that the content of the document was not meant for public consumption due to the fact that it was 90% redacted when it was included in Appendix C

of the Housing Plan. Based on what I heard from City Council during deliberation and based on the results of their ultimate vote, it is clear that my presentation of this evidence was not taken seriously.

I realize these claims are bold. But they are serious and warrant investigation.

It would appear that site AD31 was included in the plan as a replacement for L-7 which was added to the plan on April 7 and Removed on April 19, in response to local resident opposition. The number of taxpayers who are for the inclusion of L-7 on the plan greatly outnumber the few hundred local residents who signed the petition in opposition. It is a city owned site, yet the council chooses to ignore the masses and HCD recommendation, and left L-7 off the plan. The City voted last night to ignore HCDs recommendation to consider it a viable site, and continues to bend to the will of the developers and their own special interests.

Site AD31 was offered as an option for the city council to consider via email from David Meyer, owner of DCM Properties on May 8th.

Specifically, DCM Properties apparently received signatures from all Site 19 property owners on a Letter of Intent, found in Appendix C of the Housing Plan, And it was this LOI that was used by the city as evidence of property owner interest in upzoning their property to R30.

DCM represents to the City in that letter that the property owners have agreed to allow DCM to pursue a property trade or rezone on their behalf.

The LOI is attached. A red flag that caused me to investigate further is the fact that over 90% of the document is redacted and page 2 is missing. Also it is the ONLY redacted document in the entire Housing Plan. It was poorly redacted and I was able to extract some meaningful text, which caused me to dig even further. Of particular interest is the portion of the sentence on page two, under "Property Trade" that says "or Rezone the subject property".

Some questions come to mind. Why would this portion need to be redacted? Why is the document redacted to begin with? And What property does DCM have in mind for a land trade? It isn't clear.

We paid a visit to our neighbors, the property owners, to see

1. If they could help us understand the LOI and
2. See if they are informed about what is going with the Housing Element Update?

What we determined in speaking with property owners is the following:

1. It is clear they don't understand why people are suddenly interested in their property. One property owner was told that they are building a large apartment complex next door (710 and 712 Clark St.) and that selling their property will help the City build more affordable apartments. That their property will be more valuable now so they can extend this complex into their land. According to City Records, Shea Homes is building 13 Market Rate homes and one affordable home on that lot. It is peculiar to me that the owners have a different understanding.
2. The property owners we spoke to don't understand the public notice sent to the property owners because it is in English. The property owners we spoke to speak Spanish.
3. They don't understand what R30 means or R5, nor have ever heard of a property known as L-7.
4. And They know nothing about an opportunity for a "land trade" nor what that even means, despite the language in the LOI.
5. One of the property owners does not recall signing anything called an Letter of Intent. In fact stated, IN SPANISH, that they would not sign anything, unless it was in SPANISH. We showed the

LOI to the property owner, and then the signature page with their signature on it (the signature page is its own page). They said they remember signing that for some people asking their permission to take some measurements for a possible future road to connect Clark to Union St. (it is currently blocked off). They were NOT presented a translated version of the Meyer LOI.

Further, the email sent by David Meyer to the City suggests DCM is working with the property owners to file a density bonus application. And that they have given DCM their permission to express interest in a land swap for L-7 OR a rezoning to 30 units per acre.

The property owners we spoke to do NOT know what a Density Bonus application is, and have never heard of a property known as L-7.

The LOI makes no reference to L-7 and, apparently, the rezoning aspect of that LOI was redacted for some unknown reason.

I don't think Confidentiality was the reason, since this letter was included in the plan and shared with the general public, in violation of their trust.

So, after 25 meetings over 18 months, site AD31 makes it's debut to the housing plan in a May 17th meeting of the Planning Commission and presented to City Council, officially, on May 23rd.

The first public hearing held on June 12th, where several planning commissioners agreed with the numerous public speakers that AD31 should be removed and not presented to HCD.

We have alerted the property owners, our neighbors, that the City thinks their interests are being represented by DCM Properties. That they should know that, if this is true, their confidentiality appears to have been violated in a very public way. We have recommended they seek legal counsel, because there is a clear perception that they are vulnerable to bad faith, predatory dealings with developers.

In light of what we have discovered from the AD31 property owners, the perception of the residents who oppose the inclusion of site AD31 in the housing plan is that the property owners signed a document under false pretense (if they signed it at all) and that their interests are intentionally being misrepresented. These, if proven, are prosecutable crimes. Further, the evidence of this behavior was presented to the City, who is choosing to do nothing about it. In my view, the mere suggestion that a developer has invoked deceitful tactics in order to intentionally misrepresent the interests of property owners for potential personal gain should be sufficient to warrant at least an independent inquiry. Not only into this site, but the property owners of every non-vacant site being proposed. In fact, it was revealed during the city council meeting, that another contested site, AD32 (formerly Frog's), is encumbered by a long term lease, rendering the site not viable for inclusion. It takes a public hearing to discover this type of information after 18 months and myriad meetings.

I will leave you to consider this information to assess validity of documents presented by DCM as valid interest from the property owners of AD31. It certainly brings into question the level of diligence done by the city to determine the validity of property owner interest of all non-vacant sites included in the plan. We will certainly be working with the property owners, our neighbors, to obtain legal counsel and further investigate the apparent attempts to deceive not only the AD31 property owners, but also the City of Encinitas, and by extension, the State of California.

I am available by phone or email to discuss further. Thank you for your time and all of your hard work to this point to help our great city in their attempts to become compliant.

Sincerely,

Sean McDaniel
Encinitas Resident
736 Del Rio Ave
805-305-1060

Attached:

1. Email from David Meyer to City Council and DCM Letter of Intent with AD31 Property Owners (redacted)
2. Presentation to City Council

Sean McDaniel
CEO/Founder || (877) 392-8527 x 101



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From: David Meyer [dcmeyer1@earthlink.net]
Sent: Tuesday, May 08, 2018 5:29 PM
To: Council Members
Cc: athome
Subject: New site possibility for Housing Element Update

Please accept this email as proposing the following adjacent parcels (see below), totaling approximately 6.6 acres, to be considered as a possible replacement for the L-7 site. Our company is working with the owners of these parcels to file a Density Bonus Tentative Map application, however, they have given permission to express their interest in either a swap for L-7 or a rezoning of the subject parcels to 30 units to the acre. We are open to discussing this possibility in short order, as we know time is short for the city to complete its review process to get a draft Housing Element Update (HEU) approved by HCD and on the November ballot.

SUBJECT PROPERTY:

Approximately 6.62 gross acres as follows:

APN: 256-171-13 (Approx. 32,819 s.f. – Zoned R5)
APN: 256-171-14 (Approx. 27,714 s.f. – Zoned R5)
APN: 256-171-15 (Approx. 61,477 s.f. – Zoned R5)
APN: 256-171-20 (Approx. 25,932 s.f. – Zoned R3)
APN: 256-171-21 (Approx. 16,514 s.f. – Zoned R3)
APN: 256-171-24 (Approx. 123,967 s.f. – Zoned R3)

Please find attached the plat map of these parcels, along with an aerial map from the City's E-Zone website. In planning this site for a TM application, we have identified few, if any, known impediments to the development of this site during the current HEU planning period at a density up to 30 dwelling units to the acre, which will make it a good candidate for inclusion in the current HEU.

I am available to meet with representatives of the City to discuss this site in further detail and its viability for inclusion in the HEU.

Sincerely,

-David Meyer
760-310-8836

LETTER OF INTENT

**RE: Entitlement of Approximately 6.62 Acres
Encinitas, California**

The parties hereto are willing to work cooperatively in an effort to enter into a formal agreement ("Agreement") for the entitlement of the subject properties as a residential subdivision under the following basic terms and conditions:

PROPERTY:

Approximately 6.62 gross acres located in Encinitas, California as follows:

APN: 256-171-13 (Approx. 32,819 s.f.)

Eleaza Beaz and Santa Ana Benavides Mancilla,
and Fidel Garcia-Gomez

APN: 256-171-14 (Approx. 27,714 s.f.)

Pablo Quiroz Sanchez and Juana Rodriguez

APN: 256-171-15 (Approx. 61,477 s.f.)

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and
Paul M. Huiras and Sandra K. Huiras

APN: 256-171-20 (Approx. 25,932 s.f.)

David Maldonado and Olivia Maldonado, Trustees of the David
and Olivia Maldonado Family Trust

APN: 256-171-21 (Approx. 16,514 s.f.)

David Maldonado and Olivia Maldonado, Trustees of the David
and Olivia Maldonado Family Trust

APN: 256-171-24 (Approx. 123,967 s.f.)

David Maldonado and Olivia Maldonado, Trustees of the David
and Olivia Maldonado Family Trust

Herein, collectively referred to as "Property Owners".

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

PROPERTY TRADE:

Property Owners understand that DCM has presented a potential opportunity to trade or [REDACTED] and hereby authorize DCM to additionally pursue such opportunity on their behalf. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[SIGNATURES CONTAINED ON NEXT PAGE]

AGREED AND ACCEPTED:

PROPERTY OWNERS:

APN: 256-171-13

Eleaza Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

ELEAZAR BEAZ

Date: 5/07/18

Santa Ana Benavides

Date: 5/07/18

FIDEL Garcia G.

Date: 5-07-18

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Date: _____

Date: _____

APN: 256-171-15

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and Paul M. Huiras and Sandra K. Huiras

Date: _____

Date: _____

Date: _____

APN: 256-171-20; 256-171-21; 256-171-24

David Maldonado and Olivia Maldonado, Trustees of the David and Olivia Maldonado Family Trust

Date: _____

Date: _____

DCM PROPERTIES, INC. (DCM):

Date: _____

David C. Meyer, President

AGREED AND ACCEPTED:

PROPERTY OWNERS:

APN: 256-171-13

Eleaza Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

Date: _____

Date: _____

Date: _____

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Pablo Quiroz Sanchez
Juana Rodriguez

Date: 6-15-15-7-18

Date: 5-7-18-

APN: 256-171-15

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and Paul M. Huiras and Sandra K. Huiras

Date: _____

Date: _____

Date: _____

APN: 256-171-20; 256-171-21; 256-171-24

David Maldonado and Olivia Maldonado, Trustees of the David and Olivia Maldonado Family Trust

Date: _____

Date: _____

DCM PROPERTIES, INC. (DCM):

David C. Meyer, President

Date: _____

AGREED AND ACCEPTED:

PROPERTY OWNERS:

APN: 256-171-13

Elcaza Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

Date: _____

Date: _____

Date: _____

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Date: _____

Date: _____

APN: 256-171-15

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and Paul M. Huiras and Sandra K. Huiras

_____

Date: 5-8-18

Date: _____

Date: _____

APN: 256-171-20; 256-171-21; 256-171-24

David Maldonado and Olivia Maldonado, Trustees of the David and Olivia Maldonado Family Trust

Date: _____

Date: _____

DCM PROPERTIES, INC. (DCM):

Date: _____

David C. Meyer, President

AGREED AND ACCEPTED:

PROPERTY OWNERS:

APN: 256-171-13

Eleaza Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

Date: _____

Date: _____

Date: _____

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Date: _____

Date: _____

APN: 256-171-15

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and Paul M. Huiras and Sandra K. Huiras

Date: _____

Paul M. Huiras

Date: *May 14, 2018*

Sandra K. Huiras

Date: *May 14, 2018*

APN: 256-171-20; 256-171-21; 256-171-24

David Maldonado and Olivia Maldonado, Trustees of the David and Olivia Maldonado Family Trust

Date: _____

Date: _____

DCM PROPERTIES, INC. (DCM):

Date: _____

David C. Meyer, President

AGREED AND ACCEPTED:

PROPERTY OWNERS:

APN: 256-171-13

Eleaza Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

Date: _____

Date: _____

Date: _____

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Date: _____

Date: _____

APN: 256-171-15

Kirk C. Reed, As Trustee of The Kirk C. Reed Trust, and Paul M. Huiras and Sandra K. Huiras

Date: _____

Date: _____

Date: _____

APN: 256-171-20; 256-171-21; 256-171-24

David Maldonado and Olivia Maldonado, Trustees of the David and Olivia Maldonado Family Trust

Daniel Maldonado

Date: 5-14-2018

Olivia Maldonado

Date: 5-14-2018

DCM PROPERTIES, INC. (DCM):

Date: _____

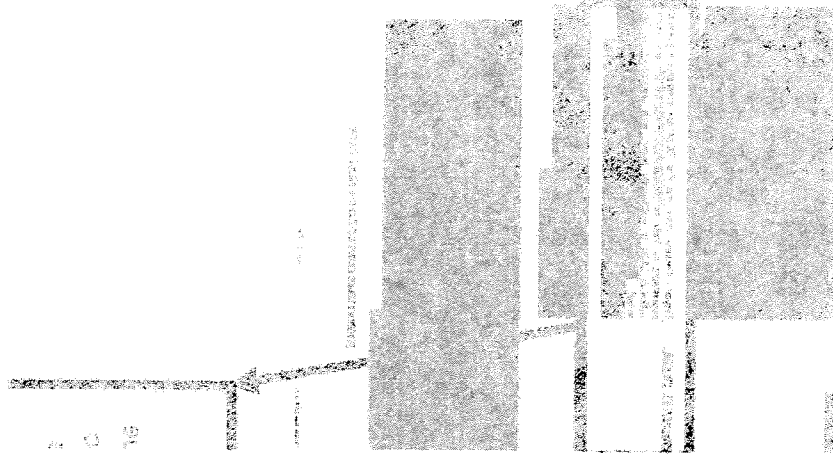
David C. Meyer, President

Site #19 – “Meyer Site” (Leucadia: Clark & Union)
History

Encinitas Public Hearing Agenda Item 10A

20 Jun 2018
Housing Plan Update 2018
17-128 GPA/SPA/LCPA

Sean McDaniel



- April 7-19: L-7 Added, then Removed
- May 7-14: Site #19: Five separate Property Owners (5) Sign Letters of Intent for a Property Trade or Rezone
 - L-7 for Site #19

LETTER OF INTENT

RE: Establishment of Approximately 647 Acres

The parties hereto are willing to work cooperatively in an effort to enter into a formal agreement (Agreement) for the establishment of the subject properties in a coordinated and consistent manner for the following stated purposes and conditions:

PROPERTY

Approximately 647 acres located in Escondido, California in

APNs 154-173-11 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-12 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-13 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-14 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-15 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-16 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-17 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-18 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-19 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-20 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-21 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-22 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-23 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-24 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-25 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-26 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-27 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-28 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-29 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-30 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-31 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-32 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-33 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-34 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-35 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-36 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-37 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-38 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-39 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-40 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-41 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-42 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-43 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-44 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-45 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-46 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-47 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-48 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-49 (Owner: LDRS AG)
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 APNs 154-173-51 (Owner: LDRS AG)
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 Escondido, California
 APNs 154-173-57 (Owner: LDRS AG)
 Escondido, California
 APNs 154-173-58 (Owner: LDRS AG)
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 Escondido, California
 APNs 154-173-100 (Owner: LDRS AG)
 Escondido, California

Property Owners understand that DCM has presented a potential opportunity to trade or **rezone the subject Property** and hereby authorize DCM to additionally pursue such opportunity on their behalf. Should such opportunity present itself, the parties hereto agree to work cooperatively to explore such opportunity and hereby acknowledge DCM as the procuring cause of such opportunity.

LOI: "Property Trade" (Signed by the Property Owners)

PROPERTY TRADE:

Property Owners understand that DCM has presented a potential opportunity to trade or ~~(interchangeably use)~~ and hereby authorize DCM to additionally pursue such opportunity on their behalf.

[REDACTED]

PROPERTY TRADE: Property Owners understand that DCM has presented a potential opportunity to trade or rezone the subject Property and hereby authorize DCM to additionally pursue such opportunity on their behalf.

Should such opportunity present itself, the parties hereto agree to work cooperatively to explore such opportunity and hereby acknowledge DCM [Dave Meyer] as the procuring cause of such opportunity.

Disconnect of the owners understanding and the written content of the LOI

Conversations with Owners suggest a **complete lack of understanding** of the LOI Agreement

Is there a 'property trade' opportunity with City owned land (L-7)?

Do the taxpayers know?

What are the terms?

How does this impact the HEU?

Lot #19 History (cont'd)

- May 8: Meyers recommends to City Council a swap: Site 19 for L-7 replacement
 - This differs from the LOI the owners signed

“Density Bonus Tentative Map application, however, they have given permission to express their interest in either a swap for L-7 or a rezoning of the subject parcels to 30 units to the acre”

Meyers Letter to City Council (May 8)

- May 17: Planning Commission – Site #19 First appearance on Housing Plan Update
- May 23: Site #19 presented to City Council
- June 12: First public hearing on #19 site. Housing plan approved with several commissioners recommending to remove Site #19 (not clear if this made it into agenda report)

Lot #19 History (cont'd) - Confidentiality

CONFIDENTIALITY: Neither party shall disclose, reveal, or disseminate any information relating to this Letter of Intent to any person, or use such information for its own account or benefit other than to evaluate the merits of the transactions contemplated herein.

This Letter of Intent is an outline of business broken with communications to the City of San Francisco. Neither Property Owners or DCM shall have any obligation resulting from the terms contained herein, except as to the Property Trade and Confidentiality provisions herein.

Owner should be able to work with whomever they want. However, the parties hereby agree to consummate a formal Agreement within ninety (90) days of the date of this letter, and Property Owners agree not to work with, negotiate or enter into a contract with any other party during the ninety (90) day period for the sale or entitlement of the property or to encumber the Property in any other manner. This LOI may be executed in several counterparts or by electronic....

Concern:
Early Indicators of Bad Faith Predatory Dealings and Backdoor deals



PROPERTY TRADE:

Property Owners understand that DCM has received a potential opportunity to trade or sell the Property and is hereby offering DCM to potentially pursue such opportunity on their behalf.

(SIGNATURES CONTAINED ON NEXT PAGE)



Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, June 22, 2018 7:02 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Housing element Update

Comments from Mr. Mavis.



Robin Huntley

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



From: Damien Mavis [mailto:dmavis@covelop.net]
Sent: Thursday, June 21, 2018 3:48 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing element Update

Robin Huntley—

I attended last night's Encinitas City Council meeting. I want to start this email by saying I have great respect for all our elected officials, Housing Task Force members and city staff. They had a monumental task. As you know a few sites were removed which brought the total unit count well below 1,600 and the remaining properties below the 50% vacant threshold. If in the future there is an opportunity for other properties to become part of the up-zone list of sites I would ask that my family's site be considered.

My family owns a piece of property on the S-E corner of El Camino Real and Manchester ave. It is the undeveloped corner of that intersection. The undeveloped portion is about 5ac. and is part of a 19 acre parcel which includes the Encinitas Country Day School on the other side of the Lux Canyon creek. I am not sure if it is considered "Vacant" or not. The proposed up zone portion of the lot is certainly vacant, across the creek is the school and not vacant. When this site was considered it was being referred to by city staff as vacant. This site was considered on some of the maps which led up to measure T, making it on 3 of the 4 mapping strategies (referred to as site O-4). It failed to make it onto the final map put forth to the voters with Measure T. After Measure T failed I attended all the Housing Taskforce meetings and again proposed my site for inclusion.

My proposal is that if this site is up-zoned to R-30, added to the housing element update, I would donate half the site to a nonprofit affordable developer, such as Community HousingWorks (Who have indicated that they would be ready and willing to accept the donation and build the housing). They would build 100% deed restricted affordable housing on their half and I would build market rate housing on the half we retain. That's about 60-75 new deed restricted affordable homes. Although this offer was well received we have one issue. The site is adjacent to the San Elijo Lagoon preserve boundary. It is well over 500ft. away from the wetlands within the preserve, but none the less the San Elijo Lagoon Conservancy (SELC) opposes the development of our site. They voiced a few concerns which all can be addressed when a specific project is designed. One can look just on the other side of the creek at the Encinitas Country Day school which my father built about 150 ft. away from this site. Once the project was designed and put through the CEQA there was not a single class one impact.

I hesitated to send this letter to you, however with the developments of last night I realize that this process is likely not over. The 6 hours of public comment last night made it evident that all sites have their draw backs. Ours is opposed by a special interest group, the SELC. No other property owner is willing to deed restrict 50% of their units as affordable housing. This is a good site with great capacity to provide a meaningful amount of affordable housing. If there is a way in which HCD could support this sites inclusion on the housing element update, it would be greatly appreciated.

Sincerely,

Damien Mavis
Covelop, Inc
Bus 805.781.3133
Fax 805.781.3233
Cell 805.748.5546
dmavis@covelop.net

This email and any files attached are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please notify the sender immediately. This email and the attachments have been electronically scanned for email content security threats, including but not limited to viruses.

Barbara Kautz



From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, June 25, 2018 10:16 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barquist, Dave
Subject: FW: Encinitas Housing Plan - Invalid Letter of Intent

Importance: High

See comments from Mr. Meyer below. HCD looks forward to the city's response.



Robin Huntley

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



From: David Meyer [mailto:dcmeier1@earthlink.net]
Sent: Monday, June 25, 2018 9:45 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Diane Langager <DLangager@encinitasca.gov>
Subject: Re: Encinitas Housing Plan - Invalid Letter of Intent
Importance: High

Dear Ms. Huntley,

Please find in the below email to the City, dated June 20, 2018, our response to the spurious accusations made about DCM Properties, Inc. (DCM) and myself, with regards to our representation of the property owners of Site AD31 of the Encinitas Housing Element Update (HEU).

First let me state for the record that these accusations are entirely without merit, libelous and slanderous to DCM and myself, and discriminatory to the subject property owners as somehow being incapable of understanding that they are offering their property for upzoning as part of the HEU as they are Hispanic and not native English speakers or that DCM or myself are somehow taking advantage of these parties. All our transactions with these parties, for absolute clarity and openness, have been in English and Spanish, orally and in writing, using a native Spanish speaker. The property owners are fully aware of the subject offer and are insulted that parties unknown to them are questioning their ability to understand what they are offering.

The fact that public agencies are now also questioning this, based on unfounded accusations and innuendo by parties opposed to the inclusion of AD31 in the HEU is equally troubling to say the least. The information provided to the City and HCD with regards to this matter stands for itself. The redacted portions of the agreement are not relevant to the offer for upzoning and due to a confidentiality provision in the agreement, we are only permitted to release the relevant portion of the agreement to satisfy proof of interest in the upzoning and our authority to represent the owners of

AD31. That portion of the agreement is clear and unambiguous: "Property Owners understand that DCM has presented a potential opportunity to trade or rezone the subject Property and hereby authorize DCM to additionally pursue such opportunity on their behalf."

Additionally, as stated in the below email we sent to the City in response to these accusations, neither DCM, myself, or a related entity has any ownership in or rights to buy the subject properties. We are simply representing the subject owners of AD31 in this matter.

The reality is that the property owners are being repeatedly contacted by several neighbors, feel belittled and harassed by them, and would like this activity to cease. The City's and now HCD's request for further proof of interest without any foundation other than unfounded accusations are troubling and disappointing to say the least. The behavior by these neighbors, who clearly are motivated by their opposition to the upzoning of this site, is shameful and the treatment of these families who have lived and worked in Encinitas for two-decades is disgraceful.

Therefore, unless HCD or the City can present credible information directly from the subject property owners differing from the provision of interest provided, no further proof of interest is necessary. Anything to the contrary would clearly be discriminatory and damaging to the interests of the property owners in this matter.

Sincerely,

David Meyer, President
DCM Properties, Inc.

From: Earthlink <dcmeyer1@earthlink.net>

Date: Wednesday, June 20, 2018 at 4:13 PM

To: Encinitas City Council <council@encinitasca.gov>

Cc: Glenn Sabine <glennsabine@cox.net>, Diane Langager <DLangager@encinitasca.gov>

Subject: Unfortunate Incident

Dear Council,

While I understand that you have a very important series of decisions to make regarding the Housing Element Update this evening and must be getting a large volume of email on this topic, I felt it important to email you on a very unfortunate incident on one of the considered sites that was just brought to my attention.

As you are aware, our firm represents the site off of Clarke Avenue, consisting of four owners. Two of the parcels immediately off Clarke Avenue are owned by families of Hispanic descent. In recent days they have been approached by several neighbors and part of their interaction has been to tell these families that because they are not native English speakers, that they somehow do not understand what they have done by offering their properties for upzoning.

This action by their neighbors has insulted them and made them feel as if they were being demeaned for being Hispanic. This is to say the least a disturbing event, and not in keeping with Encinitas' tradition of being an open and welcoming community. These two families have lived, raised families, and worked in Encinitas for over 20-years, and deserve not to be demeaned and insulted this way.

For the record, all discussions and documents have been communicated with them orally and in writing in Spanish and English. Additionally, our firm has no ownership in or rights to buy these properties from the owners. We are simply representing them in this matter.

While I understand that emotions are running high on this issue, it is simply unacceptable behavior by these citizens and my client is hopeful that going forward that they will be treated with dignity and respect, as they have done so being good neighbors and members of our community for over two decades.

They are supportive of the Council's efforts to bring the city into compliance, and that their site can provide in redevelopment, more affordable housing to those who currently can't find affordable housing in our community. Both are small local business owners and understand firsthand how difficult it is for their employees to find local housing in our community.

Thank you for your time on this unfortunate matter.

David Meyer
DCM Properties, Inc.

From: Diane Langager <DLangager@encinitasca.gov>
Date: Thursday, June 21, 2018 at 3:42 PM
To: Earthlink <dcmeyer1@earthlink.net>
Subject: FW: Encinitas Housing Plan - Invalid Letter of Intent

FYI - The below email was submitted to HCD today along with the attachments. Per our conversation; please get formal letters of interest from all of the property owners for all of the subject parcels on the Meyer Proposal Site (AD31).

Thanks.



Diane S. Langager
Principal Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
(760) 633-2714 | dlangager@encinitasca.gov
www.encinitasca.gov

From: Huntley, Robin@HCD [<mailto:Robin.Huntley@hcd.ca.gov>]
Sent: Thursday, June 21, 2018 2:37 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Housing Plan - Invalid Letter of Intent

Comments from Mr. McDaniel on Encinitas' housing element.

Please provide a response to HCD on this comment.



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



From: Sean McDaniel [<mailto:smcdaniel@atlasground.com>]
Sent: Thursday, June 21, 2018 2:16 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Plan - Invalid Letter of Intent

Dear Robin

I am one of the many citizens of Encinitas that presented during the Public Hearing portion of the June 20th Encinitas City Council meeting and public hearing on the Encinitas Housing Element Update. My presentation to the council was an expression of opposition to the City's late addition of a parcel of land to the Housing Element Update known as the "Meyer Site", also identified as AD31 on the proposed site map.

My presentation presented compelling evidence that we, the neighbors of the AD31 site property owners, have gathered that brings in to question the validity of the interest of the property owners in a rezoning of their property. The Letter of Intent (LOI) brought forth by a Developer, David Meyer (DCM Properties), represents to the city that the property owners agreed to have DCM represent their interest in an opportunity for a "land trade or rezoning" of their property.

We have evidence that strongly suggests Meyer obtained property owner signature under false pretense, that he intentionally misrepresented these property owners to the City of Encinitas.

My intent in presenting this information to the City Council late last night was to induce an independent validation of the Letter of Intent presented by David Meyer. It is apparent that the content of the document was not meant for public consumption due to the fact that it was 90% redacted when it was included in Appendix C of the Housing Plan. Based on what I heard from City Council during deliberation and based on the results of their ultimate vote, it is clear that my presentation of this evidence was not taken seriously.

I realize these claims are bold. But they are serious and warrant investigation.

It would appear that site AD31 was included in the plan as a replacement for L-7 which was added to the plan on April 7 and Removed on April 19, in response to local resident opposition. The number of taxpayers who are for the inclusion of L-7 on the plan greatly outnumber the few hundred local residents who signed the petition in opposition. It is a city owned site, yet the council chooses to ignore the masses and HCD recommendation, and left L-7 off the plan. The City voted last night to ignore HCDs recommendation to consider it a viable site, and continues to bend to the will of the developers and their own special interests.

Site AD31 was offered as an option for the city council to consider via email from David Meyer, owner of DCM Properties on May 8th.

Specifically, DCM Properties apparently received signatures from all Site 19 property owners on a Letter of Intent, found in Appendix C of the Housing Plan, And it was this LOI that was used by the city as evidence of property owner interest in upzoning their property to R30.

DCM represents to the City in that letter that the property owners have agreed to allow DCM to pursue a property trade or rezone on their behalf.

The LOI is attached. A red flag that caused me to investigate further is the fact that over 90% of the document is redacted and page 2 is missing. Also it is the ONLY redacted document in the entire Housing Plan. It was poorly redacted and I was able to extract some meaningful text, which caused

me to dig even further. Of particular interest is the portion of the sentence on page two, under "Property Trade" that says "or Rezone the subject property".

Some questions come to mind. Why would this portion need to be redacted? Why is the document redacted to begin with? And What property does DCM have in mind for a land trade? It isn't clear.

We paid a visit to our neighbors, the property owners, to see

1. If they could help us understand the LOI and
2. See if they are informed about what is going with the Housing Element Update?

What we determined in speaking with property owners is the following:

1. It is clear they don't understand why people are suddenly interested in their property. One property owner was told that they are building a large apartment complex next door (710 and 712 Clark St.) and that selling their property will help the City build more affordable apartments. That their property will be more valuable now so they can extend this complex into their land. According to City Records, Shea Homes is building 13 Market Rate homes and one affordable home on that lot. It is peculiar to me that the owners have a different understanding.
2. The property owners we spoke to don't understand the public notice sent to the property owners because it is in English. The property owners we spoke to speak Spanish.
3. They don't understand what R30 means or R5, nor have ever heard of a property known as L-7.
4. And They know nothing about an opportunity for a "land trade" nor what that even means, despite the language in the LOI.
5. One of the property owners does not recall signing anything called an Letter of Intent. In fact stated, IN SPANISH, that they would not sign anything, unless it was in SPANISH. We showed the LOI to the property owner, and then the signature page with their signature on it (the signature page is its own page). They said they remember signing that for some people asking their permission to take some measurements for a possible future road to connect Clark to Union St. (it is currently blocked off). They were NOT presented a translated version of the Meyer LOI.

Further, the email sent by David Meyer to the City suggests DCM is working with the property owners to file a density bonus application. And that they have given DCM their permission to express interest in a land swap for L-7 OR a rezoning to 30 units per acre.

The property owners we spoke to do NOT know what a Density Bonus application is, and have never heard of a property known as L-7.

The LOI makes no reference to L-7 and, apparently, the rezoning aspect of that LOI was redacted for some unknown reason.

I don't think Confidentiality was the reason, since this letter was included in the plan and shared with the general public, in violation of their trust.

So, after 25 meetings over 18 months, site AD31 makes it's debut to the housing plan in a May 17th meeting of the Planning Commission and presented to City Council, officially, on May 23rd.

The first public hearing held on June 12th, where several planning commissioners agreed with the numerous public speakers that AD31 should be removed and not presented to HCD.

We have alerted the property owners, our neighbors, that the City thinks their interests are being represented by DCM Properties. That they should know that, if this is true, their confidentiality

appears to have been violated in a very public way. We have recommended they seek legal counsel, because there is a clear perception that they are vulnerable to bad faith, predatory dealings with developers.

In light of what we have discovered from the AD31 property owners, the perception of the residents who oppose the inclusion of site AD31 in the housing plan is that the property owners signed a document under false pretense (if they signed it at all) and that their interests are intentionally being misrepresented. These, if proven, are prosecutable crimes. Further, the evidence of this behavior was presented to the City, who is choosing to do nothing about it. In my view, the mere suggestion that a developer has invoked deceitful tactics in order to intentionally misrepresent the interests of property owners for potential personal gain should be sufficient to warrant at least an independent inquiry. Not only into this site, but the property owners of every non-vacant site being proposed. In fact, it was revealed during the city council meeting, that another contested site, AD32 (formerly Frog's), is encumbered by a long term lease, rendering the site not viable for inclusion. It takes a public hearing to discover this type of information after 18 months and myriad meetings.

I will leave you to consider this information to assess validity of documents presented by DCM as valid interest from the property owners of AD31. It certainly brings into question the level of diligence done by the city to determine the validity of property owner interest of all non-vacant sites included in the plan. We will certainly be working with the property owners, our neighbors, to obtain legal counsel and further investigate the apparent attempts to deceive not only the AD31 property owners, but also the City of Encinitas, and by extension, the State of California.

I am available by phone or email to discuss further. Thank you for your time and all of your hard work to this point to help our great city in their attempts to become compliant.

Sincerely,

Sean McDaniel
Encinitas Resident
736 Del Rio Ave
805-305-1060

Attached:

1. Email from David Meyer to City Council and DCM Letter of Intent with AD31 Property Owners (redacted)
2. Presentation to City Council

Sean McDaniel
CEO/Founder || (877) 392-8527 x 101



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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Tuesday, June 26, 2018 2:22 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Scan from DP14371
Attachments: [Untitled].pdf

#2395233

HCD received the attached document via US mail.



Robin Huntley

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



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Housing Policy Department
Received on:

JUN 26 2018

Carol Phillips McIver
1167 Quail Gardens Court
Encinitas, CA 92024
760 633-1635
cpmciver@yahoo.com

my copy

5/9/2018

*P.S. please consider
the draught
contribution*

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: Public Comments Submitted on the City Of Encinitas Draft Housing Element
Submittal

Dear Ms Huntley,

In her letter dated May 8, 2018, Brenda Wisneski, AICP, Development Services Director
In Encinitas wrote you:

" Quail Gardens Drive currently carries an average of 9,400 vehicles per day.
The roadway has the capacity to carry up to 20,000 vehicles per day... Three of the sites are
located at the southern stretch of Quail Gardens Drive and the fourth is at the northern end.
Both Leucadia Blvd. and Encinitas Blvd are major thoroughfares that provide access to the I-5
freeway. Since the sites are located near these major roadways, it is likely the bulk of the
vehicles would travel towards these roadways instead of Quail Gardens Drive, and the City
does not expect the development of these sites to create any significant traffic impacts."

I do not believe Ms. Wisneski lives on or near said Quail Gardens Dr., as I and others who have written
you do. If she did she would know that the street, one lane in each direction, has been overburdened for
several years already during morning and evening rush hour. And this is before a proposed private
school (they own the property already) of about 300 children is due to be built adjacent to our
development of 29 homes and those children will be arriving and leaving during already peak travel
time. It is very misleading to say a street has the capacity to carry 20,000 vehicles per day. If that were
spread evenly over a 15 or 24 hour period it would look very different than if 8,000 of the 20,000
vehicles were using the street in one hour each morning and another 8000 in one hour each evening.
I readily agree that the street can handle an increase in traffic between 11:00 and 2:00. To deny that the
city has overburdened this street already during peak traffic time is callous and insulting to its residents.

Further I take exception to Ms Wisneski's suggestion that the new low income housing tenants will be using the main freeway access road closest to them (Encinitas and Leucadia). As anyone who really knows this street knows, if one is heading north on Hwy 5, one would take Quail Gardens Dr north to Leucadia Blvd, even if they lived closer to Encinitas Blvd, and if one lived near the Leucadia end and was heading south on Hwy 5, one would take Quail Gardens Drive south to Encinitas Blvd – so I would suggest that Quail Gardens Dr. will be significantly impacted.

We residents are not against accommodating a reasonable amount of units but we are one of a 200 or more streets in Encinitas and are not happy about accommodating 30% of the State mandated housing just because the City Council backed off when residents of 101 and El Camino Real objected. Now, we feel if we don't object we are going to be smothered. Put one development of 250 on either end of Quail Gardens Dr. and spread the rest around the other 199 streets!

Respectfully,

Carol Mciver



13

Michael Rawson
Director
Extension 145
mrawson@pilpca.org

Craig Castellane
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Deborah Collins
(Retired)

Judith Gold (1952 - 2016)

June 30, 2018

SENT VIA EMAIL ONLY

#2392 076

Robin Huntley, Housing Policy Manager
Housing Policy Division
Department of Housing & Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
Robin.Huntley@hcd.ca.gov

RE: City of Encinitas Housing Element June 20, 2018 Revisions

Dear Ms. Huntley:

San Diego Volunteer Lawyer Program, Inc., provides free legal assistance to low income families and individuals on a wide variety of issues, including housing. The Public Interest Law Project is a statewide support center that provides training and litigation support to legal services programs throughout California.

On behalf of our clients we submit the comments below to highlight new information about the City of Encinitas' housing element that fundamentally alter the draft housing element that was reviewed by HCD. For the reasons stated below, the element now fails to comply with the requirements of housing element law.

HCD's Review and Finding of Compliance

As stated in the June 12, 2018, HCD review letter, HCD's finding that the housing element complied with state law was contingent on various factors, including the sites identified in the draft housing element and the ratio of vacant to non-vacant sites. The review letter clearly stated that any changes or new information would affect compliance:

Any subsequent revisions to the draft element, related documents or new information may impact the Department's finding that the element meets statutory requirements....Any changes including those that affect identification of sufficient suitable sites to accommodate the regional housing need for lower-income households or appropriate zoning with development standards that facilitate development at maximum densities will impact compliance with statutory requirements. HCD Review of the City of Encinitas' 5th Cycle (2013-2021) Housing Element (hereinafter "HCD review letter"), p. 2.

Unfortunately in the short time since HCD authored its findings, the City has taken actions that render its housing element out of compliance with state law by reducing the number of available sites to accommodate its RHNA without providing the corresponding analysis required by Government Code section 65583.2(g) and altering the proposed development standards.

The Revised Housing Element No Longer Complies with State Law

The Encinitas City Council voted to remove four sites from the draft inventory reviewed by HCD. Two of the sites, Site 11 – El Camino Real South and Site AD7 – Dewitt Property, had been deemed inadequate by HCD. Site 6 - Armstrong Parcels was deemed inadequate by HCD, but was not removed at the June 20, 2018, City Council meeting. HCD review letter, p. 2. The other two sites removed were Site AD12 – Rancho Santa Fe East (Vacant Site) and Site AD32 – Garden View Court. The removal of these four sites reduced the housing element's affordable housing development potential by 239 units.

In addition, to the loss of potentially suitable sites the decrease in the capacity on vacant sites requires the City to meet a higher standard to show that units on non-vacant sites are truly feasible and the City has altered the proposed development standards without an adequate showing that the change will not act as a constraint on affordable housing development.

The City Has Reduced the Adequate Sites Inventory and Puts the City at Risk of Violating the State's No Net Loss Law.

The HCD's finding of compliance was dependent on the sites identified in the draft housing element as available and suitable to accommodate the regional housing need:

Any changes including those that affect the identification of sufficient suitable sites accommodate the regional housing need for lower-income households or appropriate zoning with development standards that facilitate development at maximum densities will impact compliance with statutory requirements. HCD review letter, p. 3. (Emphasis added).

The removal of these four sites, combined with HCD's finding that Site 6 was inadequate, decreases the City's capacity to accommodate its RHNA by 294 units.

Site AD12 – Rancho Santa Fe East (115 Units, Vacant Site)
Site AD32 – Garden View Court (56 Units)
Site 11 – El Camino Real South (48 Units)
Site AD7 – Dewitt Property (20 Units)
Site 6 – Armstrong Parcels (55 Units)

Sites	City's Proposed Capacity	Actual Capacity*
Vacant	558,673	516,631
02 Cannon Property	173	160
05a Encinitas Blvd & Quail Gardens	94	80
08a Rancho Santa Fe (Gaffney/Goodsen)	36	36
AD1 Sage Canyon	60	45
AD2a Baldwin & Sons	74	74
AD2b Baldwin & Sons	121	121
AD12 Rancho Santa Fe East	0 115	0 115
Non-vacant	891	443
01 Greek Church Parcel	50	45
05b Encinitas Blvd & Quail Gardens	25	18
06 Armstrong Parcels	0 55	0 0
07 Jackel Properties	33	0
08b Rancho Santa Fe (Gaffney/Goodsen)	113	0
09 Echter Property	246	0
11 El Camino Real South	0 48	0 0
12 Sunshine Gardens	84	70
AD2c Baldwin & Sons	30	0
AD7 Dewitt Property	0 20	0 0
AD8 Vulcan & La Costa	50	50
AD9 Seacoast Church	35	35
AD11 Manchester Avenue West Sites	41	41
AD14 Harrison Sites	21	21
AD31 Meyer Proposal	163	163
AD32 Garden View Court	0 56	0 0
Totals	1449 1743	959 1074

*For actual capacity, see SDVLP/PILP Supplemental Comments Letter, June 7, 2018.

The Revised Draft Lacks the Required Site-Specific Analysis

As stated in our June 7, 2018, Supplemental Comments Letter, there are multiple sites that lack the site-specific analysis required by Government Code § 65583.2(g)(1). As a result, the inventory in the revised housing element fails to comply with state law, and the housing element should not be found in compliance until the required analysis is provided.

Evidence of the City's failure to comply with Government Code § 65583.2(g) necessitated the removal of Site AD32 at the June 20, 2018, City Council Meeting. Public comment brought to the City's attention the existence of a long-term lease (through 2029) that would prevent the development of any multi-family units on that proposed site for more than ten years.¹

It became clear at the Council meeting that the City had failed to abide by the standard imposed by Government Code § 65583.2(g)(1) because it had failed to conduct any independent review or analysis of the site, despite its obligations under the law. The City had simply relied on a letter of interest from the owner of the site at issue despite the existence of an operational business on the site. The new information provided to the City during public comment necessitated the removal of the site from the inventory.

The Ratio of Vacant to Non-Vacant Sites Necessitates Additional Analysis

The revisions reduce capacity on vacant sites from 673 to 558, increasing the City's reliance on non-vacant sites above the 50 percent threshold.² As a result, a heightened standard now applies to these sites. These sites must be analyzed pursuant to the methodology in Government Code § 65583.2(g)(2), which requires an analysis of existing uses and demonstrated redevelopment potential. Existing uses are presumed to impede development unless there is substantial evidence that the uses will be discontinued during the planning period.³

¹ City Council Meeting, June 20, 2018, at 5:16:30, http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1758, (accessed June 27, 2018).

² City Council Meeting, June 20, 2018, at 7:26:30, http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1758, (accessed June 27, 2018) (At the City Council meeting, the City was advised by its own attorney of the heightened analysis and evidence that would be required of non-vacant sites if capacity on vacant sites fell below 571.)

³ In a potential effort to "maintain more than 50 percent of the units on vacant sites," and the analysis required pursuant to 65583.2(g)(1), the City has identified actions it may take, which include designating two non-vacant sites as vacant, despite one of the sites being deemed inadequate by HCD. City's Letter to HCD, June 28, 2018, pp. 1-2. As we stated in our previous comments, we encourage the City to identify only truly available and suitable parcels to help meet the crucial need for more sites to accommodate badly needed affordable housing. Whether these sites are vacant or non-vacant, any sites

The City's current version of the housing element does not include the analysis needed to satisfy the standard for non-vacant sites, and the sites cannot be relied on to accommodate the City's RHNA for lower income households.

Development Standards

At the June 20, 2018, Council meeting, the City introduced a development standard that was not included in the housing element draft reviewed by HCD. As stated above, the review letter clearly stated that any changes to sites or the development standards would affect compliance.

The development standard increases the setback required on all parcels located adjacent to a single-family structure or duplex, thereby reducing land available for development on all effected parcels. City's Letter to HCD, June 28, 2018, pp. 2, 11-17. The proposed change lacks information pertaining to the analysis conducted by the City Council and the Planning Commission.

The setback increase is "[t]o address transitions between new multifamily development and existing single family homes or duplexes." City's Letter to HCD, June 28, 2018, p. 2.

The City states that the proposed change will apply to only six sites, because only six sites in the inventory are adjacent to a single-family structure or duplex. However, as we stated in previous comments and HCD stated in its letter of June 12, 2018, given the City's limited supply of available high-density sites, the City will likely have to rezone other sites during the planning period to comply with the No Net Loss Law (Gov. Code § 65863). As stated by the City, limited land is available, thus the sites that will have to be rezoned are likely to be adjacent to single-family structures or duplexes, rendering the development standards applicable to more than just six sites.

In addition, the City does not provide any analysis of whether this change will constrain development but rather points out that it only currently applies to 6 sites in the inventory. The fact that the increased setback would only apply to 6 of the dozen or so available sites, does not mean that it will not act as a constraint on those 6 sites. The City must provide more analysis to demonstrate that this changed development standard will not act as a constraint on multi-family development on the six sites in the inventory and any future high density sites. .

Limited Available Land a Result of City's Refusal to Comply with State Law

As stated above, the revisions fundamentally alter the draft housing element, rendering it

identified to meet the City's affordable housing needs should be available for immediate development as the City, region and state are in a housing crisis.

out of compliance with the statutory requirements of state housing element law and without sufficient adequate sites to unable to accommodate unmet housing needs.

During public comment, speakers expressed concern at the lack of land available for affordable housing: "All the good sites already got built up 20 years ago, is what happened. And now we are scraping the bottom of the barrel."⁴

The City lacks an adequate supply of suitable land to accommodate its projected housing needs, most significantly for lower income households. The failure of the City to identify adequate sites is not due to new changes in Housing Element law. It is due to the fact that for 25 years the City has ignored its obligations under state law to identify land for affordable housing, and is now finds itself with limited available land. Had the City complied with state housing element law over the last 25 years by regularly identifying and rezoning land for affordable housing, it would not have a Carry-Over RHNA obligation to accommodate in addition to the RHNA it must accommodate for the current planning period.

The City's decision to alter the element that HCD found complied with the law in order to satisfy the opponents of affordable housing not only creates new liabilities for the City but moves the City farther away from accommodating its **fair share** of the region's housing need.

Conclusion

For the reasons stated above, the element now fails to comply with the requirements of housing element law. We thank you for considering our concerns and urge you to rescind your June 12th findings. Should you have any questions regarding these comments or need further clarification, please do not hesitate to contact us by email at ijadipm@gmail.com or vfeldman@pilpca.org.

Sincerely,



Parisa Ijadi-Maghsoodi
Pro Bono Attorney



Valerie Feldman
Staff Attorney

cc: Mayor Blakespear and Encinitas City Council Members

⁴ City Council Meeting, June 20, 2018, at 6:25:02, http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1758, (accessed June 27, 2018).

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, July 09, 2018 10:09 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barquist, Dave
Subject: FW: Encinitas HEU Site "AD31/Meyer Proposal" – (also known as #19)
Attachments: Encinitas_Citizens Comments_Presentations_AD31_MeyersProposal_.pdf; No on AD31_MeyersProposal_Petition_1 to 18_Jul20_18.pdf

Please see the comments from Cynthia Sheya Palmer. HCD requests the city's response to the comments.



Robin Huntley

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



From: Cynthia Sheya Palmer [mailto:sheyapalmer@gmail.com]
Sent: Monday, July 9, 2018 7:38 AM
To: zomstead@hcd.ca.gov; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: RE: Encinitas HEU Site "AD31/Meyer Proposal" – (also known as #19)

RE: Encinitas HEU Site "AD31/Meyer Proposal" – (also known as #19)

Dear Deputy Director Olmstead and Housing Policy Manager Huntley:

My name is Cynthia Sheya Palmer and I'm writing to you regarding the Encinitas City Council approved and HCD certified site called "AD31 Meyers Proposal" (also known as Site #19) slated for the Housing Element for the City of Encinitas. It is suggested that the Meyers Proposal site (AD31/Site #19) at the corner of Clark and Union streets is an acceptable site for low income, 30 dwelling units/acre or >163 units total. In fact, it is not an acceptable site.

Here are the facts on the "Meyers Proposal site: (Corner of Clark & Union, 6.6 acres, 163 units)

- It was added very late in the game (May 8, 2018) as a "replacement or swap" for the City Owned L-7 site. L-7 had been HCD reviewed and approved.
- Streets are rural and narrow, single lane with residential parking – this is the situation TODAY, with only neighborhood traffic

- We do not object to any low income housing, in fact we are an ethnically diverse neighborhood, but that level of density and intensity in development will create an unsafe and "F" level of service for this area.
- This site is directly adjacent to the freeway which goes against the Air Resources Board direction for high density development.
- 163 proposed units is DOUBLING the housing when compared to the adjacent neighborhood (Avocado Acres).
- We can not accommodate an additional 1,680+ car trips per day. Our narrow neighborhood streets cannot be widened to mitigate. Per June 20th Encinitas Council member Tasha Boerner on this topic: "There is an issue...with Meyers site being put on with such short notice..if you look at the Meyers site, there is only one way 'in' and 'out' and there is no way to mitigate that"...."it is a REALLY BAD site". http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1758 (fast forward to 6:37:30).
- This is an unsafe, unhealthy, traffic gridlock situation.
- A 37 foot height limit that violates our General Plan and will lead to 4 story structures will dwarf our 1 and 2 story suburban community.

The very "late in the game" swap of L-7 for AD31, is questionable at best:

- L-7 is 9 acres of beautiful vacant land owned outright by the City, paid for with Taxpayer dollars and HCD reviewed and approved. Currently, developers are asking for L-7 to be rezoned to R-3 AND it will be developed outside of the Housing Element.
- AD31 Meyers proposal consists of 6.6 acres of undesirable, landlocked area right next to the Freeway, directly against the Air Resources Board, and buried in an old established neighborhood that can't mitigate the traffic. It has 6 separate owners with a current LOI which is a redacted document that the public cannot read. (enclosed)

This appears preferential treatment is being practiced with a local developer who perhaps struck a deal with certain Encinitas City Council members. With this swap, and with Encinitas City Council and HCD allowing and encouraging the use of Alternative Sites, it appears the developers plan to dump their low income housing obligations from the other 18 Encinitas HEU sites, rather than integrating them within their project sites. This seems a deliberate Economic Segregation of low income families. Isn't housing discrimination against the Law? See the lawyer's response to the acceptance of Alternative sites". Clearly, an uncomfortable situation for him especially when the understanding WAS that on-site affordable units was a requirement – but slipped in as not a requirement now. http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1758 (5:08:40 lawyer response public from the presentation at 5:04:55).

There are many areas of vacant land in Encinitas to accommodate development that can INTEGRATE low income and market rate houses, starting with the beautiful L-7 site on Quail Gardens Drive (perhaps targeted for the elderly?) and Site #17 at Rancho Santa Fe Road and Encinitas Blvd. that were just removed from the Site Map to accommodate perhaps other political liaison. And several other property owners that are interested, but have been refused by the City Council for no viable reason. While one of the HCD's criteria is EQUITABLE Distribution of sites throughout the various communities in Encinitas the statistics prove otherwise with Leucadia at 40% of planned housing and Olivehain < 1%; Cardiff < 2%. This is NOT equitable.

Finally, while many citizens voiced concerns to both the Planning Commission AND the City Council regarding the AD31 site, it did not fall completely on complete deaf ears although approved by the City Council: Some examples:

The June 8th article in the Union Tribune, "Encinitas Commissioners Say High-Density Housing List Ought to be Revised" summarized the meeting well with several commissioners recommending the site #19 be removed. (<http://www.sandiegouniontribune.com/sd-no-plan-vote-20180608-story.html>). Some excerpts:

".....Commissioner Bruce Ehlers said he would recommend removing site 19....."

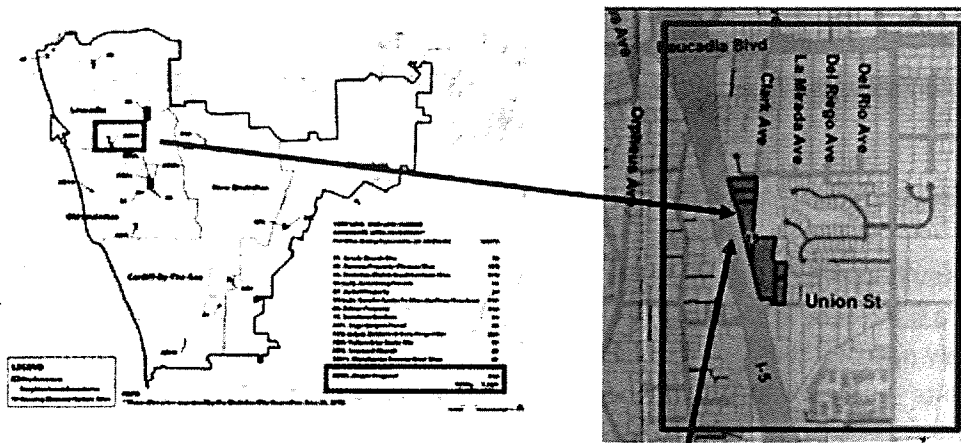
".....Commissioner Kevin Doyle noted that 200 people had just signed a petition opposing the inclusion of site19 -- a 6.62-acre area that's tucked up against the east side of Interstate 5 and accessed by extremely narrow, residential roadways. The site's been proposed to accommodate 127 [163] housing units -- a figure that's comparable to the total number of homes in the area"

I have lived in Encinitas for 25 years. Please influence the City of Encinitas such that the right decisions are made in line representing the intent of affordable housing and the voice of the people, not the voice of developers, and require the Meyers proposal/AD31 (ie: Dave Meyers – of DCM properties) be removed from the HEU due to the many reasons listed above including health, safety and traffic concerns.

Respectfully Submitted and For The Record (including attachments from Encinitas Jun 7th Planning Commission and June 20th City Council meetings),

Cynthia Sheya Palmer
sheyapalmer@gmail.com
760 815 7034

AD31/Meyers Proposal location shown below for reference

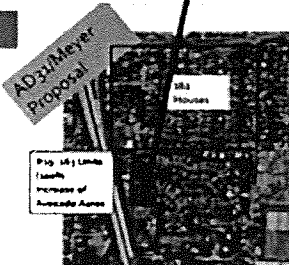


#19 swapped for L-7



L-7 Lot Removed (April 18)

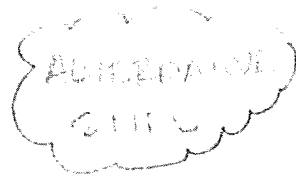
- Primary reason - negative traffic impact due to increased density
- Main artery to support - Owal Gardens Rd
- Request rezone to R-3 (not included in Housing Element)



#19 Added as swap for #L-7 (May 8th)

- Buried in a small, contained neighborhood
- Traffic is limited to residents only
- Streets are narrow, rural (1 lane)
- 183 New Units is - south of Avocado Acres neighborhood
- Non compliance with California Air Resources Board
- Appears intent for #19 is for an "Alternative Site"

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06-20-18

Good evening, Honorable Mayor and Council Members,

My neighbors and I, who reside in the area known as Avocado Acres, are extremely concerned over the low-income housing project considered for development on your Proposed Housing Site- Lot 19. I understand that you have voted to keep "Alternative Sites" as a way for Developers to assign their Low-Income housing elsewhere, other than their project site. Interesting, how quickly this concept can become abused and misused.

We have learned that David Meyers of DCM Corporation has gone to the property owners on Clark and Union Streets, of the proposed Lot 19, and had them sign Agreements that he has drawn up. These Agreements include authorization for DCM to solely pursue opportunities on their behalf to either trade or rezone their properties with the City of Encinitas.

It appears that Mr. Meyers is planning ahead for his future projects and his other developer friends so that they will have "Alternative Sites" to put the low-income housing that they already plan NOT to integrate within their high-end, market-rate housing projects. Is this not abuse of the concept of "Alternative Sites?"

It seems to me, this idea of "pre-planned" segregation goes against the State and Federal Discrimination and Housing Laws. It seems like an obvious plan to segregate in a discriminatory way for these future renters of lower-economic status, as the units will be next to the freeway and accessible only through narrow streets of an old neighborhood. As a matter of fact, it is the ONLY proposed housing site right next to the freeway and will have the poorest air quality of the proposed lots.

I have lived in this small, close-knit neighborhood of Avocado Acres in Leucadia ALL MY LIFE! My father was an electrician and a foreman for Paul Ecke Poinsettia Ranch in the late 60's and 70's. My oldest sister retired a few years ago after working for Paul Ecke Poinsettia Ranch for 35 years. I also am a professional and live and work in Encinitas. We have been a part of the thread of this community for over 50 years.

Avocado Acres was one of the few places in this city where young families could buy a home and get a start. Well, most of those young families have stayed for years, raised their children, sent them to college, and still, choose to continue to live here because it is a real neighborhood of people who care about each other.

When we found out that they were going to build density housing at 30 units per acre on these 6.6 acres, resulting in approximately 168 units, generating over 1,000 car trips per day, through a narrow street in our neighborhood - **we were in shock!** Then, felt extreme disappointment, that our City Council would even consider that to be a viable option. When we learned that Mr. Meyers was responsible for approaching the property owners of Lot 19 and convinced them sign for "a potential opportunity **to trade or rezone the subject Property**", we became highly concerned! I also understand that Mr. Meyers, in talking with some of the property owners, of whom a couple of them speak only Spanish, said that this could also be a potential opportunity to sell their property to the City and make a lot of money. Under those offerings, some of the property owners signed the Agreement with Mr. Meyers to move forward.

Is this what you intended by allowing "Alternative Sites" as a "gift" to developers to use, to escape their responsibility to build low-income housing within their projects? Did you realize this abuse of power would take place? Say nothing of the destruction of our family neighborhood!

Please take the 30 unit/per acre density Lot 19 OFF as one of your Proposed Housing Sites. Unless, destruction of the quality of life of our neighborhood is your goal.

Thank you on behalf of the Citizens of Avocado Acres,
Silvia Pezzoli

REDACTED AGREEMENT
WITH DVA FOR PROPERTY
OWNERS

Site #19 – “Meyer Site” History

Encinitas Public Hearing Agenda Item 10A

20 Jun 2018

Housing Plan Update 2018
17-128 GPA/SPA/LCPA

Map ID 19 (Leucadia – Clark and Union)

Meyer Site Timeline

- L-7 added to HEU on April 7 and removed on April 19 – the residents were heard!
- Between May 7 and May 14 Meyer received all six Site-19 property owner signatures on a Letter of Intent (False Pretense?)
- On May 8, Meyer sent email to city council recommending Site 19 as a replacement for L-7

"Density Bonus Tentative Map application, however, they have given permission to express their interest in either a swap for L-7 or a rezoning of the subject parcels to 30 units to the acre"

THE LOI DOES NOT SAY THIS!
What were they told?



- May 17 Planning Commission Meeting - Site 19 first appearance on Housing Plan Update
- May 23 City Council Meeting Housing Plan update, including Site 19, presented to city council
- June 12 – First public hearing that included site 19 – Housing Plan approved with recommendations to remove Site 19.

Meyer LOI – Redacted

LETTER OF INTENT

RE: Endowment of Approximately 6.0 Acres
Escondido, California

The parties hereto are willing to work cooperatively in an effort to enter into a formal agreement ("Agreement") for the endowment of the subject properties as a residential subdivision under the following basic terms and conditions:

PROPERTY

Approximately 6.0 gross acres located in Escondido, California as follows:
APNs: 156-171-13 (Aqprec. 32,819 s.f.)
Elizeta Place and Santa Ana Boulevard, Mendocino,
and Tidal Center Center
APNs: 156-171-14 (Aqprec. 27,714 s.f.)
Felix Ocasio Sanchez and Jesus Rodriguez
APNs: 156-171-15 (Aqprec. 61,477 s.f.)
East C Street, AS Tract of the East C Road Tract, and
East C Street, AS Tract of the East C Road Tract, and
APNs: 156-171-20 (Aqprec. 13,931 s.f.)
David Maldonado and Orlis Maldonado, Trustees of the David
and Orlis Maldonado Family Trust
APNs: 156-171-21 (Aqprec. 16,914 s.f.)
David Maldonado and Orlis Maldonado, Trustees of the David
and Orlis Maldonado Family Trust
APNs: 156-171-24 (Aqprec. 133,987 s.f.)
David Maldonado and Orlis Maldonado, Trustees of the David
and Orlis Maldonado Family Trust
Herein, collectively referred to as "Property Owners".

PROPERTY TRACTS

Property Owners understand that DOA has presented a potential opportunity to work with them on the subject properties and hereby acknowledge that DOA is ultimately pursuing such opportunity on their behalf.

[SIGNATURES CONTAINED ON NEXT PAGE]

Why is the LOI Redacted?



PROPERTY TRADE:

Property Owners understand that DCM has presented a potential opportunity to trade or rezone the subject Property and hereby authorize DCM to additionally pursue such opportunity on their behalf.

[REDACTED]

[REDACTED]

[REDACTED]

[SIGNATURES CONTAINED ON NEXT PAGE]



According to neighbors, they were told:
"the City is buying their land to build
apartments and that they will make a lot of
money"

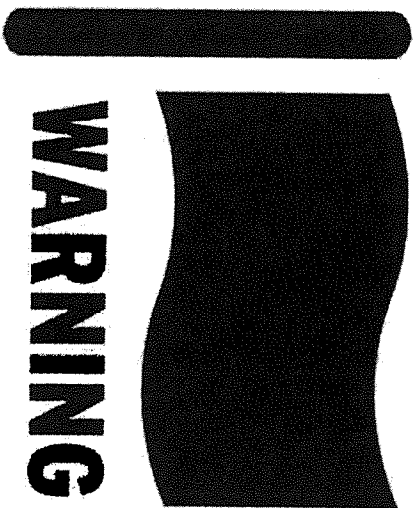
Property Owners understand that DCM has presented a potential

opportunity to trade or rezone the subject Property and hereby authorize DCM to additionally pursue such opportunity on their behalf. Should such opportunity present itself, the parties hereto agree to work cooperatively to explore such opportunity and hereby acknowledge DCM as the procuring cause of such opportunity.

CONFIDENTIALITY: Neither party shall disclose, reveal, or disseminate any information relating to this Letter of Intent to any person, or use such information for its own account or benefit other than to evaluate the merits of the transactions contemplated herein.

This Letter of Intent is an outline of business provisions mutually agreed to by the parties hereto and is not a binding legal agreement between the parties. Neither Property Owners or DCM shall have any obligation resulting from the terms contained herein, except as to the Property Trade and Confidentiality provisions herein, nor shall any other obligation or liability be incurred by either party until and unless a formal Agreement is signed and executed by both parties. However, the parties hereby agree to work in good faith to consummate a formal Agreement within ninety (90) days of the date of this letter, and Property Owners agree not to work with, negotiate or enter into a contract with any other party during the ninety (90) day period for the sale or entitlement of the property or to encumber the Property in any other manner. This LOI may be executed in several counterparts or by electronic





**Early Indicators of Bad Faith
“Predatory” Dealings**

WWD3 CONSULTING, LLC.

ENVIRONMENTAL ASSESSMENT
'E & F'

City of Encinitas - City Council
505 S Vulcan Ave
Encinitas, CA 92024

June 14, 2018

Re: Encinitas 2018 Housing Plan Update
AD-31; Lot 19 Objection

Ladies and Gentlemen,

I am a current resident of 15 years in the Avocado Acres neighborhood, living on Del Riego Avenue. I purchased this property with everything I had back in 2003 with the expectations that this would be a great place to raise a family. Now, with my 7-year-old daughter, we stroll the surrounding streets daily in a calm, beautiful neighborhood. Until now it has met my expectations.

I have years of experience in the development and construction industry, and was amazed when I reviewed the documents describing the justification for the Lot 19 proposal at the end of Clark/Puebla location.

Reading the original "assessment" prior to the Planning Commission Hearing last week on June 7, 2018, I and my neighbors found a number of areas of concern:

- The current "Environmental Assessment" in the City's proposal is inadequate, with the intersection of Saxony & Leucadia rated as an "E" on the "A-F" scale, a definite red flag.
- The south and north bound I-5 off ramps, which feed Leucadia east bound (are noted of concern in the report), yet there is **NO** mention of the Clark/Leucadia intersection. My experience tells me Clark/Leucadia would grade at an "F".

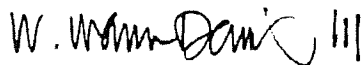
Bottom line is there is a much more detailed and thorough "Traffic Impact Study" required that addresses the above concerns and the internal street impacts to all of our residents within "Avocado Acres" (Clark, La Mirada, Del Riego, Del Rio, Puebla, Union, and even Saxony).

Frankly, it would appear warranted for this proposed development to be subject to an independent, "specific" EIR, including traffic, noise mitigation, health & safety, etc....before any formal action would be taken.

This proposed development will ruin our lifestyle, and that of our children's ability to grow up in a peaceful, safe, surrounding neighborhood, where they can ride bikes, walk with our pets, and not be subject to an intense increase in traffic volume to jeopardize their/our safety.

The Lot 19 development seems to have been created with little or no consideration or input from the affected neighborhood and should be permanently withdrawn from the 2018 Encinitas Housing Plan.

Respectfully,



W. Warren Dennis III
P.O. Box 234178
Encinitas, CA. 92023-4178
949.338.2217

BACKGROUND
TRAFFIC SAFETY

Encinitas Proposed Housing Dev't
Map ID 19/AD31 (Meyers Property)
6 Lots

Clark Ave & Union St.

Cynthia Sheya Palmer
845 Del Riego Avenue, Encinitas CA
June 7th, 2018

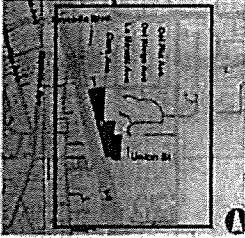
"Commissioner Bruce Ehlers
said he would recommend
removing site 19..."

*Union Tribune, Jun 8th, 2018
June 7th Planning Comm Mtg*

- My name is Cynthia Sheya Palmer, I live in the neighborhood of Avocado Acres in Leucadia.
- I wrote each of you a letter and sent via email on June 12th, I hope you have all read it.
- This proposed lot has been in our radar for a very short time => ~1 month, became visible May 8th
- First public comment for this lot was the Planning Commission meeting on Jun 7th. (<2 weeks ago)
- While there were many resident requests to remove #19 from the Housing element at the Planning Commission meeting, there were also several comments by the Planning Commission during deliberations that same night that there were problems with site #19 with recommendations that #19 should be removed. Here is a quote from the Union-Tribune
- That sets the stage...

Area of Interest

Map ID 19/AD31
(Meyers Property)



- 6 Lots: Clark & Union
(Several Owners)
- Density Change: '3' or '5' to '30'
- 6.6 Acres
- # of Units: 163

Request Due to Safety, Traffic & Health Concerns

- Request Remove Map ID 19 from the housing plan
- Maintain the existing residential density
- Petition submitted: >250 Signatures
 - Majority Houses in Avocado Acres/Poinsettia Park
 - Family Neighborhood=> 33 Children on Del Rio (1 street only)

Here is some background on Map ID19.

We would like to request that 19 be removed from the element due to safety, traffic and health concerns.

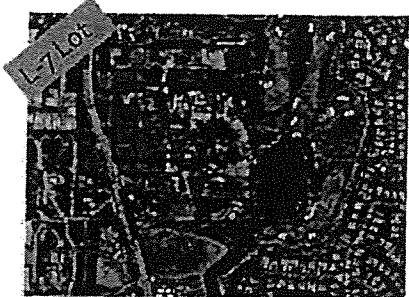
Many neighbors are concerned => will get into the specific reasons in a minute.

We have more than 250 signatures from the surrounding small neighborhood.

Please consider this presentation as representing the >250 people that could not be here today but with the specific request to remove Map ID 19

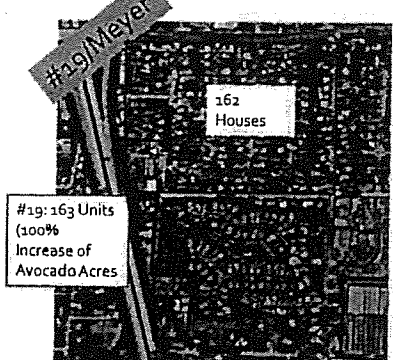
Map ID#19 is land locked and buried in our neighborhood => access is only via small rural streets, already choked streets

#19 swapped for L-7



L-7 Lot Removed (April 18):

- Primary reason: negative traffic impact due to increased density
- Main artery to support=>Quail Gardens Rd
- Request rezone to R-3



#19 Added as swap for #L-7 (May 8th):

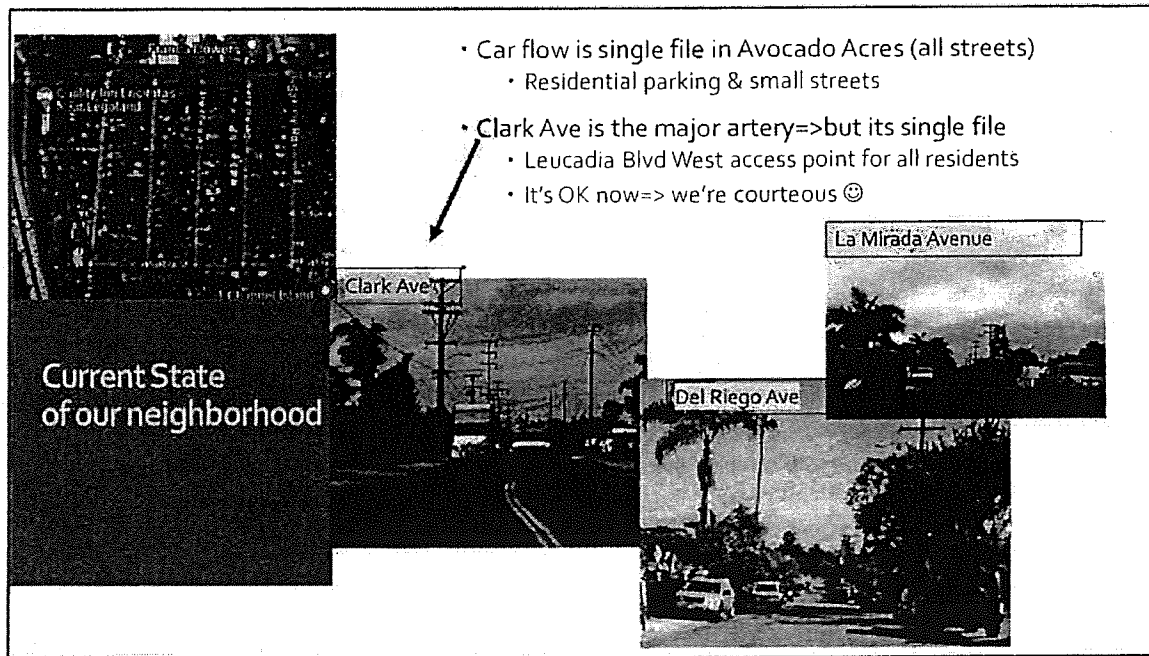
- Buried in a small, contained neighborhood
- Traffic is limited to residents only
- Streets are narrow, rural (1 lane)
- 163 New Units is ~100% of Avocado Acres neighborhood
- Safety & Health issue
- Appears intent for #19 is for an "Alternative Site"

Precedent has been established by the City Council to remove properties from Housing Plan based on:

- 1) Projected traffic impact (Orpheus site) and 2) Incompatibility with high density development being inserted into an existing residential neighborhood (L-7 site).

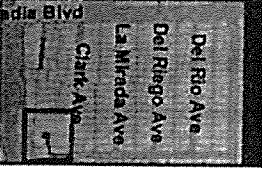
With this backdrop it is surprising that Site #19 is proposed for insertion in the middle of an old, well established existing residential neighborhood (Avocado Acres, Poinsettia Park and Ezee/Union Street neighborhoods) and will cause severe traffic impact. Site #19 therefore has the same issues that were the reasons for the City Council removing the other two properties from the Housing Update. (See reference material below).

While lot 7 was removed due to a negative traffic impact due to increased density => LOT #19 will have an even MORE severe impact including on the neighborhood itself.

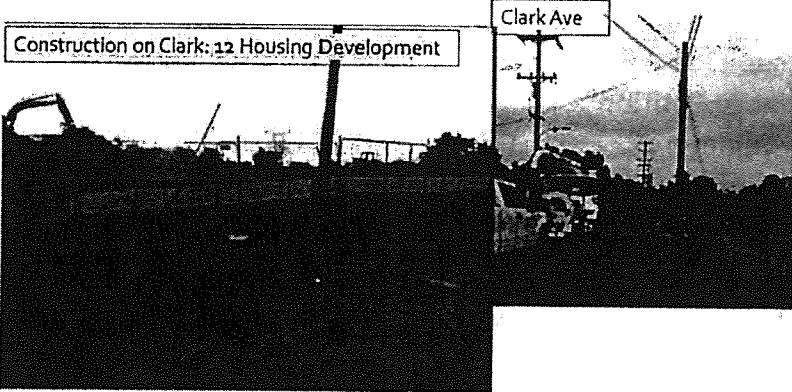


Here is an example TODAY of the traffic flow on Clark which will be the major artery into the >163 unit complex.

Current State of our neighborhood



- Constructing 12 Housing Development Today
- Access points=> Clark (from East & West Leucadia)
- 2 cars per house, 2 trips per car => 200 trips on Clark
 - Was there a traffic study?



We are doing our part with adding houses. We are concerned with extra traffic from just the 12-14 houses being currently built on Clark. Already a big and noticeable impact.

Remove Map #19 from the
Housing Element

>250 Petition
Signatures

Safety, Traffic & Health Concerns

- Remove Map ID 19 from the housing plan
- Maintain the existing residential density
- Buried in a residential neighborhood
- Access only via rural, narrow, 1-lane streets
- Lack of traffic studies for Clark/Leucadia intersection AND internal streets (Suspect failing grades at the onset)
- Emergency Response Questionable
- Parking will be an Issue
- Environment Impact
- 'Alternative Site' intent for low income at #19 is questionable at best

DIELDRIN DID ADD!
TOXIC LEVELS

June 20, 2018

To the City of Encinitas and Whomever Else This May Concern:

For the past two days my wife Judy and myself have been at the Encinitas Planning Department digging deeper into what was being done to mitigate the toxic levels of Dieldrin at the 710 and 712 Clark Avenue construction site. We were informed by Steve Nowack in the Engineering Department that the remedy for containment of Dieldrin at the site is to bury it at a depth of eight (8) feet on the property in designated areas, including under front yards of various properties being developed on site. This method of containment of toxins is called "capping." Since the "capping" at the site is still occurring, it appears there will not be final testing for Dieldrin on site until after the burial of Dieldrin has been completed. The site containment of Dieldrin is being monitored by the County of San Diego rather than the City of Encinitas. The County must produce a final report when the project is completed. The project is not yet finished. There is also supposed to be monitoring of dust in the wind blown from the site and residential street sweeping to clean up any toxins that may have escaped the site. We have observed street sweepers kicking up a lot of dust in our neighborhood of Avocado Acres since the removal and/or shifting of dirt began months ago. Does this dust contain Dieldrin? Only monitoring of the dust would reveal this information. There are supposed to be on-site monitors. I am not sure if there are at the present time. Since Parcel #19 is adjacent to the Clark and Puebla Avenue sites on the map of the proposed Encinitas Housing Plan, AND the site still has the framing of existing green houses on the property, one can reasonably assume Parcel #19 has similar problems with on-site toxins that must be remedied by any future developers. This certainly does not preclude the future development of Parcel #19; however, we need to remain vigilant that everything is done according to state of California environmental standards and practices related to mitigation of specifically identified toxic materials found on land being developed for housing projects. I am submitting this communique tonight to the Encinitas City Council for the purpose of putting you on notice that the residents of Avocado Acres and other affected residents in the surrounding area expect full transparency and due diligence related to protecting health of people and animal alike relative to any toxins found on the proposed Parcel #19 of the Encinitas Housing Plan and the continuing monitoring of the development at 710 and 712 Clark Avenue.

Sincerely,

Dane Stitts

Resident of Avocado Acres

NWC Clark Ave. and Puebla St. Encinitas, California									
Sample ID	Depth (feet bgs)	Date Sampled	EPA 60108		EPA 8081A				All Other Constituents
			Arsenic Reported in mg/kg	Lead Reported in mg/kg	Chlordane Reported in µg/kg	DDE Reported in µg/kg	DDD Reported in µg/kg	DDT Reported in µg/kg	
S-1	0 to 0.5	3/17/2014	<5	5.3	51	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	11	4.2	<5	<5	<5-200
S-2	0 to 0.5	3/17/2014	<5	4.4	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	11	4.2	<5	<5	<5-200
S-3	0 to 0.5	3/17/2014	<5	3.6	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	4.6	45	50	<5	<5	<5-200
S-4	0 to 0.5	3/17/2014	<5	6	10	27	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	5.8	82	<5	<5	<5	<5-200
S-5	0 to 0.5	3/17/2014	<5	<3	12	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	7.5	<5	59	<5	<5	<5-200
S-7	0 to 0.5	4/7/2014	<5	<3	17	<5	54	<5	Chlordane - 258; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	118	120	<5	88	<5-200
S-8	0 to 0.5	4/7/2014	<5	<3	16	17	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	37	40	<5	<5	<5-200
S-9	0 to 0.5	4/7/2014	<5	<3	10	9.9	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-10	0 to 0.5	4/7/2014	<5	<3	<5	7.2	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-11	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	9.3	<5	<5	<5	<5	<5-200
S-12	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-13	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-14	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	11	23	<5	<5	<5-200
S-15	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-16	0 to 0.5	4/7/2014	<5	<3	12	83	97	<5	Chlordane - 71.3; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-17	0 to 0.5	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	22	<5	<5	<5	<5-200
S-18	0 to 0.5	4/7/2014	<5	8.8	38	54	<5	14	Chlordane - 13.4; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	9.1	<5	<5	<5	<5-200
S-19	0 to 0.5	4/7/2014	<5	7.3	83	83	<5	14	Chlordane - 440; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-20	0 to 0.5	4/7/2014	<5	14	66	23	<5	<5	Chlordane - 7.8; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-21	0 to 0.5	4/7/2014	<5	9	178	140	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	84	30	<5	9.8	<5-200
S-22	0 to 0.5	4/7/2014	<5	7.4	84	50	<5	<5	Chlordane - 24; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	48	<5	<5	<5	<5-200
S-23	0 to 0.5	4/7/2014	<5	<3	200	420	100	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-24	0 to 0.5	4/7/2014	<5	<3	730	210	180	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-25	0 to 0.5	4/7/2014	<5	<3	24	18	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	<5	<5	<5	<5	<5-200
S-26	0 to 0.5	4/7/2014	<5	4.1	149	120	33	45	Chlordane - 20.4; all other constituents <5-200
	1.5 to 2	4/7/2014	<5	<3	16	7	<5	<5	<5-200
S-27	0 to 0.5	4/7/2014	<5	3.4	110	118	<5	<5	<5-200
	1.5 to 2	4/7/2014	<5	<3	1,400	380	180	<5	<5-200

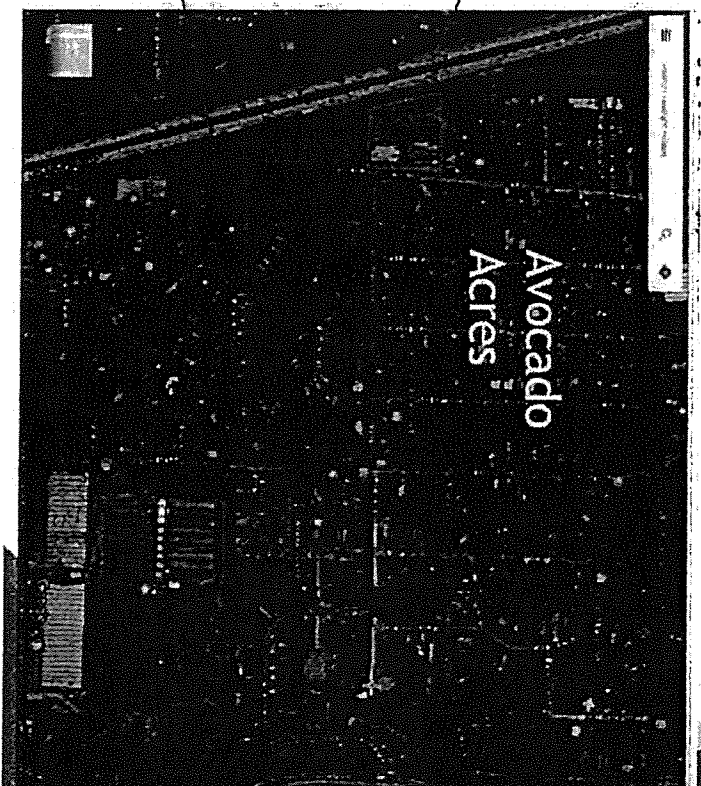
Traffic and Safety Concerns for Clark Ave and Surrounding Areas

Please remove Map ID 19 from the *Housing Plan Update 2018* to protect our children (25+ on Clark alone), dog-walkers, joggers, cyclists, handicapped, elderly, and personal property

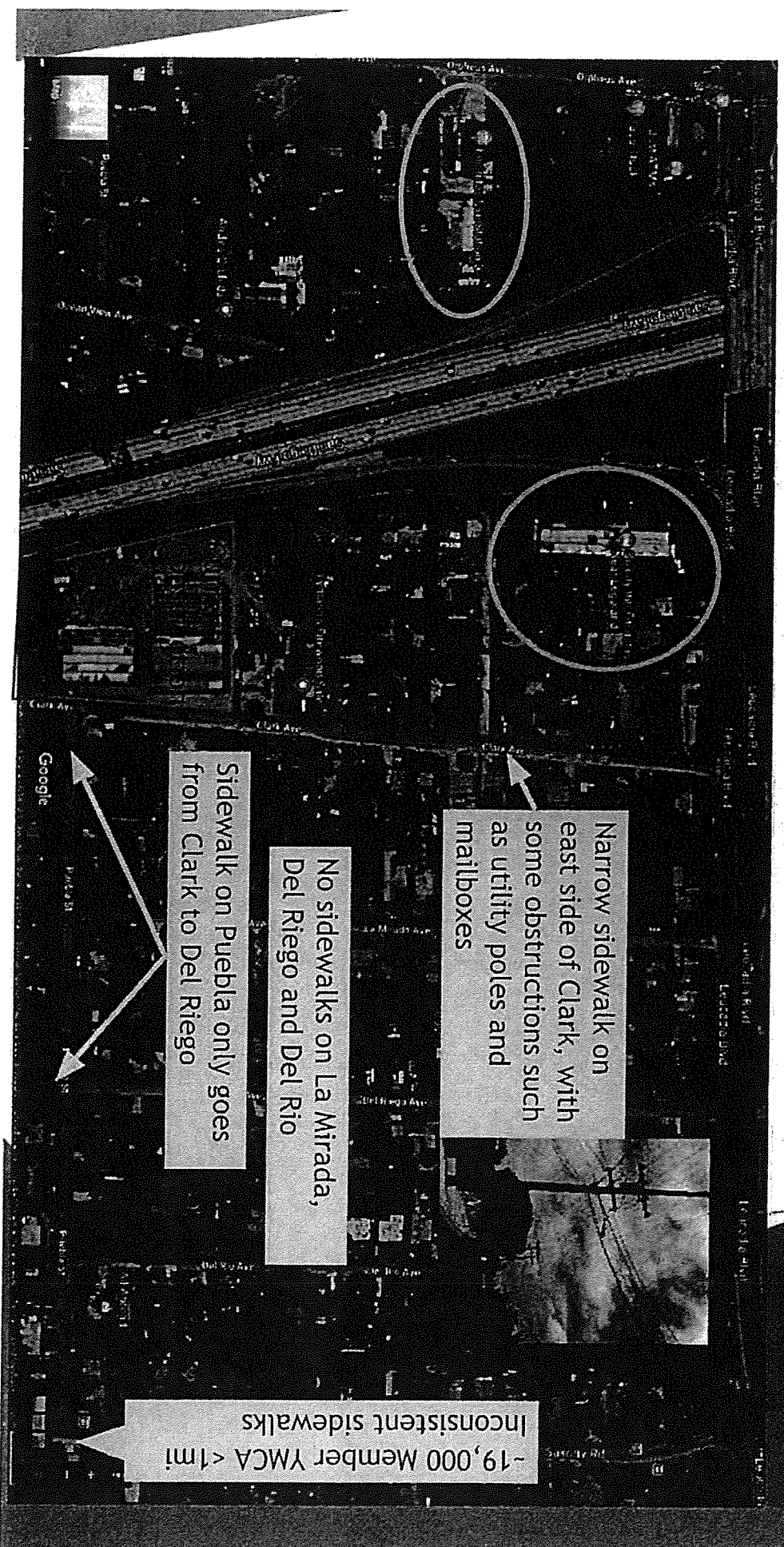
Residents of Avocado Acres are showing great concern with the current traffic and road conditions that create dangers and personal property damages.

New Housing Development
Replacing Low-volume Nursery
and Large Green Space

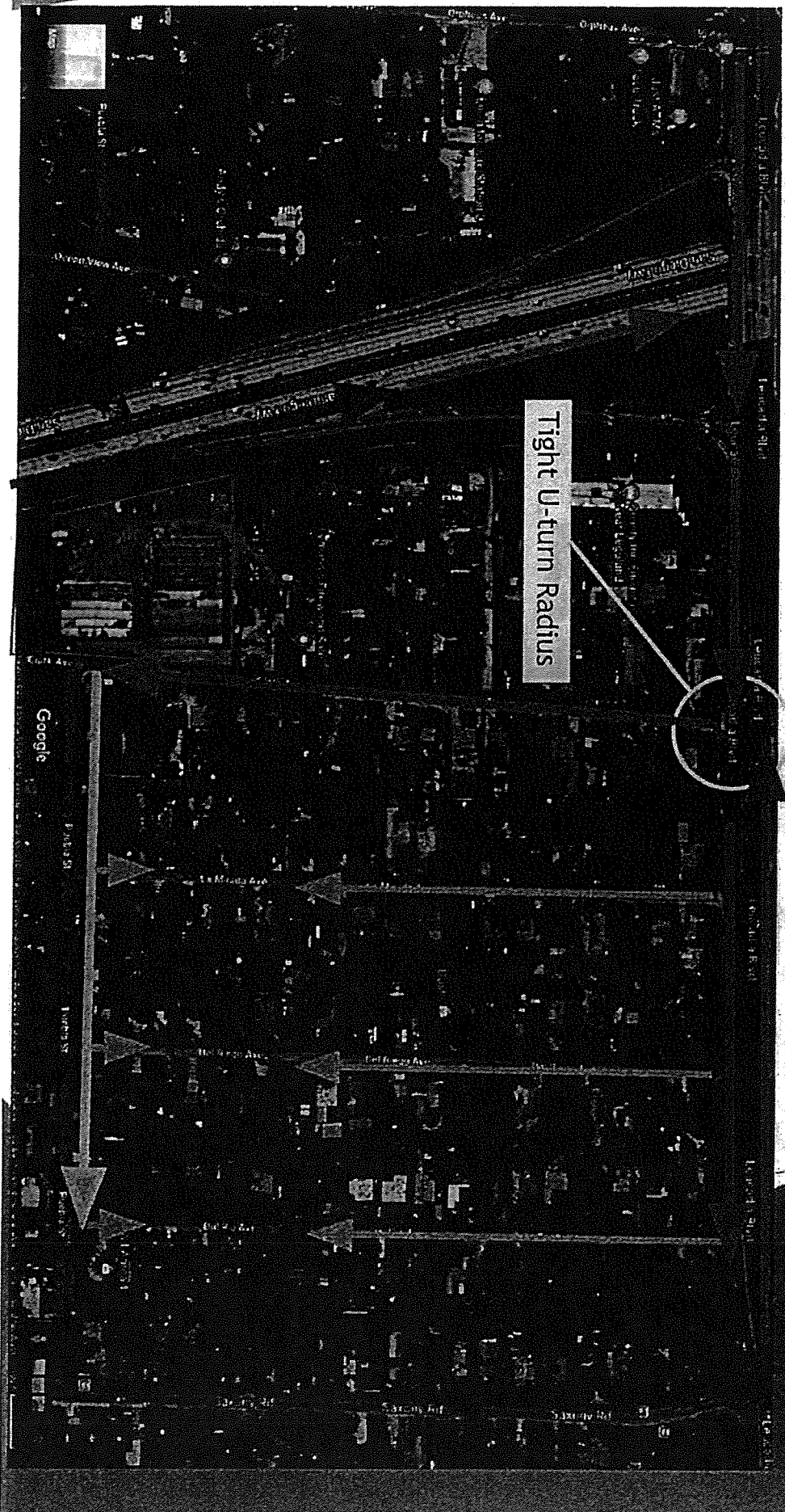
Map ID 19 - Proposed Housing Sites
Only accessible via old narrow
residential streets (Clark & Union)



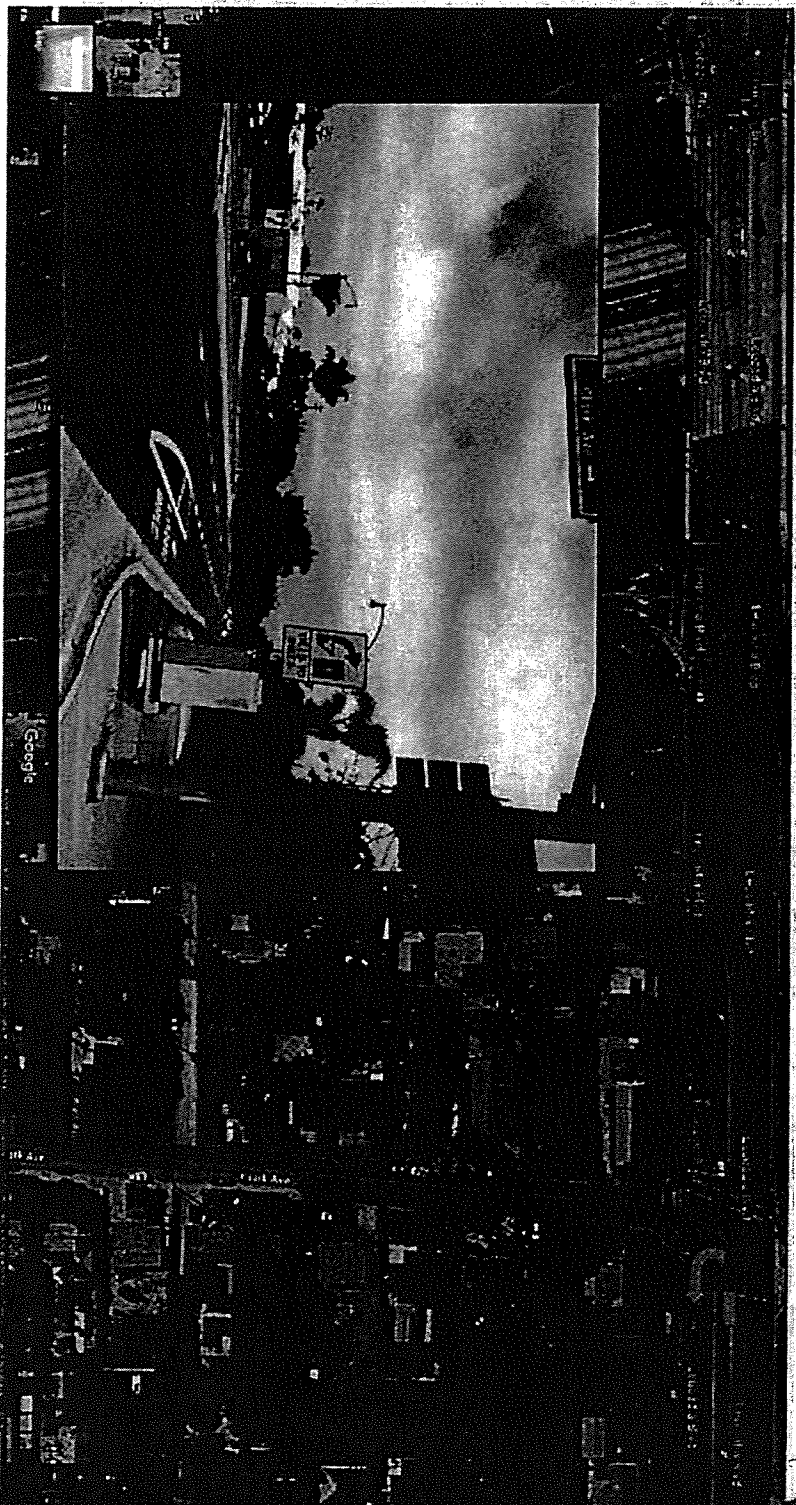
Key landmarks and features of concern



Typical returning traffic pattern

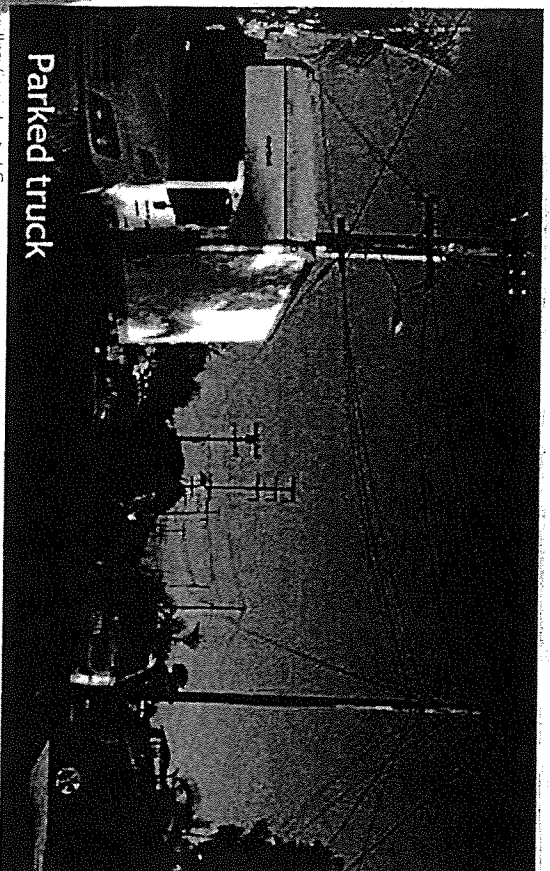
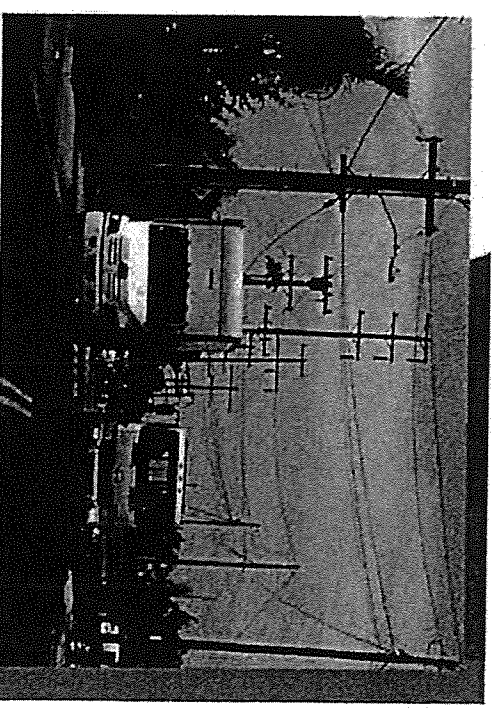


Large trucks can't make U-turn and are
forced down Clark Ave

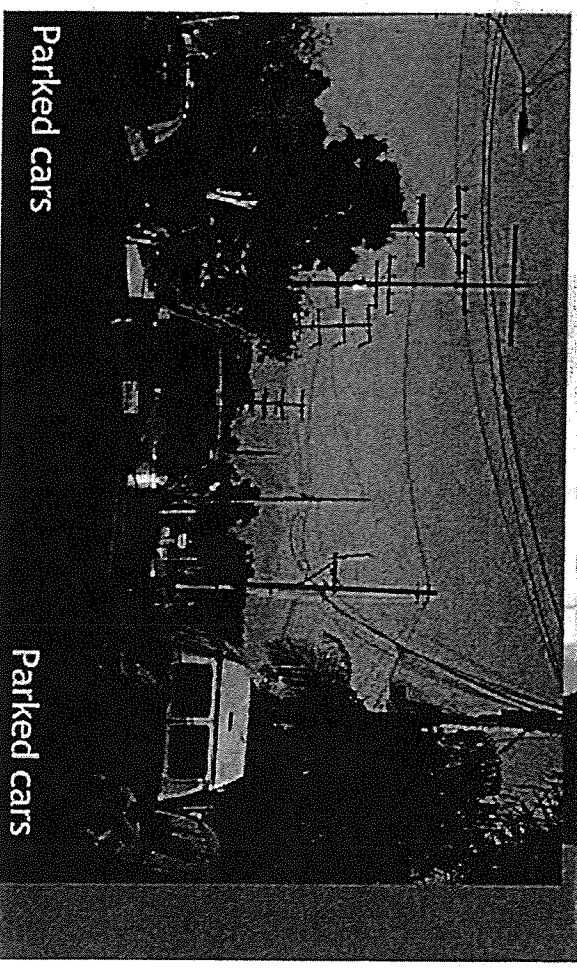


pillar Confidential Green

Single vehicle passing presents danger to pedestrians and personal property. Similar situation on La Mirada, Del Riego, and Del Rio



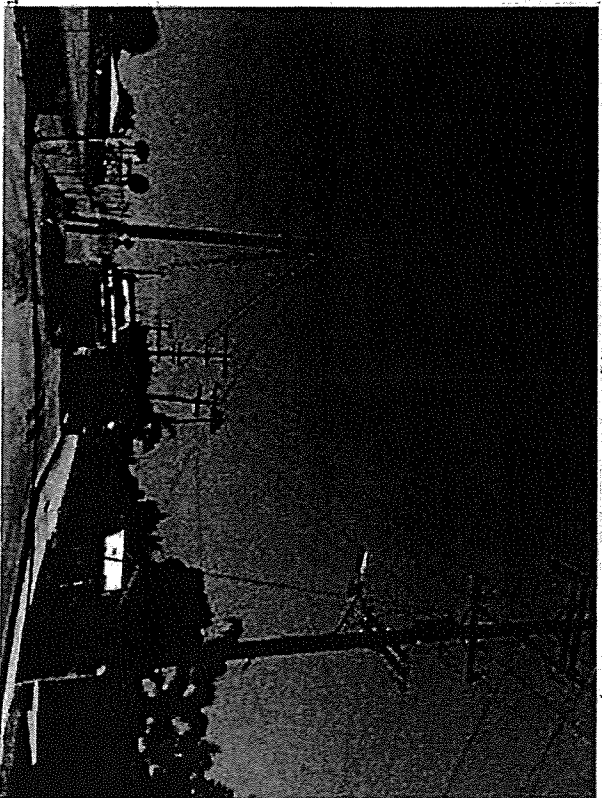
Parked truck



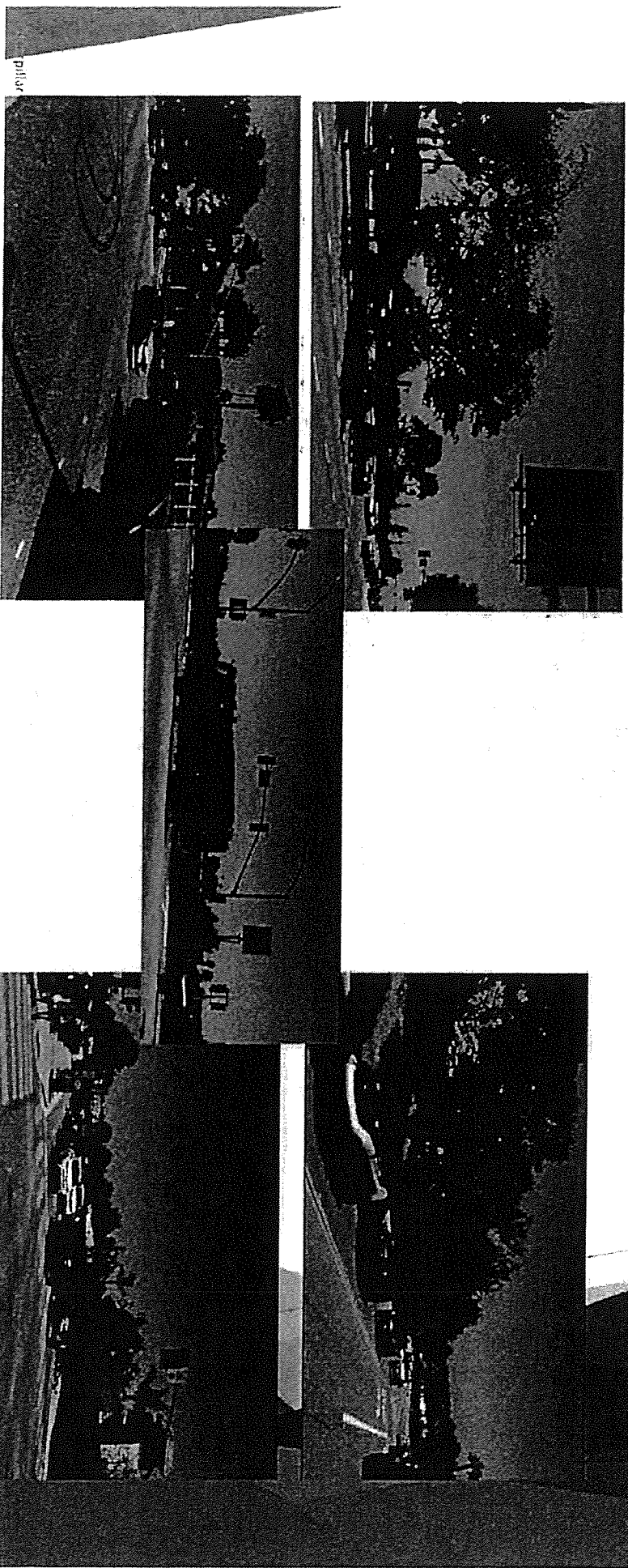
Parked cars

Parked cars

Road widening challenging due to utilities
and home locations (historic homes built
close to the streets)



Leucadia Blvd traffic already backs up in both directions from Clark with current traffic load which proposes challenge to first responders



Policy: The Distribution of NEU Funds by Community - v2.xlsx

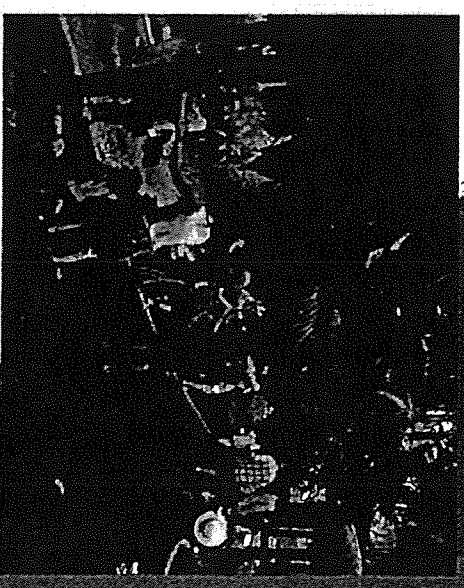
	Subtotal	Total
10 Residential	1.0	4.1
90 Residential	2.0	1.1
21 Industrial	26	3.1
127 Industrial	26	1.8
54 Industrial	54	5.0
CITY		
District Line		

DISTRIBUTION OF POPULATION BY COMMUNITY

1. Town of Dalton Case (from Sept. 4, 2017) <https://www.law.com/nylaw/article/1040000/1-Town-of-Dalton-Case-2017-09-04> (presenting by Richard D. Longmire Case regarding redistricting)

Conclusion / Request

To protect the safety of our families, and prevent worsening of traffic conditions in Leucadia, we the residents of Avocado Acres request that the proposed housing site (Map ID 19) be removed from the *Housing Plan Update*



Thank you to the Development Services Department and Encinitas City Council for your time and support!

Sincerely,
Concerned Families of
Avocado Acres

BACKGROUND/ TRAFFIC & SAFETY



Cynthia Sheya Palmer <sheyapalmer@gmail.com>

Encinitas Housing Element, Avocado Acres, MAP ID #19

21 messages

Cynthia Sheya Palmer <sheyapalmer@gmail.com>

Tue, Jun 12, 2018 at 3:59 PM

To: cblakespear@encinitasca.gov, jmosca@encinitasca.gov, tboerner@encinitasca.gov, tkranz@encinitasca.gov, Mark Muir <mmuir@encinitasca.gov>

Bcc: Cynthia Sheya Palmer <sheyapalmer@gmail.com>

Dear Council Members,

My name is Cynthia Sheya Palmer and I've been a resident of Avocado Acres area in Leucadia for over 25 years. I'm writing to voice my concern and to request that MapID #19/AD31 be pulled from the Housing Element due to safety, health and traffic concerns. Many from our neighborhood attended and spoke at the Planning commission meeting held June 9th to request the same.

The June 8th article in the Union Tribune, "Encinitas Commissioners Say High-Density Housing List Ought to be Revised" summarized the meeting well with several commissioners **recommending the site #19 be removed.** (<http://www.sandiegouniontribune.com/sd-no-plan-vote-20180608-story.html>). Some excerpts:

".....Both audience members and commissioners forecasted gloomy prospects for the ballot measure if the list remains as it is.

.....Commissioner Kevin Doyle noted that 200 people had just signed a petition opposing the inclusion of site 19 -- a 6.62-acre area that's tucked up against the east side of Interstate 5 and accessed by extremely narrow, residential roadways. The site's been proposed to accommodate 127 housing units -- a figure that's comparable to the total number of homes in the entire surrounding Avocado Acres region, several residents said.

Commissioner Bruce Ehlers said he would recommend removing site 19....."

Regarding site #19: (Corner of Clark & Union, 6.6 acres, 163 units)

- Added late in the game (May 8, 2018) as a "replacement or swap" for L-7
- Location is buried in a well established neighborhood (between Clark and Union)
- Streets are rural and narrow, essentially single lane considering residential parking
 - This is the situation TODAY, with only neighborhood traffic
- 163 units is essentially a DOUBLING of the surrounding Avocado Acres area.
- Impact on Avocado Acres neighborhood would be EXTREME
 - Main access points to #19 would be via Clark or Union both very narrow, rural streets.
 - Doubling the throughput on our streets would completely choke them and create safety concerns for sure.
 - Traffic study on Clark/Leucadia and internal Avocado Acres streets is non-existent
- All other proposed sites in the Housing elements have major roadways adjacent: El Camino Real, Leucadia Blvd, Manchester Ave, Highway 101 etc. Clark and Union do NOT fit into these categories.

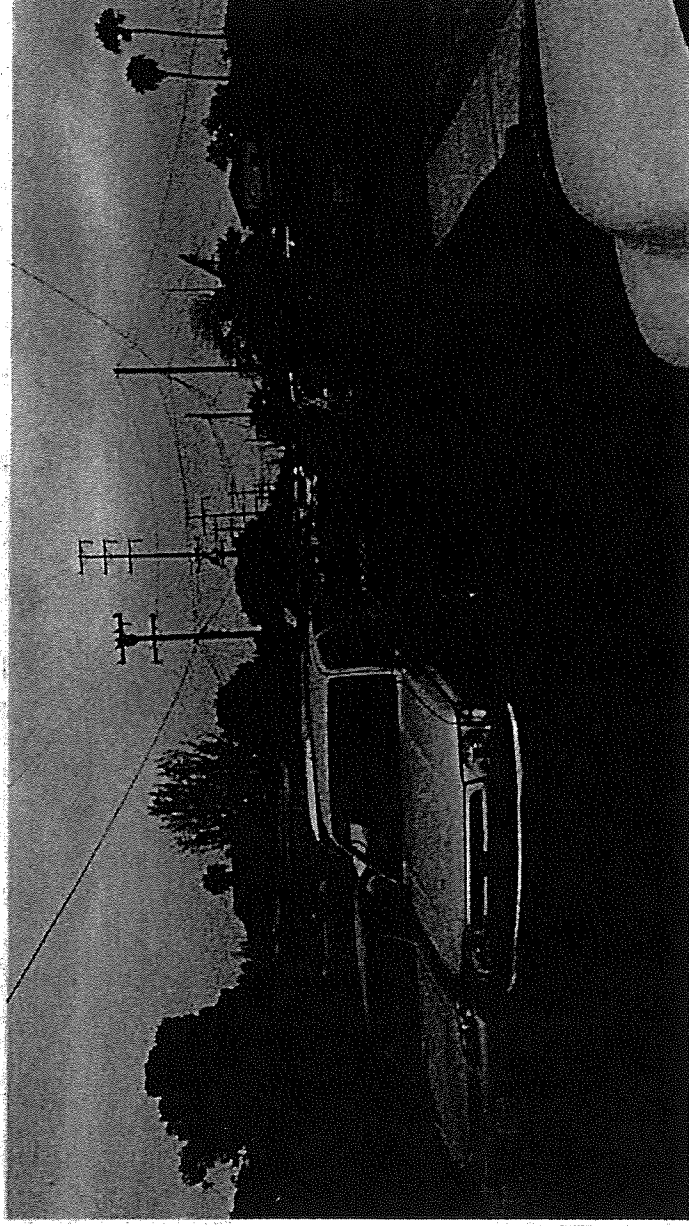
I've attached the petition referenced above as well as a presentation showing pictures of the area outlining the concerns to help you evaluate. It would be very much appreciated if you could review prior to the City Council meeting scheduled for June 20th and s such recommend that site #19 be pulled.

Thank you for your consideration and time.

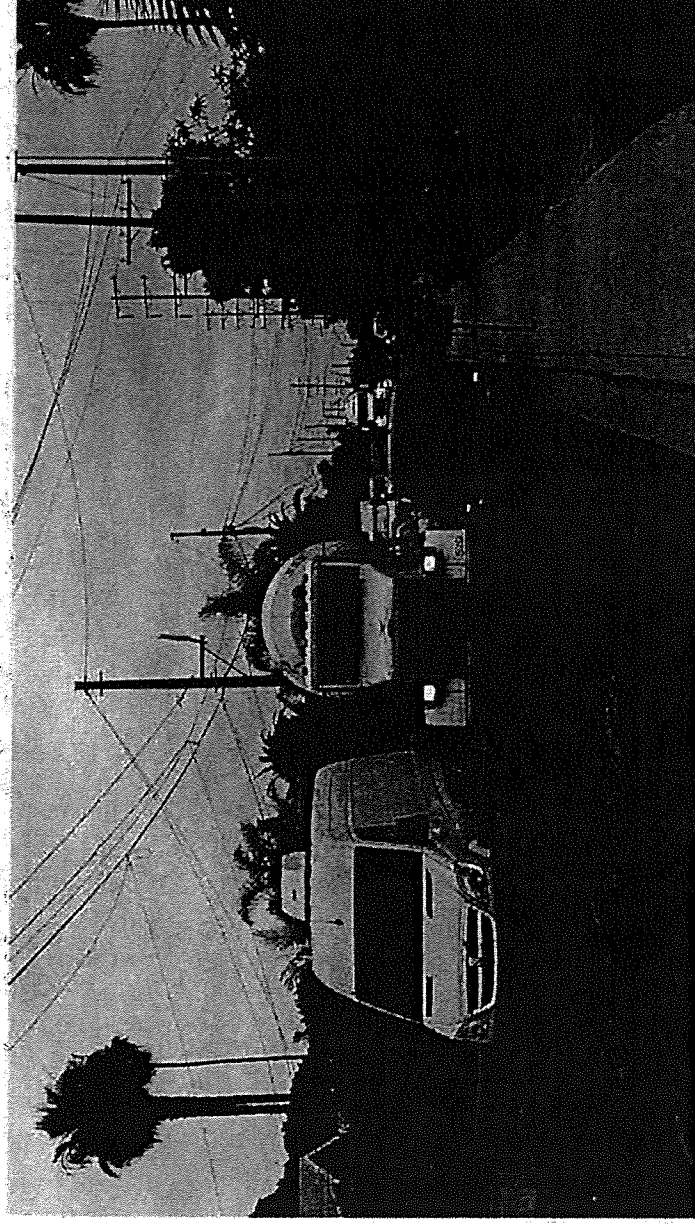
Sincerely

Cynthia Sheya Palmer
845 Del Riego Avenue, Encinitas
Ph: 760 815 7034

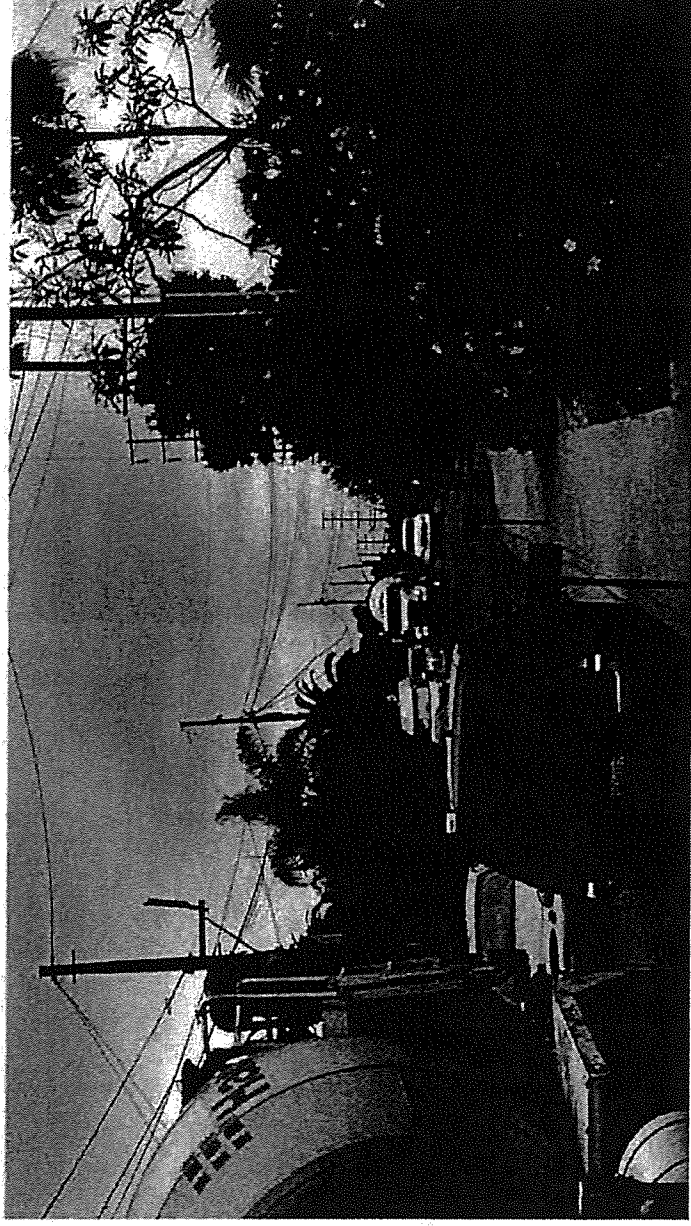
Clark Ave – Single car passing creates congestion and unsafe conditions.



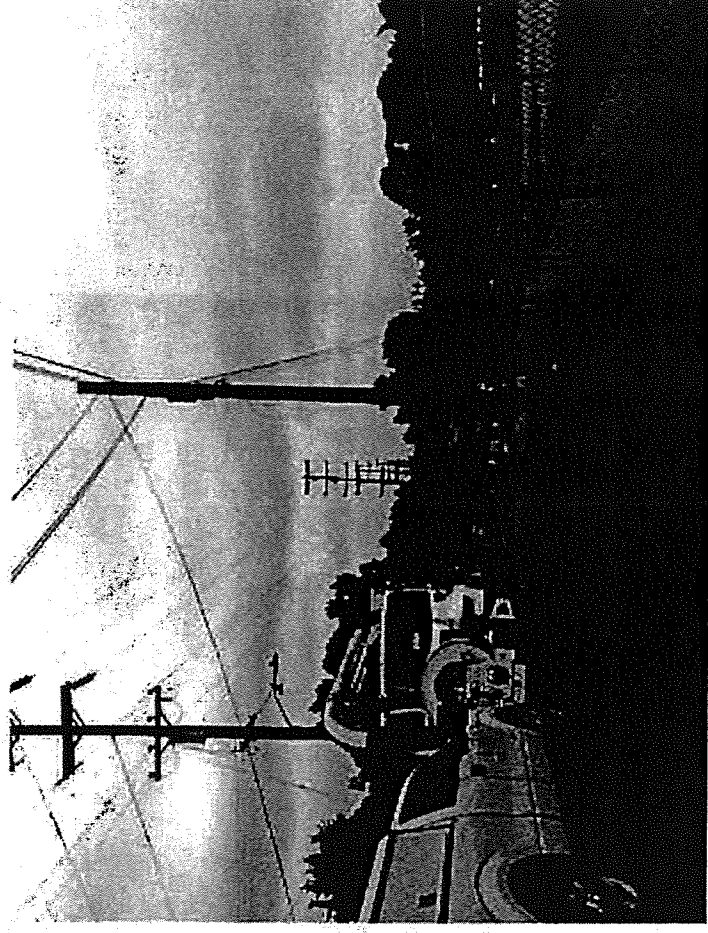
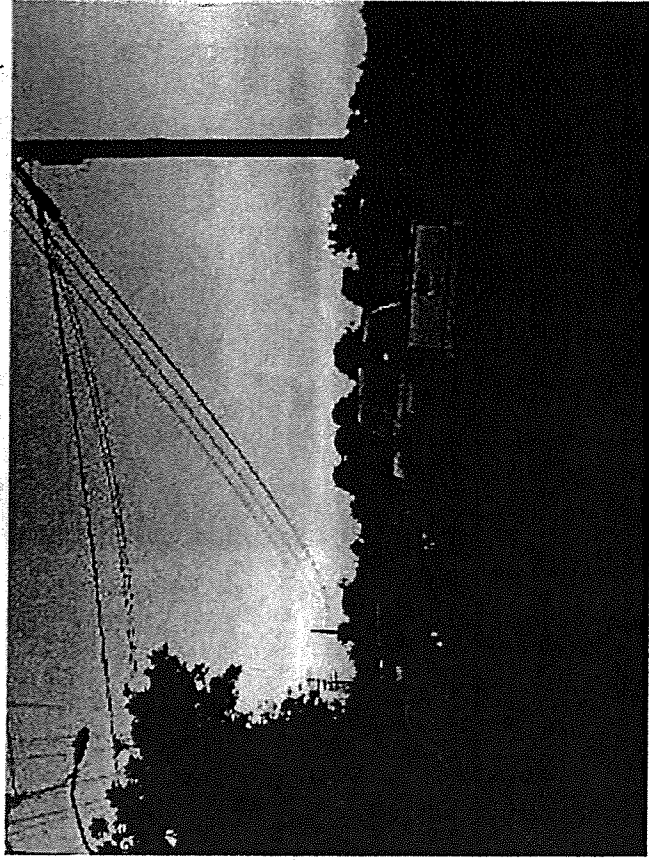
Clark Ave is already too dangerous
for additional high density housing.



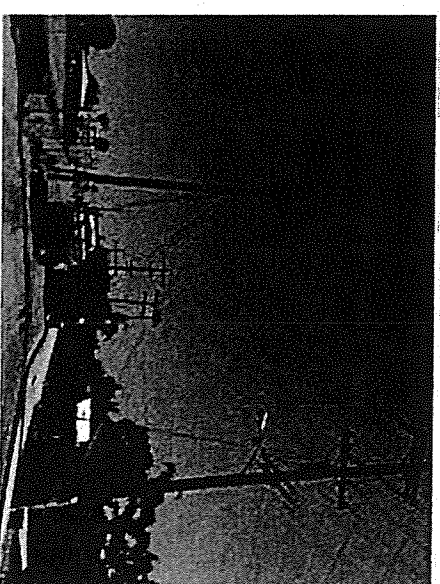
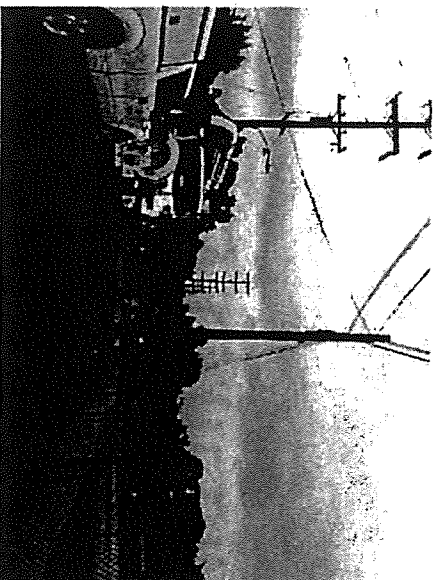
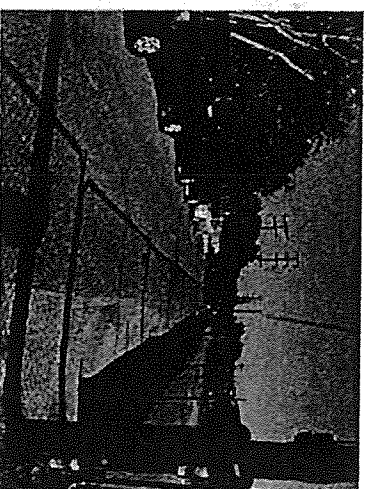
Clark Ave – typical scene each day



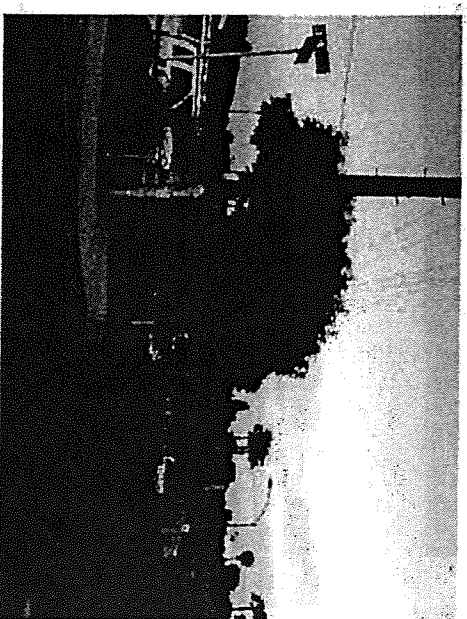
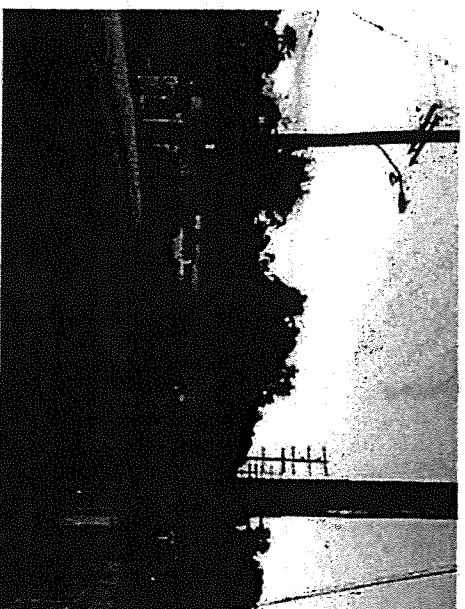
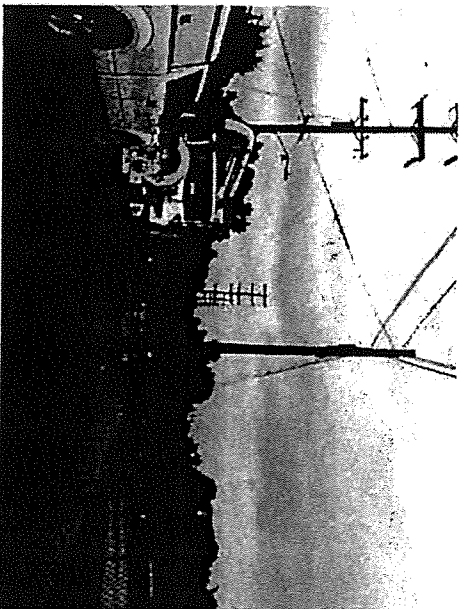
New development under construction at Clark & Puebla
(converting low-volume nursery to 14 large custom homes)



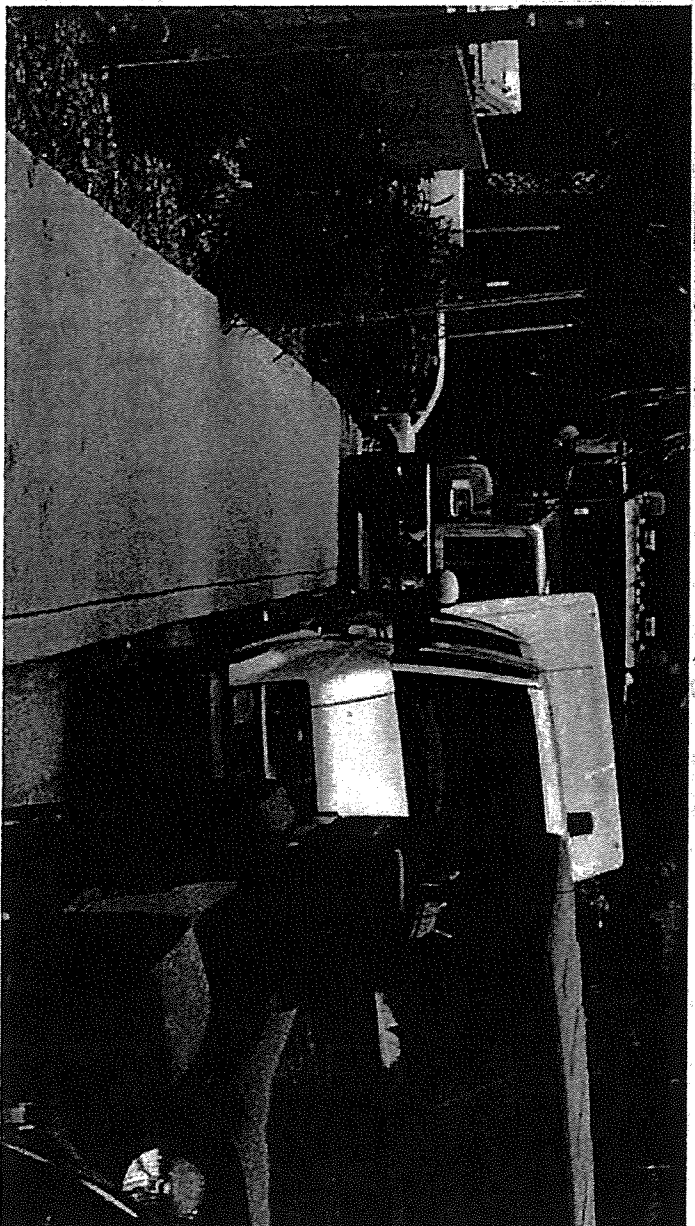
There is no doubt that the additional 14 homes will greatly increase traffic and negatively impact the current health and safety of local residents. Neighbors are questioning the city's plans to address these concerns.



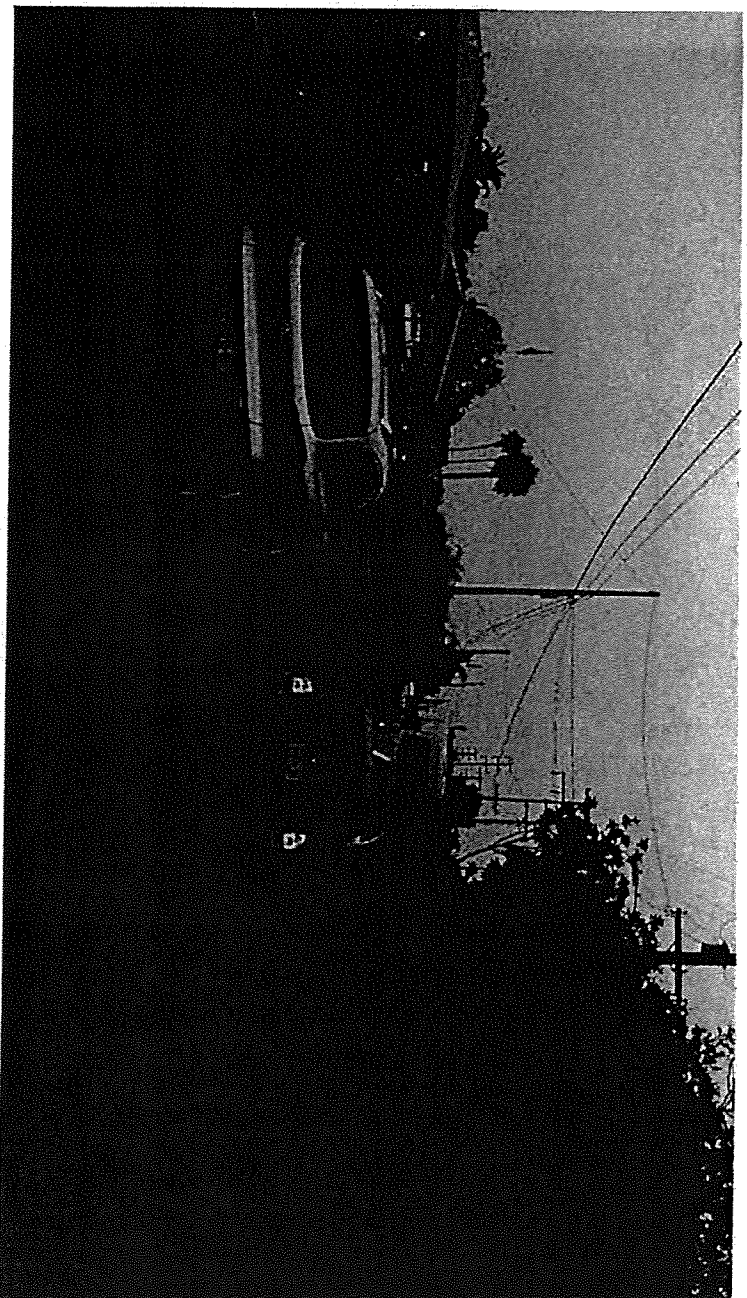
Clark and Puebla Intersection - very tight blind turn with utility poles



Clark Ave – large trucks can't pass at
areas without driving off the road



Please remove the proposed housing site (Map ID 19) from the Housing Plan Update 2018, and maintain the current zoning for the land.



Petition (MAP ID 19 - Proposed Housing Element)

We believe the proposed housing site, Map ID 19, consisting of 6 lots: 682 Clark Ave, 672 Clark Ave, 672 Clark Ave, 2 x Union Street and 556 Union Street if developed, will result in a substantial increase in traffic in our small neighborhoods and will create a health and safety issue. The proposed development (Map ID 19) is buried in our small neighborhood with access only via our rural, narrow streets which already act in a single lane capacity given the street widths combined with the residential street parking. This is true for ALL access points: Clark Ave, La Mirada Ave, Del Rio Ave, Del Riego Ave, and Union St.. Additionally, a housing development is now in construction on Clark with no infrastructure or street development to support the increase in traffic. As such, we the undersigned, given the additional hazards the proposed development will present, and in order to protect our children, maintain the safety of our neighborhood and maintain the quality of life in Leucadia, request the sites proposed at Map ID 19 be removed from the housing plan.

kids

direct
5/8/2011

	Name	Signature	Address	Phone #	
1	Bryan Campbell	Bryan Campbell	780 Clark Ave	614 203 9898	1
2	Jill Campbell	Jill L. Campbell	780 Clark Ave	303-829-7617	
3	Maggie Ward	Maggie Ward	784 La Mirada Ave	603-340-0130	1
4	DAVE GRABER	Dave Graber	765 CLARK AVE	760-310-9236	
5	KATHERINE GRABER	Katherine Graber	765 CLARK AVE	760-310-1939	
6	PHILIPSONE	Philipson	857 CLARK AVE	760-458-6788	
7	Amey Evan	Amey Evan	795 Clark Ave	858 882 1361	
8	Bret D Vincent	Bret D Vincent	854 Clark Ave	760-213-0336	
9	KOSRE HADKIL	Kosre Hadkil	774 CLARK AVE	753-3419	
10	Josel Carr	Josel Carr	880 Clark Ave	760 978-2820	*
11	Robert Cab	Robert Cab	833 Clark Ave	760 310 5212	
12	Severo CA	Severo CA	833 Clark Ave	760 310 5212	
13	Ilda Rodriguez	Ilda Rodriguez	777 Clark Ave	760 753-0715	
14	Shawn Kress	Shawn Kress	827 CLARK AVE	760 227-3167	
15	RYAN SAUCE	Ryan Sauce	798 CLARK AVE	214-435-6689	
16	CAITLIN STAGG	Caitlin Stagg	798 CLARK AVE	979-661-2109	
17	MIKE GRUBOK	Mike Grubok	725 CLARK AVE	760 814 4297	
18	Bonnie Bohm	Bonnie Bohm	774 Clark Ave	760-877-2225	
19	DAVE COX	Dave Cox	755 CLARK AVE	760-701-2457	
20	Alaina Krystek	Alaina Krystek	735 Clark Ave	(702) 330-9776	
21	Regina Krystek	Regina Krystek	735 Clark Ave	858 705 7968	
23	Jim Lyman	Jim Lyman	760 CLARK AVE	858 715 8986	
24	MIGUEL HEREDIA	Miguel Heredia	802 CLARK AVE	753 2951	
25	Olivia Felps	Olivia Felps	804 Clark Ave	858 382 6363	

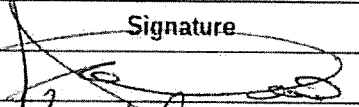
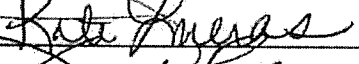
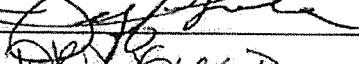

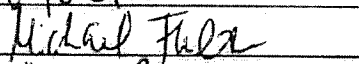
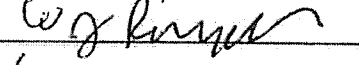


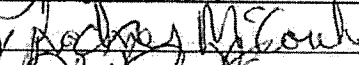
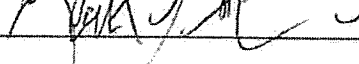
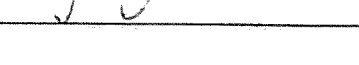

Petition (MAP ID 19 – Proposed Housing Element)

We believe the proposed housing site, Map ID 19, consisting of 6 lots: 682 Clark Ave, 672 Clark Ave, 672 Clark Ave, 2 x Union Street and 556 Union Street if developed, will result in a substantial increase in traffic in our small neighborhoods and will create a health and safety issue. The proposed development (Map ID 19) is buried in our small neighborhood with access only via our rural, narrow streets which already act in a single lane capacity given the street widths combined with the residential street parking. This is true for ALL access points: Clark Ave, La Mirada Ave, Del Rio Ave, Del Riego Ave, and Union St.. Additionally, a housing development is now in construction on Clark with no Infrastructure or street development to support the increase in traffic. As such, we the undersigned, given the additional hazards the proposed development will present, and in order to protect our children, maintain the safety of our neighborhood and maintain the quality of life in Leucadia, request the sites proposed at Map ID 19 be removed from the housing plan.

	Name	Signature	Address	Phone #
1	Kelly N. Williams	Kelly N. Williams	801 Clark Ave.	(310) 447-3143
2	Dustin Williams	Dustin Williams	801 Clark Ave.	815-579-0548
3	Colin Pa	Colin Pa	796 Clark Ave	(119) 615 6104
4	Lindsay Roe	Lindsay Roe	796 Clark Ave	(119) 615 6104
5	Charles Nixon	Charles Nixon	794 Clark Ave	602 989 1072
6	Janice Nixon	Janice Nixon	794 Clark Ave	602 989 1335
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	Name	Signature	Address	Phone #
1	JOE WEISS		676 SAXONY RD	760 419 9108
2	Kate Lueras		849 Clark Ave	858 354 9838
3	JEFF Lueras		849 Clark Ave	760 271 3310
4	TARA FREED		849 CLARK AVE	760 917 1239
5	Victoria Fulton		817 CLARK AVE	760 273 747
6	Michael Fulton		817 CLARK AVE	760 273 740
7	William Remond		734 La Mirada Ave	760 473 1591
8	Cindy Damm		711 Del Rio Ave	760 822 4168
9	Gloria Damm		745 Del Rio Ave	760 436 8169
10	Lisa Strickland		748 Del Rio Ave	760 685 0710
11	Bridget McCoubrey		644 del Rio Ave	760 942 6332
12	Sean Farrell		674 Del Rio Ave	760 561 7941
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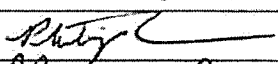

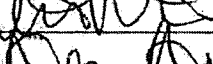
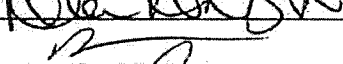

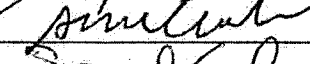
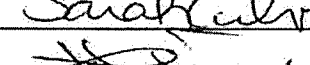



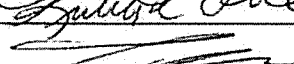


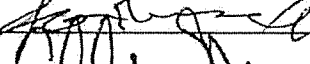
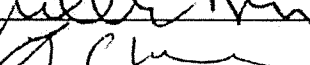
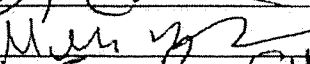
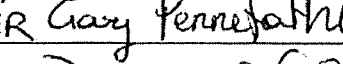
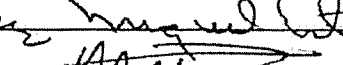




- 18 AND 100030-

22 KIDS UNDER
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4/18

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	Name	Signature	Address	Phone #
1	PHILIP SENESE		857 CLARK AVE ENCINITAS	760-415-9698
2	SHARON T SENESE		857 CLARK AVE ENCINITAS CA	760-703-1175
3	MEREDITH WEISS		845 JENSEN CT ENC 92024	858-357-1150
4	ANA Astorga		885 DEL RIO ENC 92024	760-274-4318
5	William Morrison		875 Del Rio 92021	760-635-9338
6	Daryl Stimm		864 Del Rio Ave 92024	619-578-8657
7	PAUL CULVER		865 DEL RIO 92024	760-753-7196
8	Sarah Culver		865 Del Rio 92024	760-753-7196
9	HAIM HANOVER		858 DEL RIO AVE 92024	619-925-9000
10	Timothy Beane		824 Del Rio Ave 92024	760-579-2952
11	Brian Bennett		824 Del Rio Ave 92024	760-331-7344
12	Kirk Kautuma		804 DEL RIO AVE 92024	760-450-6991
13	Kim Cohen		814 DEL RIO AVE 92024	858-728-7785
14	TONY COHEN		814 DEL RIO AV 92024	951-830-4332
15	David Arato		785 Del Rio ave 92024	206-383-9051
16	Risa Arato		785 Del Rio Ave 92024	619-888-9665
17	JAC GRACIANO		756 DEL RIO AV 92024	760-753-7673
18	Allen Shue		765 DEL RIO 92024	760-436-2767
19	Lana Chavar		735 Del Rio Ave 92024	650-270-2662
20	Melinda DePalma		735 Del Rio Ave 92024	760-535-4775
21	GARY PENNEFATHER		725 Del Rio Ave 92024	760-633-1684
23	Inguel Giller		708 Del Rio Enc	760-753-764
24	Amy Hite		627 E 2000 St 92024	760-815-0644
25	Cathy Monbray		1454 Saxon 92024	760-753-6698

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With proper infrastructure and road widths I would be in support *Yvonne St Pierre*

	Name	Signature	Address	Phone #
1	CYNTHIA SHEYA PALMER	CSPalmer	845 Del Riego Ave Enc CA 92024	
2	JOSEF STITTS	<i>Josef Stitts</i>	775 Del Riego Ave. Encinitas CA 92024	
3	Courtney Hann	<i>Courtney Hann</i>	775 Del Riego Ave Enc CA 92024	
4	Dane Stitts	<i>Dane Stitts</i>	775 Del Riego Ave Enc CA 92024	
5	JUDY STITTS	<i>J. Stitts</i>	775 Del Riego Ave Encinitas 92024	
6	Yvonne St Pierre	<i>Yvonne St Pierre</i>	705 Del Riego Ave	
7	J.P. St. Pierre	<i>J.P. St. Pierre</i>	785 Del Riego Ave " "	760-484-0254
8	Gail Brander	<i>Gail Brander</i>	805 De Riego Ave	
9	JULIA RODRIGUEZ	<i>Julia Rodriguez</i>	823 DEL RIEGO AVE	
10	LETICIA VERDIN	<i>Leticia Verdin</i>	835 DEL RIEGO AVE	
11	Tiffany Nolan	<i>Tiffany Nolan</i>	1840 Del Riego Ave.	760 632-9667
12	Fernando Garcia	<i>Fernando Garcia</i>	855 Del Riego Ave. Encinitas 92024	760-753-0834
13	Donna Repp	<i>Donna Repp</i>	867 DEL RIEGO AVE Encinitas 92024	760-224-0553
14	Mark Matyas	<i>Mark Matyas</i>	875 Del Riego Ave Encinitas	760 483-3663
15	ESTEL PABONA	<i>Estel Pabona</i>	885 Del Riego Ave	760 482-4821
16	Diana Camoreau	<i>Diana Camoreau</i>	885 Del Riego Ave	
17	Mike Swift	<i>Mike Swift</i>	889 Del Riego	760-881-7818
18	Diana Swift	<i>Diana Swift</i>	884 Del Riego Ave	760 420-7205
19	Susan Robles	<i>Susan Robles</i>	864 Del Riego Ave Enc.	909 238-6439
20	Frank Robles	<i>Frank Robles</i>	864 Del Riego Ave Enc.	909 238 6439
21	NORMA MUO	<i>Norma Muo</i>	856 Del Riego Ave Enc	760-274-3708
23	GARY ANN WELLS	<i>Gary Ann Wells</i>	836 DEL RIEGO AVE ENC	760 942 9375
24	Joan Gray	JOAN GRAY	754 Del Riego Ave ENCINITAS	
25	GARY HANDEL	GARY HANDEL	796 Del Riego Ave Enc.	760-753-7715

6/18



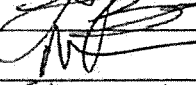
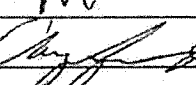
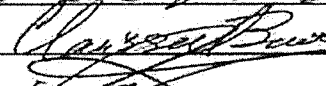
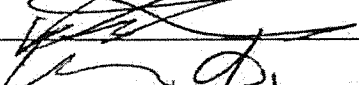
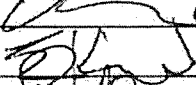



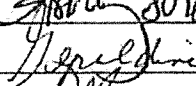
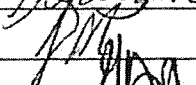
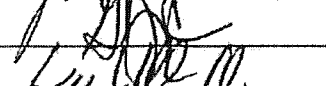

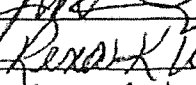
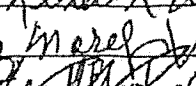
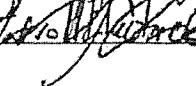




	Name	Signature	Address	Phone #
1	M. McARVILLE	M. McCarville	706 LA MIRADA AVE. ENC. 92024	760.436.1785
2	GEORGE MOLINE	George Moline	838 EOLIS AVE	160-390-7676
3	David Waite	David Waite	705 La Mirada Ave.	760 815 9299
4	Serrifer Waite	Serrifer Waite	705 La Mirada Ave	858-220-2764
5	Charles Waite	Charles Waite	706 La Mirada Ave	858-220-2766
6	LUZ NAVARRO	Luz Navarro	745 La Mirada Ave	950-9429171
7	Mardi Musick	Mardi Musick	756 La Mirada Ave	760-473-3094
8	Steve Musick	Steve Musick	"	760.436-0624
9	MIKE FOREMAN	Mike Foreman	706 LA MIRADA AVE	760-7079229
10	Ranelle Mathews	Ranelle Mathews	785 La Mirada Ave	619 750-1194
11	Mike Mathews	Mike Mathews	785 La Mirada Ave	619 750 1194
12	Anna Mathews	Anna Mathews	785 La Mirada Ave	760 613 4425
13	Robert Maxeron	Robert Maxeron	776 La Mirada Ave	760 815 9270
14	ANDY MILLER	Andy Miller	815 La Mirada Ave	760 753 8937
15	ELANOR MILLER	Elanor Miller	815 LA MIRADA AVE	760 753 8937
16	Matilde Cortes	Matilde Cortes	823 La Mirada Ave	760 815 9877
17	Ramon Cortes	Ramon Cortes	823 La Mirada Ave	760 815 5984
18	Melissa Brown	Mel Brown	865 La Mirada Ave	760 861 2708
19	Georgina Kleffel	Georgina Kleffel	715 La Mirada Ave	949 584 5324
20	MARK KLEFFEL	Mark Kleffel	715 La Mirada Ave.	619 254 7167
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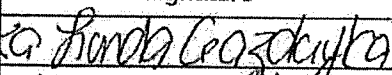
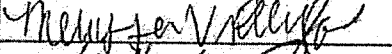


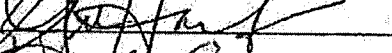

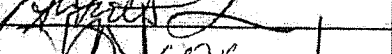
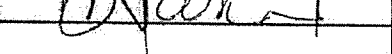
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	Name	Signature	Address	Phone #
1	Eugene W. Weld		608 Puebla St, Leucadia 94041	760 632-9967
2	SAM TREPLE		882 LA MIRADA AVE	
3	WIS BAEZ		682 CLARK AVE.	760 632-9094
4	Blenda Baez		686 CLARK AVE	760 390 5776
5	Chelsey Baez		310 Smilax Rd #4	760 453 8073
6	Clarissa Baez		310 Smilax Rd Apt. 4	760 718 9659
7	Sergio Lucio		32999 Tilac Rd	760 629-8141
8	CHRISTIAN BAEZ		221 AVENIDA DE SUERTE	760-212-8765
9	Edward Welch		608 Puebla St Encinitas	760 632-9967
10	Rick Smith		798 POINSETTIA PARK	760 436 2172
11	Tim Zukeschuk		768 Poinsettia Park N.	760 422 5028
12	Christina Carabia		738 Poinsettia Park No.	(619) 972-5627
13	Ashley Sorensen		706 Poinsettia Park N	909 553 4376
14	Geraldine Hone		760 Union St.	760-733 3244
15	Jonathan Beard		670 Union St.	760-331-9200
16	GENE CHAPO		624 UNION ST.	(760) 840-7358
17	CRAIG KNOTT		570-Union St	(760) 668 6396
18	Jerel Evans		596 Union St	(858) 866-6049
19	Rexford Wood		608 Puebla St Enc	760 946-9667
20	Manuel Valenzuela		620 Puebla St Enc	760 809 0365
21	Wesley Knott		620 Puebla St Enc 94041	760 889 8208
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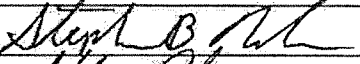

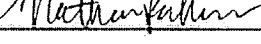
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	Name	Signature	Address	Phone #
1	Linda Gozdecka		778 Del Riego Encinitas	
2	Melissa Villagas		744 Del Riego Encinitas	
3	Sergio Villagas		764 Del Riego Ave	
4	Julie Hambarian		742 Del Riego Ave	762-880-5160
5	Julie Hambarian		742 Del Riego Ave	760-990-3352
6	Jose Leon		714 Del Riego Ave	760-415-56
7	Ana Ruth Leon		714 Del Riego Ave	760-840-11-967
8	D. Leon		715 Del Riego Ave	760-732-5850
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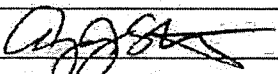
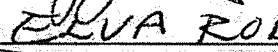
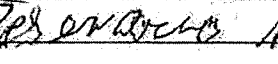
Petition (MAP ID 19 – Proposed Housing Element)

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	Name	Signature	Address	Phone #
1	Steve Nolan		848 Del Riego Ave Encinitas	760-814-7646
2	Jeffery Palmer		845 Del Riego Ave Encinitas	760-942-2780
3	Nathan Palmer		845 Del Riego Ave Encinitas	760-334-2349
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	Name	Signature	Address	Phone #
1	Amy Sastny		725 Del Riego Ave	760-722-116
2	ELVA RODRIGUEZ		823 Del Riego Ave.	760-909-1680
3	CECILIO RODRIGUEZ		823 Del Riego	760-753-0408
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11/18

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	Name	Signature	Address	Phone #
1	Patty Mahaffey	Patty Mahaffey	710 Puebla St.	760-815-5905
2	EVE MAYALL	Eve Mayall	734 Puebla St	760-230-1274
3	Richard Delesregues	Richard Delesregues	743 Puebla St	760 436 686
4	Kathleen J. Myers	Kathleen J. Myers	925 Puebla St.	760-522-1417
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12/18

Petition (MAP ID 19 – Proposed Housing Element)

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	Name	Signature	Address	Phone #
1	Spencer Harvey		1104 Mockingbird	760-8462
2	Jillias		3031 N. Coast Hwy #13	760-666-1166
3	Kerstyn Ray		824 Del Riego Ave. Encinitas	760 277 7609
4	JEFFO THOMPSON		1504 GASCONY RD	760 224 578
5	JOYCE HEAGER		1504 Gascony Rd	760 214 4204
6	JOYCE A			
7	Courtney Campbell		404 Encinitas Ca. 92024	760 809 4900
8	RUSSELL GARWEN		605 Hycia Ave Encinitas	760 497 8509
9	Brendan Campbell		404 Encinitas Ca. 92024	760 809 4900
10	LESLIE FRANK		209 Melrose Green	619 438-821
11	Margaret Hoffman		321. La Veta Ave Encinitas	(760) 436 5429
12	Joan Ray		419 Crespi Ave	760 242-9996
13	William Ray		419 Avenida Crespi	949-492-1901
14	Joe Bayle		155 Rosebay Dr	760-111-54
15	Libby Hall		1023 Bonita Dr	760-798-9884
16	Thomas Duse		2703 Jacaranda	766 936 8210
17	RICH AGUILAR		5708 SAN FELIX SANTA FE	626-379-6737
18	Brian Thompson		1842 Playa Riviera Dr	760-801-2942
19	Elizabeth Weeks		806 Regal Rd K-1	951-218-3806
20	Joel Garcia		0710 S. El Camino Real	760 415 8181
21	Tim Brolaski		212 MAXWELL AVE #1	760 429 6448
23	Mark Ward		677 Berkshire Ave	630-207-3200
24	Darlene Hrzina		2066 MacArthur Ave	760-473-4452
25	Matthew Kirby		1115 Missouri Ave #9	760 893-6681

13/8

Petition (MAP ID 19 – Proposed Housing Element)

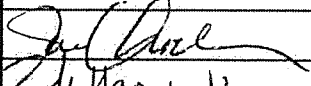
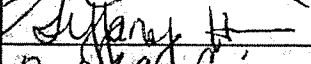
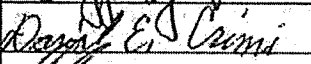
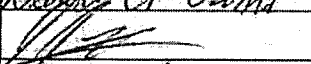
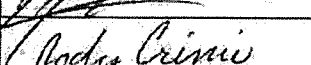

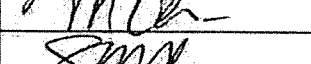
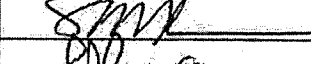
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	Name	Signature	Address	Phone #
1	Prinn Congill		847 N. Vulcan Ave	520-360-4291
2	Dean Bush		1581 N. Vulcan	761-518-7112
3	Chelsea Renaud		1521 Candor St	760-331-2417
4	MIKE CAMERON		2070 SHERIDAN RD.	858-337-3015
5	Amanda Cameron		2070 Sheridan Rd	760-497-2359
6	Miles Kan		1965 Lucas Ct	761-571-9570
7	Alison Edinger		250 Delphinium St.	858-777-6073
8	Jim O'Neil		7084 Zulu Lane Ln	761-809-7466
9	JOHN FUNK		208 GLEN ARBOR DR	760-943-7056
10	Waleed Waleed		747 Arroyo	562-277-2960
11	Dorothy B. Peterson		597 Westlake	760-533-7522
12	San Edmundo		250 DELPHINIUM STREET	760-487-1348
13	G.T. FLIN		269 FRANKLIN ST	760-579-7256
14	SASON DUNN		2802 Sombra St.	760-803-2835
15	ALEY ZAVETTI		2578 MEADOWMIST LN.	858-902-8055
16	Donall Glatts		3740 Fortuna Ranch Rd.	760-522-7897
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	Name	Signature	Address	Phone #
1	June Chocheles		665 Poinsettia Park S. Encinitas	760-518-3572
2	Tiffany Horton		671 Poinsettia Park Ct. Enc.	858-525-1042
3	DAVID E. CRIMI		663 Poinsettia Park Ct. Enc.	760-333-7143
4	JEFF HORTON		671 POINSETTIA PARK CT ENC.	808-227-0060
5	Jody Crimi		663 Poinsettia Park Ct Encinitas	619-871-4129
6	Molly Carrera		687 Poinsettia Park S. Encinitas	760-808-8624
7	Lisa Russell		652 Poinsettia Park S. Enc.	92024 760-2443
8	Patricia Russell		652 Poinsettia Park S. Enc.	760-420-6157
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Name	Signature	Address	Phone #
MOISES HARRIS	[Signature]	865 CLARK AVE	760 230 6276
Nubia Garcia	Nubia [Signature]	865 CLARK AVE	760-443-8956
Erin Enright	[Signature]	806 CLARK AVE	619 709-7101
Sonia Morales	[Signature]	800 Clark Avenue	(760) 607-2400
Cristina Garcia	[Signature]	800 Clark Avenue	760 607 2300
Jeff Murillo	[Signature]	773 Puebla St.	760-815-4092
Reina Murillo	[Signature]	773 Puebla St.	760) 815-4091
RANDY KAY	[Signature]	724 Del Rio Ave	(760) 230-6944
ROBIN KAY	[Signature]	724 Del Rio Ave	760-230-6444
Kaitlin Kay	[Signature]	724 Del Rio Ave	760 230 6444
Rose MORA	[Signature]	745 Del Rio	760 496 8169
MICHAEL MILLER	[Signature]	925 DEL RIO AVE	619-997-0000
Nell Brady	[Signature]	745 CLARK AVE	958 880 5263
Laura B. [Signature]	[Signature]	1085 arden dr	758 772 6274
CHEERL PRINCE	[Signature]	776 Del Rio	619 865 9802
ALAN WOOD	[Signature]	776 Del Rio	619 865 9802
Christian Gallagher	[Signature]	1068 Wiegand St.	760 637 1546
JANYA [Signature]	[Signature]	665 ORPHERS AVE	760 944-1922
GEORGE BRECHOFF	[Signature]	665 ORPHERS AVE	760/944.1922
JOSEPH DIASPARA	[Signature]	784 LA MIRADA AVE	201 647 7745
Amy Bennett	[Signature]	824 Del Rio Ave	760-579-2048
MILO MCYON	[Signature]	745 Del Riego	760 753 4868
Adalberto Verdial	[Signature]	835 Del Riego Ave	(760) 633 4561
Juan Verdias	[Signature]	835 Del Riego Ave	760 633 4561

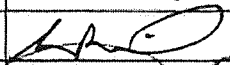
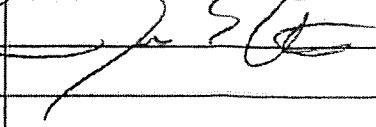
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
	Name	Signature	Address	Phone #
1	Sharon Nardozzi		709 Poinsettia Park S	760-228-3654
2	MIKE NARDOZZI		"	760-485-5321
3	BRETT BUTLER		739 POINSETTIA PK S., ENCINITAS, CA	760-815-2699
4	Kerry Butler		"	760-212-8145
5	MICHAEL J. BUGGY		742 POINSETTIA PARK ENCINITAS	760-452-5513
6	Barbara Buggy		742 Poinsettia Park S Encinitas	760-452-5513
7	Deana Barcelon		758 Poinsettia Park N. Encinitas	215-531-8898
8	Sandra Ryall		650 Poinsettia Park N Encinitas	760-845-1122
9	David Putnam		650 Poinsettia Park N Encinitas	760-402-4825
10	Lynn Gardner		689 Poinsettia Park W.	760-753-9462
11	Neal S. Fogel		689 Poinsettia Park W.	760-753-9462
12	Gideon Sklar		758 Poinsettia Park N.	207-505-0132
13	Steve Jurewski		638 Poinsettia Park E	760-633-1757
14	Varinda Jurewski		610 Poinsettia Park Ct	760-224-3462
15	Michael McMahon		628 Poinsettia Park Ct	760-634-2501
16	CRAIG CAMPION		631 POINSETTIA PARK S.	760-942-6688
17	James Kang		668 Poinsettia Park S.	760-846-5112
18	Susan Ashling		681 Poinsettia Park So.	949-413-2796
19	Erica Ashling		405 Playa Blanca	760-846-5585
20	Tim Emckson		405 PLAYA BLANCA	415-726-2899
21	Flavia Ybarra		648 Poinsettia Park Ct	858-699-0732
23	Amber McMahon		628 Poinsettia Park Ct	760-613-1339
24	Michelle Nguyen		631 Poinsettia Park Ct	760-942-6668
25	JOE YBARRA		648 Poinsettia Park Ct.	760-845-5545

17/18

	Name	Signature	Address	Phone #
1	SEAN M'DANIEL		726 DEL RIO	805-305-1060
2	JOHN ADRIAN		874 C/O F/K A.D.-L	760-893-6471
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	Name	Signature	Address	Phone #
1	PATRICIO CARRENA		627 POINSETTIA PARK S.	760-402-5159
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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, July 12, 2018 1:37 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Proof of Concept
Attachments: Californian Rendering.jpg; Point Loma_Famosa_Bleed.pdf; Oceanside_Cleveland 3.pdf

Please see the comments from Mr. Peter Stern.



Robin Huntley

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



From: Peter Stern [mailto:peterstern60@gmail.com]
Sent: Thursday, July 12, 2018 12:12 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Fwd: Proof of Concept

----- Forwarded Message -----

Subject: Proof of Concept
Date: Thu, 12 Jul 2018 11:58:05 -0700
From: Peter Stern <peterstern60@gmail.com>
To: council@encinitasca.gov
CC: Robin.Huntley@hdc.ca.gov, Bwisneski@encinitasca.gov

Dear Council,

Over the past months I have sent to you "proof of concept" examples of housing projects that do not exceed 30 feet in height; and, in the same project accommodate 30 dwelling units per acre. These projects were from Kirkland, Washington and Minnesota. I have also sent to you the materials for the Otis Elevator that requires only 28.6 feet to service three floors.

Attached please find beautiful examples of local projects that do not exceed thirty feet in height and up to 41

dwelling units per acres. They are all designed by prize winning local architect Steve Dalton & Assoc. who was the architect for the City's new marine safety building and concession and bath building(s) at Moonlight Beach.

The project called the "Californian rendering" is under construction in San Diego at Kenyon & Kemper St. and is 41 DU/AC- it does not exceed 30 feet in height.

The built project known as "Oceanside" is 26 DU/AC is two and three bedroom town homes not exceeding thirty feet in height.

The built project known as "Pt. Loma Famosa" is 30DU/AC is completed and is one and two bedroom units not exceeding thirty feet in height.

Without doubt, developer's demands to exceed thirty feet in height and other complaints "of we cannot do that" are driven exclusively by desire for greater profits and are not because of any other constraint. Testimony that a parking space for two cars carried a \$30,000 cost was laughable and carries a gigantic profit.

The short point is that: the argument that the new housing element must permit structures to exceed thirty feet in height is wrong, misleading, not impossible and simply to permit greater profits for developers. Indeed, most likely you grew up in houses with 8 foot ceilings and the developers sole desire to make ceilings higher is strictly to have a more profitable product.

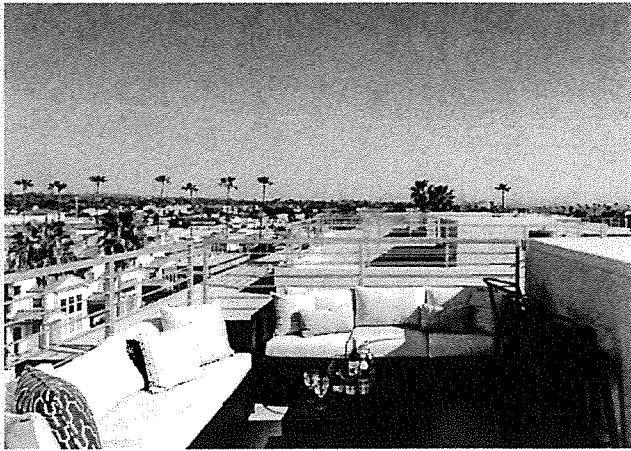
While late in the game, I strongly urge you to send a Housing Element to the voters that sets a thirty foot height limit on buildings. I also hope you will rescind the builders alternatives to putting low and moderate income units on the site being developed. And finally, I sincerely hope you will increase the requirement of low & moderate income units built on site from 15% to at least 25% of the units which is somewhat more equitable than that which is proposed.

As I have said before, failure to do all three of the above will doom everyone's effort to pass a Housing Element come November.

Cordially,

Peter Stern

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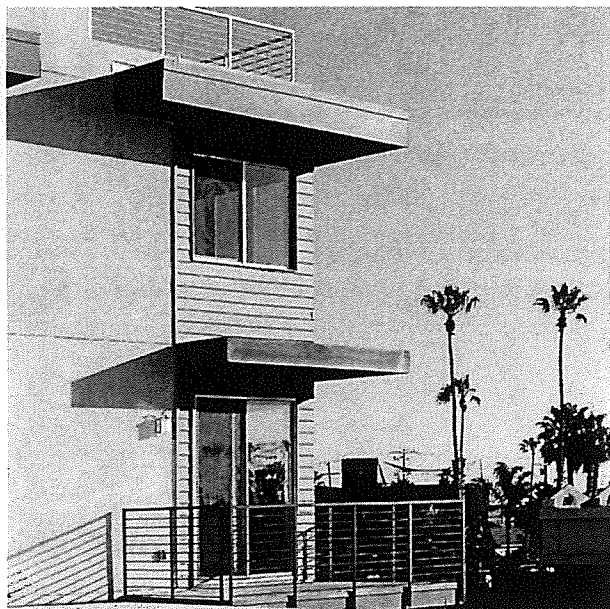
STEPHEN DALTON ARCHITECTS

MULTI-FAMILY

SITE AREA	24,805 SF
UNITS	15
DENSITY	26 DU/AC
GFA	30,000 SF
PROGRAM	2 BR & 3 BR Townhomes
CONSTRUCTION	Type VA



WWW.SDARCHITECTS.NET



THE FAMOSA

POINT LOMA

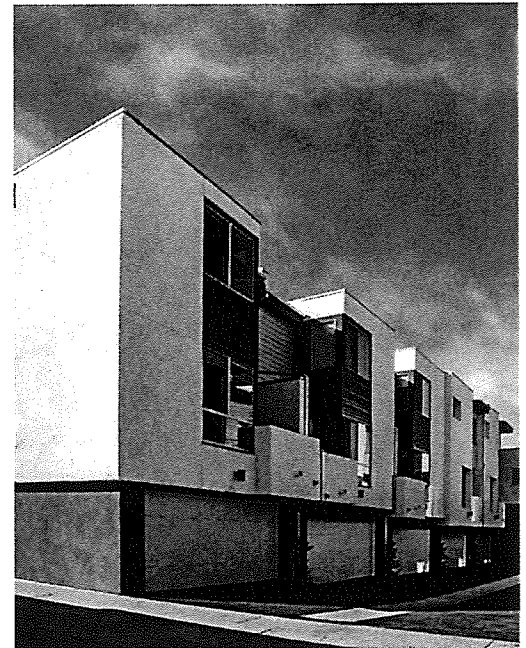


MIXED-USE

SITE AREA	13,250 SF
UNITS	9
DENSITY	30 DU/AC
GFA	17,950 SF
PROGRAM	1 BR & 2BR Units
CONSTRUCTION	Type VA Over Type 1 Podium



STEPHEN DALTON ARCHITECTS | (858) 792-5906 | www.sdarchitects.net





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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, July 16, 2018 8:04 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: My comments on HEU at the last City Counsel Meeting
Attachments: RE.doc Cannon Property.doc

Please see the attached short speech from Diane Thompson.

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

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

From: Diane Thompson [mailto:dianethompson@cox.net]
Sent: Sunday, July 15, 2018 6:36 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: My comments on HEU at the last City Counsel Meeting

Please read the following short speech. Thank you.

__*****CR

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TO: Encinitas City Council and **Planning Commission Members**

FROM: Diane Thompson, 1615 Caudor Street, Encinitas

RE: Cannon property at corner of Piraeus and Plato

I'm Diane Thompson. 45 year resident of Leucadia. I trust you have received and read my letter regarding this Housing Element and site #2 in particular

- **Housing Element and State Law Requirements** – The Housing Element and State Law states in CA Code Article 10.6 d that the legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, fiscal factors AND community goals as set forth in the general plan
- **Local Need 1.2** The City of Encinitas' Housing Element Introduction states "...Encinitas must also plan to provide the infrastructure needed to maintain existing levels of service AND to ensure that residential development will not degrade the local environment. All of these are viewed by residents as resources worth preserving, and that the sites selected for housing PRESERVE these amenities. ANOTHER important goal of this element is to ENSURE that the City EMBRACES the distinct IDENTITY and CHARACTER of its five communities" These are your words. Your goals. Your promises to us.
- **WHAT HAPPENED? The Land Use Element of our General Plan is being gutted for the Housing Element!**
- **Housing Element Density vs General Plan** – The Housing Element plan recommends rezoning site #2 RR-2/per acre to 30 units per acre. This property is about 7 acres. The plan is for 173 units or more. That is a huge change zoning, a huge change with height increasing to ~~37~~ (3-4 stories), a huge change in density. This project is out of character with our neighborhood, our winding narrow roads, asphalt sidewalks, and dirt paths. We don't have the infrastructure to make this work. It is out of compliance with our general plan. We are not against low income housing, the issue is density. There would be no preservation of our identity and character as semi-rural residential.
- **Density vs environment** - Goal 9 of Land Use Element in General Plan reads: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor ... (LU-26); Policy 9.1: Preserve ... the best natural features and (avoid) the creation of a totally urbanized landscape and maintain I-5 Interchange areas to conform to the specifications of (Goal 9) ... (LU-26); Policy 9.2: Encourage the retention of buffer zones such as natural vegetation or earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust, and light (LU-26); Policy 9.6: Where it is necessary to construct retaining or noise-attenuating walls along the I-5 corridor, they should be constructed with natural-appearing materials and generously landscaped with vines, trees and shrubbery (LU-27)

- **Density and Traffic gridlock** – If each household creates 10 car trips a day (the average), and if this zoned RR-2 homes/acre property is rezoned to the recommended 30 Units per acre, 173 units is suggested in this plan. That's 1700 additional car trips! **Piraeus** cannot take that load of traffic. The I-5 corridor will be widening soon. And there is no room for Piraeus to add lanes to handle increased traffic. **Urania** cannot take that load of traffic. **The streets in between cannot take that load of traffic.** And residents would have to travel on these roads to go South on I-5, to take children to school, to get to Old or New Encinitas. It is dangerous right now to walk on Piraeus and Plato. No sidewalks. No room for sidewalks. This would definitely not be considered safe walking to school from the Cannon property.
- **Density and schools - Capri School is already impacted.** There are children living in **this neighborhood** who are sent to **Paul Ecke**, not their own neighborhood school. **Capri School** cannot handle more children. Also there are no sidewalks on Piraeus or Plato. No room for sidewalks. It is DEFINITELY not safe walking to school from the Cannon property.
- **No Public transportation exists in this area.** Saxony Avenue and Leucadia Blvd. is the nearest place to catch a bus. No public transportation is available to the north on La Costa Avenue. There are no stores within miles, except a 7-11!
- **What about water?** – another infrastructure - the Governor has signed a bill forcing us to use only 55 gallons/person a day – this water use also includes laundry – not sure what else – but fines come with over use of that designation. So, here we have the State Housing & Community Development (HCD) telling us to build 30 units per acre and the Governor telling us to cut water use. So let's see: 30 units per acre under a zoning overlay of 112 acre equals 3,360 houses/dwelling units. We have a population currently of 63,000. $4 \text{ people per } 3,360 \text{ units} = 13,440$. $63,000 + 13,440 = 76,440$ people in our City if all these units are built. And the water use? Somehow I don't think we can reconcile water and housing !

If we are REALLY serious about providing low income homes, why not consider L-7 property that the city owns outright? We could provide **true low cost housing** with a non-profit developer. There's plenty of room for housing and a park. **What better use of city owned property?!**

The best choice would be a greater number of smaller, less dense projects, built throughout all five communities. Decrease the impact. It would be more pleasant and welcoming for new and existing residents, perhaps not for developers; but you represent us. We were very disappointed that the Planning Commission did not listen to us enough to make specific recommendations. We are counting on you to hear us, and to keep Encinitas a pleasant place for all to live.

Proposition A gave the people the right to vote for or against zoning changes. We are voting now! We will vote in November! Ditch this plan and create one that better fits all of Encinitas. In lieu of that, I ask that you, **“Please vote to Remove Site #2 from the Leucadia Site Map tonight – Leucadia will still be giving more than its equitable share!”**

Thank you.

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, July 16, 2018 8:05 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Certification of the HEU for the City of Encinitas; Development of Lot AD31/Meyers Proposal (formerly Lot #19)
Attachments: HCD AD 31 (Meyers Proposal Lot 19) Encinitas.docx

Please see the attached comments from Patricia Mahaffey.



Robin Huntley

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



From: Patricia Mahaffey [mailto:pmahaffey@ucsd.edu]
Sent: Sunday, July 15, 2018 8:29 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; zachery.Olmstead@hcd.ca.gov
Subject: RE: Certification of the HEU for the City of Encinitas; Development of Lot AD31/Meyers Proposal (formerly Lot #19)

Zachery Olmstead, Deputy Director
Robin Huntley, Housing Policy Manager
Housing Policy Division,
Housing & Community Development
2020 W. El Camino Avenue, Suite 500,
Sacramento, CA 95833

15 July 2018

Dear Deputy Director Olmstead and Housing Policy Manager Huntley,

Please see the attached letter which I am submitting for the record.

I continue to wonder how Lot AD31/Meyers Proposal (formerly Lot #19) has made it this far in planning consideration, especially as it was not recommended at the outset by the Encinitas Planning Commission.

The proposal is an ill-conceived, short sighted plan with huge implications for several small neighborhoods. I support affordable housing – I work on Basic Needs resources and efforts for students in San Diego so I am very sympathetic to affordable housing. But I also support the equitable distribution of housing in any city or town in California. This plan is not conforming with the equitable distribution of affordable housing in Encinitas (75% are planned in two regions) and should be seriously reviewed for a variety of flaws. The plan places 160 units right next to the freeway (optics on this is already suspect), along an existing gated community and wedged between two old neighborhoods with inadequate access roads (huge traffic impacts), poor infrastructure, it is not zoned for this type of building and contains serious environmental concerns as well.

Please read the attached letter and I look forward to hearing from you.

Sincerely,

Patricia Mahaffey, Ed.D.
710 Puebla St.
Encinitas, CA 92024
760-815-5903

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Zachery Olmstead, Deputy Director
Robin Huntley, Housing Policy Manager
Housing Policy Division,
Housing & Community Development
2020 W. El Camino Avenue, Suite 500,
Sacramento, CA 95833

15 July 2018

Dear Deputy Director Olmstead and Housing Policy Manager Huntley,

RE: Certification of the HEU for the City of Encinitas; Development of Lot AD31/Meyers
Proposal (formerly Lot #19)

This letter is submitted for the record.

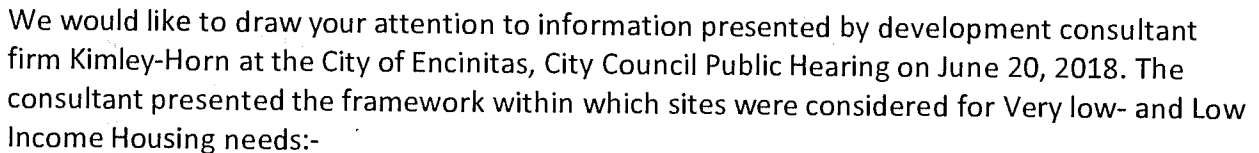
Our community has been active over the last several months in reviewing the 2013-2021
Housing Element plans put forth by the Encinitas City Council and its consultants.

Who are we? We are residents with diverse backgrounds – racial, cultural, professional, and
economic – and yet we have one key feature in common. A love for this small, eclectic Encinitas
community that is quietly and peacefully nestled (you might say wedged!) between three of the
busiest roads in our city – Interstate 5 to the west, Leucadia Boulevard to the north, and Saxony
Avenue to our east! The majority of our southern “border” is along Puebla Street and is the
northern wall of a gated community.

As is evident on a short walk along our 5 main roads – Clark, La Mirada, Del Riego, Del Rio and
Puebla Streets – we are a community of people intent on improving our neighborhood. From
the Neighborhood Watch signs to the never-ending home improvements, both large and small,
this is a community of people dedicated to enjoying and nurturing this small neighborhood. The
atmosphere is largely one of acceptance and support for all our fellow neighbors.

In keeping with this diverse neighborhood, we do NOT object to development of low-income
housing in Encinitas. Indeed, we support the effort to ensure inclusiveness in our City. However,
such efforts must adhere to reasonable standards for BOTH the families who are most in need
of such housing AND the current residents who have been and are building their lives in this
community.

The current Housing Element Plan proposed by the City of Encinitas and seemingly accepted by
the HCD, as per the letter of review dated 12 June 2018, has proposed that Lot AD31/Meyers
Proposal (previously Lot #19) be developed to provide Very low and low-income housing. ***It is
our strong contention that development of AD31 to include more than 160 housing units will
both inadequately serve the very people for whom the housing is intended and severely
impact the existing community.*** We understand the next review of the housing element is



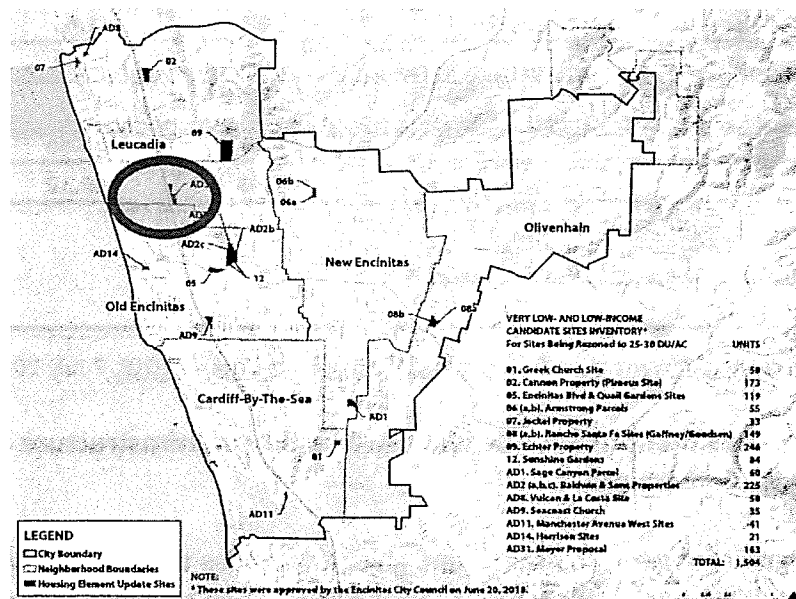
- We would like to address several **key points** related to the Kimley-Horn Report.

1) The Kimley-Horn Report supports that the HEU represents Equitable Distribution

Based on the most recent plan by the Encinitas city council (June 2018), there is a grossly INEQUITABLE distribution of Very low- and Low-income housing in the region designated as Leucadia.

- Nearly 45% of all housing units will be located in Leucadia
- More than 75% of the units will be located in 2 of 5 regions; Old Encinitas and Leucadia
- **More than 10% of all the planned housing units are planned for AD31 alone**
- Cardiff, New Encinitas, and Olivenhain regions will each accommodate less than 10% of the units

Parcel	Gross Acreage	Net Acreage	Units
Old Encinitas			
AD2a, AD2b, AD2c, 012, 05, AD9, AD14	30.69	32.54	32.18
Leucadia			
02, 07, 09, AD8, AD31	46.78	44.79	44.22
AD31 alone	7.74	10.33	10.84
Cardiff			
01, AD11	4.88	5.81	6.05
New Encinitas			
06a, 06b, AD1	9.90	7.31	7.65
Olivenhain			
08a, 08b	7.75	9.54	9.91



Source: <http://www.ci.encinitas.ca.us/Housing-Plan-Update-2018>, 7 July 2018

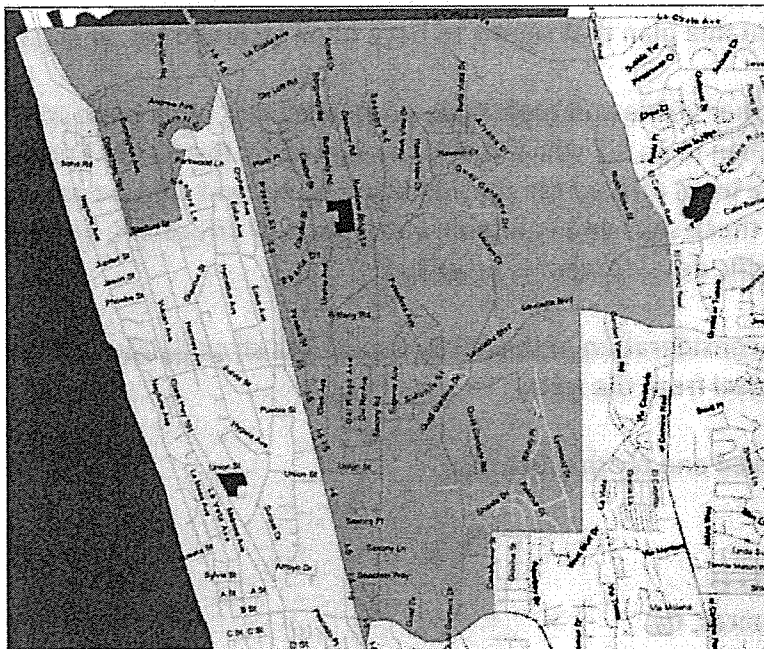
SITES AVAILABLE TO MEET REMAINING VERY LOW AND LOW INCOME RHNA Approved by the Encinitas City Council on June 20, 2018				
Site Number	Site Name	Gross Acreage	Net Acreage	Unit Yield
<i>Vacant</i>				
02	Cannon Property (Piraeus)	6.93	6.93	173
05	Encinitas Blvd & Quail Gardens Sites	4.91	4.78	119
06a	Armstrong Parcels	1.92	1.06	26
08a	Rancho Santa Fe Parcels (Gaffney/Goodsen)	1.75	1.45	36
AD1	Sage Canyon Parcel	5.23	2.40	60
AD2a	Baldwin & Sons Properties	3.14	2.98	74
AD2b	Baldwin & Sons Properties	6.66	4.86	121
<i>Subtotal</i>		<i>30.54</i>	<i>24.46</i>	<i>609</i>
<i>Non-vacant</i>				
01	Greek Church Parcel	2.50	2.00	50
06b	Armstrong Parcels	1.32	1.16	30
07	Jackel Properties	2.97	2.97	33 ¹
08b	Rancho Santa Fe Parcels (Gaffney/Goodsen)	4.88	4.57	113
09	Echter Property	21.49	9.85	246
12	Sunshine Gardens Parcels	3.39	3.39	84
AD2c	Baldwin & Sons Properties	1.79	1.71	30
AD8	Vulcan & La Costa	2.00	2.00	50
AD9	Seacoast Church	4.45	1.41	35
AD11	Manchester Avenue West Sites	1.67	1.67	41
AD14	Harrison Sites	1.91	1.91	71 ¹
AD31	Meyer Proposal	6.62	6.52	163
<i>Subtotal</i>		<i>54.99</i>	<i>38.66</i>	<i>895</i>
Total		85.53	63.12	1,504
Notes:				
1. Unit Yield anticipates that this site will be developed for mixed-use.				

Source: <http://www.ci.encinitas.ca.us/Housing-Plan-Update-2018>, 7 July 2018

2) Kimley Horn contends that there is adequate Availability of Infrastructure and that there are no significant Site Constraints

In fact, there are significant site constraints and given that more than **10% of the housing units are planned for the AD31 parcel**, it seems especially prudent to consider those constraints and community impact.

- If Site AD31 is developed as currently planned, ***our small neighborhood of 168 single family, 1-2 story homes will double in size***
- There are ***only two access points for the vehicles that would be associated with these dwellings***; Clark (to Leucadia) and Union (to Saxony) Streets which are both ***narrow neighborhood streets***
 - These cannot be effectively widened to accommodate the increase in traffic
 - Clark Street is already often only open to a single lane of cars in one direction due to crowded on-street parking and this will only worsen
 - Level of surface estimate will no doubt be graded as an "F" on the A-F scale.
 - The intersection at Leucadia Blvd. and Clark St. is already extremely busy and dangerous for vehicles and pedestrians alike; this will only be exacerbated by the large increase in traffic
 - Note: Development of other properties (#02 and #09) will also funnel significant traffic into the Leucadia/Clark-Urania intersection
 - Access by children and families to the neighborhood school, Capri Elementary School, is across Leucadia at Clark Street and that trip too will become even more dangerous with twice as many houses in this small neighborhood.
 - ***City has done no Traffic Studies to determine if this area's infrastructure can handle the additional level of traffic***
- All parcels of land proposed for development in Old Encinitas and Leucadia (except AD14) are located within the boundary of Capri Elementary School (shown below).
 - Children residing in nearly 75% of the housing units proposed will be eligible to attend 1 of the 9 Encinitas Union School District elementary schools



Source: <http://www.eusd.net/capri-boundary-map/>; 9 July 2018

- The land is immediately adjacent to the freeway which is known to pose significant health risks
- The land has been used extensively for agricultural purposes for many years and therefore potentially poses additional health risks due to the chemicals used during that time
- Access to other infrastructure is limited:
 - More than ¼ miles from the nearest transit stop
 - More than ¼ mile from the nearest shopping

These constraints and the lack of infrastructure will both impact the current residents of this area AND perhaps more importantly provide a wholly inadequate location for the homes of our very low-income and low-income community members. There is something particularly unseemly, in a city of beautiful homes worth over and sometimes well over \$1 million, to cram a large number of low income families into a sub-standard location with potential health risks to comply with a law. It not only does those families a disservice in terms of the housing made available; it also serves to effectively segregate such families rather than integrate them which smacks of discrimination. Furthermore, the impact on the surrounding community of this influx of families may well create tensions with the existing members of the community that are unnecessary and damaging to the inclusive and diverse atmosphere of the existing neighborhood.

While we understand there are pressures on the city to comply with the Housing Element Plan and that the Encinitas City is the last city in SD County to comply with the law related to the provision of affordable housing, inclusion of AD31/Meyers Proposal as part of the solution is a completely unacceptable plan that seems to have been included for, at least, expediency.

There are several other viable and preferable properties that have been considered and yet removed from the plan (e.g., L-7 which is already owned by the City of Encinitas) and yet other properties that have been offered for consideration by current owners and yet not pursued. Reconsideration of these sites and equitable integration of affordable housing across our city and within any specific development is essential.

Thank you for your consideration of these key issues. We strongly request removal of AD31/Meyers Proposal from the HEU.

Respectfully submitted and for the record,

Patricia Mahaffey, Ed.D
 710 Puebla St. Encinitas, CA
 760-815-5903

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 7:57 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Clarke Avenue Owner Letter
Attachments: Clark st. exp. of Interest LTR. (signed).pdf

Importance: High

Please see additional comments provided by David Meyer.



Robin Huntley

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



From: David Meyer [mailto:dcmeier1@earthlink.net]
Sent: Tuesday, July 17, 2018 3:52 PM
To: Diane Langager <DLangager@encinitasca.gov>
Cc: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Encinitas City Council <council@encinitasca.gov>
Subject: Clarke Avenue Owner Letter
Importance: High

Diane,

In further discussion with the owners of the two Clarke Avenue parcels that some of their neighbors have made unfounded accusation regarding their understanding and intent to include their property in the HEU upzoning and that I am their authorized representative in this matter, they have agreed to clearly and definitively put any concerns on this matter to rest.

To that, attached please find an expression of interest letter signed by the subject parties. Please note that this document is both in English and Spanish, that was also verbally communicated both in English and Spanish by a native Spanish speaker to all parties. Additionally, one of the property owner's children, who is a native English and Spanish speaker attended this meeting, also communicated this document to all executing parties.

We sincerely hope that this document puts this unfortunate and groundless incident to rest with the City and HCD.

David Meyer
DCM Properties, Inc.

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Expression of Interest

As the owners of the subject property, this document is to reconfirm our interest in including our property in the Encinitas Housing Element Update that would place an Overlay (R-30 OL) Zoning Designation on our property, providing the option to develop our property at 25 to 30 housing units per acre. Our interest is based on the City adopting development standards that would not prevent developing at this density or placing other requirements on development making the use of this density economically unattractive.

Our authorized representative in this matter is Mr. David Meyer of DCM Properties, Inc., who previously submitted information to the City of our interest in having our property included in this process. Only the relevant portions of that agreement were submitted to the City to show our interest in the overlay zoning, as the rest of this document deals with a private business transaction and is not relevant to this matter.

Thank you.

Expresión de interés

Como propietarios de la propiedad en cuestión, este documento confirmará nuestro interés en incluir nuestra propiedad en la Actualización de Elemento de Vivienda de Encinitas que colocaría una Designación de Zonificación Overlay (R-30 OL) en nuestra propiedad, brindando la opción de desarrollar nuestra propiedad en 25 a 30 unidades de vivienda por acre. Nuestro interés se basa en que la Ciudad adopte estándares de desarrollo que no impidan el desarrollo a esta densidad u otros requisitos en el desarrollo, haciendo que el uso de esta densidad sea económicamente poco atractivo.

Nuestro representante autorizado en este asunto es el Sr. David Meyer de DCM Properties, Inc., quien anteriormente presentó información a la Ciudad de nuestro interés en que se incluya nuestra propiedad en este proceso. Solo las partes relevantes de ese acuerdo se enviaron a la Ciudad para mostrar nuestro interés en la zonificación de superposición, ya que el resto de este documento trata sobre una transacción comercial privada y no es relevante en este asunto.

Gracias.

APN: 256-171-13

Eleazar Beaz and Santa Ana Benavides Mancilla, and Fidel Garcia-Gomez

ELEAZAR BAER

Date: 7/6/18

Santana Benavides

Date: 7/6/18

FIDEL Garcia Gómez

Date: 7/6/18

APN: 256-171-14

Pablo Quiroz Sanchez and Juana Rodriguez

Pablo Quiroz

Date: 7/6/18

Juana Rodriguez

Date: 7/6/18

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Tuesday, July 17, 2018 12:21 PM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: City of Encinitas Housing Element - Site #2 Cannon Property
Attachments: Letter to City of Encinitas.docx

See the attached comments from Sheila Cameron.



Robin Huntley

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



From: donhcameron [mailto:donhcameron@cox.net]
Sent: Tuesday, July 17, 2018 10:58 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: City of Encinitas Housing Element - Site #2 Cannon Property

Dear Ms. Huntley,

This is a follow up to the letter I sent to you on June 18, 2018 **RE: Encinitas HEU Site #2 Piraeus/Plato (Cannon Property)**

As I wrote you at that time, due to the collapse of this property onto Piraeus Street – the frontage road along the North -South Corridor next to I-5 and its unstable topography, it is of concern that this site is considered "Acceptable" for HCD standards to develop 30 units/acre (and more) for Housing.

Attached for your import and knowledge is a letter from Mrs. Linda Flores, a qualified Environmental and Soils analyst who knows this site well. I'm sending you this letter because I think it points out clearly the fragility and questionable suitability of this site for development. It seems that HCD would hardly want to risk sanctioning this site as "Acceptable."

Regards and thank you for your careful attention to the attached letter from Mrs. Flores!

Sheila S. Cameron
former Mayor of Encinitas
Involved and Informed Activist

P.S. Look for another letter from me re your Letter to the City of Encinitas – thank you!!

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06/20/2018

Letter to City Council of Encinitas

Dear Mayor and Council Members,

My name is Linda Flores. I have lived on Caudor St in Leucadia for 28 years. I am an environmental analyst and have been in the environmental field for over 20 years. I am writing to address concerns with adding the parcel located at the North East corner of Pireaus and Plato to the inventory of potential high density housing sites. As the city is aware, this area highly environmentally sensitive; for the record, I ask the council to consider the following information.

In reviewing historical development projects within the City of Encinitas, the following issues have been met with lack of oversight and care for the citizens of Encinitas. I would like the Council to recall the violations and fines imposed by the RWQCB for the Hall Property development. Additionally, recall the Hymetus green houses that were improperly handled causing air contamination resulting in sickness and evacuation of nearby residents.

NPDES

The National Pollutant Discharge Elimination System Requirements were established by the San Diego Regional Water Quality Control Board (RWQCB) for the City of Encinitas. In 2017, The Jurisdictional Runoff Management Program (JRMP) was developed to ensure compliance with such regulations set forth by the RWQCB No. R9-2013-0001, Municipal Stormwater Permit.

Section 1.3.3 of the JRMP Environmentally Sensitive Areas quotes the following (page1-4). *"Encinitas Creek drains the north-central portion of the city and drains into Batiquitos Lagoon, which is designated a Critical Coastal Area in the State of California 2002 Critical Coastal Areas Strategic Plan. Encinitas Creek is 303(d) listed for selenium and toxicity."* The proposed development sits between two storm water catch basins that empty into Batiquitos lagoon. A high density housing complex will add considerable trash, sewage and hazardous waste runoff from the high volume of people and cars. Considering the current restrictions imposed by the NPDES permit and the 303(d) impaired water listing of Encinitas Creek, it is likely such a development in this particular area would cause the City of Encinitas to violate effluent discharge contaminant limitations.

Further, it is known that historically the proposed development site was used as a flower growing operation. Illegal pesticide use/spraying was witnessed by residents of the adjacent properties therefore; the soils are likely contaminated with pesticides. The City should consider the impact this likely contamination might have on any construction runoff or the dust created by grading.

Soils

Soil within the city of Encinitas is characterized by a mix of compressible and expansive soils. These are sediments like stream or tidal deposits of low density with variable amounts of organic materials. Under the added weight of fill embankments or buildings and vibration from vehicle traffic on roads (Note: I-5 abuts the proposed site), these sediments will settle, causing distress to improvements. Low-density soils, if sandy in composition and saturated with water, will also be susceptible of the effects of liquefaction during a moderate to strong earthquake.

In 2003 the site suffered major bluff failure. The soil that covered Pireaus St was pushed back onto the site and created a level area, making it appear as though it would be an ideal area for construction however; this soil was never properly compacted and has over the years sunk considerably. The City should therefore consider the unstable nature of the soils. Further, if the site were graded down to street level it would leave an unstable bluff for the abutting properties to the East creating significant liability to the City.

Environmentally Sensitive Area

The area of the proposed site is within an Environmentally Sensitive Area (ESA) as mapped by San GIS, City of Encinitas, and the RWQCB. An ESA is a type of designation for an area which needs special protection because of its landscape, wildlife or historical value, which if degraded may lead to significant adverse ecological consequences. The proposed site is home to the Gnat catcher and rare coastal sage scrub and flora. The city should consider the impact to the endangered habitat and the regulations set forth by such a designation.

Sincerely,

Linda Flores

Citations

<http://www.ci.encinitas.ca.us/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update/Final%20EIR%20-%20May%202016/Ch%204.5%20Geology%20%26%20Soils.pdf>

[https://www.encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Engineering/Stormwater/Encinitas%20JRMP 2017-01-27 Final.pdf](https://www.encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Engineering/Stormwater/Encinitas%20JRMP%202017-01-27%20Final.pdf)

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/PartThree.pdf

Kathi Young

19

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 7:54 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Birmingham/Lake property, Cardiff/Encinitas
Attachments: Birmingham Lake.jpg; Birmingham Lake (3).jpg; Birmingham Lake (2).jpg

Here are additional comments and site photos provided by Ms. Cameron.



Robin Huntley

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



From: Sheila Cameron [mailto:sheilaleucadia@gmail.com]
Sent: Tuesday, July 17, 2018 3:47 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Birmingham/Lake property, Cardiff/Encinitas

Hi Robin,

This is the last of the properties that I thought you might wish to see. The owner offered this property some time ago, but the City said it was too late - I don't think so. However, I thought you should see photos, if you have not. It is 5.2 acres - and in a good setting. It is in Cardiff - the Southern most section of our City. I'm sorry that I have had to piecemeal these photos to you, but it is a learning curve. We've discovered - too late, that we can do this through Google Photos and send them all to you at once. Next time. If you have any questions, please let me know.

Warm regards, and thank you for your patience - Sheila S. Cameron

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Kathi Young

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 7:54 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: AD 12 Rancho Santa Fe East in Olivenhain
Attachments: #12 Olivenhain.jpg; Olivenhain #12.jpg; Olivenhain.jpg; Olivenhain RSF East.jpg; Olivenhain RSFe East.jpg

Here are additional comments and site photos provided by Ms. Cameron.



Robin Huntley

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



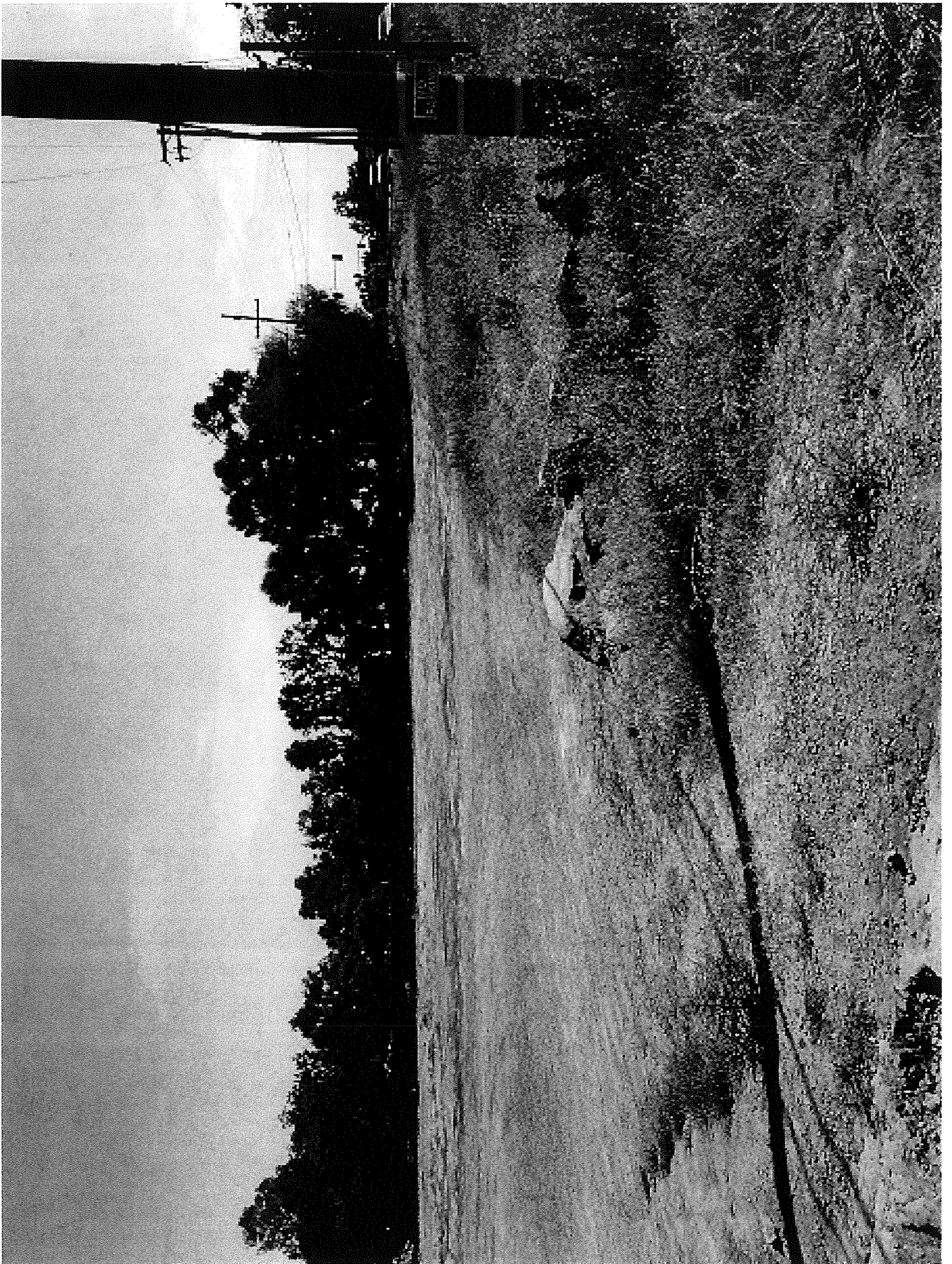
From: Sheila Cameron [mailto:sheilaleucadia@gmail.com]
Sent: Tuesday, July 17, 2018 3:32 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: AD 12 Rancho Santa Fe East in Olivenhain

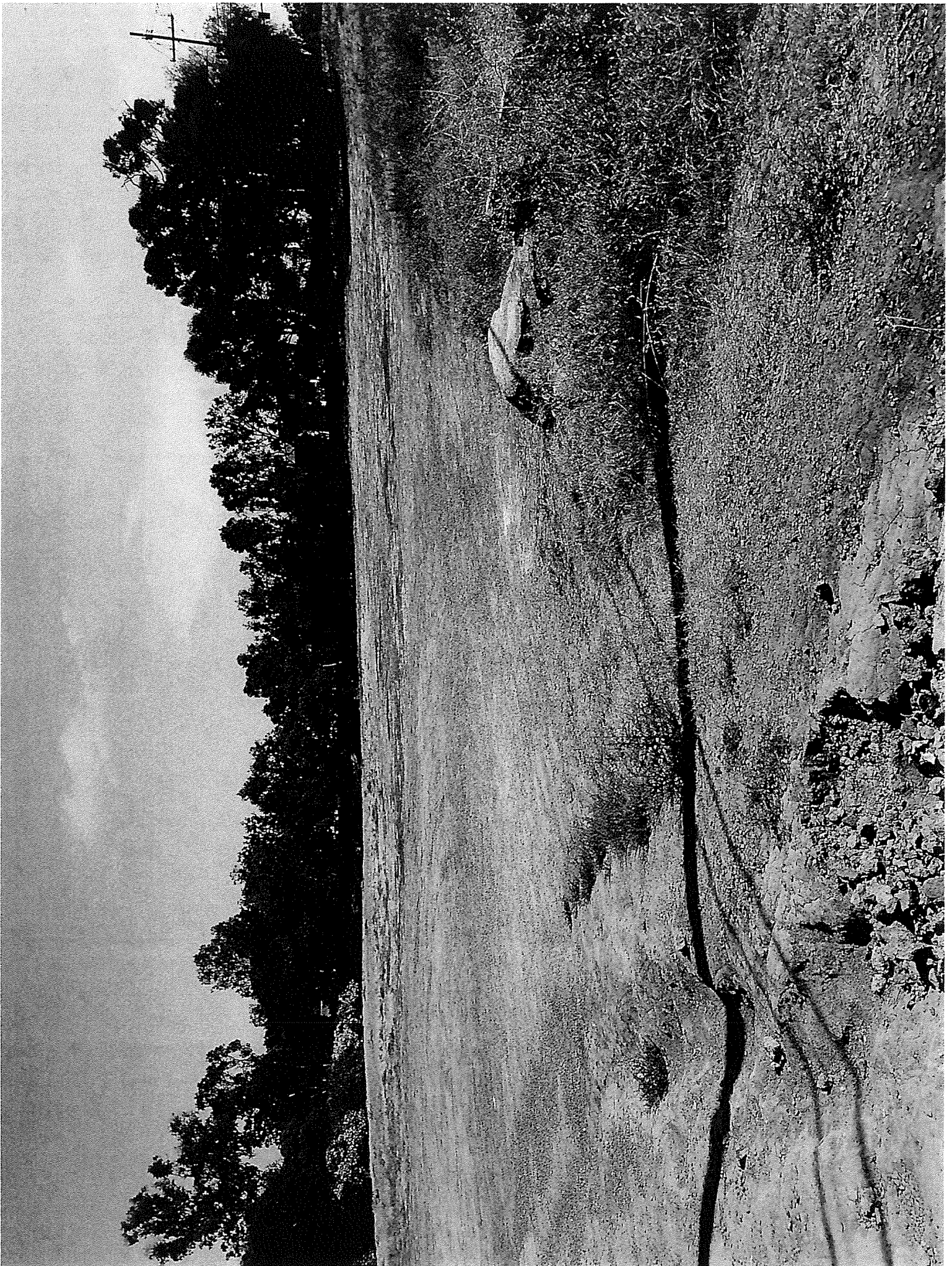
Hi Robin,

Photos of Rancho Santa Fe East in Olivenhain,, (eastern section of Encinitas), so that you have a visual of this vacant site.

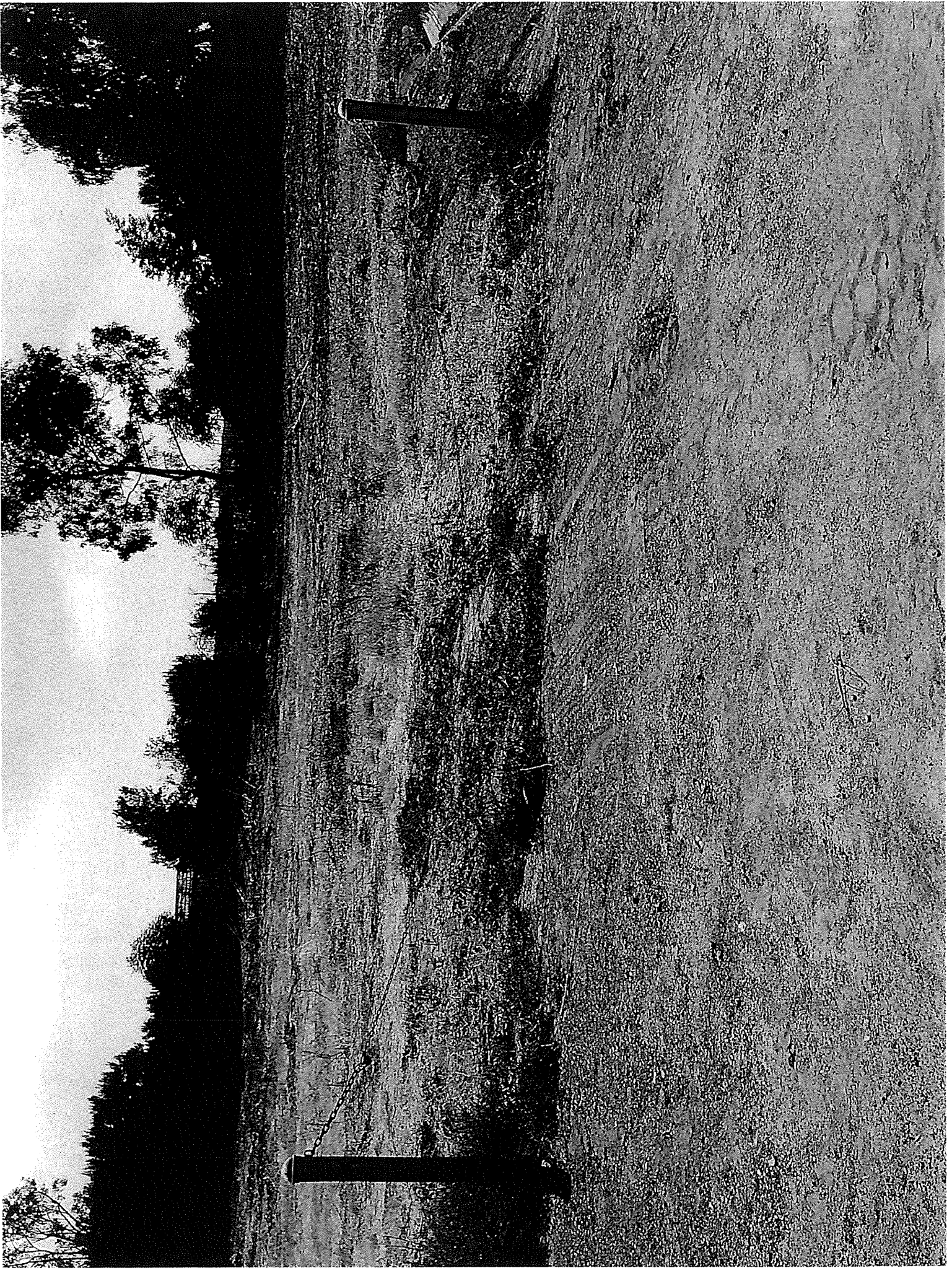
Sheila S. Cameron

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Kathi Young

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 7:53 AM
To: Diane Langager; Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Sites L-7 QuailGardens Drive
Attachments: L-7 South East.jpg; L-7 North East.jpg; L-7 East (2).jpg; L-7 East.jpg; L-7 WEST.jpg

Here are additional comments and site photos provided by Ms. Cameron.



Robin Huntley

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



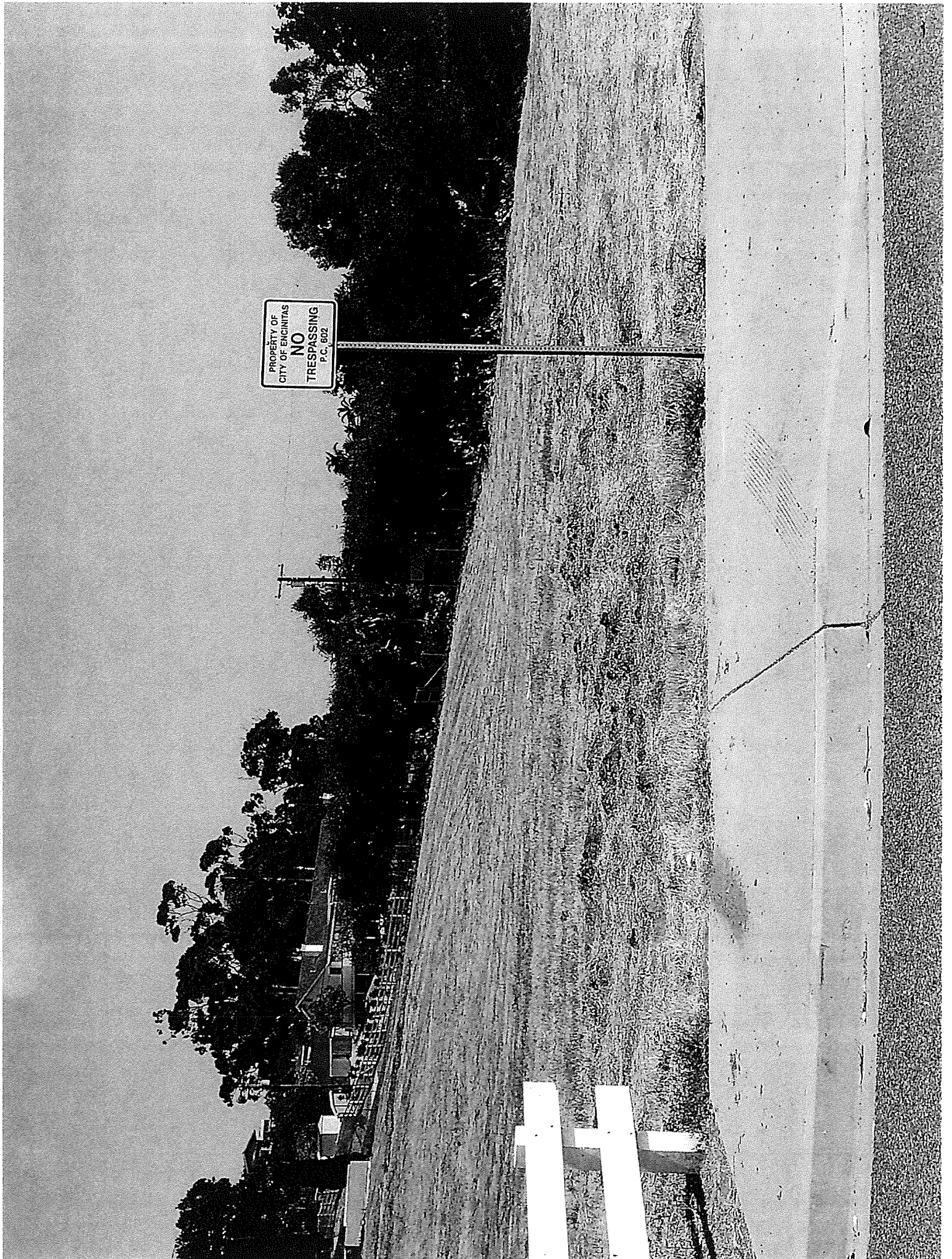
From: Sheila Cameron [mailto:sheilaleucadia@gmail.com]
Sent: Tuesday, July 17, 2018 3:26 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Sites L-7 QuailGardens Drive

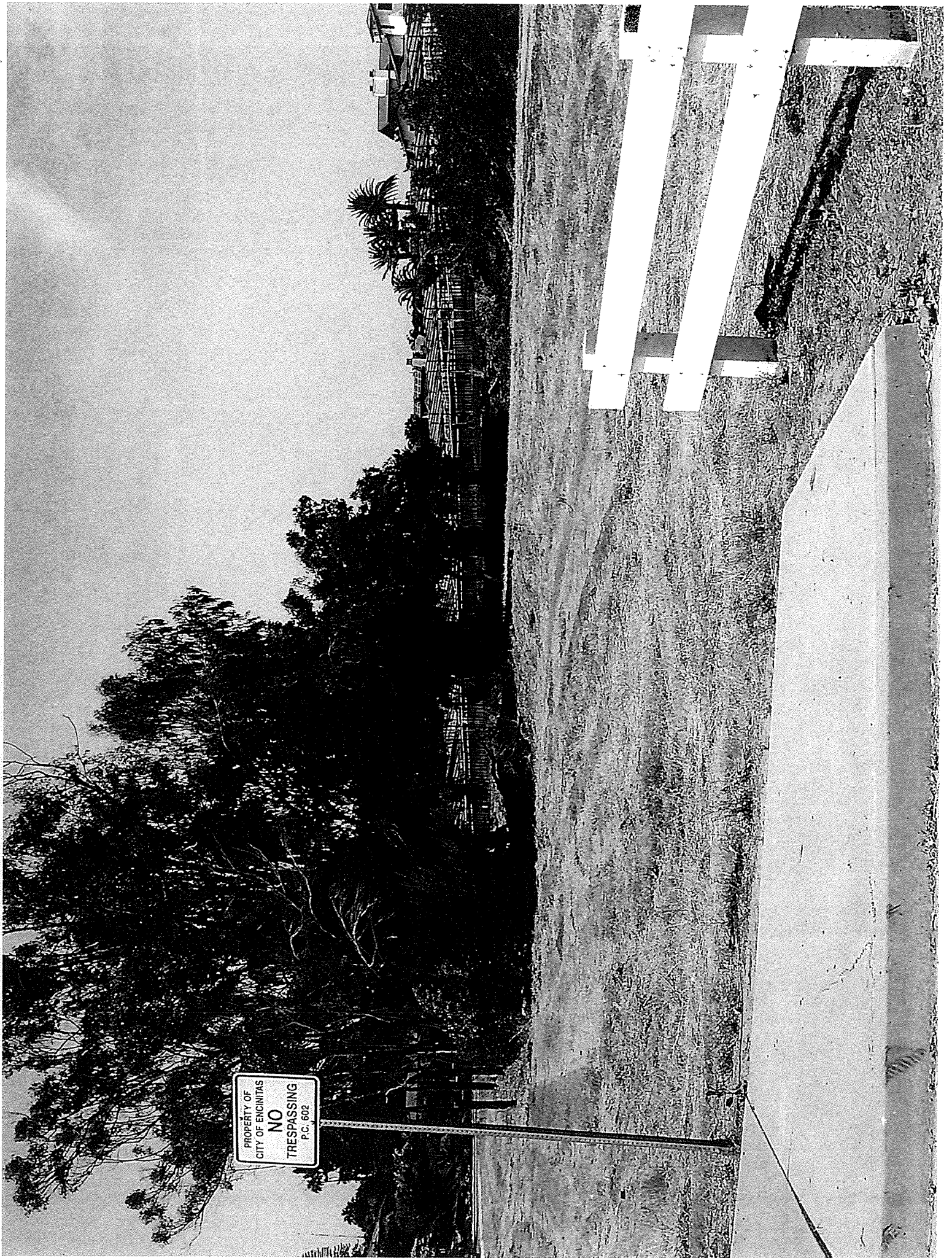
Dear Robin,

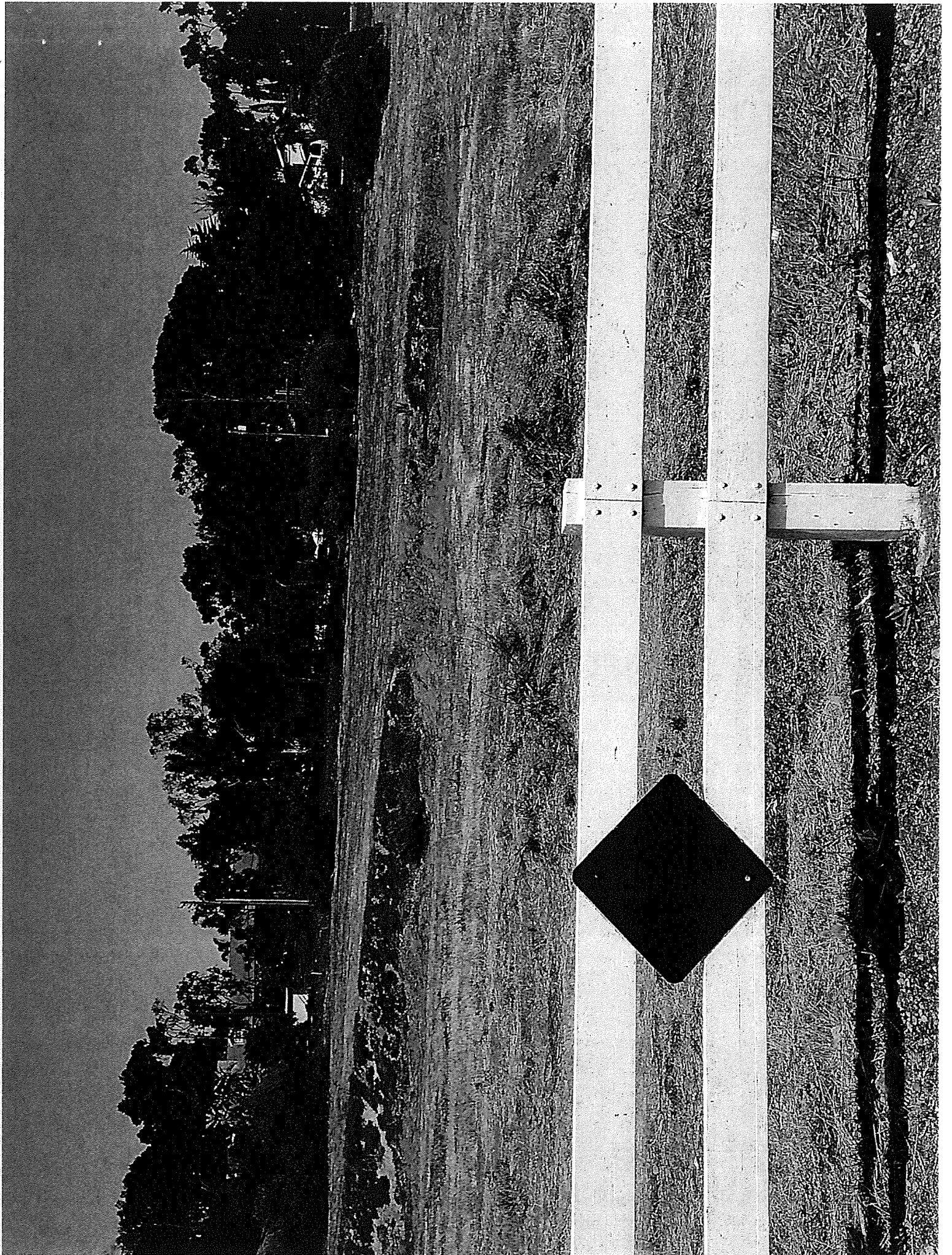
THANK YOU so much for HCD's wise decision to request that the City of Encinitas put L-7 Quail Garden Drive and AD12 Rancho Santa Fe East back into the HEU Site Map for the City of Encinitas in order to be compliant with Housing Element Law. I can only send a few photos at a time - so here are the L-7 views which I took over the weekend. I don't know if you've ever seen this site. It's beautiful - perfect for multi-family housing, or single homes. It is bifurcated with about 7 acres on the East side and 2 plus acres on the West side of Quail Gardens Drive. Sheila S. Cameron

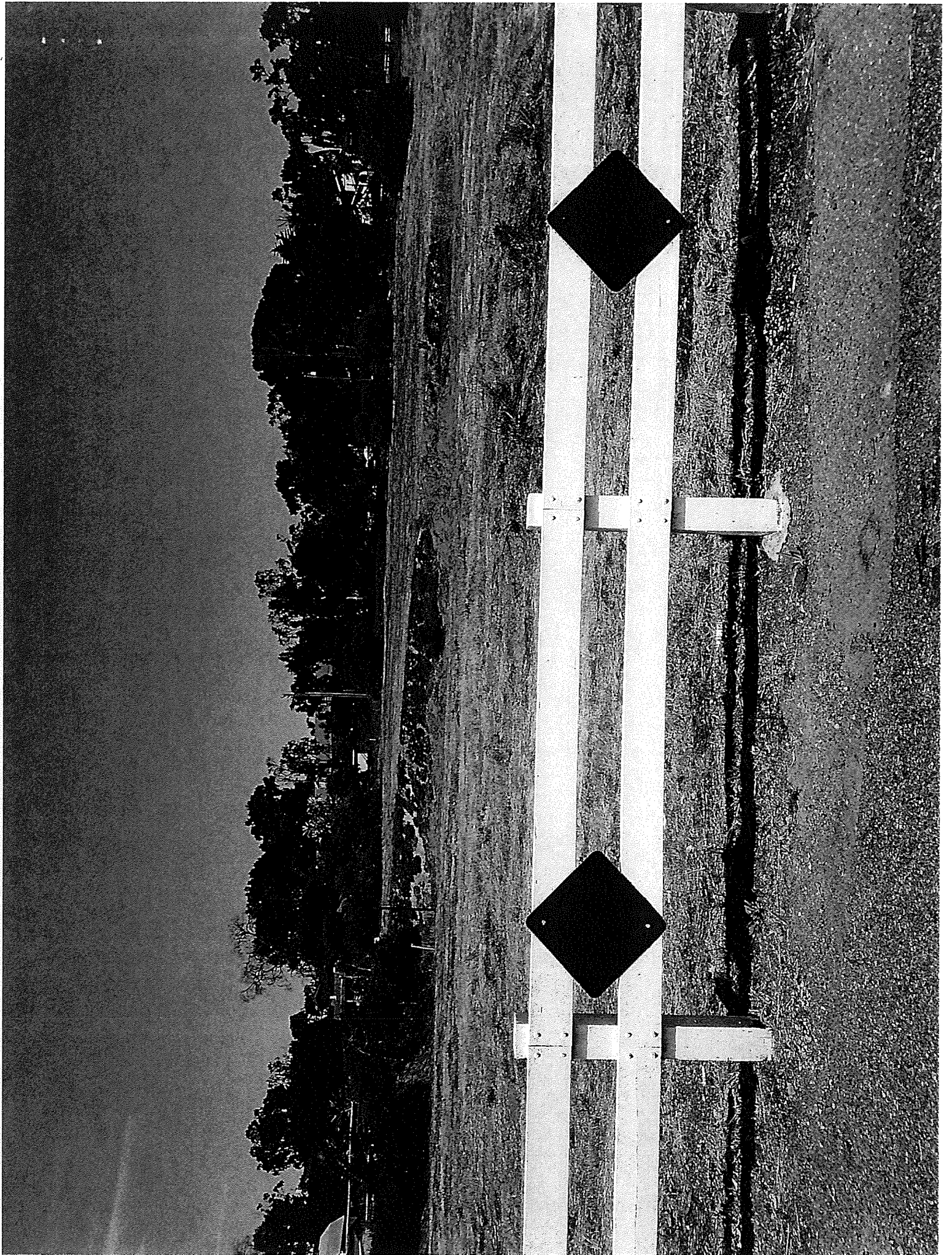
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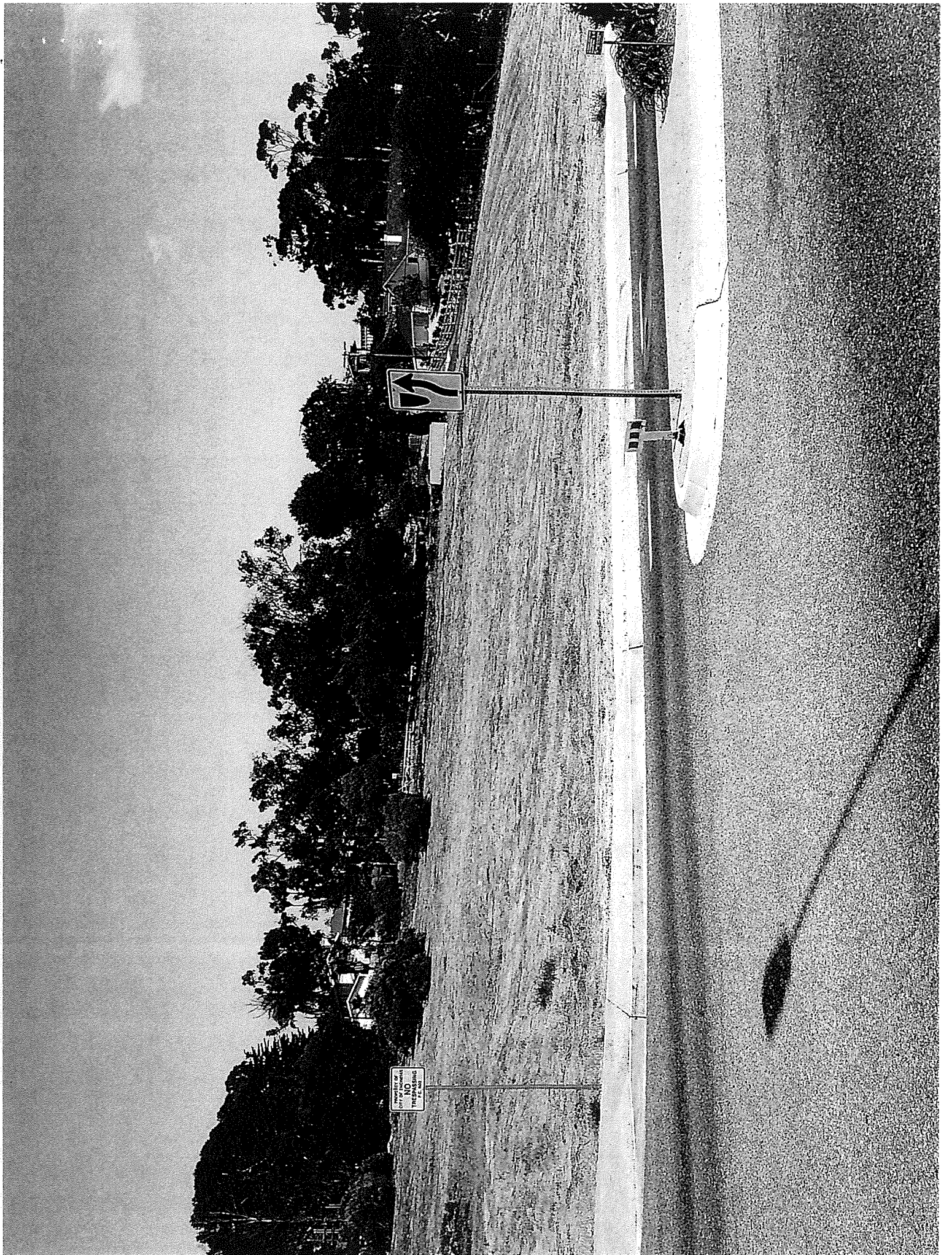
PROPERTY OF
CITY OF ENCINITAS
NO
TRESPASSING
P.C. 602











20

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 12:39 PM
To: Diane Langager (DLangag@encinitasca.gov); Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas City HEU
Attachments: Development of AD31 (Meyers Proposal Lot 19).pdf

Please see the attached comments from Ms. Eve Mayall.



Robin Huntley

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



From: Eve and Tim [mailto:eveandtim@cox.net]
Sent: Wednesday, July 18, 2018 11:24 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas City HEU

Dear Ms. Huntley,

Please find attached a letter outlining my concerns about the development of AD31/Meyers Proposal as a part of the current Housing Element Plan.

Thank you for your consideration.

Eve Mayall, PhD
734 Puebla Street,
Encinitas, CA 92024
(760) 230 1234 (Home)
(858) 342 5478 (Eve cell)



Virus-free. www.avast.com

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Zachery Olmstead, Deputy Director
Robin Huntley, Housing Policy Manager
Housing Policy Division,
Housing & Community Development
2020 W. El Camino Avenue, Suite 500,
Sacramento, CA 95833

18 July 2018

Dear Deputy Director Olmstead and Housing Policy Manager Huntley,

RE: Certification of the HEU for the City of Encinitas; Development of Lot AD31/Meyers
Proposal (formerly Lot #19)

This letter is submitted for the record.

Our community has been active over the last several months in reviewing the 2013-2021
Housing Element plans put forth by the Encinitas City Council and its consultants.

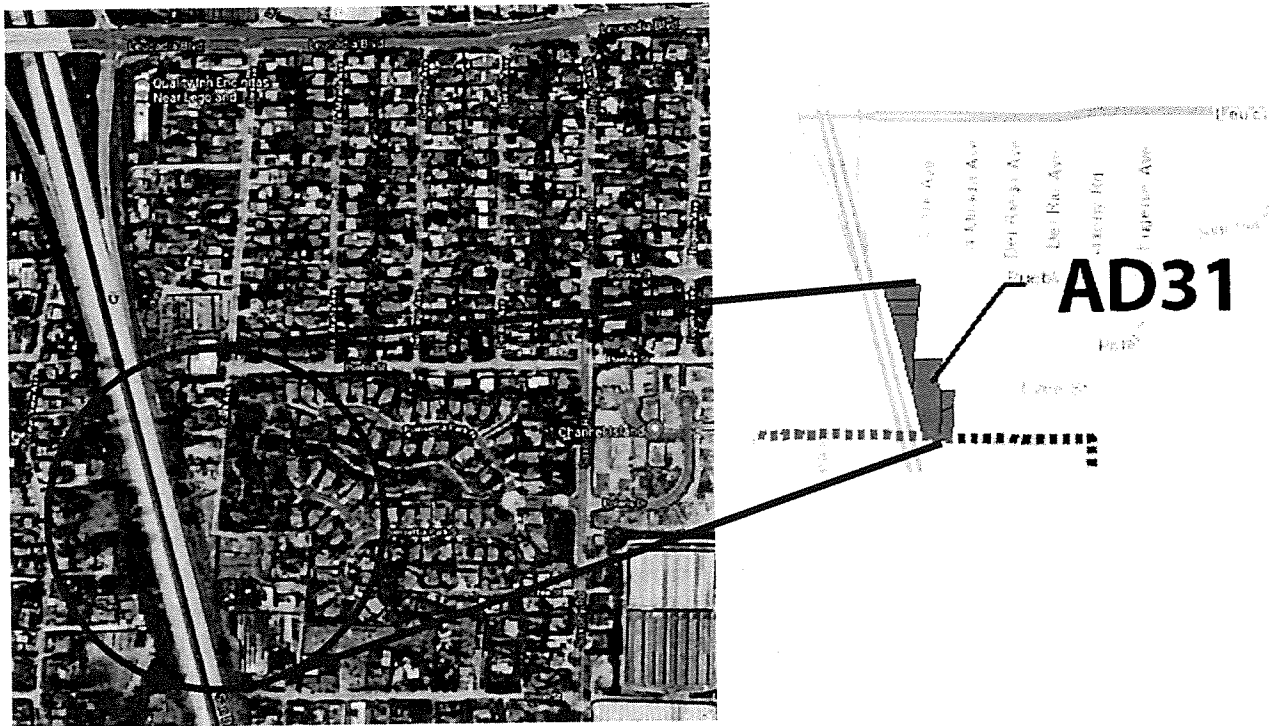
Who are we? We are residents with diverse backgrounds – racial, cultural, professional, and
economic - and yet we have one key feature in common. A love for this small, eclectic Encinitas
community that is quietly and peacefully nestled (you might say wedged!) between three of the
busiest roads in our city – Interstate 5 to the west, Leucadia Boulevard to the north, and Saxony
Avenue to our east! The majority of our southern “border” is along Puebla Street and is the
northern wall of a gated community.

As is evident on a short walk along our 5 main roads – Clark, La Mirada, Del Riego, Del Rio and
Puebla Streets – we are a community of people intent on improving our neighborhood. From
the Neighborhood Watch signs to the never-ending home improvements, both large and small,
this is a community of people dedicated to enjoying and nurturing this small neighborhood. The
atmosphere is largely one of acceptance and support for all our fellow neighbors.

In keeping with this diverse neighborhood, we do NOT object to development of low-income
housing in Encinitas. Indeed, we support the effort to ensure inclusiveness in our City. However,
such efforts must adhere to reasonable standards for BOTH the families who are most in need
of such housing AND the current residents who have been and are building their lives in this
community.

The current Housing Element Plan proposed by the City of Encinitas and seemingly accepted by
the HCD, as per the letter of review dated 12 June 2018, has proposed that Lot AD31/Meyers
Proposal (previously Lot #19) be developed to provide Very low and low-income housing. ***It is
our strong contention that development of AD31 to include more than 160 housing units will
both inadequately serve the very people for whom the housing is intended and severely
impact the existing community.*** We understand the next review of the housing element is

ongoing and a meeting will be held on 18 July 2018 to further consider the plans and approve. Therefore, we respectfully submit this letter for your detailed consideration. In addition, we plan to continue exercising our civic duty and privilege to participate in a transparent and fully informed discussion with our local government representatives.



We would like to draw your attention to information presented by development consultant firm Kimley-Horn at the City of Encinitas, City Council Public Hearing on June 20, 2018. The consultant presented the framework within which sites were considered for Very low- and Low Income Housing needs:-

- Sites must accommodate the remaining RHNA need during the planning period
- Site defined by income category
 - Lower income (80% MFI or less)
 - Market rate (81% MFI and up)
- Sites were evaluated for:-
 - **Site constraints**
 - Likelihood to develop/redevelop
 - **Availability of infrastructure**
 - **Appropriate zoning**
 - Owner interest
 - **Equitable distribution**

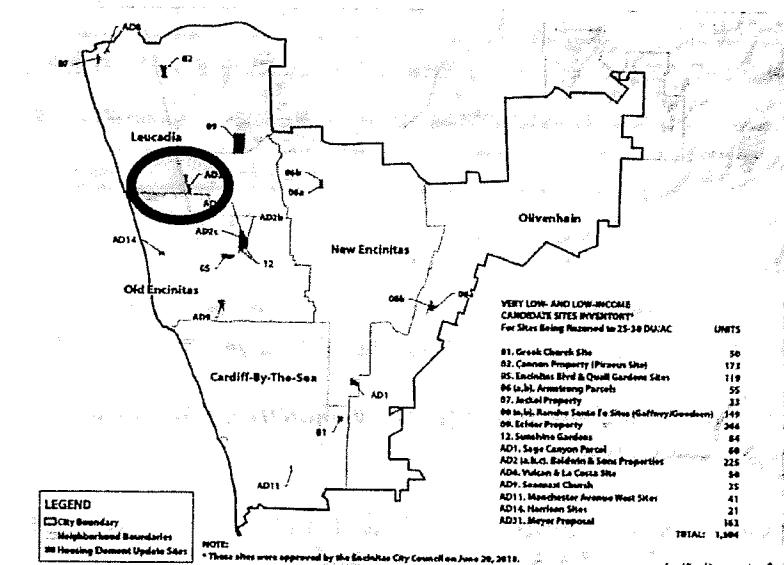
We would like to address several **key points** related to the Kimley-Horn Report.

1) The Kimley-Horn Report supports that the HEU represents Equitable Distribution

Based on the most recent plan by the Encinitas city council (June 2018), there is a grossly INEQUITABLE distribution of Very low- and Low-income housing in the region designated as Leucadia.

- Nearly 45% of all housing units will be located in Leucadia
- More than 75% of the units will be located in 2 of 5 regions; Old Encinitas and Leucadia
- **More than 10% of all the planned housing units are planned for AD31 alone**
- Cardiff, New Encinitas, and Olivenhain regions will each accommodate less than 10% of the units

Parcel	Gross Acreage	Net Acreage	Units
Old Encinitas			
AD2a, AD2b, Ad2c, 012, 05, AD9, AD14	30.69	32.54	32.18
Leucadia			
02, 07, 09, AD8, AD31	46.78	44.79	44.22
AD31 alone	7.74	10.33	10.84
Cardiff			
01, AD11	4.88	5.81	6.05
New Encinitas			
06a, 06b, AD1	9.90	7.31	7.65
Olivenhain			
08a, 08b	7.75	9.54	9.91



Source: <http://www.ci.encinitas.ca.us/Housing-Plan-Update-2018>, 7 July 2018

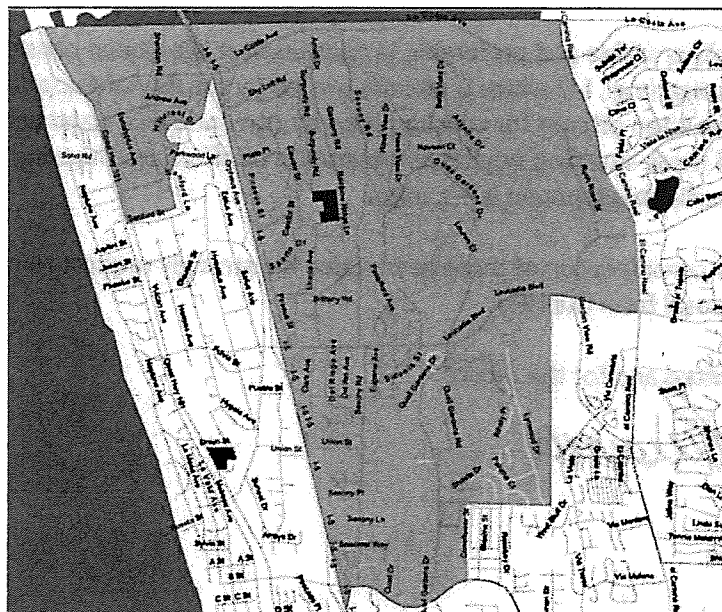
SITES AVAILABLE TO MEET REMAINING VERY LOW AND LOW INCOME RHNA Approved by the Encinitas City Council on June 20, 2018				
Site Number	Site Name	Gross Acreage	Net Acreage	Unit Yield
<i>Vacant</i>				
02	Cannon Property (Piraeus)	6.93	6.93	173
05	Encinitas Blvd & Quail Gardens Sites	4.91	4.78	119
06a	Armstrong Parcels	1.92	1.06	26
08a	Rancho Santa Fe Parcels (Gaffney/Goodson)	1.75	1.45	36
AD1	Sage Canyon Parcel	5.23	2.40	60
AD2a	Baldwin & Sons Properties	3.14	2.98	74
AD2b	Baldwin & Sons Properties	6.66	4.86	121
<i>Subtotal</i>		<i>30.54</i>	<i>24.46</i>	<i>609</i>
<i>Non-vacant</i>				
01	Greek Church Parcel	2.50	2.00	50
06b	Armstrong Parcels	1.22	1.16	29
07	Jackel Properties	2.97	2.97	33 ¹
08b	Rancho Santa Fe Parcels (Gaffney/Goodson)	4.88	4.57	113
09	Echter Property	21.49	9.85	246
12	Sunshine Gardens Parcels	3.39	3.39	84
AD2c	Baldwin & Sons Properties	1.70	1.31	20
AD8	Vulcan & La Costa	2.00	2.00	50
AD9	Seacoast Church	4.45	1.41	35
AD11	Manchester Avenue West Sites	1.67	1.67	41
AD14	Harrison Sites	1.01	1.01	24 ¹
AD31	Meyer Proposal	6.62	6.52	163
<i>Subtotal</i>		<i>54.99</i>	<i>38.66</i>	<i>895</i>
Total		85.53	63.12	1,504
Notes:				
1. Unit Yield anticipates that this site will be developed for mixed-use.				

Source: <http://www.ci.encinitas.ca.us/Housing-Plan-Update-2018>, 7 July 2018

2) Kimley Horn contends that there is adequate Availability of Infrastructure and that there are no significant Site Constraints

In fact, there are significant site constraints and given that more than **10% of the housing units are planned for the AD31 parcel**, it seems especially prudent to consider those constraints and community impact.

- If Site AD31 is developed as currently planned, ***our small neighborhood of 160+ single family, 1-2 story homes will double in size***
- There are ***only two access points for the vehicles that would be associated with these dwellings***; Clark (to Leucadia) and Union (to Saxony) Streets which are both ***narrow neighborhood streets***
 - These cannot be effectively widened to accommodate the increase in traffic
 - Clark Street is already often only open to a single lane of cars in one direction due to crowded on-street parking and this will only worsen
 - Level of surface estimate will no doubt be graded as an "F" on the A-F scale.
 - The intersection at Leucadia Blvd. and Clark St. is already extremely busy and dangerous for vehicles and pedestrians alike; this will only be exacerbated by the large increase in traffic
 - Note: Development of other properties (#02 and #09) will also funnel significant traffic into the Leucadia/Clark-Urania intersection
 - Access by children and families to the neighborhood school, Capri Elementary School, is across Leucadia at Clark Street and that trip too will become even more dangerous with twice as many houses in this small neighborhood.
 - ***City has done no Traffic Studies to determine if this area's infrastructure can handle the additional level of traffic***
- All parcels of land proposed for development in Old Encinitas and Leucadia (except AD14) are located within the boundary of Capri Elementary School (shown below).
 - Children residing in nearly 75% of the housing units proposed will be eligible to attend 1 of the 9 Encinitas Union School District elementary schools



Source: <http://www.eusd.net/capri-boundary-map/>; 9 July 2018

- The land is immediately adjacent to the freeway which is known to pose significant health risks
- The land has been used extensively for agricultural purposes for many years and therefore potentially poses additional health risks due to the chemicals used during that time
- Access to other infrastructure is limited:
 - More than ¼ miles from the nearest transit stop
 - More than ¼ mile from the nearest shopping


These constraints and the lack of infrastructure will both impact the current residents of this area AND perhaps more importantly provide a wholly inadequate location for the homes of our very low-income and low-income community members. There is something particularly unseemly, in a city of beautiful homes worth over and sometimes well over \$1 million, to cram a large number of low income families into a sub-standard location with potential health risks to comply with a law. It not only does those families a disservice in terms of the housing made available; it also serves to effectively segregate such families rather than integrate them which smacks of discrimination. Furthermore, the impact on the surrounding community of this influx of families may well create tensions with the existing members of the community that are unnecessary and damaging to the inclusive and diverse atmosphere of the existing neighborhood.

While we understand there are pressures on the city to comply with the Housing Element Plan and that the Encinitas City is the last city in SD County to comply with the law related to the provision of affordable housing, inclusion of AD31/Meyers Proposal as part of the solution is a completely unacceptable plan that seems to have been included for, at least, expediency.

There are several other viable and preferable properties that have been considered and yet removed from the plan (e.g., L-7 which is already owned by the City of Encinitas) and yet other properties that have been offered for consideration by current owners and yet not pursued. Reconsideration of these sites and equitable integration of affordable housing across our city and within any specific development is essential.

Thank you for your consideration of these key issues. We strongly request removal of AD31/Meyers Proposal from the HEU.

Respectfully submitted and for the record,


 Eve Mayall, PhD
 734 Puebla Street,
 Encinitas, CA 92024
 (858) 342 5478

21

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, July 18, 2018 11:54 AM
To: Diane Langager (DLangag@encinitasca.gov); Barquist, Dave; Eric Phillips
Cc: Barbara Kautz
Subject: FW: Encinitas Housing Element
Attachments: Letter to HCD re Encinitas Housing Element.pdf

Diane, I know you were already cc'd on this correspondence, but I am including you also in this group as I have on all public comments.



Robin Huntley

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



From: Everett Delano [mailto:everett@delanoanddelano.com]
Sent: Wednesday, July 18, 2018 9:55 AM
To: Olmstead, Zachary@HCD <Zachary.Olmstead@hcd.ca.gov>
Cc: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; council@encinitasca.gov; 'Diane Langager' <DLangager@encinitasca.gov>; kbrust@encinitasca.gov; 'Brenda Wisneski' <Bwisneski@encinitasca.gov>
Subject: Encinitas Housing Element

Please see attached letter.

Thank you,

Everett DeLano
DeLano & DeLano
104 W. Grand Ave., Suite A
Escondido, CA 92025
(760) 741-1200
(760) 741-1212 (fax)
www.delanoanddelano.com

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DELANO & DELANO

July 18, 2018

VIA E-MAIL

Zachary Olmstead, Deputy Director
Department of Housing & Community Development
505 S. 2020 W. El Camino Ave., Suite 500
Sacramento, CA 95833

Re: Encinitas 2013-2021 Housing Element Update

Dear Mr. Olmstead:

This letter is submitted on behalf of Quail Gardens Drive Neighbors in connection with the 2013-2021 Housing Element for the City of Encinitas (the "Housing Element").

In a July 5, 2018 letter to the City, you noted recent changes in State law regarding housing. Quail Gardens Drive Neighbors appreciates the role of the Department of Housing and Community Development ("HCD") and is aware of recent amendments in State law; however, it is also important to note the City remains in control of its authority to regulate land use within its jurisdiction.

In your letter, you cautioned that certain revisions to the Housing Element "potentially conflict with HCD's direction" You expressed concern that the revisions "potentially reduce[] the capacity of the vacant sites to accommodate the city's RHNA for lower-income households to less than 50 percent of the total." And you questioned amendments to certain development standards. It is useful to note that a staff report for tonight's City Council meeting specifically states: "In its current form, the Housing Element accommodates 1,504 units for very low and low income households, in excess of the city's remaining RHNA allocation of 1,141 units, and it will accommodate more than 50 percent of the units on vacant sites." The staff report also explains that an attachment "demonstrates the adequacy of the proposed development standards to accommodate Housing Element densities."

While it is correct that HCD has authority to review a city's housing element, nothing in State law can remove the City's land use authority. As the California Supreme Court has explained, "a city's or county's power to control its own land use decisions derives from [its] inherent police power, not from the delegation of authority from the state." *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 782; *see also Young v. American Mini Theatres* (1976) 427 U.S. 50, 71 ("The city's interest in attempting to preserve the quality of urban life is one that must be accorded high respect").

EVERETT L. DELANO III
Admitted in California and Colorado

M. DARE DELANO
Admitted in California and New York

TYLER T. HEE
Admitted in California and Hawaii

Office: (760) 741-1200

www.delanoanddelano.com

104 W. Grand Avenue, Suite A • Escondido, CA 92025

July 18, 2018

Page 2 of 2

That inherent authority includes the authority of the voters of the City of Encinitas. The California Constitution defines an initiative as "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." *Marblehead v. City of San Clemente* (1991) 226 Cal.App.3d 1504, 1509 (citing Cal. Const., Art. II, §8). The California Supreme Court has explained: "The initiative and referendum are not rights 'granted the people, but ... power[s] reserved by them.... If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it.'" *Rossi v. Brown* (1995) 9 Cal.4th 688,695. Proposition A, the Community Character and Voters' Rights Initiative ("Prop A"), was passed by the voters to exercise their initiative rights. And it is precisely that authority that was respected when the City took the important step to remove the controversial site at 634 Quail Gardens Lane ("L-7") from the listing of "candidate sites." The removal of L-7 from the listing dramatically increases the prospect that the Housing Element will be approved by city voters.

Quail Gardens Drive Neighbors appreciates that HCD is awaiting additional information from the City regarding your concerns, and remains confident that once HCD receives that additional information it will be able to determine that the revised Housing Element indeed more than satisfies its concerns.

Please feel free to contact me if you would like to discuss this matter.

Sincerely,



Everett DeLano

cc: City of Encinitas Mayor and City Council
Karen Brust, City Manager
Diane Langager, City Planner

22

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, July 23, 2018 1:40 PM
To: Diane Langager (DLangag@encinitasca.gov); Barquist, Dave; Eric Phillips; Barbara Kautz
Subject: FW: Proposal to Encinitas Council 7/18/2018
Attachments: Housing Element.pdf; Vacant Land Chart.pdf

Please see the attached comments from Sheila Cameron.



Robin Huntley

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



From: donhcameron [mailto:donhcameron@cox.net]

Sent: Monday, July 23, 2018 12:39 PM

To: Zachary Olmstead <zolmstead@hcd.ca.gov>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>

Subject: Proposal to Encinitas Council 7/18/2018

Mr. Olmstead and Ms. Huntley,

FOR THE RECORD

Attached is the proposal I made to the Encinitas City Council for consideration as an alternate solution and suggestions for a successful HEU update for our City. Your letter of July 5th to our City Council suggested that the site known as L-7 Quail Gardens Drive and the Olivenhain site both be put back on the Site Map for Vacant Land to accommodate RHNA numbers in the HEU.

My proposal addresses that, along with removal of other Sites.

I also worked out the exact acreage and computed 25 units/acre. There is more than enough acreage to equal 50% of the RHNA numbers required. I removed Site #2 the Cannon Property because this site is very geologically unstable with a history of 4 records of a bluff collapse. I left in the 1.06 acres of Armstrong Parcel with the small man made creation of a wetland, on the list. I only included the 2.98 acres of the Baldwin & Sons properties because that is the smallest section of Vacant Land on this site. (Total acres: 25.87 x 25 units = 646.75 Units)

In fact, ALL of the Baldwin Site should be removed – it is also located on Quail Gardens Drive – at the Southern end and is actually a site that will be difficult to develop with steep slopes and very uneven terrain. The Armstrong parcel is also problematic, but its location along the El Camino Real is more favorable. Without

these small parcels: Total acres: (21.83 acre X 25 = 545.75) Still more than the 520.5 acres of Vacant Land required by the 1041 total RHNA number.

And then there is the possibility of the 5.2 acres o open land located in Cardiff at Birmingham/Lake Drive.

I have sent you photos of L-7; Olivehain at RSF East; and the Birmingham/Lake sites! It is clear that this is an Equitable Distribution of Sites from North to East to South in our City of Encinitas.

As per what HCD evaluates sites for:

- Site Constraints = NONE
- Likelihood to develop/redevelop YES
- Availability of Infrastructure YES (on the sites that I have indicated)
- Appropriate Zoning – Ballot Measure decision
- Owner Interest – YES (l-7 is citizen owned land – and should be developed to its highest and best use)
- Equitable Distribution – YES (per my suggestions)

Mr. Olmstead and Ms. Huntley – please understand – Measure T failed because it did not meet the requirements for fulfilling RHNA numbers – it would have only yielded 100-120 low income units. We want to see a true effort by developers in this City to meet the RHNA numbers assigned and not avoid their commitments to build on their Project sites and not abuse In Lieu Fees and Alternate Sites (which I’ve recommended the CC Eliminate).

Please keep in mind, I helped with the Incorporation of Encinitas starting in 1984. I have served as a City Council Member and Mayor of Encinitas. I have been and continue to be a well informed activist and guardian of this City ever since our Incorporation and understand this Housing Element Update and history. I think our mutual goal is to see a Housing Element pass in this City that accomplishes the overall goals and is not tainted by greed or politics.

It is interesting to note that one speaker at the meeting on July 18 stated: “We trust the State, who we don’t even know, more than we trust you.” SO PLEASE DO NOT LET US DOWN!

Sincerely

Sheila S. Cameron
former Mayor of Encinitas
attmts: 4 pp

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Encinitas City Council Meeting

July 18, 2018

Good Evening Mayor and Council,

Council member Tasha – when you asked me at the last meeting, if the L-7 site was put back onto the Housing Map would I support this Housing Element? I said that would help, but... and you let me speak a little further on that. Thank you. Which started me thinking – so I have come up with a proposal for the Council's consideration.

The following are within your purview to change with your vote tonight:

Sites: HCD has REQUESTED the L-7 Site in Leucadia and the Rancho Santa Fe East Site in Olivenhain, be put back on the Vacant Land Site Maps. Here are photos of both sites:

L-7 Beautiful – You could put a Park on 2 acres and the other 5 acres can accommodate duplex, triplex, and single family homes.

Site #12 – the Olivenhain Site – big open area – Is selling pumpkins and balloon take offs, the highest and Best Use of this Site?

I've also included this Birmingham/Lake Site = 5.2 acres – a great vacant land - You should really reconsider this Site, if the owners are still willing.

With these 3 Sites – We Now have EQUITABLE DISTRIBUTION of housing throughout the City as required by HCD.

Between the Foxpoint/Echter Property site and L-7 that is 20 Acres – Leucadia's Fair Share – take off two other poor sites adjacent to the I-5 freeway – Site #2 Pireaus/Plato and Site AD31 – formerly known as #19.

ALL this FLURRY AND ADDITIONAL SITES went on the HEU site map when L-7 came off. The Citizens own L-7 property, it has been empty for 20 years – it should NOT be ‘SWAPPED’ or Traded as has been suggested – for a more inferior site - we have never agreed to that!

Assembly Bill 2135 states that “Surplus Land” – public land should be used first to reduce costs and speed up the construction of affordable housing. HCD also requires that Sites must accommodate the remaining RHNA need during the planning period, by 2021. So the L-7 and Olivenhain sites fit this description!

IF this Council TRULY WANTS Low and Affordable Housing in this City – “Bite the Bullet” and do the following:

- A. Eliminate In Lieu Fees
- B. Eliminate Alternative Sites - these are both escape mechanisms that allow developers to NOT fulfill their obligation to Integrate all Housing on to their Project sites. WE WANT INTEGRATION Not SEGREGATION – Economic or otherwise.
- C. Eliminate the 37 to 42 foot height you propose – SUPPORT the 30 foot height limit in Prop A for Commercial; and the 26 foot height in our Municipal Code for Homes.
(As demonstrated to you tonight by Peter Stern – 25-30 units/acre can be built within a 2 story building height!)
- D. Eliminate any changes to our SPECIFIC PLANS, period!
- E. Minimum 20% to 25% low income and inclusionary housing that must be built on all Project Sites! (50 to 100 % preferred)!
- F. Set a MAXIMUM of 25 Units/acre – not 30! That intensity is just too much....Better yet –

NEGOTIATE, APPEAL and FIGHT for this City to be categorized as a SUBURB rather than a Metropolitan area – THAT is what we are by any legal definition and it will allow us a 16 to 20 units/acre Zoning! 20 Units

per acre can blend into the Character of our Communities and become part of our Quality of Life. The two principles upon which this City was founded and what our General Plan – our Constitution represents.

Guess What – If you vote tonight to do this – you'll have a Housing Element Update in November!

Remember, I sat in your position as a City Council member and Mayor of Encinitas – decisions are not always easy. If your goal is truly to pass a Housing Element Update – this is an Equitable Solution. Please vote tonight for this viable alternative and make these changes!

Respectfully submitted,

Sheila S. Cameron
Former Mayor of Encinitas
sheilaleucadia@gmail.com

ENCINITAS VACANT LAND	Net Acreage	Units / Acre	Total Units
Encinitas Blvd and Quail Gardens Sites	4.78		
Armstrong Parcels	1.06 ✓		
RSF Parcels (Gaffney/Goodsen)	1.45		
Sage Canyon Parcel	2.4		
Baldwin & Sons Properties	2.98 ✓		
L-7 Quail Gardens Publicly Owned Property	9		
Olivenhain RSF East	4.2		
Vacant Land TOTAL Acreage	25.87	25	646.75
IF Birmingham/Lake was added	5.2		
GRAND TOTAL VACANT LAND	31.07	25	776.75
Echter property/Foxpoint Project *	10		
Sunshine Gardens Site *	3.39		
TOTAL Acres	13.39	25	334.75
* These 2 properties can be built on quickly			

Submitted by Sheila S. Cameron

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, July 26, 2018 8:24 AM
To: Diane Langager (DLangag@encinitasca.gov); Barquist, Dave; Eric Phillips; Barbara Kautz
Subject: FW: Proposal to Encinitas Council 7/18/2018

FYI - Please see the further comment from Ms. Cameron.



Robin Huntley

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



From: donhcameron [mailto:donhcameron@cox.net]
Sent: Wednesday, July 25, 2018 7:50 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; Zachary Olmstead <zolmstead@hcd.ca.gov>
Subject: Re: Proposal to Encinitas Council 7/18/2018

Hi Ms. Huntley,

I hope your letter means, seeing issues are still in flux with the City of Encinitas, that the proposal that I sent to you is something you will consider as a path to a Housing Element Update during the CURRENT cycle. It really needs to be "under consideration" I hope in a timely manner, or we won't pass a housing element this time either.

Sheila S. Cameron
former Mayor of Encinitas

From: Huntley, Robin@HCD
Sent: Monday, July 23, 2018 1:39 PM
To: donhcameron ; Zachary Olmstead
Subject: RE: Proposal to Encinitas Council 7/18/2018

Thank you for your comments, Ms. Cameron. Although the statutory timeframe for review of Encinitas' draft housing element has expired, HCD appreciates your comments and will take them under consideration during our next review of the city's housing element.



Robin Huntley

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



From: donhcameron [mailto:donhcameron@cox.net]

Sent: Monday, July 23, 2018 12:39 PM

To: Zachary Olmstead <zolmstead@hcd.ca.gov>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>

Subject: Proposal to Encinitas Council 7/18/2018

Mr. Olmstead and Ms. Huntley,

FOR THE RECORD

Attached is the proposal I made to the Encinitas City Council for consideration as an alternate solution and suggestions for a successful HEU update for our City. Your letter of July 5th to our City Council suggested that the site known as L-7 Quail Gardens Drive and the Olivenhain site both be put back on the Site Map for Vacant Land to accommodate RHNA numbers in the HEU.

My proposal addresses that, along with removal of other Sites.

I also worked out the exact acreage and computed 25 units/acre. There is more than enough acreage to equal 50% of the RHNA numbers required. I removed Site #2 the Cannon Property because this site is very geologically unstable with a history of 4 records of a bluff collapse. I left in the 1.06 acres of Armstrong Parcel with the small man made creation of a wetland, on the list. I only included the 2.98 acres of the Baldwin & Sons properties because that is the smallest section of Vacant Land on this site. (Total acres: 25.87 x 25 units = 646.75 Units)

In fact, ALL of the Baldwin Site should be removed – it is also located on Quail Gardens Drive – at the Southern end and is actually a site that will be difficult to develop with steep slopes and very uneven terrain. The Armstrong parcel is also problematic, but its location along the El Camino Real is more favorable. Without these small parcels: Total acres: (21.83 acre X 25 = 545.75) Still more than the 520.5 acres of Vacant Land required by the 1041 total RHNA number.

And then there is the possibility of the 5.2 acres of open land located in Cardiff at Birmingham/Lake Drive.

I have sent you photos of L-7; Olivenhain at RSF East; and the Birmingham/Lake sites! It is clear that this is an Equitable Distribution of Sites from North to East to South in our City of Encinitas.

As per what HCD evaluates sites for:

Site Constraints = NONE

likelihood to develop/redevelop YES
Availability of Infrastructure YES (on the sites that I have indicated)
Appropriate Zoning – Ballot Measure decision
Owner Interest – YES (I-7 is citizen owned land – and should be developed to its highest and best use)
Equitable Distribution – YES (per my suggestions)

Mr. Olmstead and Ms. Huntley – please understand – Measure T failed because it did not meet the requirements for fulfilling RHNA numbers – it would have only yielded 100-120 low income units. We want to see a true

effort by developers in this City to meet the RHNA numbers assigned and not avoid their commitments to build on their Project sites and not abuse In Lieu Fees and Alternate Sites (which I’ve recommended the CC Eliminate).

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Sincerely

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Tuesday, July 31, 2018 9:19 AM
To: Diane Langager (DLangag@encinitasca.gov); Barquist, Dave; Eric Phillips; Barbara Kautz
Subject: FW: Message from the BIA regarding Encinitas HE

Below are additional comments received from the Building Industry Association.



Robin Huntley

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



From: Mike McSweeney [mailto:MMcSweeney@biasandiego.org]
Sent: Monday, July 30, 2018 4:00 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: Borre Winkel <Borre@biasandiego.org>; Matt Adams <Matt@biasandiego.org>
Subject: Message from the BIA regarding Encinitas HE

Dear Robin Huntley:

On behalf of the BIA, I wanted to keep you and your office apprised of our views regarding the City of Encinitas's attempts to adopt a compliant Housing Element. As you know, we have had to resort to the legal system to try and force compliance so our members can actually build housing in this City. While we appreciate the efforts of Mayor Blakespear and her Council colleagues, the fear (threats from residents at Council meetings) of political fallout is causing the constant "nipping and tucking" of the Housing Element at each meeting on its way to an adoption.

Whether its last minute removal of sites, acquiescing to nearby residents of the City owner L-7 parcel so it cannot be used for an affordable housing project of some scale, to the constant tinkering with development conditions to ensure that no project of any scale will ever pencil out regarding the densities that would make a project viable, the City is, it seems, bound and determined to either present you with a Housing Element which pleases its citizens (ensuring nothing ever gets built) or adopting a robust Housing Element over the objection of the residents who claim to take it out on the elected officials at the next election.

The City is doing a very good job of killing the required density by making so many seeming inconsequential tweaks that the density cannot be achieved anywhere close to the 25 du/acre that is being requested by your agency. This is the "death by a thousand cuts" analogy. Are you aware of the latest? This proposal to double of the setback when a property adjoins other residential property is just one example of how you can kill a potential project with one innocuous little condition?

The BIA is also frustrated by the problem is that the City is not responding, in our opinion, point by point to the BIA's prior concerns nor those expressed by HCD in your prior letters.

Robin, we are frustrated. The City must prove that they can obtain the density that they are claiming because the collection of their policies is not consistent with the unit counts that the City is expressing, causing the continuation of this charade. Will HCD to take a harder stand and hold the City accountable? We want and need a Housing Element that is compliant and not built on flawed assumptions that will never allow for the kind of developments to get built and provide the housing necessary for Encinitas and the surrounding communities.

Is this too much to ask?

We appreciate the opportunity to share our view on this subject with your office.

Michael McSweeney

Sr. Public Policy Advisor

Building Industry Association

9201 Spectrum Center Blvd. #110

San Diego, CA 92123

858-450-1221 x 104

858-514-7004 Direct

858-552-1445 Fax

619-884-5354 Cell

mmcsweeney@biasandiego.org

www.biasandiego.org



Sundowner Model Home Tour

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ara Kautz

om: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, August 06, 2018 7:04 AM
To: Diane Langager; Barquist, Dave; Eric Phillips; Barbara Kautz
Subject: FW: City of Encinitas Housing Element

Comments on Encinitas' housing element from Mr. Craig Campion.



Robin Huntley

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



From: Craig Campion [mailto:c.campion@cox.net]
Sent: Sunday, August 5, 2018 1:54 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: Compliance Review@HCD <compliancereview@hcd.ca.gov>
Subject: City of Encinitas Housing Element

Robin – after attending a Planning Commission Meeting and two recent City Council meetings, I have come to the realization that council members are attempting to circumvent the intent of the HCD housing element process. They have removed two high priority vacant parcels (one City owned) from their proposal due to political purposes and added properties that are not vacant and do not meet HCD environmental health guidelines. One proposed property located adjacent to a freeway would subject young residents to pediatric asthma as evidenced by traffic pollution air quality studies from the National Institute of Health and from the University of Southern California.

The added parcels did not appear on the City's original site consideration list. Council appears to be making changes that favor a local developer.

Please take into consideration these changes on your next review of the city's housing element.

* Sites #3 and AD12 removed from consideration for political purposes.

http://encinitas.granicus.com/MetaViewer.php?view_id=7&clip_id=1737&meta_id=86373

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August 8, 2018

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Industry Association

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of Home Builders

Robin Huntley

Housing Policy Manager, Housing Policy Division
Housing & Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

re: Encinitas Housing Element

Dear Ms. Huntley:

This communication is to provide building industry comments regarding continued changes to the City of Encinitas' draft Housing Element that goes before the City Council on Wednesday, August 8th.

The BIA has three issues with recent changes/adjustments to the draft Housing Element: changing the inclusionary housing requirement from 55 years (as is the standard statewide) to an "in perpetuity" (quotations mine), the modifications to the 30 units per acre development standards set by HCD to meet the City's future housing production needs, and the statement that the Housing Element will not be in effect pending State Coastal Commission approval.

Affordability Perpetuity Standard

This pursuit of perpetuity is ill-advised as it will actually hinder creation of deed restricted affordable housing. BIA affordable housing producers offer the following comments and observations:

"Early era HUD restrictions were 15 - 20 years. HUD had to spend a lot of money extending the restrictions on the 20 year deals, and TCAC quickly extended the use restrictions to 30 and then 55 years. 55 years is now the almost universal norm with local, state and federal housing agencies.

1. Restricting the land for AH in perpetuity would make projects noncompetitive for 9% low income housing tax credits, which allow developers to provide very low rents. We can do so because TCAC treats the builder contribution of the AH site as public financing, which makes the project more competitive for the 9% credits, based on the high value of the contributed land. It could be the case that the "in perpetuity" language would reduce or eliminate the value of the land, which would preclude this 9% financing strategy.

We have used this strategy on several occasions, including Shea's popular Iris project in Encinitas. So, by restricting the land for AH in perpetuity would make the project noncompetitive for 9% low income housing tax credits, which allow the developer to provide very low rents, so we recommend that the draft Housing Element should not include perpetual restrictions.

2. A second potential financial problem would be that it may preclude the AH developer from getting certain kinds of subsidy, say State subsidy for housing for disabled persons, which is always structured as a subordinate loan. Such loans must be "true debt" for tax law purposes, which may be impossible to accomplish with a perpetual land use restriction.

3. It's our understanding that the internal revenue code allows institutional lenders to foreclose and wipe out regulatory agreements, even if they are superior to the lender's lien. This was included in Section 42 to assure that conventional financing would be available to finance affordable housing. I don't know how this would play out if the perpetuity requirement were in the HE or a City mandated regulatory agreement, but it would likely have a chilling effect on institutional financing of Affordable Housing projects.

4. We question the wisdom of a perpetual restriction for policy reasons as well: Tastes, technology and public goals change over time, and it is likely that they will do so in 55 years. Say an AH developer built a 100 unit family project on 4 acres, but in 55 years the community wanted to replace it with a seniors project AND a one acre park or intergenerational facility for seniors and families. With current density standards, we could build that on three acres and develop the park or facility as well, so it would not be good policy to restrict the land in perpetuity as it would restrict the ability of the community to make better land use decisions more than a half century from now.

5. Neighborhood uses change. We are currently converting strip centers to housing, but it may be that in 55 years, we will be converting housing to other uses -- community gardens, parks, medical facilities, etc. That may seem unlikely today, but our ability to forecast land use patterns more than a half century from now is certainly limited, so why tie the hands of future generations and City Councils in perpetuity?

6. There are probably more unintended consequences of a perpetual restriction, but certainly it would be wise for the City to stay consistent with the 55 year regulatory term that is now used almost universally by HCD, the Strategic Growth Council, TCAC and most other cities in our county and throughout the State.

7. I suppose the City is trying to avoid another HE fight in 55 years, but we don't think they gain anything from HCD in their quest for an approved HE with the perpetual restriction. If this statement is correct, the City should conform to the accepted practices rather than making policy in perpetuity."

Why make it more difficult to secure competitive financing by tying the City's and AH developers hands with an "in perpetuity" requirement on affordable housing. Unless of course this is a poison pill designed to preclude more Affordable Housing being built in Encinitas.

Density: 30 units per acre

With regard to the tweaking, adjusting and changing the design and development standards that apply in the draft Housing Element, we offer these comments from a member who is an architect.

"It's not just the additional 5' setback on the 3rd floor that is hurting the possibility of achieving 30 du/ac but the open space requirement is way too high per unit to achieve this density.

In the 1 acre site examples attached, you will see what a realistic plotting of two buildings with proper setbacks to fire access and allowing perimeter windows for residential units. The spaces in between buildings and parking and grading slopes and water quality all add up to more than the City is assuming. We have been trying to achieve 30 du/ac in 3 story construction for years and those setbacks, parking ratios and open space requirements are all fighting its realistic achievement. You could never achieve 30 units at 1,150 sf average because each unit needs light and air around it to be functional.

Additionally, water quality basins have become another hurdle as they cannot be directly adjacent to buildings or property lines and their inherent slopes are not credited to their size. So 4% of your site becomes 7% to accommodate the proper areas."

One example illustrates this point, even assuming a perfectly rectangular site with no typical site constraints, the density of 30 du per acre cannot be achieved as described by the city on page 93 & 94 of their staff report.

In another example, the City could claim that if a project cannot achieve a net of 25 du per acre due to all the setback requirements then the up-zoning does not apply. See the attached staff

report for with the yellow highlights where you see the alternating language "25 du per net acre" or "Net 25 du per acre".

From our members' point of view, the City's proposed density is not achievable. This is before even addressing the City's alternating descriptions of whether the minimum density of "25 du per net acre" or "Net 25 du per acre". These two descriptions have very different meanings and seem to be interchanged all throughout the document. This is both confusing and does not offer the reader or applicant any transparency.

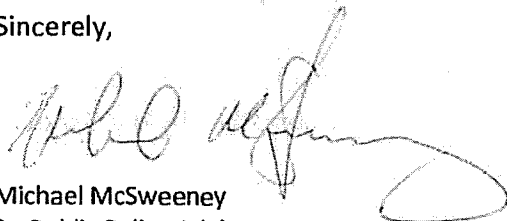
The City must provide that all properties will be allowed to achieve a minimum Net of 25 du/acre or they must analyze each property to prove that the density that they are claiming in their draft Housing Element to meet State requirements is achievable for each property. The City is being disingenuous by making overly broad statements that the density is achievable when it is not. Then, the language issues described above do not provide clarity so the City may be left with no development occurring or continued litigation.

Finally, the entire City footprint is not within the coastal zone or under the jurisdiction of the State Coastal Commission. While the Coastal Commission will have to approve the Housing Element in the areas that they hold jurisdiction over, the entire document cannot be held up for implementation by their action. Please make it clear to the Council and public that the portion of the Housing Element outside the Coastal Commission jurisdiction will be in effect once the Housing Element is adopted.

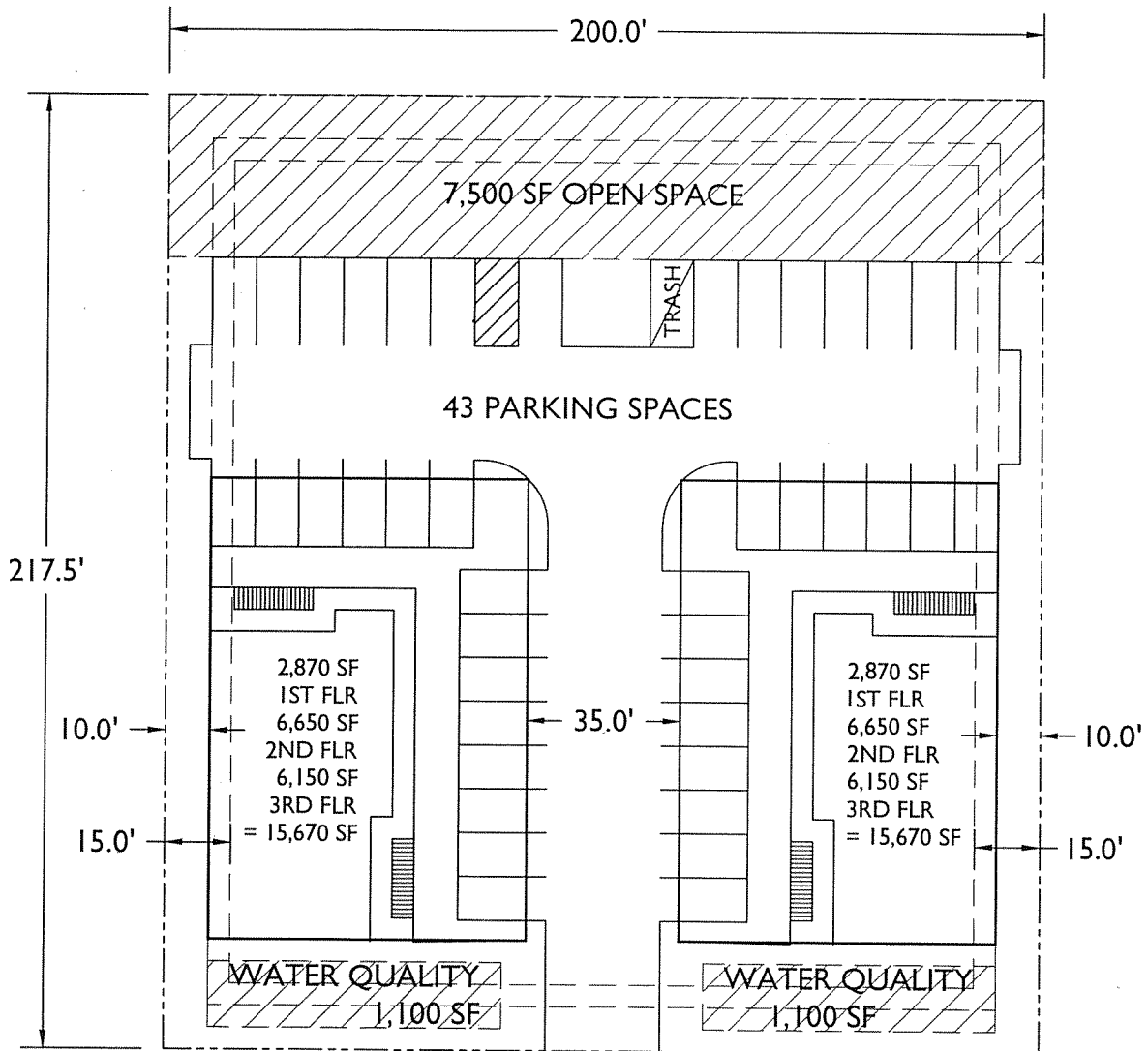
Ms Huntley, we know the City officials and staff are trying to balance the needs of various stakeholders and their residents (voters). We're frustrated that every report needs to be scrutinized to see what innocuous changes may have been made since the last version. We want to believe the City is trying to produce a Housing Element that is both compliant and workable, but every one of these changes seems to indicate otherwise.

Please request that the City clear up these points before they put this Housing Element before the voters.

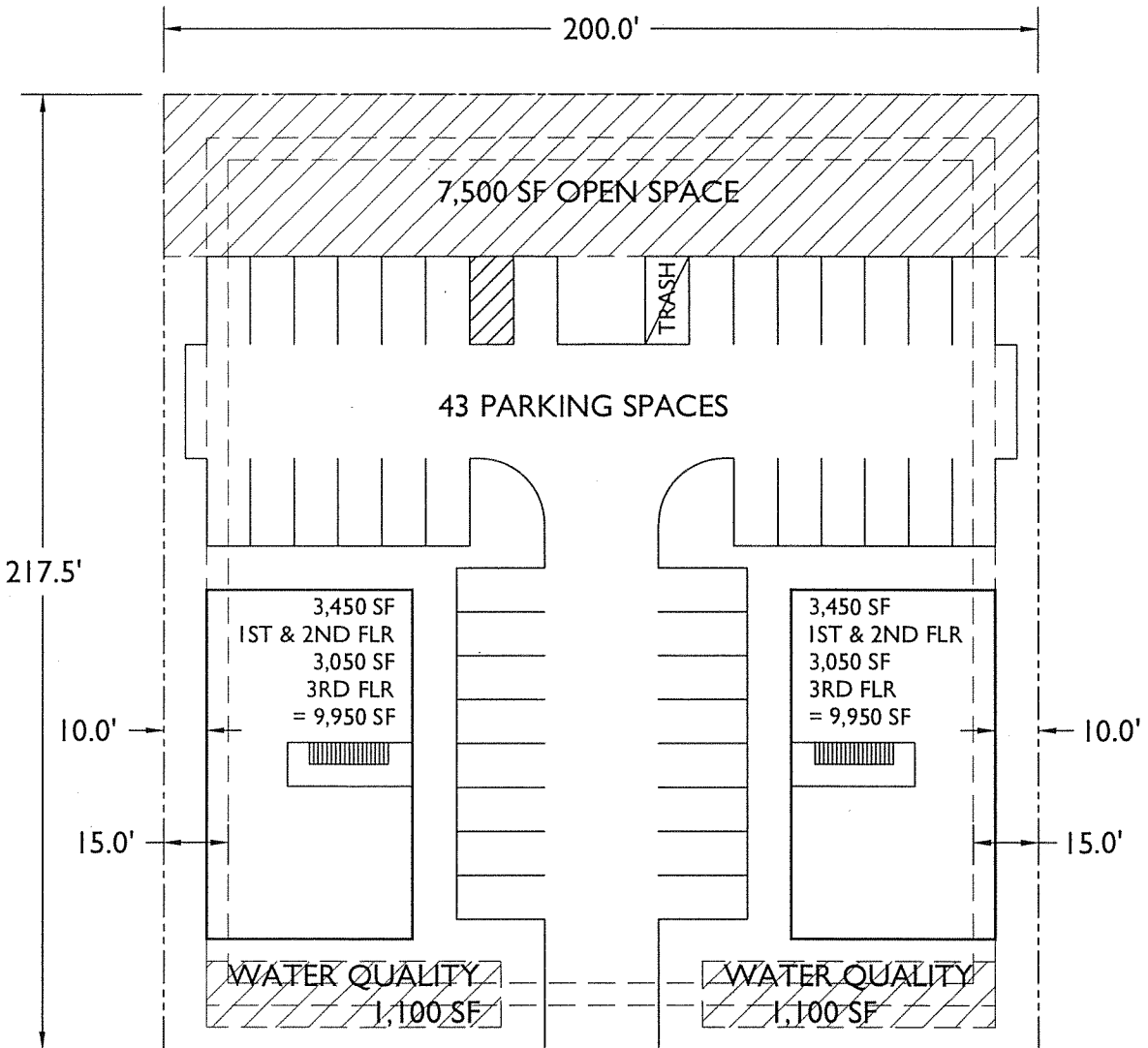
Sincerely,

A handwritten signature in dark ink, appearing to read "Michael McSweeney", with a large, stylized flourish at the end.

Michael McSweeney
Sr. Public Policy Advisor
Building Industry Association of San Diego County



TUCK-UNDER 3 STORY - 30 DU
31,340 (1,045 SF AVG.)



TYPICAL 3 STORY - 30 DU
19,900 SF (660 SF AVG.)

August 29, 2018 Letter to HCD

Diane Thompson
1615 Caudor Street
Encinitas, CA 92024

Dept. of Housing and Community Development
Division of Housing Policy Development

Attention: Zachery Olmstead, Deputy Director
Robin Huntley

August 29, 2018

RE: Encinitas' 2013-2021 Housing Element

In the rush to meet the deadline to get a Housing Element Plan on the November 2018 Ballot, the City of Encinitas has created a HEU Plan that is out of compliance with the state code, with our Encinitas General Plan, with our own Housing Element Update, and with Prop A, in regards to Sites #2 and Site #19.

I am quoting regulations that the City is not following:

1. Housing Requirements of CA Code Article 10.6d , which states:

"The legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, fiscal factors, and community goals as set forth in the general plan ..."

2. City of Encinitas Housing Element Introduction

"Encinitas must also plan to provide the infrastructure needed to maintain existing levels of service and ensure that residential development will not degrade the local environment including the hillside areas, natural stream channels, and wetlands. All of these areas are viewed by residents as resources worth preserving, and the sites selected for housing preserve these. Another important goal of this element is to ENSURE that the City EMBRACES the distinct identity and character of its five communities." (Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain.)

3. Encinitas General Plan Goal 9 of Land Use Element reads:

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor

Goal 9 Response: ... It (the Project) promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources. A number of these open space areas include sensitive habitats or are otherwise constrained due to topography, flooding, or other factors. ... Future development would be subject to the view preservation policies of the Resource Management Element.

POLICY 9.1: Encourage and preserve low density residential zoning within the I-5 Corridor while preserving the best natural features and avoiding the creation of a totally urbanized landscape Protect adjacent areas of Freeway corridor from pollutants of noise, exhaust, and lights.

4. Environmentally Sensitive Areas as reported in the *City of Encinitas Jurisdictional Runoff Management Program January 2017*

"Encinitas Creek drains the north central portion of the city and drains into Batiquitos Lagoon, designated as a Critical Coastal Area in the State of CA 2002 Critical Coastal Areas Strategic Plan." (See Appendix H. I have highlighted Site #2 in red, which is already designated as environmentally sensitive, by the Dept. of Engineering of the City of Encinitas, January 2017.)

5. Proposition A

On July 21, 2013, the initiative became effective and enforceable city-wide (properties inside and outside of the Coastal Zone). Proposition A restricts the height of any structure to the lower of two stories or 30 feet. In cases where existing codes specify a different maximum height standard, the more restrictive standard applies. Any structure planned higher is to go before the people to vote to approve or not to approve.

Concerning Issues With Site #2, Cannon Property

- Rezoning our semirural area of RR/2 per acre to 30 units per acre, adding 173 units in a single family neighborhood.
- Rezoning height from 30' or 2 stories to 42' (Builders want 3-4 stories!)
- Environmentally sensitive, see Appendix H
- Degrades the I-5 View Corridor.
- Instability – 4 documented landslides, one of which called for closure of Piraeus St. for a few weeks.
- No sidewalks on Piraeus or Plato (necessary for safe walking to school).
- Narrow, winding streets in the adjoining areas.
- Nearness to I-5 and resulting pollutants.
- Capri Elementary School is already impacted. Some children in the neighborhood have to go to Paul Ecke School on the west side of the freeway! (The 173 units from Site #2 and 163 from Site #19 feed into Capri School.)
- No I-5 S entrance from Piraeus, thus necessitating driving through narrow neighborhood streets to get to Leucadia Blvd. and I-5S entrance

August 29, 2018 Letter to HCD

- Limited parking spaces planned; some units get 1 or 1.25 or NO parking spaces!
- Closest public transportation is 1.5 miles
- No stores within miles

Additional Information

HCD Deputy Director letter to City of Encinitas dated July, 5 2018:

“Alternately, additional vacant sites may be added to the inventory. For example, the L-7 site, which was previously removed from the inventory could be added back. L-7 is a city-owned site, which represents a promising opportunity to promote the development of affordable housing.”

City Council vs Residents?

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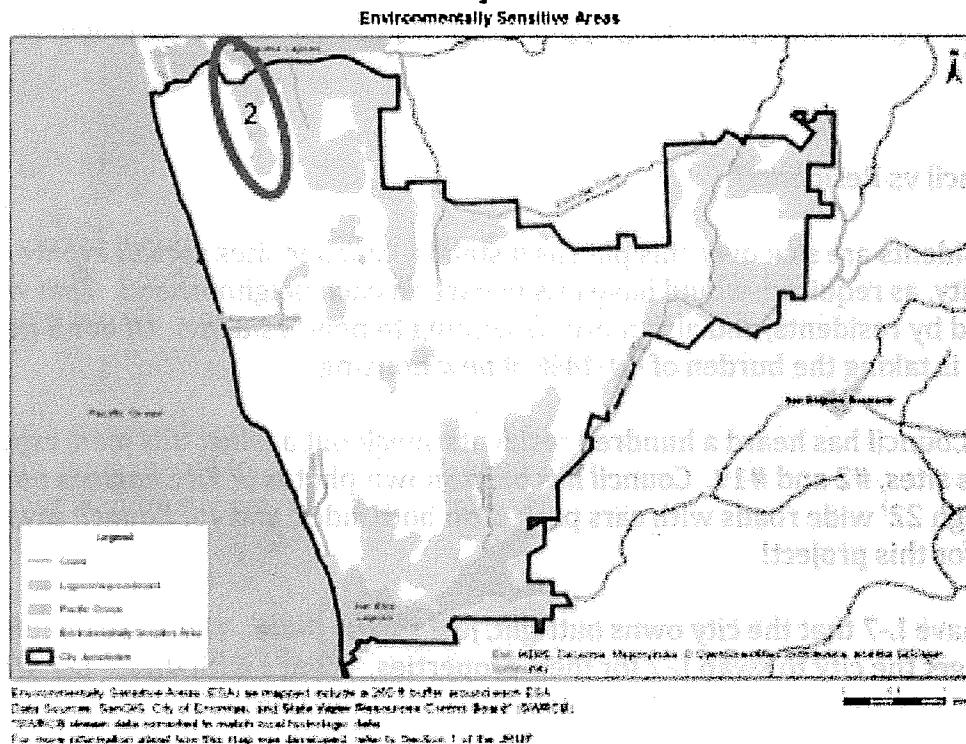
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- Sites #2 and #19 are not in compliance with all regulations.
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- Site #2 is also near Batiquitos Lagoon.
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- It does not recognize site #2 as an environmentally sensitive area. It totally ignores it!
- It does not address the already impacted local elementary school. (See Appendix I.)

- Does not preserve the identity and character of our 5 communities.
- Sites #2 and #19 do not have the necessary infrastructure to support such up-zoning.
- This plan does not spread out the sites evenly throughout the neighborhoods (See Appendix I.)

APPENDIX H

Environmentally Sensitive Areas



APPENDIX I

Inequity of Units Among the 5 Neighborhoods

Neighborhoods	# of Units	% of Units
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August 29, 2018 Letter to HCD

Olivenhain	149	10%
Total	1,504	100%

Proposition "U" Housing Units by Neighborhoods

Please take a closer look at Encinitas' HEU Plan, and require that the City be in compliance with state codes, with our General Plan, with the City's own Housing Element, and with Proposition A. Require that the City remove Sites #2 and #19, and put back Site L-7. Encinitas would still be able to meet our quota for housing units, and at the same time not overburden the impact on Leucadia, nor any other neighborhood.

Thank you.

Diane Thompson

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, August 30, 2018 7:14 AM
To: Diane Langager; Barquist, Dave; Eric Phillips; Barbara Kautz
Subject: FW: Encinitas HEU Plan letter #2
Attachments: 82918 Letter to HCD.doc

Additional comments from Diane Thompson.



Robin Huntley

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



From: Diane Thompson [mailto:dianethompson@cox.net]
Sent: Wednesday, August 29, 2018 5:35 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas HEU Plan letter #2

Robin, forgive me for sending another email, but I just polished up my letter a bit.

Diane Thompson

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August 29, 2018 Letter to HCD

Diane Thompson
1615 Caudor Street
Encinitas, CA 92024

Dept. of Housing and Community Development
Division of Housing Policy Development

August 29, 2018

Attention: Zachery Olmstead, Deputy Director
Robin Huntley

RE: Encinitas' 2013-2021 Housing Element

In the rush to meet the deadline to get a Housing Element Unit Plan (HEU) on the November 2018 Ballot, the City of Encinitas has created a HEU that is out of compliance with the state code, with our Encinitas General Plan, with our own Housing Element Update, and with Prop A, in regards to Sites #2 and Site #19.

I am quoting regulations that the City is not following:

1. Housing Requirements of CA Code Article 10.6d, which states:

"The legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, fiscal factors, and community goals as set forth in the general plan ..."

2. City of Encinitas Housing Element Introduction

"Encinitas must also plan to provide the infrastructure needed to maintain existing levels of service and ensure that residential development will not degrade the local environment including the hillside areas, natural stream channels, and wetlands. All of these areas are viewed by residents as resources worth preserving, and the sites selected for housing preserve these. Another important goal of this element is to ENSURE that the City EMBRACES the distinct identity and character of its five communities." (Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain.)

3. Encinitas General Plan Goal 9 of Land Use Element reads:

"GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor ... "

:Goal 9 Response: ... It (the Project) promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources. A number of these open space areas include sensitive habitats or are otherwise constrained due to topography, flooding, or other factors. ... Future development would be subject to the view preservation policies of the Resource Management Element."

"POLICY 9.1: Encourage and preserve low density residential zoning within the I-5 Corridor while preserving the best natural features and avoiding the creation of a totally urbanized

landscape ... Protect adjacent areas of Freeway corridor from pollutants of noise, exhaust, and lights."

4. Environmentally Sensitive Areas as reported in the *City of Encinitas Jurisdictional Runoff Management Program January 2017*

"Encinitas Creek drains the north central portion of the city and drains into Batiquitos Lagoon, designated as a Critical Coastal Area in the State of CA 2002 Critical Coastal Areas Strategic Plan." (See Appendix H. I have highlighted Site #2 in red, which is already designated as environmentally sensitive, by the Dept. of Engineering of the City of Encinitas, January 2017.)

5. Proposition A

On July 21, 2013, the initiative became effective and enforceable city-wide (properties inside and outside of the Coastal Zone). Proposition A restricts the height of any structure to the lower of two stories or 30 feet. In cases where existing codes specify a different maximum height standard, the more restrictive standard applies. Any structure planned higher is to go before the people to vote to approve or not to approve.

Concerning Issues With Site #2, Cannon Property

- Rezoning our semirural area of RR/2 per acre to 30 units per acre, adding 173 units in a single family neighborhood.
- Rezoning height from 30' or 2 stories to 42' (Builders want 3-4 stories!)
- Environmentally sensitive area. (See Appendix H.)
- Degrades the I-5 View Corridor by disturbing the bluffs, upzoning, and 3 to 4 stories.
- Instability – 4 documented landslides, one of which called for closure of Piraeus St. for a few weeks.
- No sidewalks on Piraeus or Plato (necessary for safe walking to school).
- Narrow, winding streets in the adjoining areas.
- Closeness to I-5 and resulting pollutants.
- Capri Elementary School is already impacted. Some children in the neighborhood have to go to Paul Ecke School on the west side of the freeway! (The 173 units from Site #2 and 163 from Site #19 feed into Capri School.) No addressing the need for an additional school.
- No I-5 S entrance from Piraeus, thus necessitating driving through narrow neighborhood streets to get to Leucadia Blvd. and I-5S entrance.
- Limited parking spaces planned; some units get 1 or 1.25 spaces!
- Closest public transportation (bus stop) is 1.5 miles.
- No stores within miles.

Additional Information

HCD Deputy Director letter to City of Encinitas dated July, 5 2018:

“Alternately, additional vacant sites may be added to the inventory. For example, the L-7 site, which was previously removed from the inventory could be added back. L-7 is a city-owned site, which represents a promising opportunity to promote the development of affordable housing.”

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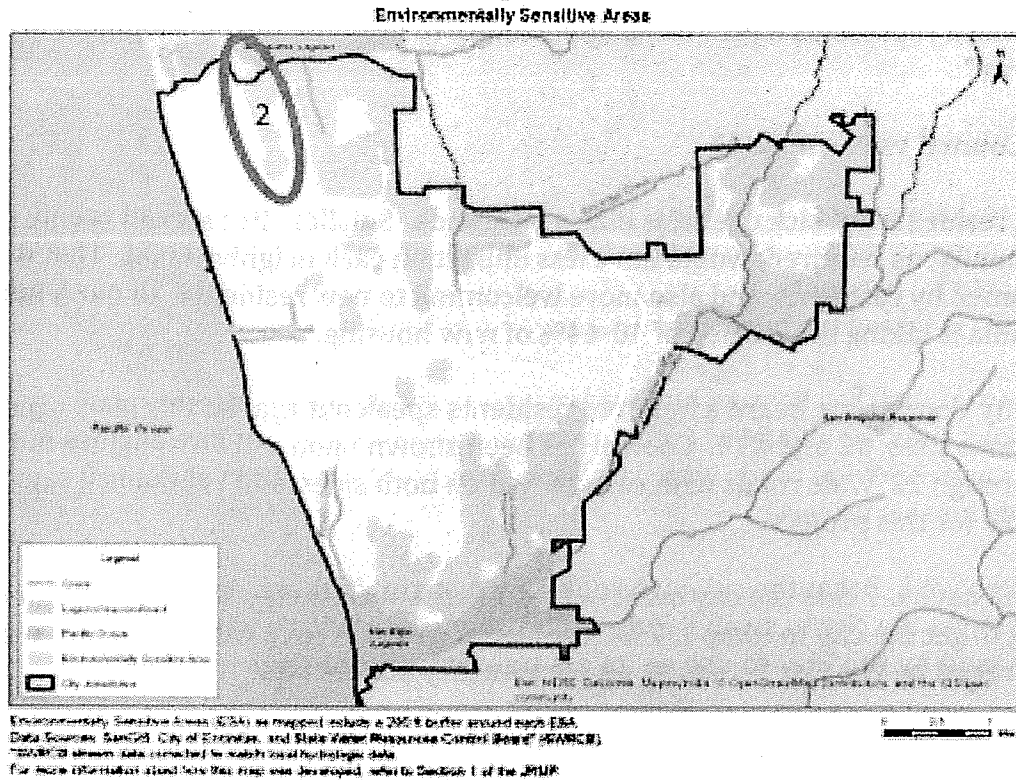
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August 29, 2018 Letter to HCD

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Thank you.

Diane Thompson

Diane Langager

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, December 17, 2018 7:09 AM
To: Brenda Wisneski; Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas Housing Plan

See comments from Peter Stern below.



Robin Huntley

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



From: Peter Stern [mailto:peterstern60@gmail.com]
Sent: Friday, December 14, 2018 4:27 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Plan

Dear Ms. Huntley,

Kindly consider this when evaluating the Encinitas Housing element submitted by the City and the real likelihood of affordable housing ever being built here.

JIM CROW IN ENCINITAS HOUSING

While the Housing Element battle raged over selecting locations for high density housing in Encinitas, the City Council slipped an offensive zoning chapter into the Municipal Code, E.M.C. 30.41.010.

Fully aware of the racial and economic stench and consequences of this chapter, the City went out of its way to proclaim multiple times in the "whereas" and preamble that this was not the purpose of this chapter. Yet as Shakespeare said: "The lady doth protest too much, methinks."

This chapter is simply the true sentiment of the Council and belies occasional statements by the Mayor and others. On 2/1/17 at the special housing meeting the Mayor said: "so what we heard the most is that we want the [housing] plan to have true affordability...guaranteed affordable..."

This summer the Council slipped E.M.C. 30.41 into the Zoning Code proclaiming: "the Council desires to provide the residential development community with alternatives to construction of the affordable units on the same site as the market rate residential development. Therefore, this chapter includes a



menu of options from which a developer may select an alternative to the construction of affordable units on the same site..."

The options include the following: Encinitas Municipal Code 30.41.080:

- a) **5 accessory units** will satisfy low & moderate housing requirement;
- b) **rental units**: 15% low income or 10% very low will satisfy;
- c) **offsite construction** of affordable housing will satisfy;
- d) preservation or conservation of existing units;
- e) in lieu fee instead of building (NOT ALLOWED IN R-30);
- f) dedication of **land in lieu** of building affordable housing;
- g) **affordable housing credits** from a developer with surplus affordable housing may be used instead of building; and,
- h) "a developer may propose an **alternative compliance method** of providing affordable housing through other means."

Who grants these alternatives? The unelected City Manager is the only review and necessary approval. What corruption and mischief does this invite? These disgraceful ways to avoid providing affordable housing were in the defeated Measure T and the Council knew that it would fail again, so they removed them from Measure U and slipped them into the Municipal Code zoning for all City lands. Is this the community that you want to live in? The Mayor and Council say one thing and shamelessly do another.

Is this the open heart of Encinitas, welcoming to returning students, downsizing seniors and those who never will be able to afford to live here? Who thought of this exclusionary zoning chapter? Who are we keeping out (or off site)? Did staff do this on its own? How come **no one will take ownership of this segregation chapter**, despite the unanimous approval of every Council member? And, if this is not segregation: how come the preamble in multiple places desperately proclaims that it isn't?

This Jim Crow, separate but equal zoning chapter, precludes low income ownership and continues to keep the poor, poor, by precluding the accumulation of equity in a home that can educate the next generation or provide for a retirement. It keeps the economic stratas apart and deepens the already bad economic inequality in our community.

I surely hope that the HCD will consider this in conjunction with the Housing Element and quash the terrible insidious motives of the Encinitas City Council.

Thank you in advance for considering my views,

Peter Stern 760-944-9355

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