

City of Encinitas Housing Element Update Final EIR

Letters of Comment and Responses

The following letters of comment were received from agencies, organizations, and individuals during the Public Review period (January 29, 2016 through March 14, 2016) of the Draft EIR. A copy of each comment letter along with corresponding staff responses is included here. Some of the comments did not address the adequacy of the environmental document; however, staff has attempted to provide appropriate responses to all comments as a courtesy to the commenter. Some of the comments received resulted in changes to the Draft EIR text. These text changes are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings in the Final EIR text and are summarized in the Errata. Revisions to the Draft EIR are intended to correct minor discrepancies and provide additional clarification. The revisions do not affect the conclusions of the document.

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Letter A

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-6471
Email: naahc@naahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor



February 8, 2016

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

Re: SCH# 2015041044, At Home in Encinitas (General Plan Housing Element Update, 2013-2021) Draft EIR, City of Encinitas, San Diego County, California

Dear Mr. Strong:

Introduction

The Native American Heritage Commission (NAHC) has reviewed the Draft EIR for the project referenced above. Senate Bill 18 (SB 18)¹ requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans. **Consult your legal counsel about compliance with compliance with SB 18 and any other applicable laws.**

Documentation of Contact/Consultation with Tribes

There is no information in the document of any contact or consultation with California Native American tribes for this project. While there is a section outlining the legal requirements for Tribal Consultation (section 4.4.2.4 Native American Involvement, page 4.4-14), there is no documentation that contact or consultation on this General Plan Update project has actually occurred.

- The SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**²
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,³ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - o Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.⁴

Documentation of Cultural Resources Assessment

The Archaeological Resources section outlines the required assessments for archaeological resources only. No requirements for assessments of Tribal Cultural Resources is included in this document. To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

- Contact the NAHC for:
 - o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://naahc.ca.gov/resources/forms/>.

¹ (Steinberg, 2004, Chapter 905 Statutes of California), Government Code §65352.3

² (Gov. Code § 65352.3 (a)(2)).

³ pursuant to Gov. Code section 65040.2.

⁴ (Gov. Code § 65352.3 (b)).

⁵ (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

A-1

As stated in the Environmental Impact Report (EIR), State planning law requires cities to consult with California Native American Tribes during the local planning process subject to Senate Bill (SB) 18. In accordance with State law, the City of Encinitas requested a Native American Heritage Commission (NAHC) consultation list from the NAHC on July 16, 2015. This is a requirement to make sure that all the appropriate tribes are notified and have opportunity to participate in local planning processes for the purpose of protecting or mitigating the impacts to cultural resources.

The NAHC responded with a list of 45 tribes with traditional lands or cultural places located within the County. City staff took this information and on November 2, 2015, sent a letter to each of the tribes listed. That correspondence served as compliance with SB 18.

None of the tribes requested consultation, and no correspondence was received making comment on potential impact to cultural resources.

A-2

Mitigation Framework CUL-2 has been revised to identify specific elements of the required archaeological survey, including a records search from the California Historical Resources Information System (CHRIS), a Sacred Lands Search from the NAHC, confidentiality of all site locations and Native American remains, and submittal to the CHRIS.

Contact of interested Native American tribes and individuals is the responsibility of the City of Encinitas under Assembly Bill (AB) 52, and will be done on a project-by-project basis for future development allowed under the Housing Element Update (HEU).

LETTER

RESPONSE

- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1088) for an archaeological records search. The records search will determine:
 - If part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have been already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

A-3

 **Mitigation for the Protection of Tribal Cultural Resources/Native American Human Remains**
It is not apparent in the document that mitigation measures were developed in consultation with traditionally and culturally affiliated Native American tribes.

A-4

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.⁶

A-5

- The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.⁶ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,


 Gayle Totton
 Associate Governmental Program Analyst
 gayle.totton@nahc.ca.gov
 cc: State Clearinghouse

⁶ (Civ. Code § 815.3 (c)).

⁷ (Pub. Resources Code § 5097.991).

⁸ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

A-3

The EIR for the HEU is programmatic in nature. No site-specific projects or impacts are identified. Mitigation for future projects would be developed in consultation with Native American tribes at the time site-specific studies are conducted.

A-4

The EIR for the HEU is programmatic in nature. No site-specific projects or impacts are identified. Mitigation measures to avoid or minimize adverse effects to identified tribal cultural resources will be determined on a project-by-project basis through consultation between the City of Encinitas, interested Native American tribes, and the project archaeologist. One or more of the possible mitigation measures presented in the NAHC letter may be used, depending on the nature of the tribal cultural resource and site-specific project conditions.

A-5

The EIR for the HEU is programmatic in nature. No site-specific projects or impacts are identified. The need for, and content of, a mitigation and monitoring program including mitigation for inadvertently discovered archaeological resources, will be decided on a project-by-project basis, based on the survey results, potential for subsurface archaeological deposits, and Native American tribal concerns.

LETTER

RESPONSE

Letter B

Comment Card

NAME Sherry Hodges DATE Feb. 4, 2016
 ADDRESS 1040 Via di Felicita
 PHONE 760-753-1676 E-MAIL sherry@sherryhodges.com

COMMENTS

High Density should be placed in North Encinitas along
La Costa Ave south side-east of I-5. Increasing
traffic and population in already congested areas is not
the Enc. way. There are multi-use planning on coast Hwy
north in La Carlbad - would help w multi use & transp.

B-1

B-1

While not an exact science, there are a number of factors to consider when identifying sites that could best accommodate affordable housing for lower income households. One of the factors that should be considered is to avoid environmentally sensitive areas. This concept, from an environmental study perspective, is to help protect the environment and preserve sensitive habitats, open space, and to minimize impacts to other valued lands. Nearly all of the sites east of Interstate 5 (I-5) along La Costa Avenue are dedicated or preserved as open space, limiting nearly all development potential.

Community involvement plays a major role in developing Housing Plan goals, policies, and programs, including how and where to plan for future growth. Understanding the public interest in this issue of site selection, it was recognized that public awareness and participation needed to be at the core of the planning process. It is important to briefly review the different steps in the process and how outreach was utilized to help determine site selection. The following has been provided for informational purposes.

In March 2012, the Council directed a “restart” of the General Plan Update to include mapping exercises with Planning Commission, General Plan Advisory Committee (GPAC), Element Review Advisory Committee (ERAC), and the public at citywide workshops. Open houses, meetings, and workshops were conducted over the year that solicited input, discussion and debate on how and where future housing opportunities should be located. The results of the workshops were presented to Council in September 2012. The Housing Policy Reports from each advisory group were presented and received by the Council in February 2013. A total of 30 meetings took place with about 1,000 participants – each recording site preferences that, when aggregated, show locations within all five communities that demonstrate potential preference areas for low income housing to accommodate the Regional Housing Needs Assessment (RHNA). Based on the search parameters, staff identified a series of potential candidate sites for rezoning within preference areas, which are suitable for affordable housing projects. This was the basis of the outreach that was conducted through the Community Dialogue Sessions in November 2014.

LETTER

RESPONSE

	<p>B-1 (cont.)</p> <p>At the November 2014 Community Dialogue Sessions, potential land use changes were considered by participants who provided their opinion via e-Town Hall. A total of 1,059 people visited the <i>At Home in Encinitas</i> topic on e-Town Hall during the public input period. Of those, 479 participants left 1,325 comments and suggestions about future housing sites in Encinitas. Results from the input that was collected were presented at a special joint-meeting of the Planning Commission and City Council in February 2015. At the meeting, the Planning Commission and City Council reviewed the findings collected in e-Town Hall, heard public comment, considered alternative mapping strategies, and ultimately identified specific sites and neighborhood prototypes for each community that meets our State housing needs. The identified sites and prototypes were analyzed in the EIR.</p> <p>No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.</p>
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LETTER

RESPONSE

Letter C

Comment Card

YVILENAKE J Lambert
 NAME
 272 Turner Ave Enc
 ADDRESS
 760-500-4342
 PHONE
 yvilecnp@aol.com
 E-MAIL

02/04/2016
DATE

C-1

COMMENTS
 1) County Property adjacent to NE3 + NE4 planned
 Sites is a former landfill yet TABLE 4.7-1
 and Table 4.7-3 on pg 4.7-21 does not list
 it as a ^{HAZ} Hazard and the Cortese Report
 lists Hazard wastes sites in area going
 see attached

C-2

back only as far as 1967.
 The Hazards adjacent to these
 Areas on Turner Ave have
 these sites listed in their
 Title Reports for their properties
 as a former County Landfill
 Will the former landfill
 EIR have gone far back enough
 to include this site.

2) Currently, E3 and E4 doesn't
 show if these sites will
 require Access onto Turner
 Ave. Is there any plan
 that will include that Access
 and if so will it be included
 in the final EIR report.

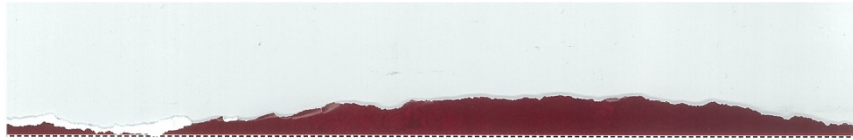
C-1

Table 4.7-1 includes only sites presently listed in publicly available databases. The databases are maintained by State agencies, and the results, therefore, are not subject to modification by the lead agency (City of Encinitas). The first paragraph on page 4.7-8 of the Draft EIR accurately discloses that housing site NE-3 is the site of the former landfill. Table 4.7-3 indicates that both Housing Sites NE-3 and NE-4 are potential "hazardous materials sites" and, therefore, future development on these sites consistent with the HEU would be subject to the mitigation framework HAZ-1. HAZ-1 requires the preparation of an environmental site assessment to detect the presence of hazardous materials, and would reduce potential impacts to a level less than significant.

C-2

No site-specific development proposals are included in conjunction with the HEU. Future projects proposed on approved housing sites would be subject to review by the City's Engineering Department, which would at that time, review and approve plans for ingress and egress. All projects consistent with the HEU would be required to complete a frontage and access study in conjunction with final engineering.

Letter D



Comment Card

NAME Katie Poponyak DATE 2-4-2016
 ADDRESS 351 W. I St. Encinitas
 PHONE 760 310 6676 E-MAIL Kpoponyak@yahoo.com

COMMENTS What ever type of housing project is
decided upon needs to be smoke free.

D-1

D-1

This is a post-occupancy issue that falls outside of the proposed scope of At Home in Encinitas, including the proposed zoning standards. All City-related regulations pertaining to tobacco use, sale, or distribution are provided in Title 11 of the Municipal Code.

No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.

LETTER

RESPONSE

Letter E

Comment Card

NAME Kym Sheerman DATE 1-4-16
 ADDRESS 2104 Turner Ave

PHONE _____ E-MAIL redmoon@roadrunner.com

COMMENTS
 ① In the EIR there is no mention of NE3 + NE4 have having a
 dump site there. In my ~~paperwork~~ ^{Title Report} at home in my contract when
 we purchased our home in 1994, it specifically states ^{discloses}
 there was a dump site there. This must be reviewed

^{prior to building.}

I am opposed to having building on these sites

2) Future development is more than 1000' from the EIR Grand

E-1

E-2

E-3

E-1 Please refer to the response to comment C-1.

E-2 The comment does not raise an environmental issue within the meaning of California Environmental Quality Act (CEQA). The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

E-3 No site-specific development proposals are included in conjunction with the HEU. Future projects proposed on approved housing sites would be subject to review by the City's Engineering Department, which would at that time, review and approve plans for ingress and egress.

LETTER

RESPONSE

Letter F

Comment Card

NAME Eleni Tignor DATE 2/4/16
 ADDRESS 3841 Exception Place Escondido 92025
 PHONE 760-746-8101 EMAIL etignor@cop.net

F-1

COMMENTS Representing Saints Constantine & Helen
Greek Orthodox Church (C-6) and ^{we} are
very happy to be on the new map. We
are very serious about working with the
City for affordable housing.

F-1

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter G

From: [Annie Leaf](#)
To: [Michael Strong](#)
Subject: EIR S.5.2.1
Date: Friday, February 05, 2016 1:50:15 PM

Hi Mike

G-1 Nice seeing you last night at the HEU Workshop/ planning Commission meeting.

I wanted to call attention to a description that is included in the EIR noted on S.5.2.1 "Sites Removed from the MMUP Housing Strategy....", "Housing Site L-7"

There is a description which reads "surrounding zoning is RR-2." I believe that is the zoning to the North which includes the development on Via Zamia. The adjacent zoning to the South and East is in fact RR -1. I thought that adjacent properties that are next to L-7 on the North were RR-1 as well.

Thanks!
Annie Leaf

Sent from my iPhone

G-1 Viable Housing Site L-7 is zoned for Rural Residential-l (RR-1), which allows one unit per acre. The surrounding land uses are also predominately RR-1. The Final EIR has been modified to reflect this comment.

LETTER

Letter H

Stacey Higgins

From: Robert Riordan <robertalan.riordan@gmail.com>
Sent: Friday, February 05, 2016 8:39 AM
To: athome
Subject: Thank you + confirmation of support

To the @HomeInEncinitas Team,

H-1 First off, thank you. Thank you for bringing some sanity to this state mandated re-zoning/up-zoning HUD requirements. I think the planning team has done a great job in identifying alternative sites since the initial @HomeInEncinitas ready-made options were presented to the public, and the city council has aligned their support to the sites that are least impactful to existing Encinitas residents. I am strongly supportive now of the Sustainable Mixed Use Places (SMUP) option outlined in the Planning Commission's draft Environmental Impact Report. It generally aligns with a simple concept that I and many other like-minded Encinitas taxpayers have adopted which is: put high-density where density already exists. The SMUP plan rightly has identified sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and density already exists, and will incite the lowest volume of "not in my backyard" (NIMBY) push-back. My neighbors and I will not support any plan that inserts high-density, 3-story, low income housing projects next to any rural or agricultural area which would have a huge impact on the neighbors nearby and would damage the community character that we love so much about Encinitas (e.g. sites L-5, L-6, and L-7 which are not included in the SMUP option shown in figure 9-3 from the draft EIR below).

H-2 One key issue that I do not believe was correctly assessed for sites L-5, L-6, and L7 in section 4.1 on Aesthetics was the "less than significant" defined impact to the local community character. From the draft EIR, this issue is defined as:

Aesthetics Issue 3: Community Character Would the project introduce features which would conflict with important visual elements or the quality of the community/neighborhood (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, light/glare, etc.) and would thereby negatively and substantially alter the existing character of neighborhoods?

I have included some photos of the surrounding block adjacent to sites L-5 and L-6 – Leucadia to Urania to Brittany to Saxony – where you will clearly see the scale of the existing developments in the area. Even with the existing 'transition' rules for a 30-foot massing area where the structure height would be limited to 26-feet, there is simply no place for a 3-story structure or a project of the proposed R30 density in this community at all. The proposed zoning increase would increase the current parcel zone from R-3 to R-30, a 10x+ increase! With adjacent properties currently zoned as R-2 and R-3, this dramatic increase in density simply cannot allow for a reasonable transition to our slow-paced, large-lot, current/recently agricultural area. Therefore, I ask that you please provide input back to the planning commission to identify the Significant Unmitigated (SU) impact to sites L-5, L-6, and L-7 on the current community character (issue A-3 shown in the table below).

Thank you again for your commitment to finding a reasonable solution to the state's HUD requirements. I hope we can help you ensure a "Yes" vote on the updated Housing Plan in the November election and avoid having the state representatives determine the parcels required to up-zone.

Regards,

Rob Riordan & family
 800 Leucadia Blvd
Robertalan.riordan@gmail.com
 (858) 354-0791

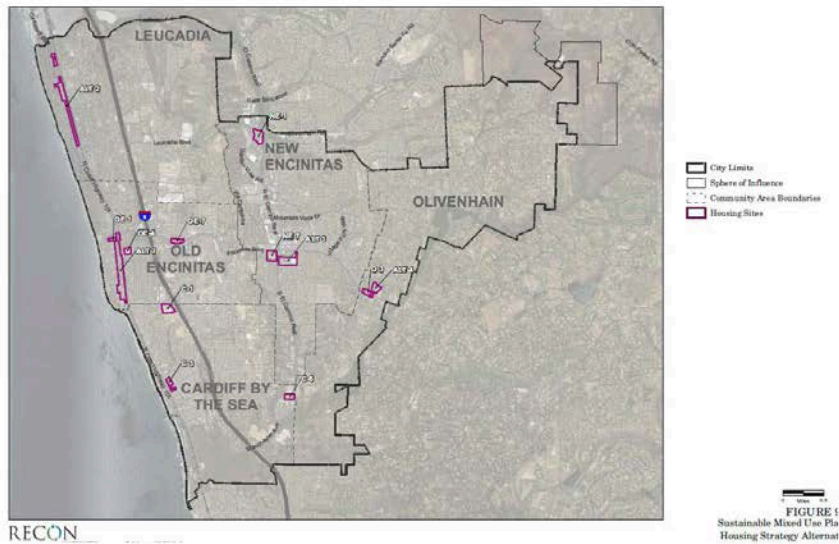
RESPONSE

H-1 The EIR is intended to be used by the City in evaluating the Housing Plan Update and its related amendments. The draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy) – Ready Made (RM), Build Your Own (BYO), and Modified Mixed Use Places (MMUP). The City analyzed all three strategies as part of the EIR. A fourth alternative, Sustainable Mixed Use Places (SMUP), was created through the environmental review process to incrementally reduce significant impacts associated with the project. All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration.

The issue raised by the commenter addresses the merits of CEQA alternative and does not raise any issues with the environmental analysis provided in the Draft EIR. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.

H-2 Contrary to what is stated by the commenter, site L-7 was identified as having a significant and unavoidable impact on community character. Thus, the EIR conclusion is consistent with what the comment is suggesting relative to site L-7.

However, the EIR does conclude that impacts to community character for sites L-5 and L-6 would be less than significant. This conclusion is based on several factors including the location of these sites adjacent to the major road, Leucadia Boulevard and the diversity of land uses in the area including single-family residential, agricultural land uses with commercial operations, and a hotel located across Leucadia Boulevard near I-5. Since these sites are adjacent to R-3 and RR-2 zones, the neighborhood transition standards of the Municipal Code Section 30.36.060 would be triggered, requiring a 10-foot landscaped buffer area to be



H-2 (cont.)

incorporated adjacent to the off-site residential areas. Additionally, a 30-foot compatible massing area would limit structure heights to two stories or 26-foot maximum to transition to single-family areas. These standards were developed to allow for higher-density housing sites to be sited in appropriate locations while providing a compatible transition to surrounding single-family areas. For more information, please refer to response to comment II-16.

Ultimately, the City Council will review the findings of the EIR and determine the appropriate conclusion for these sites.

LETTER

RESPONSE

Housing Sites	A-1: Plan Consistency	A-2: Public Views	A-3: Community Character	A-4: Scenic Resources	AQ-1: Consistency with RAQS
Alt-2					
Alt-3					
Alt-4					
Alt-5					
Alt-6					
Alt-7					
C-1					
C-2					
C-3					
C-6					
C-7					
L-1					
L-2					
L-4					
L-5					
L-6					
L-7					
NE-1					
NE-3					

SW
SW
SW



Don't you love this guy's old Studebaker truck?

LETTER

RESPONSE



Open space – house on a large lot off Brittany



Another nursery – and a low-scale RV park

LETTER

RESPONSE



More agricultural land off Brittany



Large lot with beautiful, sustainable landscaping

LETTER

RESPONSE



Looking west over the Specimen House (site L-6) – peek-a-boo ocean view over the existing low-scale agriculture



Looking west toward the Specimen House – could you imagine 3 stories over there looking in on your family?

LETTER

RESPONSE

Letter I

From: [Tasha Boerner](#)
To: [Michael Strong](#)
Cc: [Manjeet Ranu](#)
Subject: Typo on page 3-26
Date: Saturday, February 06, 2016 8:44:18 PM

Hi Mike!

I-1

I am reviewing statistics on the DEIR and came across a typo on page 3-26. For parcel OE-1 the description has been copied for NE-4.

Could you please send me the correct gross acreage of OE-1? And of course correct that part in the DEIR. Thanks!

Cheers,
Tasha

I-1

The description for housing site OE-1 has been corrected. Please refer to page 3-26 of the Final EIR. The correct gross acreage is 2.3.

LETTER

RESPONSE

Letter J

From: vailcomp@aol.com
To: [Michael Strong](#)
Subject: County Dump Site adjacent to NE3 & NE4 proposed sites.
Date: Saturday, February 06, 2016 6:11:07 PM
Attachments: [2016-02-06 17.37.18.jpg](#)
[2016-02-06 17.37.35.jpg](#)

J-1

Mr. Strong,
 On Thursday night we had discussed the above subject with the RECON representative when I pointed out that the Cortese website did not have this site listed. That night I logged on to Geotracker and it did not back gate that is identify the site either. However there is signage on the back gate at the end of Shields Ave. I am attaching a picture of the sign and hope that you will forward it to the Recon people to further investigate.
 Respectfully,
 Vivienne J Lamberti

J-1

Please refer to the response to comment C-1.

LETTER

RESPONSE

Letter K

From: [Kathy Ling](#)
To: [athome](#)
Subject: Comments on the At Home in Encinitas draft EIR
Date: Thursday, February 25, 2016 9:45:44 PM

K-1

I agree with the EIR for the housing element plan recommendation to remove the ALT5 site for consideration as a major housing element.

In support of this recommendation, please enter these additional facts and information into the record:

The recent Feb 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

In addition, ALT5 fails to meet the recommended criteria for site selection because:

- It is more than 1/4 mile from the nearest transit stop.
- It is more than 1/4 mile from the nearest shopping.
- It is located on a 2-lane collector road, Quail Gardens Drive, and not a major transit corridor as recommended for a housing element.
- It is located over a storm drain easement and under a power line easement, neither of which are ideal for a major housing element.
- It is located in the headwaters of Cottonwood Creek, which could result in environmental damage to Moonlight Beach should there be an onsite runoff control system failure.
- It is located on wetlands, which would require an acceptable mitigation plan before it could be considered as a legitimate housing element site.
- Its location would require ingress and egress onto Quail Gardens Drive, which already experiences traffic congestion during morning commute hours and would be further aggravated by high density housing at this site.

Kathy Ling
 Encinitas Resident
 556 Kristen Ct.

K-1

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter L

From: laling@pacbell.net
To: [athome](#)
Subject: Revised housing element EIR Comments
Date: Thursday, February 25, 2016 8:51:39 PM

@HomeInEncinitas:

L-1 I agree with the EIR for the housing element plan recommendation to remove the ALT5 site for consideration as a major housing element.

In support of this recommendation, please enter these additional facts and information into the record:

The recent Feb 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

In addition, ALT5 fails to meet the recommended criteria for site selection because:

- It is more than 1/4 mile from the nearest transit stop.
- It is more than 1/4 mile from the nearest shopping.
- It is located on a 2-lane collector road, Quail Gardens Drive, and not a major transit corridor as recommended for a housing element.
- It is located over a storm drain easement and under a power line easement, neither of which are ideal for a major housing element.
- It is located in the headwaters of Cottonwood Creek, which could result in environmental damage to Moonlight Beach should there be an onsite runoff control system failure.
- It is located on wetlands, which would require an acceptable mitigation plan before it could be considered as a legitimate housing element site.
- Its location would require ingress and egress onto Quail Gardens Drive, which already experiences traffic congestion during morning commute hours and would be further aggravated by high density housing at this site.

Thank you,

Lambert Ling
 556 Kristen Ct
 Encinitas, CA 92024

L-1 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter M

From: [Angela Carroll](#)
To: [athome](#)
Subject: RE: revised housing element EIR comment
Date: Friday, February 26, 2016 8:11:10 AM

M-1 @HomeInEncinitas Feb. 25, 2015
 EIR Comments
 I support the EIR for the housing element plan recommendation to drop the ALT5 site from the map because of traffic issues.
 Additional info to be added to the report that support dropping ALT5 from the map are:

- 1) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

Alt5 fails to meet the recommended criteria for site selection because:

- 1) It is not close to a transit stop, being over ¼ mile from the nearest transit stop.
- 2) It is not near shopping, being > ¼ mile from the nearest shopping.
- 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
- 4) Quail Gardens Dr. is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Dr. is at Kristen Court would result in traffic generation that is not mitigable without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil, residential community character and the park like setting of the San Diego Botanical Gardens.
- 5) Alt 5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
- 6) Alt5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff control system.
- 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before accepting as a housing element site.

In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

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[Angela Carroll](#) - Senior Clinical Specialist - Lytics - San Diego County
 cell 858-922-9277 - email carroll.angela@gene.com



M-1 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter N

From: cjbteach@roadrunner.com
To: [athome](#)
Subject: EIR report on ALT5 site
Date: Saturday, February 27, 2016 12:21:25 PM

To Whom It May Concern:

N-1

I was glad to hear the ALT5 site was recommended to be dropped from the plans. Living on the west side of Quail Gardens Drive I can attest to more traffic flow and backed up cars waiting to cross or turn at Encinitas Blvd especially during the morning hours for work commuters.

Secondly, there are storm drain easements and power line easements to consider with their own problems and costs.

Thirdly, Quail Gardens Drive is a two lane road, not a major transit corridor and would not want it to become one.

Thus, I believe the ALT5 site was correctly removed from the housing element map. Thank you EIR.

Cynthia Bryant
562 Kristen Court

N-1

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter O

From: [Glen Johnson](#)
To: [athome](#)
Subject: Comments on Draft PEIR for Encinitas Housing Element
Date: Monday, February 29, 2016 6:43:53 AM
Attachments: [PEIR Comments.doc](#)

O-1

Gentlemen,
 After reviewing the Draft PEIR and consulting with friends and neighbors we have developed some comments, corrections, clarifications, and suggested improvements in this important document. These are presented here in Microsoft Word format.
 Please contact the undersigned if there are any problems or questions about this submission.
 Thank You.
 ...glen johnson
 Glen Johnson
 537 Kristen Court
 Encinitas, CA 92024
 (760)943-8002
glen@quailrunsoftware.com

O-1

The comment has been noted and each specific comment is addressed in the responses below.

LETTER

RESPONSE

<p>Glen Johnson 29 February 2016</p> <p>Qualitative Analysis of DRAFT PEIR</p> <p>O-2 The EIR gives very detailed information on the environmental consequences of the HEU. As such it is almost completely a self-contained document. It summarizes the HEU and the nature of CEQA and all the laws that govern the project.</p> <p>O-3 Though most of the relevant laws are explained, the EIR ignores the California Density Bonus laws and the potential effect on the environment. This is a serious oversight because application of these provisions can increase density by almost 50%, which will have a significant extra impact on traffic and other environmental conclusions.</p> <p>O-4 Encinitas Proposition A is mentioned but its effect as a safeguard against developer excesses is not explained.</p> <p>O-5 The school districts serving Encinitas are not aligned with the city limits. Traffic on Rancho Santa Fe Road just northeast of the city limits is significant, especially on days and hours when Olivenhain Pioneer Elementary School and La Costa Canyon High School are in session. These traffic conditions are due to drop-off and pick-up of students, as there is no school bus service. Traffic back-up from these two schools often extends into Encinitas. It does not appear that the traffic data gathered these numbers.</p> <p>O-6 The traffic study appears to have been conducted at a time of year when schools were not in session and families were on vacation. Additionally, as Encinitas is a beachside community, traffic should be reported during busy weekends as well as during morning and evening rush hours. Traffic is bursty in nature and ADT is not the appropriate way to characterize a distribution that is decidedly not Gaussian.</p> <p>O-7 Mention should be made of the fact that CALTRANS and SANDAG are working to improve transportation corridors both I5 and RR. It would be appropriate to have some discussion of the effect of their plans on future traffic flow.</p> <p>O-8 Site analysis appears to be superficial. Some old data was used and the recent conditions were not reported.</p> <p>O-9 The PEIR is a draft and some typographical errors are expected. It is hoped that better proofreading will prevail in the final document.</p> <p>O-10 Detailed Comments on Draft PEIR These comments are separable; some may be accepted and others may be rejected. We urge that they all be accepted and incorporated into the final EIR.</p> <p>[S.1.2.1 paragraph 1 page S-1]</p> <p>O-11 The term “attainably priced housing” is neither defined nor quantified. Does this mean “very low income”, “low income”, or something else? We would note that there is already existing an excess supply of expensive housing.</p> <p>[2.2 page 2-1]</p>	<p>O-2 The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>O-3 The application of California Density Bonus Law is not part of “the project” as defined by the CEQA Guidelines. Density Bonus laws apply to the sites analyzed in the EIR even if the City does not update the Housing Element. Therefore, the Housing Element Update does not change the number of sites subject to Density Bonus laws.</p> <p>The Program EIR analyzes buildout of the housing sites and three housing strategies at the program-level, consistent with the discretionary actions currently being proposed by the City of Encinitas (General Plan Amendments, Rezone, adoption of zoning standards and design guidelines, etc., as described in Chapter 3.0 of the EIR.) Section 3.5 of the EIR outlines the assumptions used for future buildout of the housing sites and the anticipated level of development - in general terms. Future development proposals may or may not request density bonuses consistent with State law; however, such proposals would require subsequent discretionary review by the City. Density bonus projects on the housing sites may or may not be consistent with buildout assumptions outlined in the EIR. All future projects consistent with HEU would be required to be reviewed for consistency with the Program EIR. Projects that are found not to be within the scope of the Program EIR would be subject to subsequent environmental review.</p> <p>O-4 Proposition A requires a public vote when publically or privately initiated changes are proposed to planning policy documents (General Plan, Specific Plans or Zoning Ordinance) that increase the currently allowed intensity or density of development (i.e., increases allowed residential units, commercial square footage, etc.). A public vote is not required for planning permit applications</p>
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LETTER

RESPONSE

	<p>O-4 (cont.)</p> <p>as long as the discretionary permits (i.e., use permit, subdivision map, design review permit) or building permits do not include an application that will amend a planning policy document that increases intensity or density. Density bonus provisions are outlined under State Government Code Section 65915. A local initiative cannot supersede State law.</p> <p>In 2013, a citizen initiative resulted in the Right to Vote Amendment (Proposition A), which requires voter approval of most land use changes and building heights higher than two stories. Delegation of authority to amend the City's Land Use policies and plan to accommodate RHNA in accordance with State law is consistent with Proposition A because the voters are asked to authorize it in the comprehensive November 2016 ballot measure.</p> <p>No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.</p> <p>O-5 The traffic analysis (Appendix N) included daily, AM and PM peak hour (commute peaks) conditions – this is the standard traffic engineering practice and consistent with the region's requirement for conducting traffic impact studies. The school traffic is considered as part of the baseline (existing conditions) traffic.</p> <p>O-6 Data collection was conducted in June 2015 during the time the schools were in session. Peak hour traffic volumes are accounted for in the analysis of potential traffic impacts in Section 4.13 of the Draft EIR.</p> <p>O-7 The project team has met with Caltrans and all funded or reasonable foreseeable regional transportation projects are incorporated in the analysis, as stated in Methodology, Section 4.13.4.1. The travel forecast model was prepared by SANDAG.</p>
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LETTER

RESPONSE

	<p>O-8 A Program EIR has been prepared for the HEU. Buildout of the housing sites is anticipated to occur over the next 20+ years, during which time, site conditions are likely to change. The Program EIR is based on existing citywide data sources to provide a general context for the current site conditions. A mitigation framework is provided within Chapter 13.0 (MMRP). The mitigation framework for future development of the housing sites consistent with the HEU requires that site-specific conditions be verified at the time of permit application and reports be prepared to document on-site resources and impacts at the discretion of the City.</p> <p>O-9 Comment noted. Typographical errors have been corrected as part of the Final EIR.</p> <p>O-10 The comments are acknowledged and the letter will be included in the Final EIR and administrative record.</p> <p>O-11 “Attainable housing” in this context refers to the purchasing power of a buyer or renter. Therefore, it has a strong correlation to the market value of a home (sales or rent price).</p> <p>It is acknowledged that not all high-density housing is affordable to low-income families. That is, density is not always enough to ensure affordability. Some agencies intervene through different regulatory and non-regulatory programs to make them deed-restricted affordable. However, for the most part, with all else being equal, low-density neighborhoods offer more expensive housing than higher density areas. Detached homes cost much more than most apartments and condominiums.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p>
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LETTER

RESPONSE

<p>O-12 La Costa Avenue is also a significant east-west connector and the City of Encinitas is also accessed from the North via El Camino Real, from the Northeast via Rancho Santa Fe Road, and from the East via El Camino Del Norte and S Rancho Santa Fe Rd. These minor roads carry a significant amount of traffic in and out and through Encinitas.</p> <p>[2.3.3 page 2-4]</p> <p>O-13 The coastal areas of the City are also subject to sea level rise and erosion, sand loss, bluff failure, and the risk of tsunami.</p> <p>[2.4.1 page 2-6]</p> <p>O-14 It has been suggested that the portion of the City between the I5 freeway and El Camino Real is a sixth community: Mid Encinitas. The character of Mid Encinitas is markedly different from the character of Coastal Leucadia, Old Encinitas, and Cardiff. The areas of Mid Encinitas are similar to each other and in their development history and are separated from the three coastal regions by the barrier that is the I5 freeway. Although this is not a recognized political division Mid Encinitas has its own distinct Community Character.</p> <p>[2.4.2 pages 2-7 through 2-13]</p> <p>O-15 Please add a sixth unique description of Mid Encinitas and refactor the descriptions of the three communities to its west.</p> <p>[2.4.3.1 page 2-13]</p> <p>O-16 This section should include the fact that the City now has a source of desalinated water from the recently completed facility in Carlsbad. It has been reported that this water is “softer” than water from the other sources.</p> <p>[2.4.3.7 page 2-17]</p> <p>O-17 Significant circulation streets also include La Costa Avenue, El Camino Real, Rancho Santa Fe Road, El Camino Del Norte and S Rancho Santa Fe Rd. These streets connect Encinitas to other cities.</p> <p>[2.4.3.7 page 2-17]</p> <p>O-18 We know of no local street named “Gardens Drive”. Is this a misprint or are you using some other map? Also, my map shows Forrest Bluff as a dead-end street, not a major local route.</p> <p>[2.4.3.7 a, page 2-18]</p> <p>O-19 We disagree with the LOS values summarized in this paragraph. See comments below on section 4.1.13.2 for details on this.</p>	<p>O-12 Section 2.2 identifies the project location. It states that the project area is generally accessed by Coast Highway 101 (Highway 101) and I-5, both of which run north-south in the western portion of the project area. There is no need to amend this statement to include all north-south roadway segments as it would be extraneous to do so.</p> <p>Section 2.2 goes on to describe major east-west connectors. A revision to the EIR has been made to include La Costa Avenue as a major east-west connector.</p> <p>O-13 This comment has been noted and added to page 2-5 of the Final EIR. The proposed project is not expected to exacerbate the existing environmental conditions referred to in the comment.</p> <p>O-14 In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA’s State housing law compliance for affordability. This is achieved through the creation and implementation of a new zone program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly scaled development. The new zone program includes new provisions to ensure that new development responds to neighborhood character, be compatible with community-specific settings and promote basic best practices in urban design. This will enable review of future projects to make sure that they “fit” into existing neighborhoods, regardless of their community designation.</p> <p>City Council Resolution No. 87-10 canonized the community areas and formally created the community area boundaries for Leucadia, Old Encinitas, Cardiff, New Encinitas, and Olivenhain. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.</p>
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LETTER

RESPONSE

	<p>O-15 Please refer to the response to comment O-14.</p> <p>Mid Encinitas, or called “Mid-Encinitas” is not a formalized community. Notwithstanding, the Design Guidelines include a dynamic set of factors to support site-specific and neighborhood settings.</p> <p>O-16 The Poseidon Water Desalination Plant was completed in late 2015. The San Diego County Water Authority is buying the desalinated water under a 30-year purchase agreement.</p> <p>The San Dieguito Water District and Olivenhain Water District have not directly purchased any desalinated water. The only agencies that have signed up to do so are Carlsbad Municipal Water District and Vallecitos Water District. All other agencies that receive treated water from the County Water Authority will receive desalinated water as part of the County Water Authority blended supply.</p> <p>O-17 The commenter’s listed roadway segments (La Costa Avenue, El Camino Real, Rancho Santa Fe Road, and El Camino Del Norte) are all listed in Section 2.4.3.7.</p> <p>O-18 The descriptions of local circulation roadways have been corrected to remove Gardens Drive and Forrest Bluff. Please refer to page 2-17 of the Final EIR.</p> <p>O-19 Comment noted. The level of service (LOS) analysis was conducted per the City’s and region’s standards. Please refer to Section 4.13.4.1.a.</p>
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LETTER

RESPONSE

<p>O-20 [2.6 table 2.2 pages 2-18 through 2-25] This table summarizes the details given in Section 3.2.2.3. Comments made there also apply to this summary table which should be updated to agree with the details.</p> <p>O-21 [3.2.2 page 3-8] The Inland Old Encinitas Activity Center extends west to Saxony and Calle Magdalena and may also include sites west of I5. Its cultural attractions also include the Encinitas YMCA and the nearby Ecke Sports Park.</p> <p>O-22 [3.2.2.3 page 3-17] The “public input” and “input from the community” were both collected through an internet service. These should be referred to as “anonymous public input” and “anonymous input from the community”. The “Peak Democracy” data was by no means a scientific or statistical study and the Encinitas City Council almost immediately voted to discontinue this service contract.</p> <p>O-23 [3.2.2.3 page 3-25] The description of site L-7 is incorrect in the following respects: (1) The nearest public school is much more than 2 blocks away as the school district site at 441 Quail Gardens Drive is not a school, it is the EUSD Farm Lab. It raises organic produce for use in the school district and hosts a community garden. Students may be bussed in from their school but this site is not by any stretch a school and this location is not listed as a school in section 4.12.1.3 of the Draft EIR. (2) The San Diego Botanic Garden is not a park, it has no playground, picnic areas, or athletic fields. The nearest park is Las Verdes Park at 1390 Paseo De Las Verdes, about 1/2 mile distant.</p> <p>O-24 [3.2.2.3 page 3-26] The description of site ALT-5 is incorrect in the following respects: (1) The site contains no homes. Where they had been is only rubble. (2) The nearest public school is much more than 1/2 mile away as the school district site at 441 Quail Gardens Drive is not a school, it is the EUSD Farm Lab. It raises organic produce for use in the school district and hosts a community garden. Students may be bussed in from their school but this site is not by any stretch operating as a grade school and this location is not listed as a school in section 4.12.1.3 of the Draft EIR. (3) The San Diego Botanic Garden is not a park, it has no playground, picnic areas, or athletic fields. The nearest park is Las Verdes Park at 1390 Paseo De Las Verdes, about 1/2 mile distant. Additionally, the travel distance to the YMCA is about 1 mile except for birds. (4) The site is not adjacent to transit, it is more than 1/4 mile to the nearest bus route, which is on Encinitas Blvd.</p> <p>[3.4.2.2 page 3-44]</p>	<p>O-20 Please see responses to comments O-23 and O-24. Table 2-2 has been revised to reflect the fact that there are no longer any structures present on housing site ALT-5.</p> <p>O-21 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>O-22 Numerous public workshops and town meetings have been conducted over the years to help educate and solicit input from the public on the General Plan Update, Housing Element "Restart," and <i>At Home in Encinitas</i>. While these meetings have been valuable and beneficial, a different approach was needed to reach out to those folks who have historically been unable to make meetings due to other conflicts and responsibilities, as well as garner interest from those who previously participated in the process. Online engagement tools are being used more frequently by governmental agencies as it allows for a more resourceful conversation at the convenience of the participating public. Despite its shortcomings, Peak Democracy (i.e., e-Town Hall) provided an opportunity to try something new. Still, it was only one of the many tools that were used to increase project awareness and solicit input. Traditional, in-person meetings were also utilized.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p>
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LETTER

RESPONSE

	<p>O-23 The description of housing site L-7 is correct. First, the Encinitas Ranch Specific Plan designates the site as “school.” The Encinitas Union School District’s website lists the Farm Lab as a school.</p> <p>2) The San Diego Botanic Garden is not a conventional park with athletic fields, but it offers many different passive and active activities for different age groups (along with social and educational activities).</p> <p>The San Diego Botanic Garden is listed as a “Regional” parkland type in the City’s land use inventory. Regional parks and beaches are developed parks, beaches, and natural open spaces that serve residents of Encinitas and surrounding communities, as well as visitors to the greater San Diego region. Regional parks and beaches are owned or managed by entities other than the City of Encinitas, including California State Parks, County of San Diego, and private landholders. The sizes of regional parks vary, as do their location relative to major population centers. Regional parks and beaches in Encinitas include the San Elijo Lagoon Ecological Reserve; the San Diego Botanic Gardens, formerly named the Quail Botanical Garden; San Elijo, Cardiff and Seaside State Beaches; Magdalena Ecke Park; and the Manchester Preserve, owned and managed as a habitat mitigation bank by the Center for Natural Lands Management.</p> <p>Therefore, no changes are warranted to the site description of L-7 in the EIR.</p> <p>O-24 1) The reported homes have been demolished. The Final EIR has been revised to reflect this characterization.</p> <p>2 and 3) Please refer to the response to comment O-23.</p> <p>4) Viable Housing Site ALT-5 consists of eight parcels with a study area size of 11.6 gross acres. The most southerly section of the Viable Housing Site is within a ¼ mile of the nearest bus stop of Encinitas Boulevard.</p>
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LETTER

RESPONSE

<p>O-25 The word “site” is used with two meanings in the draft proposed HEU. The first is one of the 33 “sites” proposed for a floating zone. The second is that the Draft HEU document [30.36.070 I 1] formally defines a “site” as any lot or a group of contiguous lots all owned or controlled by an applicant. The Draft HEU [30.36.100 A] also describes activation of a “site” at the discretion of the property owner. The Draft requires a minimum site area of 25,000 square feet for all “sites” in floating zones.</p> <p>The number 25,000 is interesting because a typical city block is about 200,000 square feet, and such a block might contain 20 lots.</p> <p>This seems to indicate that a builder could gain control of 3 or 4 contiguous lots in a commercial or residential block (within a potential floating zone) and activate and build just that part of the zone to a higher density. Other properties on the block would remain at their old zoning, call these holdouts.</p> <p>This can create a situation in which part of a block is redeveloped while the remainder is not. The mixed rezoning that could result from this is an important impact. Issues such as transition are not covered. This loophole should be discussed and resolved in the PEIR document.</p> <p>[3.4.3.2 page 3-53]</p> <p>O-26 It is disingenuous to refer to Proposition A as “Ancillary”. It was passed by a majority citizen vote in an effort to curb abuses by the building industry.</p> <p>[3.5.2 Table 3-4c page 3-58]</p> <p>O-27 Regarding Site ALI-5 the existing approved tract map for this site shows a yield of 33 single-family homes. This is because of slopes, easements, drainage, and other site difficulties. This map also called for preserving the two mature Torrey Pine trees on the site and the owls therein. The “Adopted Zoning Yield” of 54 exceeds this by 63%. It would be correct to adjust the “Proposed Residential Yield” for this site down from 338 to 212 to recognize the actual potential residential yield if this site were developed under the floating zone scheme. This change should be reflected in the totals and in other conclusions derived from that number.</p> <p>[3.5.3 page 3-58]</p> <p>O-28 Non-residential build out assumptions project past experience into the future. However, the majority of commercial uses are retail which is being seriously impacted by the recent trend of internet sales and same-day delivery. This is to say that future commercial density requirements could actually be less than the existing density. A conclusion that could be drawn from this is that the non-utilized commercial density might be used as an increased residential density, a scenario that could play out within the next 10 years.</p> <p>[3.6.2 page 3-63]</p> <p>O-29 The “Ancillary Action” to “delete policies as specified by Proposition A” should be worded better. Saying “except in areas of conflict with the HEU” should say “only in areas of conflict with the HEU”.</p> <p>[4.1.1.1 b page 4.1-1]</p>	<p>O-25 Site can be used in different contexts, as it refers to a location.</p> <p>The HEU must identify specific sites or parcels that are available for residential development. Land suitable for residential development has characteristics that make the sites or parcels appropriate and available for residential use in the planning period. A site in this instance may include more than one parcel.</p> <p>In the Housing Plan, 33 Viable Housing Sites are referenced for the purpose of mapping small opportunity sites. The Viable Housing Sites are only an identifier for a parcel or group of parcels. In the inventory, the Viable Housing Site lists parcel specific information, including an indication of zoning, General Plan designation, parcel size and existing use.</p> <p>The new zoning laws or standards will be implemented by the use of a new zone program. Formerly called the floating zone in the Draft EIR, now called the <i>At Home in Encinitas</i> zone, the new zone standards are optional, so existing development in not necessarily affected by the new zoning laws. Existing property owners can still take advantage of the base zoning designation until or if they opt into the new zone program.</p> <p>For more information of transitions, please refer to response to comment II-16.</p> <p>The scope of the EIR study looks at the effects of probable future development projects, over the life of the long-term plan. It is possible that some parcels within a Viable Housing Site location will develop more quickly than others. This is more likely when there are multiple parcels with different owners and different on site conditions.</p> <p>O-26 The “ancillary” reference refers to the proposed discretionary action to amend provisions that prevent State law compliance, rather than the Proposition itself. They are ancillary amendments because they provide support for the Housing Plan update.</p> <p>No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.</p>
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LETTER

RESPONSE

	<p>O-27 The “Proposed Zoning Yield” refers to the total maximum capacity that was studied for environmental review. This does not identify exactly what will happen, rather it identifies what could happen. The yield calculated for Viable Housing Site Alt-5 is based on net density. This yield calculation allows an accurate assessment of project alternatives, environmental effects and mitigation measures based on a maximum density. Future project implementation could occur at a lesser density.</p> <p>No site-specific development proposals are included in conjunction with the HEU. Future projects proposed on approved housing sites would be subject to review by the City.</p> <p>O-28 Please refer to the response to comment O-27.</p> <p>The CEQA Guidelines do make it clear that the focus of the study should be on the significant effects of the proposed project, not on speculation regarding future economic conditions.</p> <p>O-29 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p>
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LETTER

RESPONSE

<p>O-30 There is a sixth community, Mid-Encinitas, between the I5 freeway and El Camino Real from the north city limit to the south. Mid-Encinitas includes the large development of the Encinitas Ranch. This large community is not part of the historic communities of Leucadia, Olivenhain, and Cardiff. The tracts have more in common with each other than the older areas to the west.</p> <p>[4.1.1.1 b page 4.1-2]</p> <p>O-31 There are also magnificent scenic vista points within the San Diego Botanic Garden. This site lies on a ridge and has views to all points of the compass, especially from its watchtower. The Encinitas Ranch and its golf course and trail system also provide stunning vistas in all directions.</p> <p>[4.1.6.1 page 4.1-25]</p> <p>O-32 Housing Site CBHMG-1 is “just east of the I-5 exit” not “just east of the I-5 exist”. Please correct this typographical error.</p> <p>[4.1.7 a page 4.1-39]</p> <p>O-33 We disagree with the judgment that adverse impacts to community character from development of Housing Site ALT-5 would be less than significant. Issues such as parking overflow and traffic are significant, and this is a quiet area surrounded on 3 sides by lower density residences on a street containing several important cultural attractions.</p> <p>[4.1.7.2 page 4.1-50]</p> <p>O-34 Add the following sentence: Housing site ALT-5 is surrounded on 3 sides by lower density housing zones and development at higher intensity is contrary to existing community character.</p> <p>[4.1.7.4 page 4.1-50]</p> <p>O-35 Please add site ALT-5 to the list of impacted sites.</p> <p>[4.1.8.1 b page 4.1-51]</p> <p>O-36 Please correct the misprint on the discussion of Housing Strategy 3. “housing strategy 3 (mmup)” appears to be the intended.</p> <p>[4.3.1.1 d page 4.3-6]</p> <p>O-37 Some undisturbed areas of site ALT-5 are riparian in nature as it is traversed north-south by the Cottonwood Creek watershed.</p> <p>[4.3.1.2 Table 4.3.1 page 4.3-8]</p> <p>O-38 Site ALT-5 should be indicated as riparian.</p>	<p>O-30 Please refer to the response to comment O-14. Mid Encinitas, or called “Mid-Encinitas” has not been formalized community for planning purposes. It has been acknowledged that many differences and settings may exist within one individual community.</p> <p>In preparing the new zoning standards and design guidelines, it was acknowledged that the characteristics of each community vary. To address this, Design Guidelines establish clear goals and expectations for compatible design and for respecting community character. Each project would reinforce the design traditions of the community and the neighborhood in which it is located.</p> <p>O-31 The scenic vista points included in the EIR were based upon those identified in the adopted General Plan. Private viewing locations are not protected under CEQA; therefore, views from private property were not analyzed in the EIR.</p> <p>O-32 This typographical error has been corrected. Please refer to page 4.1-25 of the Final EIR.</p> <p>O-33 As detailed in Section 4.1 of the EIR, development of this site would be subject to transition area requirements that require a 10-foot landscaped buffer area and a 30-foot compatible massing area, wherein height limits would be reduced to provide a transition between single-family areas and the housing site. These transition standards were designed to provide compatibility between higher density housing sites and surrounding single-family areas. Thus, applicable zoning standards and design guidelines reduce community character impacts to less than significant. For more information, please refer to response to comment II-16.</p> <p>Furthermore, this area contains a diversity of uses including the San Diego Botanic Gardens to the west, a church north of the site, and commercial/office uses to the south. A higher-density housing site would be compatible with these existing uses and zoning standards would ensure compatibility with single-family residential areas.</p>
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LETTER

RESPONSE

	<p>O-33 New zoning standards would require parking to be provided on-site for both residents and guests, which would avoid any issues related to parking overflow onto neighborhood streets. Relative to traffic, as described in Section 4.13.4.1, due to the nature of traffic modeling, future traffic volumes and impacts associated with buildout of the HEU are identified on a strategy-wide basis and not on a housing site-specific basis.</p> <p>Thus, as detailed in Section 4.1 of the EIR, development of this housing site would have a less than significant impact on community character.</p> <p>O-34 As detailed in response to comment O-33 above, the EIR concludes that development of housing site ALT-5 would result in a less than significant impact to community character. Thus, no change to the EIR was made.</p> <p>O-35 As detailed in response to comment O-33 above, the EIR concludes that development of housing site ALT-5 would result in a less than significant impact to community character. Thus, ALT-5 has not been added to the list of impacted sites.</p> <p>O-36 The misprint has been corrected to “housing strategy 23”. Please refer to page 4.1-51 of the Final EIR.</p> <p>O-37 According to The Biological Resources Report for the Quail Meadows Project, City of Encinitas, California prepared by Dudek in 2005, housing site ALT-5 does not contain riparian vegetation. However, jurisdictional waters previously were mapped on the site (refer to Final EIR Figure 4.3-2).</p> <p>O-38 Please refer to the response to comment O-37.</p>
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LETTER

RESPONSE

<p>O-39 [4.3.1.5 page 4.3-17] We disagree with the finding of this chapter. These sites do constitute a wildlife movement corridor for birds. Coyotes, raccoons, skunks, and opossums may also freely enter them using roads, walks, and trails to get around. Though uncommon, occasional sightings of deer have been reported.</p> <p>O-40 [4.3.5.1 b page 4.3-31] Housing Strategy 3 also has impacts BIO-1 BIO-3 from site ALT-5.</p> <p>O-41 [4.3.10.2 page 4.3-40] Do you mean "true" instead of "tree"?</p> <p>O-42 [4.6.4 page 4.6-14] Which two appendices are being referenced?</p> <p>O-43 [4.1.9.3 a page 4.9-8] This paragraph omits describing the more than 500 homes that were built before the year 2000 in the Encinitas Ranch development. This oversight should be corrected.</p> <p>O-44 [4.9.2.1 pages 4.9-12 through 4.9-16] This section explains most of the state regulations but it fails to describe the California Housing Bonus requirement and its actual or potential impact on housing density. We suggest that this be corrected.</p> <p>O-45 [4.9.2.3 b page 4.9-21] Please add the following important fact: Proposition A also requires that building height be measured from the natural grade whenever fill would raise the level of the building pad.</p> <p>O-46 [4.9.1.1 Table 4.9-16 pages 4.9-48 through 4.9-55] The Speed given in this table is apparently the posted speed limit as measured speed would be a range, not a round number. Some of these values are incorrect, a few that we noticed are: * Saxony Rd between Saxony Pl. and Encinitas Blvd is posted at 25 MPH and is enforced accordingly, not at the 40 MPH stated in the table. * Quail Gardens Drive between Swallowtail Rd. and Leucadia Blvd. is posted at 35, not at 40 MPH. * Westlake Street between Encinitas Blvd. and Requeza is posted at 25, not at 30. We suggest that you verify all the speed limits with the City rather than publishing incorrect information.</p>	<p>O-39 Section 4.3.1.5 on page 4.3-17 includes the following clarifications:</p> <hr/> <p>Tthe following housing sites are, in part, adjacent to undeveloped land; <u>however, they are not identified as regionally significant wildlife corridors by the Encinitas Subarea Plan (2001): ALT-4, ALT-5, C-6, C-7, NE-1, O-2, O-4, O-6, and OE-1. However, these sites do not connect suitable wildlife habitat areas as they are fragmented by roads and other development. Although these housing sites may provide for local wildlife movement, these housing sites are primarily constrained by roads and development and would be not located within constitute a significant regional wildlife movement corridor.</u></p> <hr/> <p><u>However, one housing site, O-4, is located within a focused planning area identified by the Encinitas Subarea Plan (2001). Though housing site O-4 is constrained by development and roads to the north and south, it is traversed by Escondido Creek along the eastern boundary of the site. This area of Escondido Creek is identified as a biological resource and core linkage by the Encinitas Subarea Plan (2001), and thus is considered a significant regional wildlife corridor. However, this area is permanently conserved in open space by a conservation easement, and thus is not considered a developable area.</u></p> <p>Additionally, Section 4.3.8.1 on page 4.3-38 includes the following clarifications:</p> <p>Although housing sites ALT-4, ALT-5, C-6, C-7, NE-1, O-2, O-4, O-6, and OE-1 are bounded, in part, by undeveloped land, they do not meet the criteria for a wildlife movement corridor as they are not identified <u>as such by the Encinitas Subarea Plan (2001) and are further restricted by roads and other development.</u></p>
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LETTER

RESPONSE

	<p>O-39 (cont.)</p> <p><u>A portion of housing site O-4 contains an area of Escondido Creek that is identified by the Encinitas Subarea Plan (2001) as a regionally significant wildlife movement corridor; however, as this area is permanently conserved in open space by a conservation easement, it would not be impacted by future development in accordance with the HEU.</u> Therefore, implementation of the HEU would not interfere with any <u>a regionally significant</u> wildlife corridor and would not have a significant impact to wildlife movement.</p> <p>O-40 Please refer to the response to comment O-37, which addresses Housing Site ALT-5.</p> <p>O-41 Section 4.3.10.2 on page 4.3-41 includes the following clarification: Potential impacts associated with <u>any</u> the local policies or ordinances protecting biological resources would be less than significant.</p> <p>O-42 The text is referring to Appendix L. Text has been revised.</p> <p>O-43 The Encinitas Ranch Specific Plan was prepared for the purpose of establishing guidelines for mixed use development, agricultural, open space, golf course, commercial, and residential on 852.8 acres of land. The land use plan allows for a maximum density of 1,139 dwelling units. Most of this development occurred from the mid-1990s to the mid-2000s Section 4.1.9.3 generally characterizes residential land use activities in the City. The inland residential area in the northeast of Old Encinitas features a single-family residential subdivision, typical of the late 1970s through the mid-1990s suburban style with curvilinear streets and cul-de-sacs with larger homes set back from the street. There is no need to amend this statement to include the number of units built during specific time periods as it would be extraneous to do so.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p>
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LETTER

RESPONSE

	<p>O-44 Please refer to the response to comment O-3.</p> <p>O-45 The text referring to Section 4.9.2.3 (b) consists of a discussion about Proposition A. The EIR has been revised to state that height shall be measured from the lower of the natural or finished grade adjacent to the structure, to the highest portion of the roof immediately above.</p> <p>O-46 Please refer to Table 3.1, pages 28-29 of the Traffic Impact Study (TIS; see Appendix N). The EIR has revised to reflect the correct posted speed limits.</p>
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LETTER

RESPONSE

<p>O-47 [4.9.9.1 a page 4.9-56] It should be emphasized in this paragraph that existing housing and other sites not within the housing strategies are also impacted by increased traffic noise levels.</p> <p>O-48 [4.11.5.1 c Table 4.11-15 page 4.11-10] The proposed residential yield for Site ALT-5 should be changed from 338 to 212. The number of existing residential units is 0 and the existing plan yield is 33. The totals should be adjusted accordingly. Reasons for this are stated above in the response to Table 3.4c.</p> <p>O-49 [4.12.7 a Table 4.12-8 page 4.12-20] For site ALT-5 the Proposed Residential Yield should be set to 212 and the proposed student generation and totals adjusted accordingly.</p> <p>O-50 [4.12.9 pages 4.12-22 through 4.12-23] Encinitas has sufficient large parks to satisfy the minimum requirement, however healthy development of children needs safe open air play spaces and recreation areas near to housing. The back and front yards of detached houses satisfy this, but the blocks of apartments provided for by the HEU do not. This has a direct impact on community character and the lack of small parks and play spaces is a defect in the proposed HEU.</p> <p>O-51 [4.13.1.1 page 4.13.4] Quail Gardens Drive has missing sidewalk lengths on the West Side along the San Diego Botanic Garden frontage. Sidewalks on the East side from the Botanic Garden north are part of the Encinitas Ranch trail system and pedestrians share this trail with horses. The median south of the entrance to the Botanic garden is painted on asphalt and is neither raised nor landscaped.</p> <p>O-52 [4.13.1.1 page 4.13.4] It is sufficient to state just once that Nardo Road has bike route signs.</p> <p>O-53 [4.13.1.2 page 4.13-8] Study traffic counts were taken in June 2015, perhaps at a time when schools were not in session and some families were on vacation. We have observations made in February 2016 that correct these numbers. See the comments below.</p> <p>O-54 [4.13.1.2 a page 4.13.10] Proposed corrections to Roadway Segment Conditions (summary, see comments on Table 4-13-1 for particulars) in the City of Encinitas are as follows:</p>	<p>O-47 The paragraph has been revised to clarify the impact, as indicated by the comment.</p> <p>O-48 Please refer to response to comments O-24 and O-27. The number of existing residential units is zero. The Final EIR has been modified to reflect this comment.</p> <p>O-49 Please refer to response to comment O-27.</p> <p>O-50 Cities use zoning as a way to guide future growth and development and as a means for establishing common rules that all properties must follow. The Housing Plan Update is supporting the development of a new zone program to help accommodate needed new housing. These new zones will also allow the City to more effectively guide quality development and design, which is compatible with existing community character. The new zone requires a certain amount of private open space (for individual units) as well as common open space for multiple units in a development to share. The intent is to support Encinitas' outdoor lifestyle. Therefore, open space, green space, and parkland will be considered as the counterpart of new development to ensure that there is adequate private land and/or water area provided on site for passive or active recreational opportunities.</p> <p>O-51 Comment noted. The revised TIS and Final EIR have been modified to reflect this comment. However, these changes will not affect the findings and conclusion of the traffic analysis.</p> <p>O-52 The description has been updated to state Nardo Road has bike route signs once. Please refer to page 4.13-4 of the Final EIR.</p> <p>O-53 Comment noted. Data collection was conducted in June 2015, during which time the schools were still in session.</p>
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LETTER

RESPONSE

	<p>O-54 The LOS conclusions provided by the commenter are based on perception; no evidence is provided to substantiate these conclusions. The approach taken for the roadway level of service analysis in the traffic impact analysis (see Appendix N) is the standard traffic engineering practice and consistent with the region's requirement for conducting traffic impact studies.</p> <p>In this case, the roadway capacity thresholds that were used are found in the City of Encinitas Circulation Element, and these thresholds are consistently used for all other traffic studies in the City.</p> <p>As stated in the TIS Section 2.3 on page 7, the analysis of roadway segment level of service is based on the functional classification of the roadway, maximum capacity, roadway geometrics, and existing or forecasted average daily traffic (ADT) volumes.</p> <p>The City's level of service analysis was performed in the TIS by utilizing the City of Encinitas Public Road Standards, April 1991. The TIS is included as Appendix N of the Final EIR, and Appendices of the TIS contains the Roadway Traffic Counts, Intersection Turning Movement Counts, and Signal Timing Plans prepared by Chen Ryan and based on traffic counts conducted in June 2015, at a time in which schools were in session.</p> <p>See responses to comments O-55 through O-59 for responses to the proposed roadway segment conditions.</p>
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LETTER

RESPONSE

North Coast Highway 101 southbound between La Costa Ave and Leucadia Blvd – LOS E
Quail Gardens Drive southbound between Paseo De Las Verdes and Encinitas Bl. – LOS E
Encinitas Blvd eastbound from Vulcan to I5 – LOS E

[4.13.1.2 Table 4.13-1 page 4.13-11]

O-55 The actual southbound LOS on North Coast Highway 101 between La Costa Ave and Leucadia Blvd is not “C or better”, it is E or F because of two factors, first traffic turning east onto Leucadia Blvd at the railroad tracks backs up often far beyond the turn pocket, and second delivery trucks often double-park in the sharrow lane, turning the street into effectively a single-lane road shared by bicycles, trucks, and cars causing a backup often as high as half a mile. The situation is worsened to gridlock whenever a train goes through. South of there to Encinitas Blvd the traffic usually loosens up.

South of there the city traffic on southbound 101 from Encinitas Blvd to Swami’s Parking lot is often “C or better” but due to diagonal parking and trains to the east, the entire section often slows to stop-and-go. The LOS of this section might best be called D.

Northbound traffic on South Coast Highway 101 from Swami’s Parking to Encinitas Blvd is often stop-and-go due to diagonal parking, traffic backup due to trains to the east and the backup turning east onto Encinitas Blvd as cars wait the Signals at Vulcan to I5.

South Coast Highway 101 between Swami’s Parking and San Elijo State Beach is usually not LOS F. Traffic generally moves smoothly in both directions and might be better called LOS C or D. However, traffic turning east onto Chesterfield Drive is often backed up due to both train traffic and the nearby signal at San Elijo Ave and Chesterfield. This is LOS E or F.

[4.1.13.2 Table 4.13-1 page 4.13-13]

O-56 The Southbound traffic on Quail Gardens Drive between Paseo De Las Verdes and Encinitas Bl. is typically stop-and-go due to morning commuters. The stop-and-go traffic often extends from north of Kristen Court down to Encinitas Blvd. I would call this segment LOS E or F.

[4.1.13.2 Table 4.13-1 page 4.13-18]

O-57 The actual eastbound LOS on Encinitas Blvd Eastbound from Vulcan to I5 is not C, it is E or F because left-turning traffic onto I5 North often backs up both lanes as far west as Vulcan.

[4.1.13.2 b page 4.13-21]

O-58 Proposed additions to Intersection Conditions(summary, see comments on Table 4-13-2 for particulars) in the City of Encinitas are as follows:

* North Coast Highway 101 & Leucadia Boulevard – LOS E

* South Coast Highway 101 & Chesterfield – LOS E

[4.1.13.2 b Table 4.13-2 page 4.13-22 through 4.13-24]

O-55 See response to comment O-54. The approach taken for the roadway level of service analysis is the standard traffic engineering practice and consistent with the region’s requirement for conducting traffic impact studies. In this case, the roadway capacity thresholds that were used are found in the City of Encinitas Circulation Element, and these thresholds are consistently used for all other traffic studies in the City. In addition, the TIS was conducted in June 2015, at a time when schools were in session.

Page 586 in Appendix F of the TIS contains the detailed counts, calculations and modeling for North Coast Highway 101 southbound between La Costa Avenue and Leucadia Boulevard, which attained a LOS C rating for the existing condition, No Project/Adopted Plan, and all three housing strategies.

The traffic from South Coast Highway 101 to Swami’s Parking lot was measured in 7 separate segments, the first 6 of which attained a rating of LOS C and the segment between Swami’s Parking to San Elijo State Beach receiving an LOS F for the existing condition, No Project/Adopted Plan and all three housing strategies.

Please refer to page 586 of Appendix F of the TIS to review the calculations and modeling completed for these seven segments. Therefore, Table 4.13-1 contains the correct LOS ratings and will not require revision for these roadway segments.

O-56 See response to comment O-54. The approach taken for the roadway level of service analysis in the traffic impact analysis (see Appendix N) is the standard traffic engineering practice and consistent with the region’s requirement for conducting traffic impact studies. In this case, the roadway capacity thresholds that were used are found in the City of Encinitas Circulation Element, and these thresholds are consistently used for all other traffic studies in the City.

LETTER

RESPONSE

	<p>O-56 (cont.)</p> <p>The commenter is suggesting that the subject roadway segments should be given a different LOS based on his personal opinion under a specific situation. It is important to note that roadway LOS is simply a volume to capacity (V/C) assessment of the total daily traffic volumes over the daily capacity allowed for such roadway classification. Delivery trucks double parking is generally never considered in a traffic analysis as it represents a temporary situation. In terms of the storage length or morning commuters, these issues are addressed in the peak hour analysis as roadway LOS is a representation of the V/C on a daily basis.</p> <p>In addition, the TIS was conducted in June 2015, at a time when schools were in session.</p> <p>Page 586 in Appendix F of the TIS contains the detailed counts, calculations and modeling for Quail Gardens Drive southbound between Paseo De Las Verdes and Encinitas Boulevard, which attained a LOS C rating for the existing condition, No Project, and three housing strategy alternatives. Considering the data, calculations, and methodology compiled by traffic consultant Chen Ryan in June 2015 for the TIS, this segment in Table 4.13-1 of the EIR is correct and will not require revision.</p> <p>O-57 See response to O-54. The approach taken for the roadway level of service analysis in the traffic impact analysis (see Appendix N) is the standard traffic engineering practice and consistent with the region's requirement for conducting traffic impact studies. In this case, the roadway capacity thresholds that were used are found in the City of Encinitas Circulation Element, and these thresholds are consistently used for all other traffic studies in the City. In addition, the TIS was conducted in June 2015, at a time when schools were in session.</p> <p>Section 2.0 of the TIS on page 5 discusses the analysis methodology for the study area and mobility network employed throughout the analysis. The TIS was performed in accordance of the requirements of the City and SANTEC/ITE Guidelines for TIS in the San Diego Region, and in conformance with the CEQA project review process.</p>
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LETTER

RESPONSE

	<p>O-57 (cont.)</p> <p>The data sets collected for the TIS can be found in the TIS Appendices. The EIR discusses the existing circulation conditions in Section 4.13.1 on page 4.13-1 and the methodology for impact analysis in Section 4.13.4 on pages 4.13-35 and 4.13-36.</p> <p>Encinitas Boulevard eastbound from Vulcan to I-5 was measured in three different segments in the TIS:</p> <ol style="list-style-type: none"> 1) Between Vulcan Avenue and Days Inn traffic signal 2) Between Days Inn traffic signal and I-5 SB Ramps 3) Between I-5 SB Ramps and I-5 NB Ramps <p>Page 587 in Appendix F of the TIS contains detailed counts, calculations, and modeling for these three segments. Segment 1 and 2 attained an LOS C rating for the existing condition, No Project, and the three housing strategy alternatives.</p> <p>Segment 3, between I-5 SB Ramps and I-5 NB Ramps, was found to have an existing condition of LOS C and attained an LOS D rating for the No Project, and the three housing strategy alternatives. Considering the data, calculations, and methodology compiled by traffic consultant Chen Ryan in June 2015 for the TIS, the LOS ratings in Table 4.13-1 of the Final EIR are correct and will not require revision.</p> <p>O-58</p> <p>The approach taken for the intersection level of service analysis in the traffic impact analysis (see Appendix N) is the standard traffic engineering practice and consistent with the region's requirement for conducting traffic impact studies. While some movements per intersection might operate at an unacceptable level of service E or F, it is the average intersection level of service that is displayed in the report. As standard practice, the traffic engineering software <i>Synchro</i> by Trafficware was used for this analysis. The aforementioned software supports the Highway Capacity Manual 2010 methodology for calculating intersection level of service. This methodology consists in calculating the delay and level of service per approach, to then calculate the overall average delay and level of service per intersection. The method is consistently used for all other traffic studies in the City and the region as a whole.</p>
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LETTER

RESPONSE

	<p>O-58 (cont.)</p> <p>Please refer to Section 2.0 of the TIS for additional analysis and methodology information. Section 2.4 of the TIS contains the analysis methodology for peak hour intersection level of service standards and thresholds. In the EIR, Section 4.13.1.2 on page 4.13-8 discusses analysis of the existing conditions of the intersection level of service. See Section 4.13.4 of the EIR for the impacts analysis methodology.</p> <p>Table 4.13-2 of the EIR identifies North Coast Highway 101 and La Costa Avenue as having LOS C for AM peak hour and LOS C for PM peak hour. South Coast Highway. Please refer to the Appendices of the TIS for a detailed evaluation of the counts, calculations, and modeling completed for the study intersections.</p> <p>South Coast Highway 101 and Chesterfield was not a studied intersection in the TIS or in Table 4.13-2 of the EIR. However, this segment was analyzed as a roadway segment condition, which attained an LOS C or better rating in the TIS for the existing condition, no project, and the three housing strategy alternatives. Please refer to Table 6.1 of the TIS to view the summary of roadway segments level of service results, and to the Appendices in the TIS for the records of segments and intersection counts completed by traffic consultant Chen Ryan.</p>
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LETTER

RESPONSE

<p>O-59 The peculiar intersection between the South Coast Highway 101, Chesterfield, San Elijo Ave., and the railroad tracks is a major bottleneck, especially with weekend beach traffic. The LOS of this intersection should be listed as E or F for cars turning east from either direction of 101. Further study of this particular bottleneck is suggested.</p> <p>The table as a whole should include a column for weekend traffic. Downtown Encinitas has many attractions for visitors, including Moonlight and other beaches.</p> <p>ID 5 – Downgrade the LOS from B to C. Southbound traffic on 101 backs up for 2 or 3 signal cycles, especially on weekends.</p> <p>ID 12 – Downgrade the LOS from C to E. Southbound traffic often backs up for several cycles due to turning East across the railroad tracks. This is especially common on weekends but can happen at any time due to double parked trucks unloading from the narrow lane of 101. It gets especially bad when trains come through.</p> <p>ID 18 – Downgrade the LOS from C to D. Turning traffic from westbound Leucadia Blvd to southbound Quail Gardens Drive is often backed up for additional signal cycles during morning commute and sometimes on weekends.</p> <p>ID 28 – Weekend impacts at the Intersection of 101 and Encinitas Blvd. are worse than AM or PM weekday. Call the LOS of this intersection D or worse.</p> <p>[4.1.13.2 c page 4.13-25]</p> <p>O-60 Freeway segment traffic has increased since the traffic study due to housing completions in inland Carlsbad and the San Elijo Hills development in San Marcos, and due to economic recovery.</p> <p>O-61 No Comments on Chapter 5 No Comments on Chapter 6</p> <p>[7.0 page 7-2]</p> <p>O-62 The first paragraph should also mention growth in the San Elijo Hills section of San Marcos. This development has contributed to traffic increase entering Encinitas from the northeast on Rancho Santa Fe Road and shows no signs of abating.</p> <p>[7.1.1 page 7-3]</p> <p>O-63 Mention should be made of SANDAG and CALTRANS plans for expanding the coastal railway and the I5 freeway. Double-tracking of the railroad will allow increased passenger and freight train traffic and more frequent traffic delays at railroad crossings. The increase in passengers will have a ripple effect on bus and road traffic in downtown Encinitas. The increase in freeway traffic will increase the number of stops for fuel, food, and lodging which will also affect projected traffic counts.</p> <p>[8.1 page 8-1]</p> <p>O-64 The reference to poinsettia gardens is out-of-date. This operation has been discontinued as the bulk to</p>	<p>O-59 Please refer to response to comment O-58.</p> <p>The intersections of San Elijo Avenue and Chesterfield Drive and South Coast Highway 101 and Chesterfield Drive were not included in the study area as each of the housing strategies would not contribute more than 50 peak hour trips to these intersections, which is the basis for traffic analysis for the City of Encinitas and the San Diego region. It is important to note that the study area segments and intersections were selected carefully and approved by City staff.</p> <p>The roadway and intersection analyses were based on weekday counts as it is standard traffic engineering practice in the region.</p> <p>The standard traffic engineering practices used are described in the analysis methodology of the TIS in Section 2.0 on page 5 of the traffic study, and the peak hour intersection level of service standards and thresholds methodology is discussed on page 11. The level of service standards and thresholds/ramp intersection capacity analysis is discussed in Section 2.4 (page 11) and Section 2.6 of the TIS on page 14. In the EIR, please refer to Section 4.13.1.2 (page 4.13-8) for the existing traffic volumes and level of service, and Section 4.13.4 (page 4.13-35) in the EIR for the methodology used for transportation/traffic for the proposed project.</p> <p>Intersection operations are evaluated based on a LOS analysis. The concept of LOS is defined as a qualitative measure describing operational conditions within a traffic stream, and the motorist's perception of operations. LOS designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions. The segment LOS is based on the ADT.</p> <p>The cities of Encinitas, Solana Beach, and Carlsbad as well as Caltrans utilize the SANTEC/ITE Guidelines. This analysis utilizes a LOS analysis to assess roadway segments, intersections, and freeway segments operations. As part of determining the LOS on area roadways, a V/C ratio is used that considers the ADT and capacity of each segment within the study area. The capacity is</p>
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	<p>O-59 (cont.) based on the roadway standards set by the jurisdiction. The minimum acceptable operating condition for freeway segments, roadway segments, and intersections is LOS D.</p> <p>Please see the TIS Appendices for the intersection data collected for the project area. Signalized and unsignalized intersection levels of service are analyzed using the standard Highway Capacity Manual (2010) operational analysis method.</p> <p>ID 5 – Table 4.13-2 of the EIR states that the LOS for North Coast Highway 101 and La Costa Avenue as LOS B for AM and PM peak hour. The AM peak hour received an average delay of 15 seconds and the PM peak hour received an average delay of 14.7 seconds. Based on the Highway Capacity Manual (2010) level of service thresholds, LOS B occurs when the average delay is between 10.1-20 seconds. Therefore, LOS B is correct for ID 5.</p> <p>ID 12 – Table 4.13-2 of the EIR states that the LOS for North Coast Highway 101 & Leucadia Boulevard as LOS C for AM and PM peak hour. The AM peak hour received an average delay of 27 seconds and the PM peak hour received an average delay of 24.8 seconds. Based on the Highway Capacity Manual (2010) level of service thresholds, LOS C occurs when the average delay is between 20.1-35.0 seconds. Therefore, LOS C is correct for ID 12.</p> <p>ID 18 - Table 4.13-2 of the EIR states that the LOS for Quail Gardens Drive and Leucadia Boulevard to be LOS C for AM and PM peak hour. The AM peak hour received an average delay of 22.9 seconds and the PM peak hour received an average delay of 26.6 seconds. Based on the Highway Capacity Manual (2010) level of service thresholds, LOS C occurs when the average delay is between 20.1-35.0 seconds. Therefore, LOS C is correct for ID 18.</p> <p>ID 28 – Table 4.13-2 of the EIR states that the LOS for North Coast Highway 101 and Encinitas Boulevard to be LOS C for AM and PM peak hour. The AM peak hour received an average delay of 29.1 seconds and the PM peak hour received an average delay of 27.8 seconds. Based on the Highway Capacity Manual (2010) level of service thresholds, LOS C occurs when the average delay is between 20.1-35.0 seconds. Therefore, LOS C is correct for ID 28.</p>
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	<p>O-60 The existing conditions (or baseline) are based on the physical conditions at the time of issuance of the Notice of Preparation (NOP). The commenter does not identify any specific number, location or completion date for the “housing completions” to which he refers, so no more specific response is possible.</p> <p>O-61 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>O-62 Comment noted. The growth and traffic conclusions provided by the commenter are based on perception; no evidence is provided to substantiate these conclusions. Therefore, no changes are warranted to Section 7.0 on page 7-2.</p> <p>O-63 Comment noted. The project team has met with Caltrans and all funded or reasonable foreseeable regional transportation projects are incorporated in the analysis. In addition, SANDAG prepared the travel forecast model which takes into consideration all highway and transit projects in the Regional Transportation Plan, in effect at the time of issuance of the Notice of Preparation, (revenue-constrained) are reflected. Both the I-5 North Coast Corridor and the rail double-tracking projects are components to the Regional Transportation Plan (RTP; revenue-constrained) and hence included in the forecast model provided by SANDAG and utilized for the traffic analysis for this project.</p> <p>O-64 Section 8.1 on page 8-1 includes the following clarifications:</p> <p>Agricultural activities occur within the City on a small scale, particularly poinsettia <u>through nurseries, gardens,</u> and greenhouses, comprising approximately 3 percent of total land use acreage.</p>
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<p>the Ecke company has moved the operation out of the country. Encinitas is no longer the poinsettia capital.</p> <p>[9.0 page 9-2]</p> <p>O-65 Housing Mapping Strategies. We object to the attempt to define Community Character solely on the basis of the buildings. A community does not exist without its people and Community Character refers to the way that the people interact with their surroundings, not to the style of the buildings.</p> <p>[9.1 Table 9-1 page 9-4]</p> <p>O-66 The numbers don't add up right. We find it hard to believe that the SMUP strategy could produce 1,503,670 M.R.(du) while the MMUP produced only 3,261.</p> <p>[9.1 Table 9-2 pages 9-5, 9-6, and 9-7]</p> <p>O-67 We do not understand the terms SAME, LESS, and GREATER. What is being compared here? Please clarify.</p> <p>[9.2]</p> <p>O-68 no comment</p> <p>[9.3.1.1 Table 9-3 page 9-16]</p> <p>O-69 Site ALT-3 had an approved tract map in 2008 for 33 DU, this plan acknowledged features of the site such as easements, drainage, and heritage Torrey Pine trees. The yield of 54 DU for this site is unrealistic for several reasons including the fact that it is not reasonable to build homes underneath high tension wires.</p> <p>[9.3.1.2 k page 9-26]</p> <p>O-70 We don't see that population growth from the HEU would have no impact different than the No Project Alternative. Nothing in the HEU will provide more beaches with more surfable waves. Since no more land is available for parks and recreational resources the current facilities would bear a greater load. Shops and markets might have more customers but additional crowding will ensue.</p> <p>[9.3.1.2 l 5 page 9-28]</p> <p>O-71 We disagree with the judgment that the city has adequate recreational facilities to serve increased needs. For instance the number of playing fields for soccer and other activities is limited and increased use degrades the grass playing surfaces.</p> <p>[9.3.1.2 m page 9-28]</p>	<p>O-65 Community character is described in more detail than relying on building form alone.</p> <p>Community character includes distinctive traits, qualities, or attributes essential to an area – or some measure of expression that is unique to a neighborhood. Design Guidelines seek to promote high quality design and community character compatibility within the new zone program. They establish clear goals and expectations for compatible design and for respecting community character. The Design Guidelines will address design principles, community character, design context, site design, and building design. Each project would reinforce the design traditions of the community <u>and</u> the neighborhood in which it is located.</p> <p>O-66 Total numbers have been revised for the SMUP strategy. The maximum residential buildout is 2,351 dwelling units and the maximum commercial buildout is 1,503,670 square feet. Please refer to Tble 9-1 of the Final EIR.</p> <p>O-67 Table 9-2 provides a summary of the significant project impacts compared to each alternative (refer to page 9-4). “SAME” would indicate impacts under the alternative are the same as the project (three strategies); “LESS” indicates the impacts are less intense under the alternative compared to the project and “GREATER” indicates that impacts would be more intense under the alternative compared to the project.</p> <p>O-68 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>O-69 Please refer to the response to comment O-27. No site-specific development proposals are included in conjunction with the HEU. Future projects proposed on approved housing sites would be subject to review by the City.</p>
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	<p>O-70 Impacts relative to population growth are analyzed under the CEQA significance determination thresholds (please refer to Section 4.11). Impacts to parks and recreational facilities from buildout of the HEU are disclosed in Section 4.12.9 of the EIR. Currently the City has 1,330.6 acres of parks and recreational space (see Table 4.12-4), which would meet the needs for all residents under any of the housing strategies, based on adopted City standards.</p> <p>O-71 Please refer to the response to comment O-70.</p> <p>The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p>
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<p>O-72 The fact that the proposed HEU will impact traffic could be stated more clearly. 18 lines of text is excessive verbiage.</p> <p>[9.3.1.2 n 1a page 9-29]</p> <p>O-73 This discussion ignores the fact that there now are big problems in Leucadia whenever it rains. A functioning Storm Drain System along the Coast Highway in Leucadia should be installed before development proceeds on any of those sites.</p> <p>[9.3.1.2 n 2 pages 9-29 and 9-30]</p> <p>O-74 As we are on restricted water use any development at all will increase usage. There is not enough fresh water. Any development is likely to force rationing or extreme conservation. The proposed HEU increases demand but water supplies remain limited.</p> <p>[9.3.1.3 page 9-30]</p> <p>O-75 Speaking for a more efficient land use pattern totally ignores the ecological consequences of over crowding and the removal of open space.</p> <p>[9.3.2 Table 9.4 page 9-32]</p> <p>O-76 This chart does not include drawbacks of some sites not selected for the SMUP. For instance dense development of site ALT-5 is not in character with the residential neighborhoods to the West, North, and East.</p> <p>[9.3.2.1 page 9-34]</p> <p>O-77 Site ALT-5 has additional drawbacks that also make it unsuitable. These should be restated here.</p> <p>O-78 No Comments on chapters 10, 11, and 12 No comments on the appendices as these were not examined in great detail.</p>	<p>O-72 The narrative in Section 9.3.12.m is a comparison of impacts of the No Project Alternative to impacts of the HEU. Impacts of the HEU itself are disclosed in Section 4.13 of the EIR.</p> <p>O-73 Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP), which is operated as a partnership between the federal government and local governments. Although portions of Coast Highway 101 in Leucadia flood with urban runoff, the area is not mapped as a part of the NFIP. It is unlikely that the City will request the area to be studied, mapped, and included in the future because (1) the flooding is not catastrophic; (2) including the area would necessitate payment of flood insurance premiums by private property owners who have not indicated to the City their desire to obtain flood insurance; and (3) the City has implemented a policy for development in the flooding area that serves to mitigate the impacts of new development on surrounding properties.</p> <p>In 2003, the City's consultant, Rick Engineering, completed the hydraulic/hydrologic study of Coast Highway 101 between Encinitas Boulevard and La Costa Avenue. Because the storm drain improvements required to prevent flooding of the area would be cost-prohibitive, the study instead focuses on utilizing natural sump areas to temporarily store storm runoff. Over time, the runoff is then released into the undersized existing storm drain system at a controlled rate that avoids overwhelming drainage system. The Rick study includes maps of the flooded area anticipated under various design storms. Future improvement projects must consider these areas during the design phase to ensure that the proposed development will provide an onsite floodwater storage capacity equal to the runoff displaced by the improvements in a 10-year storm event.</p> <p>O-74 Water supply impacts are disclosed in Section 4.14.8 of the EIR. All future projects consistent with the HEU would be required to present service letters from either San Dieguito Water District (SDWD) or Olivenhain Municipal Water District (OMWD) assuring that adequate water supplies would be available and to comply with all applicable water reuse and conservation measures.</p>
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	<p>O-75 None of the proposed housing sites are located on parcels presently planned for or designated as Open Space by the City of Encinitas (refer to Table 3-2). All sites are presently zoned for either residential or commercial uses. Therefore, no loss of open space would occur with adoption and implementation of the HEU.</p> <p>O-76 Please refer to response O-33 for the community character of site ALT-5. The commenter's concerns regarding housing site ALT-5 have been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU. No revisions to Table 9-4 are warranted.</p> <p>O-77 This comment refers to additional drawbacks that make ALT-5 unsuitable, but does not identify what these drawbacks are. Therefore, no further response is possible.</p> <p>O-78 The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p>
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Letter P



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March 14, 2016

Manjeet Ranu, Acting Director
City of Encinitas Planning and Building Dept.
505 S. Vulcan Avenue
Encinitas, CA 92024

Via Electronic Mail

mraranu@encinitasca.gov
athome@encinitasca.gov

Re: City of Encinitas Housing Element Update
Climate Action Campaign Comments

Dear Mr. Ranu:

- P-1 Please accept the following comments on behalf of our client Climate Action Campaign (CAC) regarding the City of Encinitas (City) Housing Element Update (HEU or Project) Environmental Impact Report (EIR). CAC's aim is to make climate action a number one priority for policymakers everywhere until its mission of stopping climate change is achieved.
- P-2 Though the HEU presents an opportunity for the City to show leadership on climate and reinforce its Climate Action Plan (CAP) with concrete, enforceable measures, the City's environmental review has fallen short in many respects. CAC therefore has serious concerns regarding the City's analysis of greenhouse gas (GHG) emissions associated with the HEU. As detailed below, the City's approach is inconsistent with the California Environmental Quality Act (CEQA), the City's own CAP, and relevant case law. Further, the City's GHG analysis is both internally inconsistent and unclear. The EIR's usefulness as an informative document is therefore questionable.
- A. **The EIR Fails to Analyze Existing GHG Emissions and Assess the Extent to Which the Project May Increase GHG Emissions Compared to the Existing Environmental Setting**
- P-3 The EIR provides various GHG emission inventories, including past statewide, regional and community-wide emissions, but fails to provide existing baseline emissions. Though the EIR details (presumably) increased GHG emissions attributable to the three housing strategies (in 2020), the EIR summarily dismisses the numeric increase as "not sufficiently informative or reliable" to indicate significance of GHG emissions. (EIR, pp. 4.6-15-16). However, such quantitative analysis is extremely informative. Indeed, in *Friends of Oroville*, the Court found that in order to assess a project's impacts based on an AB 32 threshold of significance, existing emissions must be calculated. (*Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 842-843). Likewise, the CEQA Guidelines suggest an agency should consider the extent to which a project may increase or reduce GHG emissions "as compared to the existing environmental setting." (CEQA Guidelines §15064.4(b)(1)). The City cannot escape meaningful GHG analysis simply by labeling the impact significant. (*Berkeley Keep Jets Over the Bay Com. v. Board of Port Coms.* (2001) 91 Cal.App.4th 1344, 1371 ["The EIR's approach of simply labeling the effect 'significant' without accompanying analysis of the project's impact...is inadequate to meet the environmental assessment requirements of CEQA."]).

- P-1 This comment is an introduction to comments that follow. No further response is required.
- P-2 This is another general, introductory comment, which does not raise any specific environmental issue, so no response is required. Furthermore, while the City has an adopted climate action plan (CAP; 2011), the City intends to adopt a new CAP, the details of which have been incorporated into the EIR as mitigation measure GHG-2. Finally, EIR Appendix L-1, GHG modeling and methodology, has been revised to resolve internal inconsistencies.
- P-3 Additional GHG emissions calculations have been performed to support the information provided in the EIR, and the results are contained in a memo dated April 27, 2016 (refer to Appendix L-2). GHG emissions associated with development existing on each of the housing sites were calculated to disclose the existing emissions and support the conclusions of the EIR. Additionally, year 2020 GHG emissions associated with buildout of each housing site have been calculated and compared to the existing emissions from each individual site for the various strategies. The additional GHG emission calculations presented in Appendix L-2 do not change the findings or the conclusions of the EIR.

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Because existing emissions are not provided, the public and decision-makers are unable to accurately assess the increase in emissions attributable to the Project. The EIR could and should have provided these numbers. Further, as noted below in Section C, analysis of increased GHG emissions compared to the existing setting is necessary to evaluate the Project's consistency with the City's CAP.

P-5

B. The EIR Fails to Address the Project's GHG Impacts to the Horizon Year

The HEU is intended to address the City's housing needs and objectives. To do so, the HEU provides various housing strategy maps for full buildout in the "horizon year" 2035. (See EIR, pp. S-31; 4.11-5, Footnote 1). Therefore, "[t]he analysis of impacts under the 2035 planning horizon is detailed and patterned after a 'full buildout' to provide maximum CEQA coverage for future projects. For 2035, the analysis is quantitative where appropriate and possible." (EIR, p. 3-56).

Notwithstanding the use of this 2035 horizon year in virtually all impact areas, the EIR's GHG analysis ends in 2020. (EIR, Appendix L, p. 6 ["for the purpose of this analysis, buildout for each strategy is projected to occur by 2020. (Buildout of the HEU based on market demand is not actually anticipated to occur until 2030 or beyond)."], emphasis added). Not only does the EIR counterfactually assume buildout by 2020, it also assumes compliance with 2020 reduction targets would bring the Project "in line with achieving the 2030 and 2050 reduction goals." In making these unsupported assumptions, the EIR impermissibly fails to account for the increasingly stringent reduction targets beyond 2020.¹

Executive Order S-3-05, issued in 2005, committed the State to reducing its GHG emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. Consistent with the objective of the Executive Order, the Legislature followed with the Global Warming Solutions Act of 2006, commonly known as AB 32. (Health & Saf. Code, §§ 38500, et seq.). AB 32 requires emission levels be reduced to 1990 levels by 2020. (Health & Saf. Code, § 38550). Recently adopted Executive Order B-30-15 also sets an interim reduction goal of 40 percent below 1990 levels by 2030. (See, EIR, p. 4.6-7). Thus, between 2020 and 2030, GHG emissions must be reduced an additional 40 percent.

The AB 32 Scoping Plan acknowledges the 2020 goal itself is an interim step towards the further reductions set out in the Executive Order. As noted in the First Update to the Scoping Plan:

Progressing toward California's long-term climate goals will require that GHG reduction rates be significantly accelerated. Emissions from 2020 to 2050 will have to decline at more than twice the rate of that which is needed to reach the 2020 statewide emissions limit. (First Update Scoping Plan, May 2015, p. 5, emphasis added).

The California Supreme Court recently reaffirmed the need to address the more stringent longer term targets during CEQA review. In *Center for Biological Diversity v. Department of Fish & Wildlife*, (2015) 62 Cal. 4th 204 ("Newhall Ranch"), the California Supreme Court reviewed the Department of Fish and Wildlife's ("DFW") EIR for a large development project (Newhall Ranch).

¹ "Argument, speculation, unsubstantiated opinion or narrative" does not constitute substantial evidence. (CEQA Guideline § 15384(a)). Rather, substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (CEQA Guideline § 15384(b)). Substantial evidence (including the City's own CAP) has shown that unless the City implements additional GHG reduction measures necessary to put the City on the trajectory to meet the 2020 and 2050 targets, significant impacts will result.

P-4

While the City has an adopted CAP (2011), the City intends to adopt a new CAP, the details of which have been incorporated into the EIR as mitigation measure GHG-2. Additionally, an analysis of the project's consistency with the City's adopted CAP is provided in Appendix L-2 of the EIR for disclosure purposes. The additional analysis of the City's CAP presented in Appendix L-2 does not change the findings or the conclusions of the EIR.

P-5

The EIR addressed the only legislatively identified GHG emission reduction target for the State. However, in recognition of executive orders S-3-05 and B-30-15, the EIR has been supplemented to include, as part of Appendix L-2, the 2035 horizon year emissions levels under all three housing strategies.

Currently, the State has not provided additional guidance, such as an updated scoping plan, on what level of reduction would be required by local agencies to support the State efforts in meeting its 2030 GHG emissions goal. However, if GHG emissions increase post 2020, then the HEU would exceed the minimum requirements for compliance with Assembly Bill 32's long-term GHG reduction target. If emissions decrease, then the HEU is part of the downward trajectory toward meeting the State's 2030 and 2050 GHG emissions targets expressed in Executive Orders S-3-05 and B-15-30.

Based on the GHG emissions estimates, the emissions from future development demonstrate a downward trend due to ongoing actions by the State; see Tables 3 through 5 of Appendix L-2. While there is downward trajectory through 2035, the GHG emissions are still considered significant and unavoidable, as it cannot be determined what level of reductions would be sufficient at the program-level. Therefore, the 2035 emission calculations do not change the findings or the conclusions of the EIR.

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(*Newhall Ranch*, 62 Cal. 4th at 213-214). The Supreme Court noted "consistency with year 2020 goals will become a less definitive guide, especially for long-term projects that will not begin operations for several years. An EIR taking a goal-consistency approach to CEQA significance may in the near future need to consider the project's effects on meeting longer term emissions reduction targets." (*Newhall Ranch*, 62 Cal. 4th. at 223).

The future articulated in *Newhall Ranch* is now. Because Project build-out is not expected until 2035, the City must assess the Project's compliance with Executive Order B-30-15's interim and more stringent reduction target. Moreover, the Supreme Court's emphasis on assessment of longer term emission reduction targets is particularly relevant in the context of programmatic CEQA review for a long-term housing plan.

The City's purported assessment of compliance with Executive Orders S-3-05 and B-30-15 through evaluation of consistency with the AB 32 Scoping Plan strategies does not meet this requirement. (EIR, pp. 4.6-21-25). In light of the Scoping Plan's limited application beyond 2020, and the Scoping Plan Update's acknowledgment that reduction rates must be significantly accelerated beyond 2020, the HEU must instead be evaluated for compliance with B-30-15 by assessing whether Project emissions enable the City to meet the 40 percent *emission reduction target*.

C. The City Failed to Assess Compliance with its CAP

P-6

After the EIR impermissibly discounts a quantitative analysis of the Project's GHG emissions (See EIR, p. 4.6-13), it assess the HEU's GHG impacts by evaluating its compliance with various plans and policies. (EIR, p. 4.6-14). Surprisingly, the EIR fails to assess the Project's compliance with the City's own CAP. (*Id.*; see also, p. 4.6-5 [referencing City CAP]). The Encinitas CAP indicates the City's 2005 baseline emissions were approximately 548,993 metric tons of carbon dioxide equivalent (MTCO₂e) or 8.78 metric tons per capita. (CAP, p. ii). The City's 2020 reduction target is 12 percent from the 2005 baseline. (CAP, p. 21). The EIR, however, completely fails to address this goal or put the HEU in context when compared to the CAP.²

P-7

Indeed, the EIR also fails to assess the feasibility of reducing GHG emissions through an enforceable CAP. As stated in the CAP,

Residential buildings offer opportunities for emissions reductions in new development as well as existing structures. Generally, residential building strategies focus on site specific design and innovation and technological improvements that increase energy efficiency and provide renewable energy generation. Because residential property owners, and potentially their respective tenants, have different needs and demands, reduction strategies consist of a mixture of regulatory mandates and incentives to improve building performance. (CAP, p. 24).

² Oddly, EIR Appendix L claims "[e]ach housing strategy was evaluated relative to the reduction thresholds established in the City's CAP (25 percent reduction from 2020 business-as-usual emissions, or a 12 percent reduction from 2005 baseline emissions). To evaluate each housing strategy's GHG emissions relative to BAU, emissions were quantified and projected to the year 2020 for both a BAU scenario and actual buildout of the housing strategies." (EIR, Appendix L, p. 5). This analysis was not included in the EIR or the Appendix. Further, translating the numeric analysis in the EIR to that of Appendix L is difficult, hindering such an assessment. These inconsistencies must be addressed.

P-6

While the City has an adopted CAP (2011), the City intends to adopt a new CAP, the details of which have been incorporated into the EIR as mitigation measure GHG-2. Additionally, a supplemental analysis of the City's adopted CAP is provided in Appendix L-2 of the EIR for disclosure purposes. The additional analysis of the City's CAP presented in Appendix L-2 does not change the findings or the conclusions of the EIR.

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While the City has an adopted CAP (2011), the City intends to adopt a new, qualified CAP, the details of which have been incorporated into the EIR as mitigation measure GHG-2.

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The City should therefore explore additional reduction strategies tied to residential development and incorporate them into a meaningful, enforceable CAP. (Pub. Res. Code §§21002.1(a), 21061).

P-8

In that regard, the few mitigation measures included in the EIR are woefully inadequate. Many of the measures are simply record keeping functions already anticipated in the current regulatory context (i.e. GHG-1 to provide the revised land use plan to SANGAG and GHG-2 to demonstrate compliance with CalGreen Tier II standards). Further, the EIR fails to quantify any anticipated reductions which would result from these five mitigation measures.³ (EIR, pp. 4.6-20-21). "Mitigating conditions are not mere expressions of hope." (*Lincoln Place Tenants Assn. v. City of Los Angeles*, (2005) 130 Cal. App. 4th 1491, 1508). Likewise, "the difficulties caused by evolving technologies and scientific protocols do not justify a lead agency's failure to meet its responsibilities under CEQA by not even attempting to formulate a legally adequate mitigation plan." (*Communities for a Better Environment v. City of Richmond*, (2010) 184 Cal. App. 4th 70, 96, citing Remy et al., Guide to CEQA (11th ed. 2007) p. 552).

At this programmatic stage, the City must therefore analyze additional mitigation measures which will result in the reductions necessary to comply with the State's reduction goals, such as increased use of solar, community choice aggregation, citywide composting, greater commitment to public transit at SANDAG, and expansion of City bike lanes.

P-9

D. Conclusion

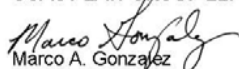
The EIR must be updated to include an estimate of existing emissions, a forecast of emissions to the horizon year, and an analysis of the HEU's compliance with both the CAP and the State's more stringent reduction targets beyond 2020. Further, to address the need for additional mitigation measures, the City must update its CAP to include enforceable measures. In light of the City's goal to tier from the EIR for future, specific developments, enforceable mitigation measures must be incorporated into the approval process.

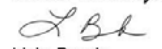
CAC believes the law requires the City as a local entity with land-use authority to reduce GHG emissions and update its CAP to achieve meaningful reductions beyond 2020. Unless the City updates its EIR with the aforementioned analysis and incorporates adequate mitigation measures, the Project's CEQA analysis will not withstand judicial scrutiny.

Thank you in advance for your consideration of our comments.

Sincerely,

COAST LAW GROUP LLP


Marco A. Gonzalez


Livia Borak
Attorneys for CAC

³ The EIR's mitigation measure GHG-5 which requires a 25 percent reduction in outdoor water use must be tied to a baseline from which such reductions are measured and a mechanism to enforce reductions such as an outdoor landscaping ordinance or Climate Action Plan update.

P-8

GHG-1 requires a timely submittal of the information to SANDAG to allow the Sustainable Communities Strategy (SCS) to incorporate the changes and plan for appropriate infrastructure improvements to encourage alternate forms of transportation. While the updating of the City's land use plans do occur, these are not mandated. GHG-1 requires the City to do the update in a timely manner to allow SANDAG time to incorporate the information into the next SCS update.

Quantification of specific GHG emissions reductions from conceptual development plans on housing sites proposed under the HEU would be speculative as various project-specific measures would have different levels of reductions depending on the details of development, including size, location, and requirements of future regulations at the time various projects may be proposed. As example, as the state increases the RPS goal, the GHG reductions associated with the provision of on-site renewable energy are reduced as less GHG emissions result from each kilo-Watt hour delivered in the state. Thus, it is more effective to identify an overall strategy to reduce GHG emissions from all sources that allows for reductions from various sectors as technologies advance and different sectors become more important. Therefore, mitigation measure GHG-2 has been included in the Final EIR, which requires the City to develop and adopt a qualified climate action plan within 20 months of the effective date of the HEU. Furthermore, until the City adopts an updated climate action plan, mitigation measure GHG-3 requires each future project consistent with the HEU to conduct a project specific analysis and develop project specific GHG thresholds and reduction measures to reduce impacts at a project level. A sample of potential measures that could be implemented by future projects is included in mitigation measure GHG-3. The supplemental analysis and mitigation do not change the findings or the conclusions of the EIR.

P-9

As stated above, the EIR has been revised to include Appendix L-2, which includes a calculation of the existing GHG emissions from the housing sites under each of the three housing strategies. Additionally, the appendix has been updated to include the 2035 horizon year emissions levels under all three strategies.

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	<p>P-9 (cont.)</p> <p>While the City has an adopted CAP (2011), the City intends to adopt a new, qualified CAP, the details of which have been incorporated into the EIR as mitigation measure GHG-2. However, in response to the comment, a supplemental analysis of the City's existing CAP has been provided in in Appendix L-2. The supplemental analysis of the CAP does not change the findings or the conclusions of the EIR.</p>
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LETTER

RESPONSE

Letter Q

DCM PROPERTIES, INC.

Post Office Box 232280
Encinitas, California 92023

Telephone: (760) 944-8151
Fax No.: (760) 944-4552



MEMORANDUM

Page 1 of 4

TO: Kathy Hollywood, City Clerk
COMPANY: City of Encinitas
FROM: David Meyer, President
COPIES TO: Greg Day, Esq.
Department of Housing and Community Development
DATE: 03-14-16
REGARDING: Housing Element Update
Comments to Draft EIR

Q-1

Our firm hereby submits these comments on the Draft Environmental Impact Report ("DEIR") for the City of Encinitas's Proposed Housing Element Update ("HE Update").

As you are aware, Encinitas has, in violation of California law, not updated its Housing Element for well over 20 years. It is now the only city in San Diego County and one of less than 5% of all the cities statewide to not have a certified Housing Element. Additionally, the City has recently made several unsuccessful attempts to update its Housing Element, succumbing to intense local no-growth pressure. Additionally, Encinitas has fought the production of both market and affordable housing, including the intentional stifling of the State's Density Bonus law (GC §65915).

It now faces its third lawsuit over the intentional misapplication of this law, even though in the past decade projects using Density Bonus have produced approximately three-quarters of all affordable units in the City. Based upon Encinitas record over the past twenty plus years to produce affordable housing, it now faces a seemingly insurmountable backlog of approximately 1,300 affordable units. Instead of producing a meaningful HE Update, our analysis of the plan shows great inadequacies that will likely result in little reduction in its affordable unit backlog. The City presents no plan to actually produce affordable units, no funding mechanism or programs to produce units or incentives to the private sector to produce affordable housing. And with the current political climate in the City, most projects see significant opposition and bureaucratic obstruction that only leads to delays in production and increases costs significantly, further making the production of housing, and affordable housing in particular very difficult.

Page 1 of 4

Q-1

This comment states the author's opinion concerning the City's efforts to comply with state housing law. Housing Element law is the State's primary market-based strategy to increase housing supply, affordability, and choice. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land use plans and regulatory schemes that provide opportunities for, and not unduly constrain, housing development. Refer to response to comment HH-2 (Letter HH - Cameron, Sheila) for more information about the RHNA allocation process.

In accordance with State Housing Element law, Encinitas is required to accommodate more housing to address existing and future housing needs in the community. Like the rest of the San Diego region, most new housing will be attached and multi-family types. This housing will predominately be sold or rented at market rates and will be built by the private sector, rather than the City. As is the case today, a small amount of the housing may be subsidized to assist a portion of those in need of assistance.

The Housing Element must consider additional ways to promote new housing at attainable, market-rate costs beyond density alone. Please refer to the response to comment O-11 (see Letter O - Johnson, email 022916) above. A moderate increase in density will support more attainable housing because higher densities promote lower per unit construction costs. Increases in density will also support other programs that produce affordable housing. More specifically through State-sponsored programs that support deed-restricted affordable housing construction.

Because a housing element must identify and analyze a city's housing needs and establish reasonable goals, objectives, and policies based on those needs, a series of programs or action items are included in the draft Housing Plan. Cities across the state identify different regulatory and non-regulatory programs that can be used to develop more affordability in housing and further advance state, regional, and local housing policies. The City of Encinitas developed these draft policies in March 2015, at a City Council Joint Session meeting, with Planning Commission and

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Q-2 Encinitas has a median new home sale price that is more than twice that of the San Diego County median, with rents also significantly above the County median. In large part this has occurred as a result of Encinitas' obstructionist housing production policies that date back to the time of its incorporation in 1986. One of the City's first acts upon incorporation was to downzone significant portions of the City, thus reducing its ultimate build-out capacity. Since this time, there has been little effort made to accommodate a significant over demand for additional housing in the City. This great disparity between the artificially constrained supply and demand has driven the cost of housing in Encinitas well above the County median. The current proposed HE Update does little to relieve this situation.

Q-3 In particular, the City's feigned attempt to accommodate all of the City's 1,300 unit backlog through the use of thirty unit to the acre zoning does not address the problem in any meaningful way. The reality is that even if all of this housing were to be developed, a mere 10% of 130 units would be required to be covenant restricted affordable housing through the City's inclusionary housing program. The remaining 90%, while under State law technically count towards the City's affordable unit mandate, would not produce affordable units. Encinitas' pent-up demand for housing units would absorb all of these units at rates well above even moderate income levels. Given Encinitas record over its history, one can logically conclude that the use of thirty units to the acre zoning in merely to show on paper it is in compliance with Housing Element law. It appears to simply be once again a means to avoid actually producing affordable housing in the City.

Q-4 Additionally, the City is proposing to establish "floating zones" which do not change the current zoning of many designated sites, creating an "opt-in" standard for the property owner. This does not make the necessary change to zoning that provides for an actual path to the future production of housing to meet the City's RHNA numbers. Rather it only provides for the property owner a possibility of electing to change its zoning in the future. There is little in the specificity for this zoning that will ensure a future path to the production of housing and in fact there are significant built in obstacles to discourage this conversion, including the requirement that the future development fit its surroundings. As there currently exists little development in Encinitas at thirty units to the acre or three to four stories, the likelihood of a conversion developing under these standards to the assigned density is highly unlikely.

Q-5 A number of these designated sites are at or near intersections/streets that are shown to be at or near failure from a traffic handling capacity. So unless the City proposes to elect an overriding consideration under CEQA for these streets/intersections as part of the subject EIR, the future likelihood of a project to achieve the designated density is also highly unlikely. Is the City electing to use overriding consideration for these impacted sites?

Q-6 The draft design/development standards for the "floating zone" is rife with vague and ambiguous "planner speak" that will once again make it difficult to impossible to ever achieve the allowed density. For example, how does a 30-units to the acre development fit into the character of the surrounding community when nothing around the site is even

Q-1 (cont.)

public input. The following summarizes the actions or steps that the City will undertake during the HEU planning period to increase affordability.

Under Program 2A, the City intends to update its current Inclusionary Housing Ordinance to more effectively meet the City's affordable housing goals and grant developers greater flexibility in how they fulfill their inclusionary housing requirement. Program 2B discusses different ways to facilitate affordable housing development.

Program 2D discusses affordability through market-based approaches. Implementation of Program 2D is tied directly to the provisions of the new zone program. New zoning standards set a maximum average unit size to ensure small units are created along with larger units. A minimum density will also be required on rezoned sites to ensure sufficient housing units are built – and at a density that has better economies of scale.

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.

Q-2

Housing Element law is predicated on a local government's need to comprehensively address housing needs by focusing on strategies preserve and improve housing, as well as encourage housing development to meet current and future housing needs. While land use planning is fundamentally a local land use issue, the availability of housing is a matter of statewide importance. The most critical decisions about housing supply and affordability occur at the local level.

The City is proposing to rezone an adequate number of sites to accommodate its RHNA allocation for lower income households. As such, the draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on

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	<p>Q-2 (cont.)</p> <p>more than one strategy). The City analyzed all three strategies as part of an Environmental Impact Report (EIR). A fourth map was also created through the environmental review process. All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p> <p>Q-3</p> <p>This comment disagrees with the City’s strategy for accommodating its share of the RHNA. Please refer to the response to comments Q-1 and Q-2. Also, refer to response to comment HH-2 for more information about the RHNA allocation process.</p> <p>Housing Element law promotes the State’s interest in encouraging open markets and providing opportunities for the private sector to address the State’s housing demand for all economic segments, while leaving the ultimate decision about how and where to plan for growth at the regional and local levels.</p> <p>In accordance with State law in encouraging affordable housing <i>At Home in Encinitas</i> is developing a lands inventory that provides opportunities for lower income household construction. The HEU is also proposing programs to ensure that there is not any barrier to making affordable housing development feasible.</p> <p>Non-profit and affordable housing developers have demonstrated that higher density helps projects earn slightly higher return on equity that it would have otherwise on lower density projects. Builders depend on the higher density numbers for a couple of reasons, but without the density, the affordable component would lower return on equity below what the investors would accept.</p>
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	<p>Q-3 (cont.)</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p> <p>Q-4</p> <p>The new zone program concept has been reviewed by HCD and, in draft form, complies with the intent of State law.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>Q-5</p> <p>A statement of overriding considerations will be prepared for traffic impacts, specifically those identified as unavoidable as indicated in Table 4.13-21 of the Draft EIR. The MMRP included in the Final EIR cites the roadway/circulation system improvements that will be implemented in conjunction with buildout of the HEU.</p> <p>Q-6</p> <p>This comment does not raise a specific issue with regard to a specific housing site; thus, the response provided is general.</p> <p>As detailed in Section 4.1.3 of the EIR, a significant impact to community character would result if “a project would introduce features which would conflict with important visual elements or the quality of the community/ neighborhood (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, light/ glare, etc.) and would thereby negatively and substantially alter the existing character of neighborhoods.”</p> <p>The threshold does not state that a project needs to be consistent with the visual elements of the community/neighborhood to avoid a significant impact. The threshold states that a project that conflicts with important visual elements or quality of community/neighborhood and would negatively and substantially</p>
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	<p>Q-6 (cont.)</p> <p>alter the character would result in a significant impact. By the nature and density of proposed housing sites in comparison to existing typical densities in the City, the character of development of housing sites will be different than the existing environment. However, zoning standards and design guidelines would ensure development is aesthetically pleasing and designed with sensitivity to surrounding land uses, thereby reducing the majority of potential community character impacts to less than significant.</p> <p>Thus, development of a housing site at a higher density than surrounding development would not automatically mean the impact is significant.</p>
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<p>near this density?</p> <p>Q-7 Finally on this matter, site selection is at issue for creating housing in accordance with the goals of SB 375 and AB 32. The proposed high-density sites are largely away from the City's major transportation avenues. Very few sites show thoughtful selection to take advantage of proximity to Interstate 5, the City train station and bus routes. In addition to not working to achieve the State's Greenhouse Gas Reduction goals, it makes public transportation largely inaccessible to those occupying the affordable units. Access to convenient transportation is critical to reducing Vehicle Miles Traveled (VMT).</p> <p>Q-8 In particular, the DEIR needs significant clarification of vague, ambiguous and uncertain terminology. Please see the following:</p> <ul style="list-style-type: none"> • How is community character defined? • Refer to seven communities in s.1.2.2.2. Please explain. • What does appropriately located mean? • What would be examples of cultural identity? • You use the word walkable, does that excluded those who cant walk? • What is a "key activity" center? • What is a varied site design? • What is a community character "context"? • Variety of neighborhood types. Are these sites large enough to create a neighborhood? • Uses the word "ensure" all the time. Ensure-make sure that something happens. How do you "make sure"? • What does it mean to have existing or potential capacity for infrastructure? Do you envision various funding districts for "potential" infrastructure development? • What is a mobility network? • Enhance community access. What does this mean? • A sustainable Encinitas. What does this mean? • Does reduction in environmental impacts include lowering vehicle miles traveled or just better traffic flows? • Grow the economy organically. What does this mean? • What is your definition of "equitable distribution"? What are the criteria for distribution? <p>Page 3 of 4</p>	<p>Q-7 The core of the law's requirements is the new regional SCS. The SCS is a regional land use and housing strategy that, when paired with the region's transportation plan, achieves emission reductions.</p> <p>Each City and County has a responsibility to accommodate their set RHNA allocation. Decisions about supply and where to locate housing occurs at the local level. In July 2013, Council determined that the City's share of future "housing needs" should not be concentrated in any single community or single area of the City. Rather, a general dispersed approach is the appropriate methodology for affordable housing unit distribution and any associated rezoning in the City. From that point forward – while not an exact science, there are a number of factors to consider when identifying sites that could best accommodate affordable housing to lower income households. Not only does it include transit accessibility, but it also includes making sure there is a mixture of uses in close proximity, including schools, retail, parks, and other public amenities and civic uses. It is also important to take advantage of existing public services and infrastructure, to reduce development costs. Minimal site preparatory work (clearing of land) with few constraints reducing overall construction costs. Greater economics at the cost/unit level leads to better financing options for affordable housing developers. Therefore, governmental actions supporting the location, variety and availability of housing at all price points are critical to implementing many public policy objectives.</p> <p>State law only requires nominal consistency among the SCS, RTP and RHNA documents. Through a more regional perspective, the HEU promotes an intraregional relationship between jobs and housing. An ideal balance would allow people to go to work without having to commute long distances if workers struggle to find housing they can afford.</p> <p>Q-8 For a response on community character, please refer to response to comment O-65. Eclectic character, as referenced by the commenter, is referencing diversity. That is, there are different perspectives or values that may not always be shared.</p>
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	<p>Q-8 (cont.)</p> <p>Commenter asks about the meaning of seven communities referenced in Section 1.2.2.2. However, Section 1.2.2.2 does not exist. Throughout the HEU, the project references five communities and seven different design contexts.</p> <p>“Appropriately located” can mean two things. Siting development that is “appropriately located,” at the most basic level, means making sure that well-integrated projects can fit within an existing neighborhood and built environment. “Appropriately located” can also be the result of a thorough sites inventory analysis that demonstrates that sites are realistically available for near-term development. Pursuant to State law, the State reviews a residential land inventory for near-term suitability and must deem the site(s) appropriate to accommodate housing for lower income households.</p> <p>Examples of cultural identity are associated with a unique feeling of belonging to a group. It can be related to nationality, ethnicity, religion, social class, generation, locality, or any kind of social group with its own distinct identity.</p> <p>“Walkability” and “Mobility” networks refer to the environment in which movement can occur. Mobility is about moving people and goods from place to place. Access refers to the ability to reach opportunities, not movement itself. Therefore, more walkable areas provide advantages to all ages and all abilities.</p> <p>Activity centers are key components of strategic planning because they attract people for shopping, working, studying, recreation, or socializing.</p> <p>Varied site design refers to a number of different types or elements.</p> <p>Several types of “community character” exist in Encinitas. Community character can be defined by physical characteristics, including street layout, lot size, and building form and scale. “Community character context” is defined in the proposed zoning code, Appendix F-2 of the Final EIR. It is defined as “the use and development standards included in the Residential (R30), Mixed Use (X30) or Shopfront (S30) designations, which are part of the new zone of regulatory incentives set forth in this Chapter.</p>
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	<p>Q-8 (cont.)</p> <p>Neighborhood prototypes, described in Appendix D illustrate how future development can fit into existing neighborhood contexts. It is not implied that sites themselves would necessary create a new neighborhood.</p> <p>In conjunction with the HEU, the City has developed a detailed set of zoning standards. Zoning standards are regulatory in nature, and therefore, future development on housing sites would be required to comply with use and development standards provided therein (refer to Appendix F-2).</p> <p>As described in Section 4.13, mitigation measure TRF-27 calls for the completion of a nexus study to ensure that all future projects implementing the HEU may their “fair-share” toward necessary infrastructure improvements.</p> <p>A “mobility network” includes not only vehicular routes, but also, bike paths, pedestrian connections (including ADA facilities), and transit access. Enhancing community access means providing greater transportation options within the community.</p> <p>A “sustainable” Encinitas is referred to in several locations in the Project and in the EIR. And it carries many connotations because being more sustainable can take many different forms. From a community development standpoint, it refers to better coordinated land use and transportation planning. Overall, it can be best characterized by the pursuit of a socio-ecological ideal, where more people have more access to land use activities and transportation, given the resources at hand.</p> <p>Managing demands on our transportation system can be to reduce or eliminate traffic congestion during peak periods of demand – or it can also be through measures that maximize the overall efficiency of the transportation network. A reduction in environmental impacts includes both “lower vehicle miles traveled” and “better traffic flows.”</p> <p>Growing the “economy organically” can be characterized as incremental “core” expansion and/or true growth (scaled growth to meet demand).</p>
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	<p>Q-8 (cont.)</p> <p>“Equitable distribution” is dividing some share of RHNA to each community. The criteria for distribution was set, loosely by City Council in June 2013. At their meeting, Council determined that the City’s share of future “housing needs” should not be concentrated in any single community or single area of the City. Rather, a general dispersed approach is the appropriate methodology for affordable housing unit distribution and any associated rezoning in the City.</p> <p>“Local values” and “eclectic character” builds on what the group feels is important. Having eclectic character simply means that the group’s style and ideas come from a diverse range of sources.</p> <p>Regarding the comment on the Circulation Element and how it might highlight environmental and scenic amenities, the transportation system is key to movement. Not only movement from homes to school, jobs, and retail, but also to other amenities. A transportation system can be developed to respect and highlight environmental and scenic resources, or they can impact them negatively. The City’s Circulation Element, combined with the Resource Management Element, provide a policy framework to establish areas of sensitivity and/or views to (or from) these areas. Land use policies control the use of land on and near these areas.</p> <p>In terms of two to three story transitions, the new zone program addresses neighborhood compatibility and establishes a buffer area to reduce the physical and visual impacts of new development. Each neighborhood prototype has a different designation of the types of uses and building types allowed in the transitional zones. For more information, please refer to response to comment II-16.</p> <p>Relative to the elective rezoning, the new zone program concept has been reviewed by HCD and, in draft form, complies with the intent of State law.</p> <p>Refer to response to comment GG-7 for information on “by-right” development.</p> <p>Because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p>
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- Balance local values and community character - define local values.
- What does it mean to have an eclectic character?
- How does a circulation element highlight environmental and scenic amenities?
- Wherever three stories is allowed will be incompatible with a two story town. So, will three stories be disallowed if not adjacent to 2-3 story buildings?
- How do elective zoning on R30 confirm that R30 will be built which meets certain HCD thresholds for approval of the housing element?
- So, "by right" is exempt from CEQA review but it must meet design review standard. So, by right is not by right. Please explain.

Q-9

In conclusion, the DEIR and HE Update show a great number of deficiencies and obvious attempts to simply comply with the technical letter of State law, without real regard for the production of meaningful amounts of affordable housing, continuing Encinitas' long history of obstructing housing of all types. It also now faces a manufactured reliance on Proposition A, that requires that any upzoning of properties face voter approval. This clearly flies in the face of State law, which mandates the adoption of periodic Housing Element Updates that necessarily require the upzoning of property in an essentially built-out city. Simply put, state law trumps local law, including citizen initiatives. Thus the City has no right to condition the approval of its HE Update on a vote of the people. Doing so would set up a situation where every community statewide can simply pass such a local initiative to frustrate and avoid compliance with state housing mandates. Clearly this restraint would not pass constitutional muster.

End.

Q-9

This comment summarizes the author's dissatisfaction with the Draft EIR and HEU. Through RHNA, local governments must adjust their Housing Element and rezone to accommodate for their housing assignment. The law leaves the ultimate decision about how and where to plan for growth at the regional and local levels. The voter requirement is a procedural issue and on its face does not prevent the City from complying with the law.

The comment will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.

LETTER

RESPONSE

Letter R

From: Richmond, Sarah@Coastal <Sarah.Richmond@coastal.ca.gov>
Sent: Friday, March 11, 2016 11:05 AM
To: Michael Strong
Cc: Lee, Deborah@Coastal; Buhr, Gabriel@Coastal
Subject: At Home Encinitas DEIR Comments

Hi Mike,

- R-1** It was nice to see you last week and discuss the At Home Encinitas DEIR. To document our conversation about the Sustainable Mixed Use Places (SMUP; environmentally superior) Alternative, I've summarized our concerns below and appreciate your commitment to addressing them in the Final EIR:
- R-2** 1. Table 9-2: Please clarify what "SAME/LESS" in the SMUP Alternative column means, e.g., SMUP Alternative compared to all 3 HEU Strategies
- R-3** 2. Biological resources: The DEIR indicates that there could be impacts to sensitive plants, wildlife, and wetlands due to grading and other land development activities at OE-1, ALT-7, OE-7, C-6, and NE-1. While future development would be required to adhere to applicable Federal, State, and local regulations regarding protection of biological resources and implement mitigation measures to reduce these potential significant impacts, it should be noted that the LUP contains strict language regarding wetlands and ESHA that may constrain development, e.g., Resource Management Policies 10.5 and 10.6. Thus, development may need to be designed to avoid, rather than mitigate, impacts to biological resources.
- R-4** 3. Traffic/transportation: Please clarify what components of Caltrans' I-5 North Coast Corridor project are included in DEIR analysis, e.g., I-5 widening, double-tracking, etc.
- R-5** 4. Traffic/transportation: It would be helpful to analyze the SMUP Alternative on its own, e.g., make a map similar to Fig. 4.13-4 and show bus stops (Routes 101, 304, and 309) and bike paths.
- R-6** 5. Traffic/transportation: Mitigation improvements described in Table 4.13-21 are focused entirely on roadways. Please explain why improvements to public transit are infeasible, including details on how the City participates in regional transportation planning.
- R-7** As discussed, we look forward to reviewing the revised parking requirements and providing feedback on how decreased requirements are consistent with coastal public access policies.

Please let me know if you have any questions. Thanks again and keep up the good work!

Sarah Richmond
 Coastal Planner
sarah.richmond@coastal.ca.gov
 California Coastal Commission
 San Diego District Office
 7575 Metropolitan Drive, Suite 103
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 (619) 767-2370



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- R-1** This comment is an introduction to comments that follow. No further response is required.
- R-2** Table 9-2 provides a summary of the significant project impacts compared to each alternative (refer to page 9-4). "SAME" would indicate impacts under the alternative are the same as the project (three strategies); "LESS" indicates the impacts are less intense under the alternative compared to the project and "GREATER" indicates that impacts would be more intense under the alternative compared to the project.
- R-3** The comment is noted and will be included in the Final EIR and administrative record.
- R-4** The traffic analysis included the I-5 North Coast Corridor project as 8 all-purpose lanes and 4 express lanes. This is consistent with Caltrans' direction. In addition, SANDAG prepared the travel forecast model, which takes into consideration all highway and transit projects in the Regional Transportation Plan, in effect at the time of issuance of the Notice of Preparation, (revenue-constrained) are reflected. Both the I-5 North Coast Corridor and the rail double-tracking projects are components to the RTP (revenue-constrained) and hence included in the forecast model provided by SANDAG and utilized for the traffic analysis for this project.
- R-5** A more detailed analysis of the SMUP Strategy's potential impacts on traffic has been prepared and will be included as Appendix P of the Final EIR.
- R-6** SANDAG prepared the travel forecast model, and all highway and transit projects in the Regional Transportation Plan (revenue-constrained) are reflected. The City of Encinitas is neither a transit planning nor a transit-operating agency for the San Diego region, thus transit assumptions were based on the Regional Transportation Plan in effect at the time of issuance of the Notice of Preparation.

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	<p>R-6 (cont.)</p> <p>In developing the Regional Transportation Plan, known as San Diego Forward, SANDAG consulted with all of its member agencies to develop a single vision or future transportation implementation. The regional forecast, which is used to develop the network of demand for the Regional Transportation Plan, is developed by SANDAG with input from expert demographers, economists, developers, local planning directors, and natural resource managers. These experts review economic and demographic assumptions about land use ambient change, migration, inflation, and other indicators. For the development of the forecast, SANDAG staff works extensively with each jurisdiction to collect and verify detailed land use inputs down to the parcel level. The data collected includes information on remaining housing capacity, zoning, existing and planned land use, as well as constraints to development. So as local land use input change to increase residential or economic growth, so does the propensity of that jurisdiction's ability to support transit services and/or infrastructures. These types of transportation investments are not just about the transportation projects themselves – they are also about the surrounding land uses. Therefore, future regional transportation planning efforts will account for future local land use plan changes that provide for more housing and job opportunities. Regional Transportation Plans are updated every four years.</p> <p>R-7</p> <p>The requirements of the new zone program, as they relate to parking, have not changed significantly from existing Local Coastal Program policies. Furthermore, future development allowed under the HEU will be subject to site-specific environmental review pursuant to CEQA Guidelines Section 15168(c) as discussed in Section 3.6.3 of the EIR. Consistency with this and other coastal policies will be provided in the Staff Report. The comment will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p>
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LETTER

RESPONSE

Letter S

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
PLANNING DIVISION
4050 TAYLOR STREET, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711



*Serious drought.
Help save water!*

March 9, 2016

11-SD-5
PM VAR
Encinitas Housing Element Update
DEIR / SCH#2015041044

Mr. Michael Strong
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Dear Mr. Strong:

S-1 Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for At Home In Encinitas, the General Plan Housing Element Update for 2013-2021 for the City of Encinitas (City). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

Caltrans would like to submit the following comments:

S-2 In the City of Encinitas Housing Element Update EIR on page 4.13-82 Table 4.13-21 Impact # TRF-24-26 for various locations of I-5 on-ramps has the statement: "Infeasible – is located within another jurisdiction". Caltrans does not agree with mitigation language, whereby mitigation is determined to be infeasible and would remain significant and unavoidable because the impacts are within the jurisdiction of Caltrans. It is the intent of CEQA, and the Lead Agency's responsibility to determine and disclose under CEQA, the feasibility of implementing a mitigation measure.

The potential housing sites identified in the three concept housing strategy maps (Figures 3-5a through 3-5c) includes three sites with parcels adjacent to Caltrans right-of-way (R/W) for Interstate 5 (I-5): "L-4", "OE-2", and "C-1".

Preserving needed R/W along highway/freeway corridors that is consistent with regional transportation plans enables Caltrans to more efficiently meet the transportation needs of the region and the State. For San Diego County, the San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) is the blueprint for a regional transportation system serving existing and projected residents and workers over the next 40 years. Please note that the 2050 RTP's Revenue Constrained Highway Network includes the I-5 North Coast Corridor (NCC) Project, for which Caltrans has prepared a Final Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the highway component of the

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

S-1 The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

S-2 Mitigation measure TRF-28 has been added to the Final EIR to address coordination with Caltrans; likewise, Table 4.13-21 has been revised to identify potential improvements that could be considered to mitigate for impacts associated with ramp metering – including ramp capacity improvements and/or interchange reconfiguration.

Future applications for projects in proximity to the Caltrans right-of-way would be reviewed by City staff and routed to Caltrans for review in accordance with standard City practice.

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Mr. Mike Strong
March 9, 2016
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larger NCC Program of transit, highway, community, and environmental enhancements planned along 27 miles between Sorrento Valley in San Diego and Oceanside. The Final EIR/EIS affirmed the Express Lanes Only option (8+4 Buffer Alternative) as the Caltrans Locally Preferred Alternative for the project, with Bus Rapid Transit (BRT) potentially using the Express Lanes. Again, it is important in the implementation of future regional transportation improvements that R/W needs are consistent with proposed changes in land use plans. More information on the project, including the Final EIR/EIS, is available at the following web address: <http://www.keepsandiegomoving.com/I-5-Corridor/>.

Caltrans appreciates the continued coordination with City staff on this plan. If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or kimberly.dodson@dot.ca.gov.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

LETTER

RESPONSE

Letter T

From: Kevin Johnson <kevin@johnsonlawapl.com>
Sent: Monday, March 14, 2016 4:13 PM
To: Michael Strong
Subject: Draft Environmental Assessment/Program Environmental Impact Report (SCH 2015041044)

Hi Mike:

T-1 Thank you for answering my questions earlier. As I mentioned, I represent the San Elijo Lagoon Conservancy which is dedicated to the preservation and enhancement of the San Elijo Lagoon and its 77 square mile watershed.

I am still in the process of reviewing the above referenced documents and plan to submit additional comments in due course. With the formal comment deadline today however, I would like to share the following observations.

T-2 The Conservancy is concerned about any proposed density increases adjacent to and/or near the Lagoon. In this regard, the DEA/ Program EIR does not do an adequate job of examining Growth Inducing impacts associated with possible density increases for sites 0-4 and 0-5. Increased densities, for example, create pressure on nearby lands to also be up zoned. Such pressures promise efforts by other landowners to obtain up-zones for their properties and potential, future, increasing impacts-both directly and indirectly-on nearby biological resources.

The environmental documents need to fully address these and related issues.

Thank you, Kevin

Kevin K. Johnson, Esq.
 KEVIN K. JOHNSON, APLC
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Nothing in this message should be interpreted as a digital or electronic signature that can be used to authenticate a contract or other legal document.

T-1 The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

T-2 The HEU does not authorize development on any specific site. Site-specific proposals for future development allowed under the HEU will be evaluated for potential impacts on surrounding properties. While the HEU has the potential to increase the residential population in the project area, it is not anticipated to foster residential growth, directly or indirectly, off-site because all properties adjacent and in the near vicinity are already developed; or conserved permanently through open space easements or dedications. Furthermore, any and all rezone applications that would increase density or provide new employment opportunities would be subject to a voter approval requirement under Proposition A.

LETTER

RESPONSE

Letter U

M&M Development, LLC

PO Box 12910
San Luis Obispo, Ca.
93406
T 805.781.3133
F 805.781.3233
dmavis@covelop.net

March 14, 2016

Planning and Building Department
CITY OF ENCINITAS
505 South Vulcan Avenue
Encinitas California 92024
Attn: Michael Strong

Re: Program Environmental Impact Report for *At Home in Encinitas*, the
City of Encinitas Housing Element Update

Dear Mr. Strong:

U-1 M&M Development LLC is the owner of the 4-acre corner lot located at 3636 Manchester Avenue, Encinitas 92024, that is the western portion of A.P.N. 262-073-24. The corner lot is identified as housing site O-4 in the Program Environmental Impact Report for *At Home in Encinitas*, the City of Encinitas Housing Element Update ("PEIR").

Housing site O-4 was removed from the MMUP Housing Strategy in development of the SMUP Alternative. (PEIR, page S-6.) That removal was premised on alleged environmental impacts, some of which were classified as significant and unavoidable. This letter is written to correct certain errors in the PEIR with respect to housing site O-4 and to request that housing site O-4 be added back in the SMUP Alternative.

U-2 As currently drafted, the PEIR concludes that housing site O-4 has significant and unavoidable impacts to aesthetics with respect to public views, community character and scenic resources. (PEIR, pages S-9 and S-10) Similarly, the PEIR concludes housing site O-4 has significant and unavoidable impacts on land use planning with respect to neighborhood compatibility, based on the same aesthetic issues. (PEIR, page S-25)

Specifically, on page S-25, the PEIR states: "Neighborhood incompatibility impacts from the development of [housing site O-4] would be significant." "As the floating zone standards and design guidelines are intended to maximize consistency with the surrounding land use context and character of individual neighborhoods, the project already incorporated features to maximize procreation of community character to the extent feasible. Thus, no further mitigation has been identified at the plan level to minimize the adverse impact resulting from development of [housing site O-4.]" "Aesthetic Impacts -- Significant and Unavoidable."

U-1 The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

U-2 The Draft EIR provides an analysis of each housing site at a programmatic level. The comment suggests that developing housing site O-4 below grade, similar to the Encinitas Country Day School could avoid the significant and unavoidable aesthetic impacts identified in the Draft EIR. At a program level of analysis and without site-specific geotechnical investigations, it is not possible to determine whether the suggested development approach would be feasible to implement, or whether such an approach would in fact alleviate the potentially significant impact. There is currently no specific development proposal for this site, including site-specific building and grading plans.. Without site-specific geotechnical investigations and environmental studies to determine the necessity for and feasibility of a below grade design at this location, it is premature for the City to require implementation of the measure suggested by the commenter in order to reduce impacts to less than significant. Thus, the Draft EIR conservatively concludes that allowing development of the housing site would result in a significant and unavoidable impact and provides for subsequent environmental review when a specific development proposal for O-4 is submitted.

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Michael Strong
Encinitas Planning and Building Department
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First, housing site O-4 consists of the western 4 acres of the subject parcel. The City need only look to the Encinitas Country Day School ("ECDS") project to see identified mitigation for the entire block of aesthetic considerations. The eastern 12 acres of the subject parcel include the ECDS school project that is built below the grade of Manchester Ave. and does not obscure any views of the reserve. The ECDS school project was found to be compatible with the surrounding community. [See, Final EIA Encinitas Country Day School, July 1998] Therefore, to conclude that aesthetic impacts to public views or community character, or scenic resources for the remainder of our parcel (i.e., housing site O-4) are "significant and unavoidable" disregards the facts and history around our specific property. In fact, all aesthetic, public view, community character and scenic resource impacts are completely avoidable and were in fact avoided in the similarly sited ECDS school project.

U-3

Moreover, there are currently many large trees on the subject parcel – just east of housing site O-4. These trees are much higher than allowable building height, even for 3-story buildings. These trees currently block views of the San Elijo Lagoon from many points on both stretches of Manchester Avenue. These trees would also block much of any development on housing site O-4 from the eastern approach to the property and naturally mitigate aesthetic impacts. This fortunate situation would take decades to replicate on other less vegetated sites in the City. The site also has a general down slope from north to south towards the Lagoon. Intelligent site planning could easily mitigate the aesthetic impacts by varying building height and placing taller building at lower site elevations. This same concern and same strategy was used successfully with the ECDS design and build out next door. The site constraints are very similar, and for the School they were easily able to mitigate these concerns during the design phase. For the PEIR to state that it would be impossible for development on the corner to do the same is untrue. We respectfully request that the PEIR be revised to correctly cite the facts and conclude that impacts to aesthetic, public views, community character, and scenic resource are "less than significant impacts after mitigation."

U-4

Elsewhere in the PEIR, there is a statement that the site cannot be built to the intensity needed to meet City goals. The PEIR states, on page 4.1-50: "[E]ven with application of the zoning standards and design guidelines, development of these sites at the intensity required to meet housing elements goals would result in a scale of development inconsistent with the surrounding low-scale, rural environment. Development of all other housing sites would result in less than significant impacts associated with community character. After mitigation impacts would be significant and unavoidable."

No analysis or citation to facts is offered to support that conclusion. The existing character of the property to the east is institutional with full consideration of the siting and character of the properties to the east. The properties to the west are not screened and should not be characterized as screened in the PEIR. And again, the facts are that planning, grading and design can be combined to meet housing targets without significantly impacting aesthetics, and, importantly, all environmental concerns have already been considered and resolved in connection with the ECDS project.

U-3

This comment describes landscaping and topographic features of site O-4 which would reduce the potential impacts of future development on the site. The comment is noted and will be provided to decision makers for consideration prior to making a final determination on the content of the EIR.

As stated by the commenter, it may be possible for a specific development proposal to mitigate impacts of development at this site to a level less than significant. However, since the HEU does not authorize any specific development proposals, it is premature and would be speculative to develop site-specific studies and building designs for the project site; therefore, the impact conclusion proposed in this comment cannot be supported in the EIR. Refer also to response U-2.

U-4

The statements referenced in the comment are concluding statements based on the analysis included in Section 4.1.7 of the Draft EIR regarding community character. Thus, the basis of these findings is included in the prior analysis. Refer also to response to comment U-2 and U-3 above.

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Michael Strong
Encinitas Planning and Building Department
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U-5 The PEIR also sets forth other, less significant, alleged environmental impacts regarding housing site O-4. Those alleged environmental impacts are also incorrect.

1. Regarding impacts to onsite jurisdictional waters, the PEIR specifically identifies housing site O-4 as follows: On page S-15 for "potentially significant" impacts to jurisdictional waters and wetlands.

The facts are that the wetland on our site has already been placed in a fully-dedicated and recorded permanent conservation easement that extends 100' east of the eastern edge and 100' west of the western edge of the Lux Canyon Drainage Channel (and includes the jurisdictional waters and wetlands of housing site O-4 that run north to south through center of the easement). [See, Grant of Open Space/Habitat Preservation Easement, attached] Therefore, the facts outlined in the Bio 4 and Bio 5 write-up are incorrect and the resulting conclusions on mitigation do not apply to housing site O-4.

U-6 2. Regarding impacts to onsite sensitive species and vegetation, the PEIR specifically identifies housing site O-4 as follows: On page S-12 for "less than significant" impacts to sensitive species. On page S-14 for "less than significant" impacts to sensitive vegetation communities.

The "sensitive habitat" on housing site O-4 has been mischaracterized and is in fact "disturbed habitat," as the parcel has been farmed since 1907. Indeed, that habitat was classified as "disturbed" in prior environmental documents. [See, Final EIA Encinitas Country Day School, July 1998] In addition, housing site O-4 has already been mitigated onsite when M&M Development LLC added 100' west of the drainage channel, and the habitat therein, to the permanent conservation easement. This was done to permanently set aside the habitat therein as mitigation for housing site O-4. [See, Grant of Open Space/Habitat Preservation Easement, attached]

U-7 3. Regarding impacts of onsite flooding and dam inundation, the PEIR specifically identifies housing site O-4 as follows: On page S-24 for "potentially significant" impacts relative to flooding dam inundation. On page S-24 for "less than significant impacts" after mitigation relative to dam inundation areas.

These statements are based upon erroneous assumptions and conclusions that housing site O-4 could be subject to flooding and cannot be developed because of being in a fire zone. In reality, housing site O-4 is naturally 34 to 74 feet above sea level. It is simply not subject to flooding. Moreover, the easement associated with the subject parcel specifically allows for cleaning for fire protection. [See, Grant of Open Space/Habitat Preservation Easement, attached]

U-8 4. Regarding impacts to archeological resources, the PEIR contains several references to housing site O-4 and potential environmental impacts related to archeological resources. See e.g., pages 4.4-6, 4.4-7, 4.4-8, 4.4-19, 4.4-21, 4.4-22 & 9.41.

U-5 Due to the presence of the drainage within housing site O-4, development activities such as grading would have the potential for indirect impacts such as contaminated runoff, toxics, erosion, and/or sedimentation, to potential jurisdictional waters and wetlands. At the time of future development, a biological resource survey and report would be required to determine the current extent of the wetland vegetation and demonstrate project compliance with the City's setback standards and Grading, Erosion, and Sediment Control Ordinance. Thus, indirect impacts to the jurisdictional resources on-site cannot be precluded through the site's conservation easement and mitigation measures to avoid impacts would be addressed at the time of future development, consistent with the revised mitigation framework **BIO-5**. **BIO-5** has been clarified to include the following mitigation for indirect impacts to wetlands and waters:

All new development adjacent to wetlands and waters shall be required to adhere to measures outlined in the city's Grading, Erosion, and Sediment Control Ordinance to avoid degradation of lagoons, other wetland habitats, and upland habitats from erosion and sedimentation. These measures include restrictions on the timing and amount of grading and vegetation removal. For example, grading or vegetation removal shall be prohibited during the rainy season (October 1 through April 15) without an approved erosion control plan and program in place. In addition, all necessary erosion control devices must be in place, and appropriate monitoring and maintenance must be implemented during the grading period.

U-6 Table S-1 (pages S-15 and S-17) state that potential impacts to sensitive species vegetation communities would be less than significant after mitigation.

As discussed in Section 4.3.1.1, the vegetation mapping is only intended for use as a tool, as site-specific surveys were not conducted in conjunction with this EIR. As housing site O-4 consists of undeveloped land, a site-specific biological resource

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	<p>U-6 (cont.)</p> <p>survey would be required pursuant to BIO-1 to determine the vegetation communities present on-site at the time of development - regardless of past conditions of sensitivity. The biological resources data contained in the Final EIA Encinitas Country Day School (July 1998), referenced in the comment, would be evaluated to determine its continuing accuracy and completeness due to the age of the data (18+ years).</p> <p>Information regarding the conservation easement has been added to Section 4.3.8.</p> <p>U-7</p> <p>As indicated in Section 4.8.4.1, the existing conditions and analysis of the housing sites were based on a review of secondary sources to determine potential hydrologic resources within the housing sites. The literature review included: the Final Existing Conditions Report (2010); Flood Insurance Rate Maps (FEMA 2014); California's Groundwater Bulletin 118 – San Elijo Valley Groundwater Basin (DWR 2004); Evaluation of the San Dieguito, San Elijo and San Pasqual Hydrologic Subareas for Reclaimed Water Use (Izbicki 1983); the Impaired Water Bodies list (SWRCB 2015) and special flood hazard mapping provided by the City of Encinitas. No site-specific surveys were conducted. Future site-specific surveys may be required at the discretion of the City engineer (refer to mitigation measure HYD-1).</p> <p>As indicated in Section 4.7, the existing conditions and analysis is based on a review of secondary sources, including the Very High Fire Hazard Severity Zone Map (VHFHSZ) Map adopted by the City for its Local Responsibility Area (LRA). Nowhere does the EIR state that housing site O-4 could not be developed because of being located within a fire hazard area. Impacts relative to all housing sites were found to be less than significant with compliance with adopted fire codes.</p>
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	<p>U-8 The EIR acknowledges that <i>no known</i> archaeological resources are present on the housing sites. Housing sites ALT-4, ALT-5, C-6, O-2, O-3, O-4, O-5, O-6, and OE-2 were mapped as having ‘high sensitivity’ for archaeological resources by the General Plan Resource Management Element (Table 4.4-2; City of Encinitas 2011). As indicated in Section 4.4.1.2, undeveloped sites, such as O-4, have <i>the potential for</i> the presence of unknown archaeological resources as the likelihood of encountering archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). No site-specific surveys were conducted for the housing sites. Sites with the potential for certain resources may require site-specific surveys in conjunction with future development applications (refer to CUL-2). The comment refers to “numerous misstatements” but does not identify any specific misstatement, so no further response is possible.</p>
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<p>Michael Strong Encinitas Planning and Building Department March 14, 2016 Page 4</p> <p>There are no archaeological resources on housing site O-4. The cistern that was part of the original farmhouse site was excavated as part of the ECDS project and was not found to be an archaeological resource.</p> <p>There are numerous misstatements in the PEIR regarding housing site O-4. Those misstatements are cited to support the inaccurate conclusions regarding alleged environmental impacts associated with housing site O-4. As detailed herein, the environmental impacts associated with housing site O-4, including impact to aesthetic, public views, community character and scenic resource, are all "less than significant impacts after mitigation."</p> <p>There is one additional procedural issue related to the PEIR. Neither M&M Development nor Encinitas Country Day School was notified when the subject property, identified as housing site O-4, was put on the maps for consideration. We have only recently become aware of the fact that our property – housing site O-4 – was specifically named on two of the maps in the City's Housing Element Update process, and the changing status of housing site O-4 in that process. As detailed herein, M&M Development believes there are errors in the PEIR with respect to housing site O-4. We respectfully request that those errors, and the conclusions made based on those errors, be corrected and housing site O-4 be added back in the SMUP Alternative.</p> <p>Three generations of our family have owned this property and we have often thought about the different appropriate development scenarios for this Keystone property in Encinitas. Being adjacent to the Encinitas Country Day School, this property would make ideal Workforce housing, some of which could be utilized directly by the faculty at the School. This situation is unique in the City and would provide living and working opportunities on the same site, leading to greater affordability, less reliance on cars, fewer vehicle trips, less greenhouse gas emissions, and essentially a non-existent commute. This site is also in an ideal position for market-rate multifamily housing. Its proximity to the freeway, goods and services, scenic beauty and recreational trails makes it an ideal residential location. There are existing multifamily developments a few hundred yards north of the site, along El Camino Real, which share some but not all of these benefits. Although we have not performed a feasibility study on this idea, we have been interested in exploring a Multi-Generational educational program linked to the School. The idea would be to place senior housing on the corner site and have a program where the seniors could interact with the school children. Programs like these have been shown to be very beneficial as the learning and growth goes both directions. The children get the benefit of the seniors' vast life experiences and the seniors get the satisfaction of being a part of the educational process. Some parking at both this site and the School could be shared as the parking demand for each are predominately opposite times. Furthermore there could be public trail head parking for various trails in the San Elijo Lagoon added to a shared parking arrangement, if desired.</p> <p>We have built, and are currently building, multifamily as well as affordable housing in other areas. We take great pride in every aspect of the development and construction projects we undertake. With conscientious site design, high quality architecture and appropriate density,</p>	<p>U-9 This is a concluding statement. Refer to response to comments U-2, U-3, and U-4.</p> <p>U-10 From October 1 through December 1, 2014, outreach on <i>At Home in Encinitas</i> focused on educating the public about the Housing Plan update process and ensuring that the community and other stakeholders were made aware of opportunities to provide input. Staff endeavored to be as inclusive as possible by using a variety of communication methods to reach residents, employees, business owners, and property owners. City staff conducted 45 briefings and public presentations with a variety of stakeholders and organizations, including residents, seniors, business groups, employers, and community organizations. To ensure broader promotion, a direct mail postcard was sent to all property owners in Encinitas. A total of 21,343 postcards were distributed. Door hangers with information about <i>At Home in Encinitas</i> were distributed to residents and businesses. More than 13,500 door hangers were distributed over a five-day period in early November 2014. Print advertisements were placed in the Coast News and the Encinitas Advocate on both October 24 and November 7. Online advertisements with a direct link to project-related information ran on the Encinitas Advocate and Seaside Courier websites throughout the month of November. <i>At Home in Encinitas</i> received significant media coverage—a total of 14 related articles over a three month period. An e-newsletter explaining the need for a Housing Plan update and including information about how to provide input was sent to all subscribers to the City's various e-news lists (approximately 8,000 subscribers). A series of additional e-blasts with links were sent to these same subscribers. All media coverage, as well as notices and links to the project were shared on the City's social media channels. At the time (fall 2014) the City had 488 followers on Twitter, 4,330 followers on Facebook, and 231 followers on Instagram. Lastly, a courtesy letter was sent to every Viable Housing Site property owner.</p> <p>Development of the three land use map strategies occurred in Public Hearing in February 2015. The meetings were legally noticed.</p>
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	<p>U-10 (cont.)</p> <p>Please refer to the response to comments U-2 to U-8 (Letter U - Damian Mavis 031416) above. The comment, including its request to add site O-4 into the SMUP Strategy, will be included in the Final EIR for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU.</p> <p>U-11</p> <p>The draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy). A fourth map was also created through the environmental review process. Viable Housing Site O-4 is on two of the four maps.</p> <p>All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU.</p>
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Michael Strong
Encinitas Planning and Building Department
March 14, 2016
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we believe this site could provide housing opportunities not currently found in Encinitas, as well as play a key role in the City reaching its housing goals.

We request that in light of the above information you reconsider Site O-4, and add it to the SMUP.

If the City has any questions regarding the foregoing, or if the City requires any additional information or documentation, please do not hesitate to contact me. The City's attention to this matter, and consideration of this request, is appreciated.

M&M DEVELOPMENT, LLC



Damien Mavis, Manager

Enclosure

DOC # 2004-0874470



SEP 14, 2004 4:01 PM

OFFICIAL RECORDS

SAN DIEGO COUNTY RECORDER'S OFFICE

GREGORY J. SMITH, COUNTY RECORDER

FEES: 0.00 WAYS: 3

DC: NA

PAGES: 11

2004-0874470

Recording requested by:)

City of Encinitas)

When recorded mail to:)

City Clerk)

City of Encinitas)

505 South Vulcan Avenue)

Encinitas, CA 92024)

FOR THE BENEFIT OF THE CITY)

16159

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT OF OPEN SPACE/HABITAT PRESERVATION EASEMENTAssessor's Parcel
No. 262-073-24

Project No.: 98-039

WO No. 6442-I,G

M & M Development, LLC, a California Limited Liability Company hereinafter called GRANTOR(S) do(es) hereby grant, convey and dedicate to the CITY OF ENCINITAS, State of California, hereinafter called GRANTEE,

- (A) A perpetual easement for OPEN SPACE purposes over, upon, across and under the Subject Land, as described in Exhibit "A" attached hereto, and no building, structure or other thing whatsoever shall be constructed, erected, placed or maintained on the Subject Land except all necessary public utility lines.
- (B) The perpetual right, but not the obligation to enter upon the Subject Land and remove any buildings, structures or other things whatsoever constructed, erected, placed or maintained on the Subject Land contrary to any term, covenant or condition of this easement and to do any work necessary to eliminate the effects of any excavation or placement of sand, soil, rock or gravel or any other material done or placed on the Subject Land contrary to any term, covenant or conditions of this easement.

GRANTOR covenants and agrees for himself and his successors and assigns as follows:

- (A) That it shall not erect, construct, place or maintain, or permit the erection, construction, placement or maintenance of any building or structure or other thing whatsoever on the Subject Land other than all necessary public utility lines.
- (B) That it shall not use the Subject Land for any purpose except as OPEN SPACE purposes.
- (C) That it shall not excavate or grade or permit any excavating or grading to be done, or place or allow to be placed any sand, soil, rock, gravel or other material whatsoever on the Subject Land without the written permission of the City or its successors or assigns.
- (D) That this Open Space Easement shall preclude vegetation removal or additions with the following exceptions: 1) brush clearing for fire protection purposed shall be

7449

16160

permitted upon written order by the appropriate fire fighting of fire protection agencies, 2) removal of hazardous substances or conditions or diseased plants or trees shall be permitted, 3) planting of native vegetation or removal of invasive non-native vegetation may be allowed with the permission of the City or its successors or assigns, and 4) creation of a modified fuel management area within the eastern wetland buffer area shall be allowed as portrayed on sheet 5 of grading plan 6442-G. This modified fuel management area may be planted with native, low-fuel load plant species; removal of non-native plants and trimming and removal of dead material from native plants may occur within this area, outside of the bird breeding season (February 15-September 30). If the Grantee subsequently does not develop, or relocates the building that would require this modified fuel management area, then this modified fuel management area shall be removed from the allowed uses.

- (E) That the terms, covenants and conditions set forth herein may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California.
- (F) That no invasive landscaping shall be planted in areas adjacent to the Open Space Easement.
- (G) That no outdoor lighting shall be directed upon the Open Space Easement.
- (H) That this Open Space Easement shall be maintained in accordance with the Management and Monitoring Plan contained on Page 8 of the November 17, 2003 letter prepared by Tierra Environmental to the City of Encinitas. This letter is on file with the City's Planning and Building Department and Engineering Services Department (Case # 98-039).

The grant of this easement and its acceptance by the City of Encinitas shall not authorize the public or any members thereof to use or enter upon all or any portion of the Subject Land, it being understood that the purpose of this easement is solely to restrict the uses to which the Subject Land may be put.

This easement shall bind the Grantor and his successors and assigns.

Dated this 20th day of August, 2004 M.M. DEVELOPMENT, LLC
August 20, 2004 G.O. MAVIS, M.M.
 Date _____ Grantor G.O. MAVIS

 Date _____ Grantor _____

 Date _____ Grantor _____

Signature of Grantor's to be notarized.
 Attach the appropriate acknowledgements.

LETTER

RESPONSE

16161

This is to certify that the interest in real property conveyed by deed or grant to the City of Encinitas, a Municipal Corporation, is hereby accepted by the undersigned agent on behalf of the City Council of the City of Encinitas pursuant to authority conferred by Resolution of the City Council of the City of Encinitas adopted on November 9, 1994 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 9/8/04
By: Peter Cota-Robles

Peter Cota-Robles
Director of Engineering Services
City of Encinitas

Notarization not required

7449

16162

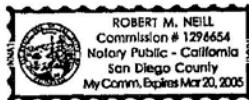
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of San Diego } ss.

On August 20, 2004 before me, Robert M. Neill, Notary Public
Notary Public
 personally appeared Gregory O. Mavis
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Receipt of Signature

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) he subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Robert M. Neill
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant of Open Space/Habitat Preservation Easement

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



16163**SUBORDINATION AGREEMENT**

WHEREAS, those parties concerned, desire to have the Lease recorded July 2, 2004, as DOC No. 2004-0624934 subordinated to Grant of Open Space/Habitat Preservation Easement ("DOCUMENT" hereinafter) required as condition of approval of City of Encinitas Resolution No. 98-91 MUP/DR/CDP.

August 26, 2004

ENCINITAS COUNTRY DAY SCHOOL, Inc.
LESSEE

By: KM Porterfield
Kathleen M. Porterfield
Title: Chief Executive Officer

16164

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of SAN DIEGO } ss.

On 8/26/04 before me, Stephanie Neill, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Kathleen M. Porterfield
Name(s) of Signer(s)

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Stephanie Neill
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



16165

SUBORDINATION AGREEMENT

WHEREAS, those parties concerned, desire to have the Deed of Trust recorded
August 11, 2004 as File/Page No. 2004-0760225 subordinated to
Grant of Open Space/Habitat Preservation Easement ("DOCUMENT" hereinafter) required as
condition of approval of _____;

August 25, 2004
DATED _____

Discovery Bank
BENEFICIARY OR TRUSTEE
By: [Signature]
James P. Kelley
Title: President

DATED _____

BENEFICIARY OR TRUSTEE
By: _____
Title: _____

Signature of BENEFICIARY or TRUSTEE must be notarized.
Attach the appropriate acknowledgements.

I certify on behalf of the City Council of the City of Encinitas, pursuant to authority conferred by
Resolution of said Council adopted on November 9, 1994 that the City of Encinitas consents to
the making of the foregoing Subordination Agreement, and consents to recordation thereof by
its duly authorized officer.

Date: 9/13/04

By: [Signature]
Peter Cota-Robles
Director of Engineering Services
City of Encinitas

16166

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

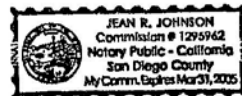
State of California

County of San DiegoOn Aug. 25, 2004, before me, Jean R. Johnson
(Notary Public)personally appeared James P. Kelley☒ personally known to me☐ or proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jean R. Johnson
Signature of the Notary

**OPTIONAL:**

Capacity Claimed by Signer:

☐ Individual ☒ Corporate Officer☐ Other _____

Type of Document:

Title/Type of Document: Subordination AgreementNumber of pages 1

16167

EXHIBIT "A"

PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 19, 1881, BEING WITHIN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25, AS SHOWN ON RECORD OF SURVEY NUMBER 14943 RECORDED AUGUST 3, 1995 AS FILE NUMBER 1995-0336085 IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 25, SOUTH 89°17'06" EAST (RECORD SOUTH 89°17'14" EAST PER RECORD OF SURVEY NUMBER 14943), 353.44 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00°42'54" WEST 35.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°17'06" EAST, 178.21 FEET; THENCE SOUTH 47°28'15" EAST, 34.73 FEET; THENCE SOUTH 62°43'10" EAST, 22.28 FEET; THENCE SOUTH 06°16'17" WEST, 25.78 FEET; THENCE SOUTH 12°13'56" EAST, 101.92 FEET; THENCE SOUTH 02°33'08" WEST, 48.16 FEET; THENCE SOUTH 25°56'40" WEST, 28.79 FEET; THENCE SOUTH 13°12'44" WEST, 59.84 FEET; THENCE SOUTH 21°49'29" WEST, 50.90 FEET; THENCE SOUTH 19°29'32" WEST, 22.47 FEET; THENCE SOUTH 20°46'38" EAST, 20.93 FEET; THENCE SOUTH 37°03'06" EAST, 49.86 FEET; THENCE SOUTH 08°50'32" EAST, 82.20 FEET; THENCE SOUTH 15°12'27" WEST, 134.96 FEET TO THE NORTHERLY LINE OF THE NORTHERLY 668 FEET OF THE SOUTHERLY THREE-QUARTERS OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°21'28" WEST (RECORD NORTH 89°21'59" WEST PER RECORD OF SURVEY NUMBER 14943), 251.51 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH 07°23'10" EAST, 67.63 FEET; THENCE NORTH 25°57'33" WEST, 27.39 FEET; THENCE NORTH 09°52'23" WEST, 48.75 FEET; THENCE NORTH 08°15'19" EAST, 162.76 FEET; THENCE NORTH 02°57'17" WEST, 188.54 FEET; THENCE NORTH 13°08'37" EAST, 60.59 FEET; THENCE NORTH 46°51'19" EAST, 25.30 FEET; THENCE NORTH 13°08'11" EAST, 66.17 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 3.79 ACRES MORE OR LESS.

Armand A. Marois 1/23/04
Armand A. Marois DATE
P.L.S. 5941

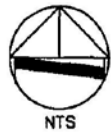


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16168

SHEET 1 OF 2

EXHIBIT "B"

POC NW COR. SEC.
25 T 13 S R 4 WN'LY LINE SEC. 25
(RECORD 589°17'14"E PER R.O.S. 14943)

APN 262-073-24

N 1/2, NW1/4,
NW1/4 SEC. 25,
T 13S, R 4 WN'LY LINE OF THE N'LY 668 FEET OF
THE S 3/4 OF THE NW1/4, SEC. 25
(RECORD 589°21'58"N PER R.O.S. 14943)

Armand A. Marois 1/23/04
 ARMAND A. MAROIS DATE
 L.S. 5941

bha, Inc.

land planning, civil engineering, surveying
 5115 Avenida Encinas
 Suite L
 Carlsbad, California 92008-4387
 (760) 931-8700

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505-0704-600 01-23-04

16169

SHEET 2 OF 2

LINE	BEARING	DISTANCE
L1	S89°17'06"E	353.44'
L2	S00°42'54"W	35.00'
L3	S89°17'06"E	178.21'
L4	S47°28'15"E	34.73'
L5	S62°43'10"E	22.28'
L6	S06°16'17"W	25.78'
L7	S12°13'56"E	101.92'
L8	S02°33'08"W	48.16'
L9	S25°56'40"W	28.79'
L10	S13°12'44"W	59.84'
L11	S21°49'29"W	50.90'
L12	S19°29'32"W	22.47'
L13	S20°46'38"E	20.93'
L14	S37°03'06"E	49.86'
L15	S08°50'32"E	82.20'
L16	S15°12'27"W	134.96'
L17	N89°21'28"W	251.51'
L18	N07°23'10"E	67.63'
L19	N25°57'33"W	27.39'
L20	N09°52'23"W	48.75'
L21	N08°15'19"E	162.76'
L22	N02°57'17"W	188.54'
L23	N13°08'37"E	60.59'
L24	N46°51'19"E	25.30'
L25	N13°08'11"E	66.17'

bhA, Inc.

land planning, civil engineering, surveying
 5115 Avenida Encinas
 Suite L
 Carlsbad, California 92008-4387
 (760) 931-0700

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505-0704-600 01-23-04

LETTER

RESPONSE

Letter V

From: Robert Neill <rob9307@gmail.com>
Sent: Sunday, March 13, 2016 1:33 PM
To: Scott Vurbeff; Michael Strong
Subject: EIR Housing Update Comments

V-1 If the goal of the general plan update is to include more low income housing why is it that each Housing Strategy includes a substantial increase in commercial development?

Strategy 1 increases commercial development by 239,000 sq ft
Strategy 2 increases commercial development by 284,643 sq ft
Strategy 3 increases commercial development by 489,866 sq ft

Robert Neill

V-1 Cities use zoning as a way to guide future growth and development and as a means for establishing common rules that all properties must follow. The Housing Plan Update is supporting the development of a new zone program to help accommodate needed new housing. These new zones will also allow the City to more effectively guide quality development and design, which is compatible with existing community character.

The new zone program provides standards may include residential or mixed-use depending on site's designation. The proposed standards allow for additional commercial development, provided that the minimum density of 20 units per acre is provided.

LETTER

RESPONSE

Letter W

From: Robert Neill <rob9307@gmail.com>
Sent: Thursday, March 10, 2016 9:13 AM
To: Michael Strong
Cc: Scott Vurbeff
Subject: General Plan Update EIR Olivenahin

Michael,

I was looking through the EIR and had a couple of questions.

W-1 1) Housing Strategy 3 - MMUP in Olivenhain is the 2240 Encinitas Blvd (7-11 Shopping center) included? The map looks like it is included, but all the other housing strategies do not include this lot.

2) Why was not the 2240 Encinitas Blvd parcel not included in the other housing strategies if all the surrounding properties are being rezoned to mixed use not just residential R-30? If the idea is to redevelop the whole corner to mixed use would it not make sense to include the corner lot of 2240 Encinitas Blvd?

Thank you,

Robert Neill

W-1 The property located at 2240 Encinitas Blvd. is not included in any of the housing strategy maps. Refer to response to comment B-1 above for more background information about the site selection process. The property is immediately adjacent to Viable Housing Sites O-3 and O-6. The site was excluded from these study areas because of previous public comment (lot configuration and size limits potential transition space - not suitable for development of three stories). No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.

LETTER

RESPONSE

Letter X

From: [Doug Fiske](#)
 To: [athome](#)
 Subject: HEU EIR Comments
 Date: Saturday, March 12, 2016 5:49:12 PM

X-1 Anybody with even superficial knowledge of housing economics knows there are no new low and very low income housing opportunities in Encinitas without subsidies. Effectively, there are no subsidies because the waiting list is eight to 10 years long.

Consequently, the "RHNA identified housing deficit of 1,283 low and very low income housing units in the City of Encinitas" cannot be overcome. The economics preclude the possibility. Even the state HCD rep admitted that at the December forum at the Encinitas library.

As proposed, the HEU would produce only market rate housing.

City staff and council saying the HEU would produce low and very low income housing is a lie. It insults the voters. It reveals that city staff and council are perpetrating a fraud.

What makes the fraud worse is that city staff and council have sneaked Prop A, community character and longstanding land use practice killers into the HEU documents.

If the HEU goes before the voters with those killers in it, it won't pass, and the staff and council will have wasted years and hundreds of thousands of taxpayer dollars on top of the time and money thrown away through previous inept efforts.

City council and staff have not learned from your mistakes. Worse, you're compounding them.

You have squandered the trust and confidence of the community. I seriously doubt you'll regain them.

Doug Fiske
 Leucadia

X-1 This comment states the author's opinion regarding affordable housing and disagrees with the City's strategy, but does not raise any environmental issues. Refer to response to comments Q-1 and Q-3. Also refer to response to comment GG-6 for more information about Chapter 30.00 (Proposition A). No further response is required.

LETTER

RESPONSE

Letter Y

From: Keith Harrison <keithharrison@sbcglobal.net>
Sent: Monday, March 14, 2016 4:36 PM
To: Michael Strong
Subject: HEU EIR Comments

Y-1

S.5.2.2(b) refers to OE-1 as being "...heavy commercial and light industrial uses..." while Figure 4.9-1b in the Planning and Land Use section reflects OE-1 as "Commercial and Office". The current commercial uses on the OE-1 site a primarily office and warehouse so I believe Figure 4.9-1b is more accurate than S.5.2.2(b).

Y-2

I am concerned that the EIR does not accurately reflect the potential for significant adverse impacts that require mitigation. For example, Table 4.3-1 in section 4.3.1.2 indicates that OE-1 is a housing site that has the potential to contain wetlands "Based on field observations conducted by RECON on June 25, 2015." The photographs of the site taken by RECON presumably during the June 25, 2015 field observation are not of OE-1 but rather the the 500 block of Coast Hwy 101 and Moonlight Beach State Park. The truth is that the OE-1 site is almost entirely covered by concrete, asphalt and buildings with absolutely no potential for wetlands. There is a small sliver of land along the north east portion of the OE-1 site that has vegetation but it is a man made bank (from fill) that meets the definition of "Disturbed Land" in 4.3.1.1(e) in that it is almost entirely planted with non-native ice-plant. Furthermore, how could RECON know where the property line is between OE-1 and the adjacent Moonlight Beach State Park in order to make a fair determination of whether OE-1 has the potential to contain wetlands? The truth is that any redevelopment of the OE-1 site would result in significant **positive** impacts to the adjacent wetlands with the removal of directly connected impervious surfaces and inclusion of storm water treatment provisions that do not currently exist. The question is asked in Table S-1 (Issue 3) of the Executive Summary "Would the project have a substantial adverse effect on wetlands...through direct removal, filling, hydrological interruption, or other means" and an affirmative answer is given for the OE-1 site. How is this reasonable? The same is true for the EIR's conclusion that the OE-1 site could have a material negative impact on Sensitive Species and Sensitive Vegetation Communities. The only reasonable answer to the questions asked in Table S-1 for the OE-1 site is "no."

4.3.1.1(f) correctly categorizes OE-1 as "Developed", however 4.3.5.1 refers to OE-1 as "undeveloped." See the last sentence of 3rd paragraph in 4.3.5.1 which states: "The following housing sites are considered undeveloped (e.g. have the potential to contain native and/or non-native habitats), and future development of these sites has the potential to impact sensitive plants or wildlife: ...OE-1..."

Y-3

Page 3-26: The descriptions for OE-1 and OE-2 are for property in New Encinitas, not Old Encinitas.

Regards,
 Keith Harrison

Y-1

Site OE-1 is office and warehouse, predominately, With some residential on C street. Clarifications have been made to the EIR address this comment

Y-2

Photograph 84 was taken from the edge of the existing parking lot within site OE-1, facing north, and shows the northernmost undeveloped portion of the site in addition to off-site areas in the background.

As discussed in Section 4.3.1.1, the vegetation mapping is only intended for use as a tool, as site-specific surveys were not conducted in conjunction with this PEIR. However, a wetland was previously identified by the City of Encinitas (2015a) based on U.S. Geological Survey Topographic Maps within the undeveloped portion of housing site OE-1. Additionally, native vegetation containing spiny rush, which is defined as a facultative-wetland indicator species by the U.S. Army Corps of Engineers, was noted on the slope directly adjacent to the parking lot of OE-1 (see Photograph 84). Therefore, a site-specific biological resources survey would be required to determine the presence of sensitive vegetation communities, sensitive species, and/or jurisdictional wetlands within the undeveloped portion of the site.

Chapters 4.2.5.1 and 4.3.6.1 have been clarified to include the following:

The following housing sites are considered undeveloped or have a substantial portion of the site unimproved (e.g. have the potential to contain native or non-native habitats)... OE-1.

Y-3

The Final EIR has been modified to reflect this comment. The description for OE-1 has been corrected. The description for OE-2 is for the correct site. Please refer to page 3-26 for the revisions to the description for housing site OE-1.

LETTER

RESPONSE

Letter Z

From: John Finkbiner <jf47@me.com>
Sent: Thursday, March 10, 2016 1:31 PM
To: Michael Strong
Cc: Judi Finkbiner
Subject: Leucadia/Rezoning

Hi Mike,

Z-1

My family resides at 140 Range Street, which is adjacent to Scott's Automotive(in Leucadia), which I see is slated for possible 3-story buildings. It seems strange to me that only the northern corridor of Encinitas(Leucadia), is threatened by 3 story structures. We already have 3-story units, to the north of the Leucadia Post Office, on PCH, most of which are empty, and are very displeasing to the architectural and aesthetic eye. We walk by this structure on a weekly basis, and the units, too many crammed into too little of a space, are moldy, cheap and dank... not an attractive structure. We also have some on Vulcan(along the northern stretch of Leucadia). These sort of buildings do not help our property value, nor the value of the area. Two story buildings with courtyards and sunlight, or even one story, are much more in alliance to the lifestyle here. This is, after all, why people move here... the sunlight! If you want tight, cold, dark vertical spaces, you can always move to the inner-city. This kind of thought, and these sort of structures, are not helpful to preserving our family/beach community. Can you please meet with us on our property to discuss how this will impact us and our surrounding neighbors? We can take a look at the aforementioned structure(s), and see how they appear not to be striving. We would also ask that story poles be erected.

Thank-you,

John Finkbiner
 140 Range Street
 Leucadia, CA
 92024

858-922-7827

Z-1

This comment states the author's opinion that one- or two-story buildings are preferable to three-story buildings. Refer to the response to comment B-1 above for more background information about the site selection process.

The new zone program includes new provisions to ensure that new development responds to neighborhood character, be compatible with community specific settings and promote basic best practices in urban design. This will enable review of future projects to make sure that they "fit" into existing neighborhoods, regardless of their community designation.

City staff is able to meet with community members to discuss the project. Please contact the appropriate staff to schedule an appointment or visit City Hall during normal business hours to speak with a staff representative.

LETTER

RESPONSE

Letter AA

From: Jim Gillie <jgillie@ucsd.edu>
Sent: Monday, March 14, 2016 11:30 AM
To: athome
Subject: Letter from Jim & Kathleen Gillie regarding At Home Encinitas
Importance: High

March 14th, 2016
 Encinitas City Counsel
 RE: Affordable housing Element

Dear Counsel Members,

We write this to document our opposition to the inclusion of Leucadia development Area 7 (L-7) in the plan to provide affordable housing in Encinitas.

A high-density housing development at L-7 is inconsistent with the surrounding community and is out of character of the neighborhood. Good design cannot overcome the impact on the community character that this development would have on us and our neighbors.

Our property is zoned RR-1 as is L-7 and our neighbor's and it would be an extreme change to rezone L-7 to R-30 and it is completely unnecessary.

Leucadia needs to add 295 high-density, affordable housings units and this need can be met by developing Lot L-2 alone. In fact, without including L-7, the remaining Leucadia development areas would accommodate 750 units.

It is therefore not surprising that the EIR does not recommend developing L-7 to meet Leucadia's high-density needs.

As you consider your options for high-density development in Leucadia we request that you ask yourselves the following questions.

- Why choose L-7 for this development when it would impact the character of the neighborhood?
- Why choose L-7 for this development when it would require a greater "up zoning" of any other?
- Why choose L-7 when there are other proposed areas that are already developed?
- Why choose L-7 when it is not needed to satisfy Leucadia's high-density housing needs?
- Why does the EIR recommend that L-7 NOT be developed for this high-density development?

We very respectfully ask you exclude L-7 from consideration of high density housing to preserve the character of our neighborhood.

Sincerely,

Jim & Kathleen Gillie
 519 Quail Gardens Drive
 Encinitas, CA 92024

AA-1

AA-1

This comment states the author's opposition to the inclusion of site L-7 in the affordable housing plan. The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter BB

From: Andy Kean <loveoaks@gmail.com>
Sent: Monday, March 14, 2016 5:52 PM
To: Michael Strong
Subject: Review and Comments to the Draft EIR of the Housing Element Update

Dear Mr. Strong:

BB-1

Thank you for the opportunity to submit aspects for additional consideration to the Environmental Review being prepared for the Housing Element Update.

As the owner of O-2, 4.8 acres on the East side of Rancho Santa Fe Road, next to the office of the Encinitas Union School District, it was disappointing to see my site removed from the MMUP Housing Strategy in Development of the SMUP, as discussed on page 9-34.

The O-2 site was removed from the SMUP strategy because "the lower population of Olivenhain would adequately be served by a single, new mixed activity center, which is accomplished with housing sites ALT-4 and O-3".

On page 3-35, under 3.3.2 Housing Strategies the report states as an objective, "Equitably Distribute Multi-family Housing. Distribute attached and multifamily housing to the City's five communities." This is actually the issue that defeated prior attempts to develop a Housing Element Update, when other the other four communities in Encinitas realized Olivenhain was not taking its share of the necessary increased density.

The point is not to "adequately" "serve" Olivenhain but it is to Equitably Distribute the necessary Multi-family Housing between the City's five communities. For this reason, site O-2 was one of the most commonly chosen sites when City residents were asked for their opinion of recommended sites. This point of allocation between the City's 5 communities should be addressed here.

Regarding the choice of Alt-4 to replace O-2, the draft EIR fails to consider the topographic and access limitation of both O-3 and Alt-4 as a practical site for a meaningful new mixed activity center. The draft EIR fails to consider O-2 is a vastly more functional site for a new mixed activity center over Alt-4 due to topography, access and convenience to walking to existing services.

Page 9-34 also states O-2 is removed from the SMUP strategy to "reduce impacts to cultural resources but according to Matrix Comparison Table 9-4, Alt-4, which is intended to replace O-2, does not have any significant reduce impacts to cultural resources.

Thank you for the opportunity to assist with the development of the EIR for the Housing Element Update.

Very Truly Yours,

Andy Kean
 858-386-8990

BB-1

This comments objects to the removal of site O-2 from the SMUP Strategy. The draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy). A fourth map was also created through the environmental review process. Viable Housing Site O-2 is on three of the four maps.

All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration.

The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU.

LETTER

RESPONSE

Letter CC

From: William Morrison <William@morrisonworkshop.com>
Sent: Monday, March 14, 2016 2:43 PM
To: Michael Strong
Cc: athome
Subject: Re: Confirmation

- CC-1 Odd. It said it was successful. Comments below. I was joking with one of my development friends about how it was a conspiracy that the city server was down on Friday and comments were due Monday. Couldn't get to the athomeencinitas page.
- Thanks,
- CC-2 Sites L5 and L6 of the "Ready Made" option create significant impacts that go against the City's goals associated with Community Character, Traffic and Land Use. The opportunity of varied densification appears to have been missed with up zoning to R-30 across the board. It would appear that the goal was to maximize density on as few sites as possible to achieve that required number while identify the impacts as mitigatable and unavoidable when lower density across many sites could mitigate several of the issues.
- CC-3 Zoning / Land Use
 Leucadia land use designations in the area of L5 & L6 are R-3 and this increase is a 10x multiplier to R-30, allowing apartments in a single family, large lot neighborhood.
 2.4.2.3 Leucadia
Residential zoning is high density along Highway 101 (r-8, r-11 and r-25). Almost all of the City's mobile home parks are located in Leucadia, off Vulcan or west of Highway 101. The remaining residential areas in this community have low density designations (R-2, R-3, and R-5).
 Not even the commercial corridor and adjacent land have a designation of R-30 and integrating an R-30 on to site L5 & L6 with surrounding R-3 isn't compatible with the low density of the current community land use. Why wasn't R-30 assigned to the large lots adjacent or on Highway 101 in Leucadia (i.e. the abundant mobile home parks identified in the PEIR)?
Goal 1.12 The residential character of the city shall be substantially single-family detached housing.
Goal 9.1 Encourage and preserve low-density residential zoning within the Interstate 5 Corridor...
 Both goals are not met with the density proposed for L5 & L6. Even though there is an attempt to mitigate with landscape buffers and identifying L5 as low lying the building massing and height will be evident. Transitional land planning from residential to commercial requires large transition zones of different product types to provide proper alleviation of abrupt, incompatible product types. R-30 apartments adjacent single story, large lot residential may be appropriate for more transitional urban areas but not the suburban / agricultural mix surrounding L5 & L6. How is this compatible?
- CC-4 4.9.8 Issues 4: Proximity to Agricultural Sites
 Sites L5 & L6 would result in land use conflicts between medium density residential and agricultural sites. Figure 4.9-1a shows that site L5 & L6 area adjacent Intensive Agricultural operations. Why wasn't this shown as a significant unavoidable impact?
Page 4.9-47, b. Implementation of any the strategies would have a potential agricultural interface compatibility issue.
- CC-5 This identifies sites L5 & L6 as having compatibility issues that are not resolved or mitigated, why?
 Sites L5 & L6 in "RM" are incompatible with the surrounding land uses. An opportunity appears to have been missed to make "Mixed Use Places" (p. 3-29) on Highway 101 and Encinitas Boulevard. This "RM" plan also missed the inclusion of El Camino Real as an opportunity for implementation between Key Activity Centers 6

CC-1 This comment is an introduction to comments that follow. The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

CC-2 The draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy). A fourth map was also created through the environmental review process. Viable Housing Sites L-5 and L-6 are on one of the four maps.

All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration. The comment has been noted and will be included in the Final EIR and administrative record.

CC-3 Refer to the response to comment B-1 above for more background information about the site selection process. See response to comment II-16 for information on transitions.

The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU.

CC-4 As discussed in Section 4.8.9.1, while sites L-5, L-6 and L-7 are adjacent to greenhouses, most activities associated with greenhouse cultivation would be contained within a controlled environment. The type of agriculture practiced on these housing sites would therefore be compatible with urban land uses, and impacts would be less than significant. No impacts were identified; therefore, no mitigation is required.

LETTER

RESPONSE

	<p>CC-5 Refer to the response to comment B-1 for more background information about the site selection process. During the first phase of the project, there were seven sites identified on El Camino Real. All seven sites were vetted through the public engagement and outreach period in 2014. After consideration of public input, ultimately the housing strategy maps (and the specific arrangement of sites) were endorsed by City Council for environmental study at their February 2015 meeting. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised. The comment has been noted and will be included in the Final EIR and administrative record.</p>
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LETTER

RESPONSE

<p>CC-6</p> <p>& 7 as identified on Figure 3-1. Also, this corridor is identified as a Neighborhood Center on Figure 2-4. Why was this corridor not included to incorporate the many opportunities that would meet many of the goals?</p> <p><u>Traffic</u></p> <p>The stretch of Leucadia <u>Boulevard between Interstate 5</u> and El Camino Real currently has several LOS D intersections and a LOS F. Increasing the density along one most constrained section of the road will have immitigable impacts as identified the PEIR. Table 4.13-1 identified the section of Leucadia Boulevard between Piraeus and Quail Gardens as current LOS D and “RM” significantly increases the density and traffic on this congested stretch that falls below the City’s goal for service.</p> <p><u>Table 4.13-6</u></p> <p><i>Goal 1.2 Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.</i></p> <p>Currently the intersection of Saxony and Leucadia is a LOS D for the PM commute. In the AM it is a LOS C but my experiences differ as I exit Del Rio on to Leucadia to get to the left turn lane at Saxony. This intersection already operates below the basic design guideline. This is very unsuccessful for an intersection that is approximately 15 years old and should have a high level of service at this time. What was the failure with the previous studies and Encinitas Ranch Specific Plan? With the previous planning and long range traffic calculations this intersection as well as the LOS F at Garden View should not be below a LOS C. Please provide an explanation.</p> <p><i>Goal 1.3 Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.</i></p> <p>Sites L5 & L6 decrease the LOS at Saxony and Leucadia, as well as others on the corridor, to LOS E without any demonstration or determination of “overriding public need.” Please provide. Additionally, a lower density development would mitigate the decrease on LOS at all the intersections along Leucadia Boulevard and this should be shown as an option.</p> <p><u>Community Character / Scenic</u></p> <p>The up zoning of R-3 / Agricultural land to R-30 is not in line with the City’s goal of maintaining community character and sites L5 & L6 of “RM” create an impact to both the scenic corridor and community character of Leucadia Boulevard.</p> <p><u>3.3.2 Housing Strategies</u></p> <p><i>1. Maintain Community Character. Integrate future development using a blend of two- and three-story buildings or building elements into the City’s seven community character contexts through appropriately located sites and project design, and embrace the unique cultural identities expressed in each of the five communities.</i></p> <p>Table 3-3 shows site L5 & L6 as Neighborhood Centers. This is not compatible with the existing community character. The incorporation of two story detached is more in line with maintaining the community character. Please explain why this wasn’t part of the strategy.</p> <p><i>Page 3-37 Policy 1.3 – when existing residential units are replaced, they should, be replaced with units that are compatible in design with the surrounding residential neighborhood as planned by the City.</i></p> <p>Sites L5 & L6 of “RM” have residential unit on them. The proposed density of R-30 is not in line with this policy as the current density is R-3. If the agricultural uses were to be converted to residential they should follow this policy and be at R-3. “RM” contradicts this policy and landscape buffer areas are not sufficient buffer for R-30 Apartment to R-3 single story residential. Please explain the contradiction.</p> <p><u>Aesthetics Table 4.1-1</u></p> <p><i>Goal 4.7 The City will designate the following view corridors as scenic highway/visual corridor viewsheds: - “Leucadia Boulevard between Highway 101 and El Camino Real”</i></p> <p>While the current greenhouses may not be aesthetically pleasing they do represent part of the community. An R-30 Apartment complex as proposed in “RM” for site L5 & L6 would degrade the corridor regardless of the required setback and landscape buffer.</p> <p><i>Page 4.1-34 Housing Site L5 & L6</i></p> <p><i>“Development of residential infill project in this location would not be inconsistent with the diverse community character in the area.”</i></p>	<p>CC-6</p> <p>Previous studies from the early 1990’s, such as the City of Encinitas General Plan EIR and the Encinitas Ranch Specific Plan EIR, provide intersection level of service results based on the intersection capacity method and not based on overall intersection delay. The methodology used in those studies is no longer standard industry practice, and the studies are now obsolete.</p> <p>The approach taken for the intersection level of service analysis in this report is the standard traffic engineering practice and consistent with the region’s requirement for conducting traffic impact studies. While some movements per intersection might operate at an unacceptable level of service E or F, it is the average intersection level of service that is displayed in the report. As standard practice, the traffic engineering software <i>Synchro</i> by Trafficware was used for this analysis. The aforementioned software supports the Highway Capacity Manual 2010 methodology for calculating intersection level of service. This methodology consists of: first calculating the delay and level of service per approach; then calculating the overall average delay and level of service per intersection. The method is consistently used for all other traffic studies in the City and the region as a whole.</p> <p>CC-7</p> <p>As indicated in Section 4.13.4.1, “As the HEU includes three separate housing strategies and each strategy generates different amounts of traffic with differing distribution patterns, each strategy is analyzed separately under the operating levels analysis. However, due to the nature of traffic modeling, future traffic volumes and impacts associated with buildout of the HEU are identified on a strategy-wide basis and <i>not on a housing site-specific basis</i>. In addition, the HEU does not propose the construction of new housing or other development; rather, it provides capacity for future development consistent with State Housing Element Law. Therefore, no analysis relative to the impacts associated with individual housing sites is feasible. No site-specific conclusions relative to impacts has or can be made. The No Project Alternative provides an alternative with lower intensities of development.</p>
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LETTER

RESPONSE

	<p>CC-7 (cont.)</p> <p>Regarding “overriding public need,” there are many national, state, and local policies aimed at narrowing the housing affordability gap – and the housing supply and demand issue destabilizes communities. Updating the Housing Element will bring the City in compliance with State law, which demonstrates a very clear connection to a “public benefit.”</p> <p>CC-8</p> <p>Community character has many attributes. Building form is only one of the factors. For a response on community character, please refer to response to comment O-65 Leucadia Boulevard is identified as a Scenic Roadway by the City’s General Plan. A discussion of scenic roadways and corridors and potential impacts under the HEU is provided in Section 4.1.6 of the Final EIR.</p> <p>Detailed community character descriptions provided the new proposed Design Guidelines that would apply to development in the new zone. Design Guidelines seek to promote high quality design within the new zoning districts. They establish clear goals and expectations for compatible design and for respecting community character. The Design Guidelines will address design principles, community character, design context, site design, and building design. Each project would reinforce the design traditions of the community <u>and</u> the neighborhood in which it is located.</p> <p>The new zone program standards and Design Guidelines would work together to help address different site situations to make sure that future development is compatible with its surrounding natural and built environment. The standards require two story development and lower scaled building prototypes in certain areas of a development site to maintain community scale and provide for transitions.</p> <p>CC-9</p> <p>a State law requirement to accommodate RHNA. It is trying to develop a land use plan that embraces community-supported solutions. The main issue is that the City does not have an adequate inventory of land that supports the full share of RHNA. The City must identify sites to rezone. The new zoning designation is associated with a density that is new. It is going to be different than other residential land use designations.</p>
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LETTER

RESPONSE

	<p>CC-10 The Draft EIR Section 4.1.7 concludes that community character impacts from development of sites L-5 and L-6 would be less than significant. As detailed in response to comment Q-6, impacts to community character do not result simply from a project being different than what exists in the existing community. The threshold for community character requires project to “conflict” with the existing neighborhood character and “negatively and substantially alter the existing character of neighborhoods.” As detailed in Section 4.1.7, the proposed zoning standards and design guidelines would ensure that development of these sites would not negatively or substantially alter the character of these neighborhoods. The character would not be substantially altered because the housing sites are located adjacent to Leucadia Boulevard, a major road, and are near a diversity of land uses, not only single-family residential. Neighborhood transition standards requiring a 10-foot landscaped buffer area adjacent to the off-site residential areas and a 30-foot compatible massing area that would limit structure heights to two stories or 26 feet would provide appropriate transition to single-family areas. For more information on transitions, please refer to response to comment II-16.</p>
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LETTER

RESPONSE

CC-11

The surrounding area is comprised of single family residential of one- and two-story homes on large lots. I can't see how an R-30 residential infill project of a three-story apartment building is consistent with the diverse character. Please explain how this is consistent.

Conclusion

Table 9.2 shows several significant and unavoidable impacts for site L5 & L6 of "RM." Other lower density options would make the impacts significant and mitigatable. Why was the threshold between mitigatable and unavoidable not analyzed? An R-10 zoning may require more sites across the city but would reduce the significant unavoidable impacts of jumping from R-3 to R-30, a 10 times intensification of use. The Sustainable Mixed Use Places Housing option is preferred. It doesn't include sites L5 & L7 and provides a superior solution to the City's needs while maintaining community character and reducing the environmental impacts.

CC-12

William Morrison
858-699-7510

On Mar 14, 2016, at 2:11 PM, Michael Strong <MStrong@encinitasca.gov> wrote:

Submitted comments on the website are auto-directed to me.

Can you send them to me, again?

Nothing has been populated from the website from your address, but I have received others.....

Mike

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

From: William Morrison [<mailto:William@morrisonworkshop.com>]

Sent: Monday, March 14, 2016 2:02 PM

To: Michael Strong

Cc: athome

Subject: Re: Confirmation

Mike

Just put it into the comments box on he website.

Also, you asked at the cultural tourism meeting for us (me for Leucadia) to check our community descriptions. It looked good but I wanted to know if you could add the names of the streets that make the boundaries.

William Morrison
858-699-7510

On Mar 14, 2016, at 1:57 PM, Michael Strong <MStrong@encinitasca.gov> wrote:

You can. I will have to check. When were they sent?

CC-11 Refer to the response to comment B-1 for more background information about the site selection process and refer to the response to comment CC-9, which annotates where we are in the process relative to considering different map alternatives.

Commenter suggests that an R-10 zoning would reduce significant unavoidable impacts. Refer to response to comments Q-2 on the planning density pretext. Refer to response to comment HH-2 for more information about the RHNA allocation process. Pursuant to State law [Gov. Code 65583.2(c)(3)(B)(iv)], cities within metropolitan counties require a residential density of 30 units per acre. Densities that fall below this "default" density area assigned to another income category (moderate or above moderate-income). The proposed approach to use ten units per acre as a proxy to affordable housing construction would prevent the City from complying with its obligations under State Housing law. The State reviews a residential land inventory for near-term suitability and must deem the site(s) appropriate to accommodate housing for lower income households. In the first review of the City's Housing Element (draft dated May 2015), the State Department of Housing and Community Development did not accept 25 units per acre as a default density.

CC-12 This comment contains communications regarding the author's submission of comments. Because the comment does not raise any environmental issues, no further response is required.

LETTER

RESPONSE

Mike Strong
Senior Planner
City of Encinitas

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

From: William Morrison [<mailto:William@morrisonworkshop.com>]

Sent: Monday, March 14, 2016 1:51 PM

To: athome

Subject: Confirmation

Will I get a confirmation in an email on my comments submitted through the website?

William Morrison
858-699-7510

LETTER

RESPONSE

Letter DD

From: Robert Neill <rob9307@gmail.com>
Sent: Thursday, March 10, 2016 10:13 AM
To: Michael Strong
Subject: Re: General Plan Update EIR Olivenahin

Michael,

DD-1 Thank you for your response. Please include my comments in the EIR.

The numbers on table 3-6, page 3-59, have commercial space maximum realistic yield does that also include the residential space or just commercial?

Robert Neill

On Thu, Mar 10, 2016 at 9:46 AM, Michael Strong <MStrong@encinitasca.gov> wrote:

Robert,

Please see the link below. It provides a full inventory and listing of sites included in the MMUP map.

<http://www.encinitasca.gov/modules/showdocument.aspx?documentid=6236>

Surrounding properties are identified. It was not included initially because the site itself would help buffer and transition new development from Manchester/RSF.

I will include your comment in the EIR comments. We will include your comment and provide a response in the Final EIR. I'm guessing it will be similar to the above. But as a courtesy I wanted to reach out to you and give you a response, rather than have you wait for one in the Final EIR.

Mike

From: Robert Neill [mailto:rob9307@gmail.com]
Sent: Thursday, March 10, 2016 9:13 AM
To: Michael Strong
Cc: Scott Vurbett
Subject: General Plan Update EIR Olivenahin

Michael,

I was looking through the EIR and had a couple of questions.

1) Housing Strategy 3 - MMUP in Olivenahin is the 2240 Encinitas Blvd (7-11 Shopping center) included? The map looks like it is included, but all the other housing strategies do not include this lot.

2) Why was not the 2240 Encinitas Blvd parcel not included in the other housing strategies if all the surrounding properties are being rezoned to mixed use not just residential R-30? If the idea is to redevelop the whole corner to mixed use would it not make sense to include the corner lot of 2240 Encinitas Blvd?

Thank you,

Robert Neill

DD-1 Different tables are provided in the EIR that generally describe the potential growth assumptions for the different map strategy alternatives. The realistic yield of non-residential growth, which includes commercial, office, and retail, is expressed in total square feet.

No further response is necessary. The rest of this comment amends Letter W – Robert email 031016.

LETTER

RESPONSE

Letter EE

From: JessicaPratt <jrosepratt@gmail.com>
Sent: Monday, March 07, 2016 5:11 PM
To: athome
Subject: NO!

EE-1 I support the EIR for the housing element plan recommendation to drop the ALT5 site from the map because of traffic issues.
 Additional info to be added to the report that support dropping ALT5 from the map are:
 1) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.
 Alt5 fails to meet the recommended criteria for site selection because:
 1) It is not close to a transit stop, being over ¼ mile from the nearest transit stop.
 2) It is not near shopping, being > ¼ mile from the nearest shopping.
 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
 4) Quail Gardens Dr. is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Dr. is at Kristen Court would result in traffic generation that is not mitigable without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil, residential community character and the park like setting of the San Diego Botanical Gardens.
 5) Alt 5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
 6) Alt5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff control system.
 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before accepting as a housing element site.
 In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

EE-1 This comment states the author's agreement with the proposal to remove the ALT-5 site from consideration. The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter FF	
<p>FF-1 I have resided in Cardiff for 29 years. I began this effort with the best intentions in an attempt to understand the Preliminary Environmental Impact Report (PEIR) and what it means to the proposed variations on the Housing Element Update (HEU) for the City of Encinitas. A preliminary look revealed that the PEIR document is 753 pages by itself. This doesn't include the 21 Appendixes. I decided to narrow things down and only evaluate a portion of the report, choosing to focus primarily on the issues I find to be of greatest significance – traffic and noise. The Traffic Impact Study included in the appendix is itself 264 pages and the appendices to the report which include the data on which it is based are 851 pages. While I realize that the collection of data is critical to the preparation of a valid study, these pages constitute a mere glance at traffic patterns and also contain a significant amount of misleading or completely inaccurate material. Volume is apparently no guarantee of thoroughness or accuracy.</p> <p>FF-2 The focus of the following comments is primarily on the current condition of the roads and other traffic infrastructure in Encinitas, and the potential impact on the already deplorable conditions that may occur with the creation of additional housing units.</p> <p>The report purports to base much of its analysis on the requirements for housing and transportation, as well as environmental mitigation, imposed by both the state of California and SANDAG. However most of the language is couched in terms that makes it sound as if everything is a mandate by the state and that somehow the city will be penalized or suffer if all the recommendations of the HEU are not adopted. This is patently not true and the city should stop using this alarmist approach, and instruct their consultants to also cease from framing things as “must” unless they truly are.</p> <p>FF-3 GENERAL HEU RELATED ISSUES</p> <p>Many of the requirements are vague and open to any interpretation the City chooses – the state requires provision of an “adequate” number of sites with high density residential zoning.</p> <p>The SANDAG projected growth mandate includes 2,353 new housing units between 2010 and 2021. This includes 1,283 “low and very low income” units of which the current unmet need is 1,093. The current draft HEU provides some things that “could be done” to encourage higher density, therefore presumably more affordable, development. However the City makes no guarantees that ANY of these things will be done, nor do they have any plan to help fund such developments themselves. The proposed plan to allow an “amnesty” through which owners of noncomplying accessory units could get them permitted and thus have them count as “official” low income units has been a complete failure. Less than a handful have been approved mostly due to the high building code standards and therefore excessive cost that must be met by owners. These noncomplying units are currently scattered throughout the city and provide a significant amount of low income housing which is often substandard but is a very real resource – often the only resource – for the low and very low income persons who live and work in our city. The City needs to wake up and realize the reality as it currently exists, and find a way to accommodate these units and make them safe and legal. As for new development under the proposed HEU, HIGH DENSITY ZONING IS NO GUARANTEE THAT HOUSING WILL BE AFFORDABLE TO THESE INCOME GROUPS. THE CITY MUST PROVIDE A SPECIFIC PLAN FOR HOW THESE UNITS WILL BE CREATED, FUNDED AND MADE AVAILABLE, WHAT THE INCOME GUIDELINES WILL BE, ETC.</p>	<p>FF-1 This comment is an introduction to comments that follow and states a general objection to the adequacy of the traffic impact study. The comment does not identify any specific issue concerning the traffic impact study, so no further response is possible. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU.</p> <p>FF-2 Pursuant to Government Code Section 65584 applicable to the RHNA process, HCD is required to determine the RHNA, by income category for each region. Refer to response to comment HH-2 for information about State law and RHNA.</p> <p>RHNA is based on Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. Each region is required to allocate to each jurisdiction a share of housing need totaling the RHNA for each income category. Pursuant to Government Code Section 65583, jurisdictions are required to update their local plans to accommodate its entire RHNA share by income category. When a local government fails to adopt an updated Housing Plan by the deadline, or does not comply with the law, the city or county is regarded as noncompliant and is subject to penalties.</p> <p>Notwithstanding potential consequences, there are many benefits to making decisions about how and where to locate future housing opportunities that meet RHNA. Allowing the market to progressively respond to housing demand could help the City reduce overcrowding in households, incrementally respond to affordability issues and high cost of housing, and address other consequences of unplanned growth.</p>

LETTER

RESPONSE

	<p>FF-2 (cont.)</p> <p>The HEU process provides a vehicle for establishing and updating housing and land-use strategies reflective of changing needs, resources, and conditions. The City's existing plan has not been updated since 1992 and a lot has changed since then. People live, work and play in different ways than previous generations. The Millennial generation (people born in the 1980s and 1990s) has been slower to buy single-family homes than earlier generations. There are varying reasons for this situation, including rising student debt, cost of housing and new challenges in securing a mortgage for first-time homeowners. They also often want different things in housing and neighborhoods than are available today. They are looking for pedestrian- and bike-friendly communities with services and amenities nearby. As a result, for this younger generation, multifamily housing near retail locations is in greater demand than single family homes. At the same time, the Baby Boomer generation is aging and this has impacts on the housing market. The senior citizen population in Encinitas is projected to nearly double by 2035.</p> <p>FF-3</p> <p>Housing Element RHNA law is based on the need to accommodate future housing needs. Not necessarily illegal units that meet existing housing needs. However, the City has acknowledged the importance of conserving and improving the condition of the existing housing stock as a goal for <i>At Home in Encinitas</i>. Program 4A of the Housing Plan continues the Affordable Unit Policy (AUP) in the 1993 to allow dwelling units built or converted with required permits to apply for legalization. With public input, City Council reduced some of the requirements to encourage property owners to participate in the program.</p> <p>The comments states that increasing densities of housing developments does not automatically describe affordability. However, local governments need to still prepare an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to meet those needs. The inventory of land suitable for residential</p>
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LETTER

RESPONSE

	<p>FF-3 (cont.)</p> <p>development shall be used to identify sites with capacity that can be developed for housing for different economic segments within the planning period. The proxy to affordability is through density. Refer to response to comments Q-1, Q-3, and Q-7.</p> <p>Refer to response to comment FF-1 for information about State law and RHNA.</p> <p>The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in deciding whether or not to approve the HEU.</p>
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LETTER

RESPONSE

PEIR COMMENTS	
<p>FF-4 The following are comments specific to the PEIR and focusing on the topics of noise, traffic and circulation.</p> <p>Section 4 – NOISE The guidelines for determining how much a project would increase ambient noise are not clearly delineated. Existing report data for ambient noise were obtained by taking a SINGLE reading for 15 minutes on one day, for each location. This is by no stretch of the imagination a realistic evaluation of ambient noise. Guidelines for what needs to be done if noise impact is anticipated are so vague that they will be completely useless – eg a project occurring in a normally unacceptable noise exposure area “shall require acoustical analysis” and “Noise mitigation....shall be incorporated into the project”. This provides nothing in the way of specific guidelines for the analysis, what it is looking for, what acceptable outcome are, what mitigation measures should be taken. And what about the impact on owners of existing residences? There is no provision for them, only for owners of any newly constructed units.</p>	<p>FF-4 The methodology for determining impacts related to permanent increases in ambient noise is discussed in Section 4.10.5.1 on page 4.10-14. Impacts are considered significant if buildout of the HEU would result in a traffic noise increase of 5 dB or more and a resulting noise level over 55 L_{dn} at a residential use, or if buildout of the HEU would result in a traffic noise increase of 3 dB or more and a resulting noise level over 60 L_{dn} at a residential use.</p>
<p>FF-5 In addition, the noise analysis passes the buck on much of the anticipated increase in ambient noise by attributing virtually all anticipated increases to unavoidable anticipated regional growth (in other words, nothing we can do).</p>	<p>Short-term noise measurements were taken at ten locations in the City to provide a characterization of the variability of noise throughout the City. These noise measurements were not used as a basis for evaluating ambient noise. Ambient noise was evaluated by calculating existing and future noise levels due to existing and future vehicle traffic on the study area roadways. Impacts were assessed by comparing future noise levels without implementation of the HEU and future noise levels with buildout of the three housing strategies. As concluded in the EIR, when compared to buildout of the no project condition, the increases in ambient noise would be less than 3 dB adjacent to all roadway segments. There would not be a significant impact to existing residences; therefore, no mitigation is required.</p>
<p>FF-6 Section 4 – POPULATION AND HOUSING - SANDAG forecasts nearly 20% regional growth in the 2010-2021 period. They have assessed a “penalty” of 253 lower income units on Encinitas due to their previous failure to meet the needs of this population. The current requirement is 1,283 “low and very low income” units. (see above). While it is not the role of the EIR to address this aspect of planning, the City MUST develop a comprehensive strategy for this before making any changes to the General Plan. The current strategy of letting developers build one “low income” unit per project DOES NOTHING. This unit is still sold at market rate, it is simply slightly less costly because it is far smaller than the other units in the project. This is NOT low income housing. The City does not have a policy that addresses the reality of what currently constitutes low and very low income housing in Encinitas, or how to improve it and add more livable units for this very significant population.</p>	<p>FF-5 As discussed in the EIR, the increase in regional growth would occur with or without implementation of the HEU. The increase in ambient noise associated with the HEU would not be significant, and therefore, no mitigation is required.</p>
<p>FF-7 Section 4 TRANSPORTATION AND TRAFFIC – Evaluation and data contain numerous factual errors. Two obvious examples – The report falsely states that sidewalks are present on both sides of Mackinnon and sidewalks are present “intermittently” on Manchester (an extremely broad interpretation of the meaning of “intermittent”). Generally Old Encinitas and Cardiff are not pedestrian or bike friendly. There are 11 locations identified as an “F” level of service at the present time. However these measures don’t factor in conditions at peak periods but represent an average number of trips per day. This doesn’t begin to describe the conditions at peak periods. If there are already 11 locations that completely fail to provide adequate traffic flow, even by these minimal standards, how is it the City isn’t remedying them before considering moves that will only add more traffic and congest additional intersections and road segments?</p>	<p>FF-6 Refer to response to comment Q-1.</p>
<p>FF-8</p>	<p>FF-7 Comment noted. Sidewalks are present on both sides along MacKinnon Avenue and intermittently sidewalks are present along Manchester Avenue within the study area. In addition, traffic impacts associated with the various strategies are not determined based on the presence of sidewalks.</p>
<p>FF-9 According to the PEIR one of the mandates being followed in developing traffic and transportation plans is State AB1358, the Complete Streets Act. This act is designed to ensure that citizens have a means of “safe travel to key destinations” by car, foot, bike and public transit. With an infrastructure that includes obstructed and deteriorating streets, a dearth of pedestrian sidewalks, lack of designated bike lanes or even any safe portion of the road in which to ride a bike, and a public transportation system that</p>	<p>Regarding the comment on Old Encinitas and Cardiff not being pedestrian or bike friendly, the commenter does not offer any evidence on how these areas are not walkable, nor how the Project or Project Alternatives would or would not improve these</p>

LETTER

RESPONSE

	<p>FF-7 (cont.)</p> <p>conditions. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised.</p> <p>FF-8</p> <p>Intersection level of service was calculated utilizing peak hour turning movement volumes. Regarding opportunities to address existing failing locations or infrastructure needs, to the extent the improvement can be consistent with the City's General Plan, funds for local government capital projects can be directed to street or intersection widening. Typical City capital improvement projects include street improvements, drainage improvements, sewer improvements, annual street maintenance programs, fire, facilities, and park and recreation facilities. Staff provide assistance to other City departments in reviewing improvement plans for City facilities and the construction of new City facilities. The Engineering Department for the City of Encinitas maintains a list of capital project needs. New projects are identified through suggestions from the public and City Council recommendations.</p> <p>FF-9</p> <p>Although CEQA does not require a proposed project to remedy existing deficiencies, one of the benefits of a developing a vision for future land use is that it provides an opportunity for assessing and evaluating how land use decisions effect the transportation system and can increase viable options for people to access opportunities, goods, services, and other resources. After a land use plan is identified for the future, then the City can better address access and mobility issues.</p> <p>The information will also be used by transit service agencies to better plan for future operations.</p> <p>Under the new zone program, new development applications will be asked to consider site access for all modes, which will lead to improved conditions.</p>
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<p>FF-10 reaches only portions of the community and requires some residents to walk a mile or more just to reach a transit point, the city is already falling woefully short of this mandate. The PEIR completely fails to address issues of on street parking. In many areas of the city, on street parking is the only way that residents can accommodate the number of vehicles appurtenant to a household. In some instances this is due to inadequate off street parking requirements of past general plans. In many, it is due to the fact that property owners rent out garages for storage to third parties, leaving the tenants of their units with no choice but to park on the street. In still other cases, the parking problem is caused by the fact the six to ten adults are residing in a single family residence as the only way in which they can afford to live in this community. The city has not recognized any of these very real issues which lead to congestion on residential streets, the inability of two cars to pass abreast, and the substantial danger to pedestrians attempting to traverse roadways with no sidewalks. Yet the HEU proposes that in order purportedly to encourage higher density “affordable” construction, the city may relax the off street parking requirements currently in place. This would only aggravate an already difficult situation. The city is playing ostrich and ignoring the very real issue of parking which PEIR has also somehow managed NOT to include in its analysis of traffic and circulation.</p> <p>FF-11 The city has said and done nothing to address the massive inadequacies in the existing system, while also proposing nothing substantial to mitigate the potential additional burdens on the system caused by new units built under any housing plan, whether the HEU or the existing General Plan. If there are no safe sidewalks for pedestrians now, adding a sidewalk only in front of a newly constructed apartment building will not solve the problem. The proposed measures to widen streets for one or two block segments in potentially impacted areas will only shift congestion to a different part of the road. The citizens of Encinitas deserve real solutions to their existing traffic and transportation issues, not a patch on top of an already crumbling and inadequate system. The EIR suggests that the future developers of properties built out under a putative upzoned HEU would be required to pay for infrastructure improvements. However there is no existing mitigation fee program and the HEU does not specify how this would be implemented.</p> <p>FF-12 Chapter 9 - PROJECT ALTERNATIVES – in this section the PEIR authors consider how continuing under the existing General Plan (the “No Project” alternative, as it is termed) would differ from various incarnations of the HEU if adopted. It appears from the analysis that the No Project alternative would actually have a lesser impact than any version of the HEU on aesthetics (community character), air quality, cultural factors (except paleontological resources), noise, and traffic and circulation capacity. In addition, the No Project alternative is estimated to have approximately the same impact or effect on geological resources, hydrology, population growth, public services and recreation, and alternative transportation. In other words, most aspects of the HEU as analyzed by the PEIR will not provide any positive impact on the communities of Encinitas.</p> <p>FF-13 One mission of PEIR is to “ensure adequate infrastructure to support new housing” however that ends up being configured in a way that is narrowly construed to literally mean only new housing that is constructed. The deteriorated and inadequate condition of the already existing infrastructure is mostly ignored, and only a few potential impacts which might make already existing bad conditions worse are discussed.</p>	<p>FF-10 Parking requirements are included in the new zone standards. The requirements of the new zone program, as they relate to parking, have not changed significantly from existing regulations. Future projects would be required to comply with those regulations. Furthermore, future development allowed under the HEU will be subject to site-specific environmental review pursuant to CEQA Guidelines § 15168(c), as described in Section 3.6.3 of the Final EIR.</p> <p>FF-11 The City of Encinitas would regulate parking for the housing sites through the new zone program Code (Municipal Code Section 30.36.090). The new code provides requirements for on-site parking and addresses transportation demand management strategies for future housing site projects. The regulations proposed are consistent with State planning initiatives embodied in both Senate Bill (SB) 375 and SB 743 (refer to Section 4.9 Land Use).</p> <p>The requirements of the new zone program, as they relate to parking, have not changed significantly from existing regulations. Future projects would be required to comply with those regulations. Furthermore, future development allowed under the HEU will be subject to site-specific environmental review pursuant to CEQA Guidelines § 15168(c), as described in Section 3.6.3 of the Final EIR. The comment will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.</p> <p>FF-12 Regarding infrastructure, refer to response to comment FF-8. And as detailed in Section 4.13.5.4, the City already has a citywide capital improvement program in place to address traffic improvements needed for future buildout under the adopted General Plan. Although CEQA does not require a proposed project to remedy existing deficiencies, the EIR identifies feasible mitigation measures for the potential significant impacts of the HEU.</p>
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LETTER

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	<p>FF-13 As detailed in Section 4.13.5.4, since the HEU would result in additional impacts beyond buildout of the General Plan, a program specifically related to the future development consistent with the HEU zone program is required to fund improvements described in Table 4.13-21. Such a program would be applied as future projects are processed. Mitigation measure TRF-27 details how such a program would be developed. This program requires actions to be taken by both the City (establishment and implementation) as well as future projects (refer to page 4.13-84).</p> <p>FF-14 Table 9-2 in Chapter 9 of the EIR details how buildout of the adopted General Plan would compare to the HEU housing strategies. According to the Draft EIR, the adopted General Plan would result in fewer impacts relative to aesthetics, air quality, land use (neighborhood character), noise, and traffic. Cultural resources impacts would be the same under buildout of any strategy or alternatives, as all of the housing sites presently allow for some level of development potential (i.e., none are zoned for open space). Buildout of the adopted General Plan would however result in greater impacts than the HEU relative to the issues of: air quality (sensitive receptors); paleontological resources; greenhouse gas emissions, and land use plans and policies and State planning initiatives.</p> <p>FF-15 The comment on “ensuring that adequate infrastructure” is in place to support new housing is related more broadly to make sure that the community grows incrementally and at a pace to support it. The purpose of this EIR is to gauge how our existing infrastructure can support new residential growth, or if something needs to be done to reduce the anticipated impact (even though we don’t know exactly when new development will occur during the neighborhood development cycle).</p> <p>On one hand, designating new growth into areas that are able to support it helps take advantage of unused capacity in public services and infrastructure. New density and residential development in “infill” areas requires less extensive infrastructure networks than does sprawl. Development in these “infill” areas helps preserve open space and reduce the distance between homes and jobs.</p>
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	<p>FF-15 (cont.)</p> <p>On the other hand, new growth may be directed into areas that have already been developed – and there is impact to public services and infrastructure. Although a proposed project is not required to remedy existing deficiencies in the project area, the EIR discusses potential impacts of the HEU that may exacerbate existing deficiencies. The baseline for evaluation of impacts is the “on-the-ground” conditions at the time of issuance of the Notice of Preparation (NOP) (August 2015). Therefore, the existing roadway conditions are considered in conjunction with funded improvements in the City’s 5-year CIP.</p>
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LETTER

FF-16

CONCLUSIONS – Existing infrastructure already cannot support the level of traffic, nor provide adequate and safe access for pedestrians and cyclists. Many streets in Cardiff and Old Encinitas are effectively one way streets because parking obstructs the already illegally narrow right of way. Many roadways throughout the city lack adequate or safe access for pedestrians or cyclists, making the idea of encouraging “alternatives to car traffic” laughable. Adding residents without addressing the already significant negative aspects of traffic and transportation can only have a detrimental effect. It is imperative that the City find ways to address the critical existing issues that affect the lives of Encinitas residents every day, before planning for higher density development that will negatively impact the lives of all. In addition the City must find a way to address the reality of the need for genuine affordable housing. How that is to be done is an issue best left to talented planners, however no plan that does not include a substantial and specific plan for providing housing for the low and very low income residents that ALREADY LIVE IN THIS CITY IN SUBSTANDARD CONDITIONS, will be acceptable. I hope the Planning Commission, the City Council and the City Manager will think seriously about addressing the very real problems that affect the daily lives of the citizens they govern, before adopting any changes to the long term growth plan for this beautiful city.



Barbara Annesser

545 Warwick Avenue, Cardiff by the Sea 92007

RESPONSE

FF-16

This comment summarizes the author’s concerns regarding deficiencies in existing infrastructure and the plan to provide higher density development to address the need for affordable housing. Please see responses to comments FF 1-15 above. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decisions whether or not to approve the HEU.

Relative to the need for genuine affordable housing, the density proposed in the new zone is a requisite density for several grant programs. Non-profit and affordable housing developers also target certain densities to make prospective applications more appealing to investors and/or lenders. Furthermore, the HEU proposes a program to evaluate and strengthen inclusionary housing policies.

LETTER

RESPONSE

LETTER	RESPONSE
<div data-bbox="840 178 1029 243" style="border: 1px solid black; padding: 5px; text-align: center;">Letter GG</div> <div data-bbox="924 259 1039 316" style="text-align: right;">3/4/16</div> <div data-bbox="147 332 1008 381" style="text-align: center;">CASE: CITY OF ENCINITAS HOUSING ELEMENT UPDATE - EIR</div> <div data-bbox="441 406 703 487" style="text-align: center;"> Marie Dardarian 1404 Rubenstein Avenue Cardiff by the Sea, CA </div> <div data-bbox="934 397 1039 592" style="writing-mode: vertical-rl; transform: rotate(180deg);"> 2016 MAR 14 PM 5:51 CITY OF ENCINITAS CITY CLERK </div> <div data-bbox="105 535 1008 1356"> <p>GG-1 This is the third Housing Element Update which has been presented for public comment and this time requires a November 2016 ballot. This reincarnation of previously failed Update attempts will also fail before the voters because this newest reincarnation presents the same ideas.</p> <p>GG-2 Within these longer documents on the city's website under the DEIR, we seem to find more obscure terms, half truths, nonspecific terminology, and loaded statements of questionable facts and lack of logical reasoning. A 45 day Public Comment Period needs to be extended for a document of this length. Usually this size document requires a 60 day Comment Period.</p> <p>Can this deadline be extended?</p> <p>GG-3 This document is riddled with new laws, many of which require individual ballot measures voted on by the citizens in order to pass.</p> <p>Housing Elements for the other surrounding cities have passed. They are shorter, more transparent, more focused on public input, consider developers yet are not developer driven, and preserve community character and the vision citizen taxpayers have for their community.</p> <p>I look forward to the individual answers to each of my questions following my comments listed below.</p> <p>GG-4 The July 3, 2015 letter sent to the Planning Department from Glen Campora, Deputy Director of the Housing and Community Development for the State of California wrote:</p> <p>a) <u>Encinitas will be unable to meet the requirement to update its housing element by the April 30, 2017 deadline.</u></p> <p>b) <u>Our update will therefore be due on the due date for the 6th cycle planning period.</u></p> <p>The city knows that the dates for the 5th Cycle have passed and that the dates of the 6th Cycle have not yet been set. That information is verified in the above documents which reference this fact as well as listing phone discussions with the HCD.</p> <p>Please explain why this city is rushing through this HEU update when it knows <u>we have at least 2 or more years to submit this document to the HCD?</u></p> </div>	<p>GG-1 The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>GG-2 CEQA does not correlate the length of a review period with the number of pages of an EIR. Although the City has the discretion to have longer public review periods, the standard review period for a Draft EIR is 45 calendar days.</p> <p>Even though the Draft EIR public comment period has officially closed, project-related comments will still be accepted for consideration by the Planning Commission and City Council until they make their decisions whether or not to approve the HEU.</p> <p>GG-3 The comment also is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>GG-4 The April 30, 2017 deadline refers to a four-year update cycle penalty.</p> <p>Government Code Section 65588(e)(2)(A) defines the due date for the housing element for each new housing element cycle. Most local governments must adopt the housing element within 18 months from the RTP adoption date. The deadline for the San Diego region was April 2013.</p> <p>The housing element planning cycle covers an eight-year period (2013-2021). Under SB 375, a jurisdiction that does not adopt an element within four months of the statutory deadline for the fifth cycle will shift into four-year cycles, moving forward. Therefore, the City of Encinitas will have to complete the current HEU and then initiate another Housing Element update and have it completed by</p>

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<p>QUESTIONS-Please post answers next to my questions</p> <p>GG-5 1. Why has the <u>real</u> due date we are preparing for never been publically presented?</p> <p>2. Why has Planning hidden the above fact from Commissions and Council when directly asked about the due date and the rush to meet this deadline?</p> <p>3. Why does Planning staff evade answering this question? They answer around the topic but do not answer the direct question. A recent example of the foregoing occurred at the last meeting of the Planning Commission on March 10, 2016</p> <p>4. WHY is this truth not told outright?</p> <p>GG-6 The latest Housing Element Update goes even further in testing the boundaries of citizen patience by rolling Amendments for 3 separate documents into one massive document. According to Prop A Amendments to the General Plan, all amendments shall be considered on their own merits and shall be decided by a vote of the people in a public election. <u>Each change</u> to the Housing Element must be a separate document to be voted on by the citizens not a document which rolls many different Plans, Codes, Zoning Changes, into one document..</p> <p><u>QUESTIONS</u></p> <p>GG-7 1. Why is this city rolling all these Amendments to these documents into one nearly 800 page document? This is contrary to the certified Right to Vote initiative also referred to as Proposition A.</p> <p>QUESTIONS ABOUT POORLY DEFINED TERMINOLOGIES</p> <p>State the answers to following terms which are not explained by the document</p> <p>1. What is the definition <u>housing typology</u> as used in this document?</p> <p>2. What is the definition of <u>by-right</u> as used in this document?</p> <p>3. What is the <u>present definition of net acreage</u> as it appears in our <u>present General Plan</u> and our present Land Use and Housing Element?</p> <p>4. Please enter the proposed meaning of the net acreage as it appears in this DEIR.</p> <p>GG-8 5. The term PEIR is liberally used in this document. Please list and explain all the differences between the PEIR and an EIR.</p>	<p>GG-4 (cont.) April 30, 2017. The scope of this update is still associated with the fifth cycle, so no new major issues are expected. The 2017 update will largely reflect the status of implementation programs identified in the 2013-2021 HEU.</p> <p>GG-5 The public presentation on Housing Element law and discussion of due dates and consequences associated with missing the deadline occurred at a City Council meeting in July 2013.</p> <p>The due date for the Housing Element was in April 2013. Cities that failed to adopt the element within 120 days of that deadline are in violation of State law. See response to comment GG-4.</p> <p>The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>GG-6 <i>At Home in Encinitas</i> will comply with established voter requirements and seek amendment to major planning documents as delegated by that authority. The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.</p> <p>GG-7 Housing typology refers to a type or class of development. <i>At Home in Encinitas</i> is encouraging the development of a range of housing types and choice. These are reflected in the new zone program standards that are supporting the HEU.</p> <p>A jurisdiction's adequate sites program must accommodate 100 percent of the shortfall of sites necessary to accommodate the remaining housing need for housing for very low- and low-income households during the planning period. These sites must be</p>
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	<p>GG-7 (cont.)</p> <p>appropriately zoned early enough in the planning period to provide realistic and viable development opportunities. The program must ensure the sites are zoned to allow owner-occupied and rental multifamily residential uses “by-right.” By-right shall mean the local government’s review shall not require a conditional use permit; planned unit development permit; or other discretionary local government review or approval that would constitute a “project” for the purposes of Division 13 (commencing with Section 21100) of the Public Resources Code. This provision does not preclude local planning agencies from imposing design review standards.</p> <p>Net Acreage means the total acreage of the lot minus any area proposed to be dedicated for future rights-of-way.</p> <p>The comment has been noted and will be included in the Final EIR and administrative record.</p> <p>GG-8 Article 11 of the CEQA Guidelines, Sections 15160 to 15170, defines the various types of EIRs.</p> <p>Pursuant to the CEQA Guidelines Section 15165, “Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single Program EIR for the ultimate project as described in Section 15168.” A Program EIR evaluates a plan or program that has multiple components that are related geographically, through application of rules or regulations, or as logical parts of a long-term plan.</p> <p>According to Section 15161 of the CEQA Guidelines, the most common type of EIR is a Project EIR, which examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.</p>
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	<p>GG-8 (cont.)</p> <p>The CEQA Guidelines Section 15168 describes several advantages of using a PEIR. Program EIRs: Provide a more exhaustive consideration of alternatives and cumulative effects than might be possible in a single project-specific EIR; Avoid duplication of basic policy considerations; and Lead agency can consider broad program-wide policies and mitigation measures that would apply to specific projects within the overall program.</p>
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LETTER

RESPONSE

GG-9

6. Who benefits most from a PEIR? What are their benefits?

7. Will one of the choices in November be NO on this entire housing element update? If not, why not?

8. Regarding Floating Zones, is any property owner able to request a Floating Zone designation by right? Please explain, and in your answer include who is able to claim a by-right designation.

9. Why do you state that HE document matters may never be voted on again by the Public if passed.
10. List all PRESENT LAWS which gives you the right to make such an outrageous and illegal statement.

11. Why does this document delegate authority, which they are not entitled to have under present city laws, to the Council and Planning Director.

12. What gives you the right to delegate broad new decision making authority to the Planning Director or his designee?

13. What qualifications would this designee be required to have?

14. This document states that after the California Coastal Commission review, any corrections demanded by the CCC would not go back to a vote of the people, but will be decided by the City.

15. What gives Council or Planning that right under present city rules. Please cite your supporting documents and sections.

16. Consider the ridiculous, illogical reasoning presented at the Planning Commission meeting on March 10, 2016 in response to a query by a Commissioner. The Commissioner asked about Prop A requirements for a ballot measure and vote for any changes to Prop A resulting in changes to the General Plan.

The response by Planning followed the same illogical reasoning which is promoted by the city in its *At Home in Encinitas* links to the HEU which refers to this quote,

"Delegation of authority specific to Program accomplishing required state certifications is consistent with Proposition A because the voters are asked to authorize it in a comprehensive November 2016 ballot measure ." Sounds like a child wrote it.

QUESTIONS

1. Who came up with this laughable illogical statement.

2. How much of our citizens' tax dollars did it cost for this faulty statement..

3. Will this city stop accepting in lieu of fees?

4. If not, Will in lieu of fees count toward our low income housing requirement?

GG-9

Refer to response to comment GG-6. It is the responsibility of the City to review the status and implementation of any local ordinances, and potentially make new laws or amend existing ones. Because of the way it was written, any change to the status of Chapter 30.00 (Proposition A) requires an affirmative vote of the people. In the HEU, the draft language suggests that if amendments to any part of its planning policy documents are required to secure or maintain certification, the City Council is authorized to make any and all necessary amendments with a super majority vote. Dissenting opinions about this prospective change will be considered through the planning process.

Commenter speaks in opposition to unbundling parking provisions. Parking requirements are included in the new zone program standards and unbundling is an optional tool. There are many other parking provisions provided in the new zone. Future projects would be reviewed for compliance with those regulations. Furthermore, future development allowed under the HEU will be subject to site-specific environmental review pursuant to CEQA Guidelines § 15168(c), as described in Section 3.6.3 of the Final EIR.

At this point it is not known what the ballot measure will look like when it is developed. This issue is outside of the scope of the EIR. However, it is important to note that the development of the ballot measure will occur in a public setting at a future City Council meeting.

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

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5. If not, why not?

6. This is not New York City. How do you justify selling a home and then charging extra to buy a parking space. This realistically does not benefit the population.

7. How can you in good conscience justify charging for the spaces when you should know that people depend on their cars. Seniors do not want to give up driving and their cars. Families with children cannot do without cars in this area, yet you wish to charge for buying a parking spot!

How do you justify this outrageous idea?

8. Why do you write as a new law that it is acceptable for housing to have parking that is located 1320 feet away from their home?

9. Where is consideration for the population you claim to be considering, the seniors, the disabled, the mothers with small children? I object to the Housing Element requiring them to walk a quarter of a mile to get from their car to their home.

Marie Dardarian



LETTER

RESPONSE

Letter HH

QUESTIONS AND COMMENTS ON HEU/PEIR submitted to the City of Encinitas March 14, 2016

CITY OF ENCINITAS
CITY CLERK

2016 MAR 14 PM 5:02

HH-1

This HEU/PEIR goes far beyond a Housing Element. It is, in fact a TOTAL rewrite of our General Plan in every category. Its' primary purpose is to completely corrupt and destroy the integrity and values of Proposition A - "The Right to Vote Initiative, passed by the voters of this City in 2013. That Initiative re-enforced the General Plan's height limit of 30 feet. That Initiative gave citizen residents, the power to vote for each zoning or upzoning request to be spelled out individually on a ballot. It maintains a sensible parking code.

This Housing Element Update is an exercise in "smoke and mirrors" that obliterates that Voter Initiative.

Will you please make a list of how this HEU benefits the citizen residents of this City?

Will you please make a list of how this HEU benefits the developers?

I'd like to see them side by side.

Please illustrate for me exactly how the City is going to get Affordable or Moderate priced housing in this EIR?

The only concept that will give any Affordable Housing is through our City's own existing policy of one Affordable House per every 10 built by a Developer or through the Density Bonus Law which requires that developers also build one Affordable House per each 10 houses in their project. We already have this concept.

There is absolutely no proposal in this HEU/PEIR that guarantees any Affordable Housing will be built in this City. None.

Show me where this HEU provides specifically for Affordable Housing other than what I've stated above?

The Assistant Deputy Director of the Housing and community Development Dept. of the State of California, stated unequivocally when he was on a Panel recently here in Encinitas, that property in Encinitas was too expensive to support Affordable Housing. This was further verified by individual citizens who asked him to reiterate that statement.

So, how can we be expected to build over 1,000 Affordable Houses in our City?

The State recognizes that Affordable Houses cannot be built on land that is not Affordable. This HEU provides no pathway for Affordable houses to be built other than what mechanisms already in place. Please explain how the City is planning to provide Affordable Housing knowing these parameters?

(1)

HH-1 The Housing Element is one of seven chapters of the Encinitas General Plan. In accordance with State law, it must be updated.

The City's current Housing Element document has not been comprehensively updated since 1992. A lot has changed since that time, and the current goals, policies, programs and existing conditions need to be modified to address more relevant issues and current state mandates. The approach to editing the policy document, as presented to City Council in March 2015, was to limit the changes to address only what was legally required in order to secure HCD certification of the City's Housing Element.

Regarding the benefits of the HEU, please refer to response to comment FF-2. Regarding affordability, refer to response to comments Q-1, Q-3, and Q-7. State law requires cities and counties to provide an inventory of land to accommodate opportunities for new construction. State zoning law (Government Code Section 65913.1) requires localities to zone sufficient vacant land for residential use with appropriate standards to meet the housing needs as identified in the general plan. Appropriate standards are requirements that contribute significantly to the economic feasibility of producing housing at the lowest possible cost.

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decisions whether or not to approve the HEU.

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- HH-2 The City of Del Mar's Housing Element states clearly, that it is a primary goal to give generous incentives to encourage the registration of accessory units or second or attached units on properties as Low Income and Affordable Housing.
- If Del Mar can provide these incentives, why can't the City of Encinitas?
- So far, City policy is to make it exorbitant for a homeowner to register an accessory unit because of the costs of permit and upgrades. Even going so far as to have City employees deliberately discourage citizens from registering their units, as witnessed by citizens.
- If we offered realistic incentives for people to register what may currently be called "illegal units", we could go a long way to creating many Affordable Housing units.
- Why do we refer to it as the State's goal for Encinitas in number of Affordable Housing units, when in fact it was an exercise by SanDag and the then Chair from Encinitas that accepted an excessive amount of units and an unattainable goal for Affordable units?
- HH-3 Floating Zones are no more than a type of Eminent Domain and Spot Zoning because they can take over and obliterate the zoning on the ground randomly. Floating zones have no place in our City - they add nothing but increased traffic, pollution, and violation of Prop A. They are very destructive of Community Character and degradation of our Quality of Life - the two most significant reasons why we founded this City. It is our mantra.
- Does the State of California "require" Floating Zones as a means to justify increasing and intensifying Zoning in our City?
- If this City is serious about building and providing Affordable Homes here, then please consider this concept:
- That 50% of all large housing projects (over 5 houses) built in this City, Must be Affordable Houses? Builders will still make a handsome profit.
- Do away with "In Lieu Fees" for Developers which allow large developers to NOT build Affordable Houses, but pay to pass the responsibility on to another Community and allows them to build more market rate houses, and make even more money on their project.
- This HEU/PEIR lays out a plan that is Carte Blanche for developers to own this City.
- Why are you proposing an HEU that takes away all citizen residents of Encinitas rights' to vote on changes in zoning; their neighborhoods and communities across this City?
- Where is a map or the opportunity for voters to say "NO" they do not want this HEU?

(2)

HH-2 The City of Del Mar does not have an amnesty program. The program in Del Mar encourages the construction of new accessory units. For this 2013-2021 Housing Element cycle, the City developed Program 1C to consider different programmatic options that could incentivize additional production of accessory units. The stipulations set forth in the program's language, as well as the technical information in Appendix B that was used to help justify the increase the merit of the program, follow some of the best practices in the State, including the City of Del Mar. Relaxing development standards and/or providing incentives will also likely encourage property owners to pursue authorizations for and construct accessory units, particularly with respect to reduced setback and parking requirements.

Refer to response to comment FF-3 for more information about the program that encourages legalization.

HCD is required to allocate the region's share of the statewide housing need to Councils of Governments (COG) based on Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. This is called a Regional Housing Needs Determination. The Regional Housing Needs Determination calculates the total demographic housing needs based on population estimates, headship and vacancy rates, and household size. Unlike regional growth forecasts that account for economic factors to determine growth, the Regional Housing Needs Determination does not. The regional Council of Governments, or COG, develops a RHNA Plan allocating the region's share of the statewide need to cities and counties within the region.

State housing element law (Government Code Section 65584(d)) states that the RHNA shall be consistent with four objectives: (1) increase the housing supply and the mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner; (2) promote infill development and socioeconomic equity, (3) the protection of environmental and agricultural resources, and the encouragement of efficient development patterns; and (4) promote an improved intraregional relationship between jobs and housing.

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	<p>HH-2 (cont.)</p> <p>The RHNA process for the San Diego region was initiated in April 2010, and was completed in October 2011, with the adoption of the RHNA Plan. The RHNA Plan describes the methodology developed to allocate the region's housing needs in four income categories (very low, low, moderate, and above moderate) to the 18 cities and the unincorporated area of the County of San Diego in accordance with the objectives and factors contained in state law. It also discusses housing issues in the San Diego region, the 2050 Regional Growth Forecast (2050 Forecast), and the relationship of RHNA to the 2050 Regional Transportation Plan (RTP) and its Sustainable Communities Strategy (SCS).</p> <p>The process begins through the State legislature. The law's implementation trickles down from the State Departments of Housing and Community Development (HCD) and Finance, to regional COGs, then to local jurisdictions. The process maintains local control over where and what type of development should occur in local communities while providing the opportunity for the private sector to meet market demand. While land-use planning is fundamentally a local issue, the availability of housing is a matter of statewide importance. The RHNA-Plan process requires local governments to be accountable for ensuring that projected housing needs can be accommodated and provides a benchmark for evaluating the adequacy of local zoning to ensure the provisions of sufficient land and opportunities for housing development to address population growth.</p> <p>HH-3</p> <p>The new zone program concept has been reviewed by HCD and, in draft form, complies with the intent of State law. The new zone will be conveyed over specific sites. The new zone program is a tool that the City is utilizing to provide greater flexibility to property owners; and attempting to address State law mandates, while conserving existing neighborhoods and their character.</p> <p>The HEU is not proposing to eliminate Proposition A. However, it is suggesting that if HCD or the Coastal Commission has any exceptions to <i>At Home in Encinitas</i> after its approval that the City does not need to seek out another affirmative vote of the people if the voters have already decided. Refer to response to comment GG-6 for more information on Chapter 30.00 (Proposition A).</p>
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HH-4

Is that going to be offered on the Ballot?

Where is the transit planned to satisfy the conditions of State Bill 735 when providing Affordable Housing units? Where are the practical plans to meet this requirement?

Why is this HEU supporting overflow parking by calling for Reduced parking spaces?

Why is this Housing Element Update 753 pages when the Original Housing Element of our General Plan is only 30 pp?

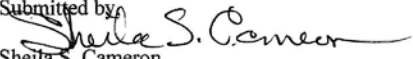
Why was the public given only 45 days to review the HEU/PEIR when 60 days would have been a more reasonable approach to such a HUGE and complicated document?

Why are we rushing this HEU through for a vote on the November ballot when Mr. Campora, Asst. Deputy Directory of Housing and Community Development, has told the City repeatedly in writing that it cannot meet the current cycle, that it will have to wait for the 6th cycle to be considered? So what's the rush?

Why does the City refer to Affordable Housing as the driving force behind this need for the Housing Element Update, when there is no Affordable Housing planned in this document?

There are only increases in Market Rate Housing and increases in zoning, for whom?

Submitted by


Sheila S. Cameron
1662 Caudor Street
Encinitas, CA 92024

(3)

HH-3 (cont.)

The comment does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

HH-4

The City of Encinitas is neither a transit planning nor a transit-operating agency for the San Diego region, thus transit assumptions were based on the Regional Transportation Plan in effect at the time of issuance of the Notice of Preparation. However, it is important to note that the HEU is proposing land uses that are more supportive of public transit. After a site-specific proposal is submitted for future development allowed under the HEU, then the City will address access and mobility issues that will take into account the availability of public transit.

The information will also be used by transit service agencies to better plan for future operations.

Parking requirements are included in the new zone standards. The requirements of the new zone program, as they relate to parking, have not changed significantly from existing regulations. Future projects would be required to comply with those regulations. Furthermore, future development allowed under the HEU will be subject to site-specific environmental review pursuant to CEQA Guidelines Section 15168(c), as described in Section 3.6.3 of the Final EIR. The comment will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the HEU.

The existing Housing Element is 117 pages. HCD requires more information that it did when the original plan was adopted 25 years ago. Relative to the proposed draft goals, policies, and programs section of the HEU, it is only 37 pages long. The technical section of the HEU is 117 pages. Much of this technical content was included because it is required by State law and the City has not addressed it since 1992. A lot has changed since then. It was also amended to address local programs and analysis, such as increasing accessory unit production, etc.

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	<p>HH-4 (cont.)</p> <p>CEQA does not correlate the length of a review period with the number of pages of an EIR. Although the City has the discretion to have longer public review periods, the standard review period for a Draft EIR is 45 calendar days. Even though the Draft EIR public comment period has officially closed, project-related comments will still be accepted for the duration of the project.</p> <p>For more information on the current cycle requirement, and next, please refer to response to comment GG-4. Refer to response to comments Q-1 to Q-3 for HEU affordability information.</p> <p>No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the Draft EIR were raised. The comment has been noted and will be included in the Final EIR and administrative record.</p>
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Letter II

CITY OF ENCINITAS
CITY CLERK

2016 MAR 14 PM 5:49

PETER C. STERN
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March 13, 2016

City of Encinitas Planning and Building Dept.
Scott Vurbef, Environmental Coordinator
505 South Vulcan Ave. Encinitas, Ca. 92024

Case # City of Encinitas Housing Element Update- EIR

Dear Scott,

II-1 I am a resident of 1232 Rubenstein Ave.

I have substantial concerns regarding the environmental impact of the proposed City of Encinitas Housing Element Update.

II-2 My first broad concerns include:

1) As this is a very important and complicated EIR covering hundreds of pages it is too daunting for any individual to review. As such, *our City's Environmental Commission must be called upon to weigh in on this document.* Their expertise and specific charge to monitor our City demands the Environmental Commission's thorough review and report on this EIR.

II-3 2) I believe that a *unique EIR must be presented for each of the proposed Maps.* To suggest that one review fits all maps is unbelievable and incorrect.

II-4 3) *Traffic counts must be conducted* for each of the proposed Maps presented. To assume from old data that all of the proposed maps cause no substantial impact is laughable and incorrect.

II-5 4) To comment upon a proposed map of a proposed floating zone is impossible regarding it's aesthetics. This is a joke! It is akin to attempting to comment upon the "beauty" of a child not yet born of a woman who is considering marrying one of four men. What will be the sex of the child? Who will be the father? And, to comment upon aesthetics prior to conception is ridiculous.

The AESTHETICS of this project will forever change the character and quality of this City and the neighborhood where a floating zone may occur. As there is no specific plan no specific comment can be reasonable rendered. This is ridiculous as the plan(s) are not yet hatched, designed or visible to comment upon the aesthetics.

II-6 This project is INCOMPATIBLE WITH ADJACENT LAND USE AND ZONING. The HEU envisions buildings greater than 30 feet tall- this is incompatible with present zoning and a position rejected by the voters in 2013. The project allows an additional 10 feet of "mechanical and

II-1 This comment is an introduction to comments that follow. No further response is required.

II-2 City staff presented the Environmental Commission with the status of *At Home in Encinitas* on several occasions, including after the release of the Draft EIR.

II-3 Each of the three proposed Housing Strategy maps is analyzed with an equal amount of detail in the EIR. There is an independent review given for each housing site (where feasible) and each housing strategy throughout the analysis within Chapter 4.0, as indicated by the corresponding headers under each issue analysis.

II-4 Data collection was conducted for existing conditions and there is only one existing condition regardless of the proposed strategies. With that said, each of the strategies was modeled in order to provide traffic volumes for future conditions.

II-5 The City acknowledges that specific designs for each housing site have not been developed; however, neighborhood prototypes, zoning standards, and design guidelines provide ample information to allow an analysis of potential aesthetics impacts.

II-6 The new zone program's height standards were studied programmatically as part of the EIR. The authority to make changes to Proposition A is clearly stated within the measure itself. Encinitas voters are empowered with the ultimate decision.

Building heights are currently limited to two stories and 30 feet throughout the City. It is necessary to permit an increase in building heights for future development to accommodate a third story and to provide adequate opportunities for future housing to meet the maximum permitted density of 30 units per acre on rezoned sites. Anything less would unduly constrain housing development and make it infeasible. The new zone program would provide for an increase in height to three stories so that each site contains a combination of two and three stories or building elements. For housing sites that would permit a mix of residential

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<p>utility" structure(s) to be built upon a 30 foot structure allowing it to be almost 40 feet in height and noisy. This was expressly prohibited by the voters in 2013 who demanded a vote upon any project proposing greater height limits than allowed.</p> <p>There is substantial delegation of authority to the Director of Building & Planning (hereinafter the Director) to waive important elements of any project within the floating zone(s) including but not limited to: characterization of the project, parking, bicycles, setbacks, loading spaces and a host of other "deviations" listed at page 63 of the Floating zones. This is a delegation of enormous authority to an unelected official who has no obligation to be responsive to the public. This is an outrageous misuse of the land use and zoning authority of our City. Where is any public check on this official?</p> <p>II-7 NOISE from both the proposed buildings utilities and from the increased traffic that this project will generate will significantly distress the environment, ambience and quality of life in the adjacent residential neighborhoods. As said above, utilities and equipment located top 30 foot building is absurd and should be eliminated altogether. Noise from the roof top mechanical equipment will also be detrimental to property values and a nuisance to every home owner in the area.</p> <p>II-8 WATER supplies and use from the proposed zoning upgrades are inadequate to meet the demand. Remarkably, throughout the enormous document that is the EIR nowhere is there any suggestion that any of the proposed upzoning or its affects will cause any environmental impact- quite amazing! This of course is not true. Presently, the City of Encinitas is under a Stage Two water emergency requiring a host of water use restrictions by the citizens. Nevertheless, this EIR in its silence suggests that more housing can be built (1500 units) and additional commercial structures can be added (third stories) and yet none of this will stress our already INADEQUATE WATER SUPPLY. It begs the question, why are residents saving water only to subsidize new projects benefiting nonresidents not yet here? Isn't this the present residents' water? The EIR does mention that there will lots of new impervious surface built, making the flower capital of the world (Encinitas' old moniker) the hardscape capital of the world, yet fails to resolve where all the water flow will go. This has to be studied and prepared for as there is no separation between surface water runoff and sewer water in Encinitas.</p> <p>II-9</p> <p>II-10 TRAFFIC from the proposed project(s) will be a disaster and needs to be completely rethought and redesigned. Aside from the obvious inadequacies of the roads abutting each of the proposed projects, as the floating zones are imagined and not specific in their size, location or density a true measure of their impact upon the surrounding roads is impossible and speculative. At a minimum, a thorough EIR should be prepared for each of the four maps proposed and for each parcel within each map. It would be nice to say that one size fits all and that one EIR will serve each and every map proposed, however, that is impossible. Moreover, the floating zone document proposes that if this EIR is accepted it shall serve as the EIR for any other project proposed for the floating zone. This is outrageous- things change and how can we truly assess that which is not concretely proposed?</p> <p>II-12</p>	<p>II-6 (cont.)</p> <p>and non-residential components, the maximum building height is proposed to be 38 feet. For housing sites that would permit residential only, the maximum building height would be 35 feet. Building heights would be limited to two stories and 26 feet in the transition zone, which is generally more restrictive than the current height limit.</p> <p>For more information on transitional zones, please refer to response to comment II-16.</p> <p>A "public check on a city official" decision can be made through the appeal process.</p> <p>II-7 As concluded in Section 4.10.5, the increase in ambient noise due to project-related traffic would be less than 3 dB adjacent to all roadway segments. This is not a readily perceivable change in a normal environment. Impacts associated with the increase in ambient noise would not be significant.</p> <p>On-site noise sources such as mechanical equipment associated with existing and proposed uses are regulated by the City's Municipal Code. Specifically, Chapter 9.32, Noise Abatement and Control Ordinance, and Chapter 30.40, Performance Standards, establish property line noise level limits for these noise sources. These noise limits are regulated and enforced by the City. Further, Section 4.10.6.3 of the EIR provides mitigation framework requiring site-specific noise studies demonstrating that future development associated with the HEU would not exceed the property line limits in the Municipal Code.</p> <p>II-8 As indicated in Section 4.14.8.1, Urban Water Management Plans (UWMPs) are required to be updated every five years, and therefore, the plans covering the City of Encinitas were subject to revision in 2015. Pursuant to SB 1087, the City shall provide the updated housing element to the service providers immediately after adoption for use in the Districts' water supply planning efforts. Furthermore, water districts are required to provide priority service for lower-income households. Any needs for additional</p>
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	<p>II-8 (cont.)</p> <p>supplies based on adoption of the HEU would be addressed and accounted for in the District's updated plans. Furthermore, due to the 20+ year buildout horizon of the housing element, future projects consistent with the HEU would be required to present service letters from either SDWD or OMWD assuring that adequate water supplies would be available at the time those projects are proposed, as well as to comply with all applicable regulations regarding water conservation and reuse.</p> <p>II-9 The City of Encinitas maintains a stormwater runoff system and a sanitary sewer treatment system. The flows within each system are managed separately and do not comingle. Any stormwater runoff from increased impervious surfaces would be mitigated through the City's BMP Design Manual. The manual requires all development projects to retain and treat runoff from any newly created, added, or replaced impervious surface to the standards established in the Regional Water Quality Control Board Municipal Stormwater Permit (Order No.R9-2013-0001). Stormwater runoff would be retained and treated by bioretention areas, infiltration basins, or other approved stormwater systems, as determined on a project by project basis at the time of future application.</p> <p>II-10 The new zone program would only apply to the housing sites as mapped in Figure 2-2 of the EIR. The maximum permitted density of each housing site for coverage could occur under the Program EIR is stated in Sections 3.5.2 and 3.5.2 of the project description.</p> <p>II-11 Please refer to the response to comment II-3, above. Additionally, where a Program EIR is used for a proposed citywide plan, subsequent CEQA review would be conducted for each housing site at the time a project application is submitted, as detailed in Section 3.6.3.</p> <p>II-12 CEQA (Public Resources Code Section 21093) states the legislative findings and declaration that public agencies may tier environmental impact reports:</p>
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	<p>II-12 (cont.)</p> <p><i>The Legislature finds and declares that tiering of environmental impact reports will promote construction of needed housing and other development projects by (1) streamlining regulatory procedures, (2) avoiding repetitive discussions of the same issues in successive environmental impact reports, and (3) ensuring that environmental impact reports prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project. The Legislature further finds and declares that tiering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports. To achieve this purpose, environmental impact reports shall be tiered whenever feasible, as determined by the lead agency.</i></p> <p>Subsequent activities in the program (i.e., implementation of development on housing sites identified in the HEU) must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.</p> <ol style="list-style-type: none">1. If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either a (subsequent) EIR or a Negative Declaration.2. If the City finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. (15162 Findings can be prepared under this condition).3. The City shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into subsequent actions in the program. (The Mitigation Monitoring and Reporting Program in the Program EIR will include such measures to be implemented by future projects).
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<p>II-13 The EIR states: "As discussed above, the HEU is not anticipated to result in any unusual characteristics that would result in excessive long-term operational fuel consumption. The City's Climate Action Plan and General Plan Circulation Element provide strategies to improve transit service and overall mobility within the City, resulting in a decrease in auto dependency and VMT."</p> <p>The preceding statement from the EIR is utterly false and based upon speculation that the City will magically create alternatives to cars. The HEU envisions 1500 new residences throughout the City. To assume that those residents and the many cars at each residence will take to walking or bicycling is 1) myth 2) not consistent with immediate past behavior 3) irrelevant to persons with disabilities who require cars and basically wishful thinking and false.</p> <p>II-14 As mentioned above, the EIR proposes that: "As allowed in CEQA Guidelines Section 15168, <i>Program EIR</i>, future development proposals within the project area will be reviewed in light of the Final PEIR by the City. The PEIR and subsequent project review process, defined in Section 15168 of the CEQA Guidelines, allows a PEIR to serve as the basis for environmental review of subsequent projects. Sections 15182 and 15183 of the CEQA Guidelines provide additional review guidance for projects proposed in accordance with an adopted specific plan, or consistent with an adopted community plan, general plan, or zoning."</p> <p>This is an outrageous abdication of authority. It is an attempt to avoid the necessary and expensive process of assessing each and every project that requires an EIR in our City in light of the THEN conditions and circumstances surrounding the proposed project. No one can see the future perfectly and no one will know what projects will come to our City. To give a pass to the future based upon this EIR is insanity. Finally, who will be the determiner of whether or not a future project substantially conforms and does or does not require a fresh EIR?</p> <p>II-15 When one looks at the policies and considerations presented in table 4.1-1 it is peppered with "as feasible" and "as needed." None of the policies or considerations are commands of action, rather, they are hopes and merely state opinions that are subject to very different interpretations. These "nice" platitudes are worthless.</p> <p>II-16 Regarding parcel C-1, Santa Fe Plaza and floating zone, it is a disaster for the previously stated concerns regarding height, traffic, noise and aesthetics. Further the EIR states:</p> <p>"Development of this site would increase the height of development which would increase visibility of site structures for travelers along I-5 and Santa Fe Drive; however the development would also provide visual relief from a large surface parking lot by providing smaller structures, enhanced landscaping, and an architectural form subject to the City's design review requirements. Thus, <u>although the site would be visible from the adjacent roadways, it would not have</u></p>	<p>II-12 (cont.)</p> <p>4. Where the subsequent activities involve site-specific operations, the City would use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR.</p> <p>II-13 As described in detail in Section 4.9.6.1, Tables 4.9-14 and 4.9-15 were prepared to compare the vehicle miles travelled (VMT) to trip generation efficiency for each of the three housing strategies against the No Project (Adopted General Plan) scenario. Table 4.9-14 displays a citywide (including all planned land uses in Encinitas), while Table 4.9-15 shows growth over the No Project scenario associated with each strategy. All three housing strategies would result in greater land use efficiency (lower VMT/trip ratios) than buildout under the adopted General Plan - due to the compact nature of the proposed land uses within each housing strategy. Additionally, the new zone code addresses transportation demand management strategies for future housing site projects. The regulations proposed are consistent with State planning initiatives embodied in both SB 375 and SB 743 (refer to Section 4.9 Land Use).</p> <p>II-14 Please refer to the response to comment II-12, above for a description of how future projects would be considered in light of the certification of a program EIR.</p> <p>II-15 Policies in Table 4.1-1 are from the City's adopted General Plan. General Plans are intended to guide future development of a city and typically do not mandate specific action. The EIR is intended to identify any inconsistencies between the adopted General Plan and the proposed HEU. Because this comment does not identify any specific policy, no further response is</p> <p>II-16 This comment disagrees with the conclusion that housing site C-1 would result in less than significant impacts related to aesthetics. However, the comment does not specifically state why a different conclusion is appropriate.</p>
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	<p>II-16 (cont.)</p> <p>The conclusion reached in the Draft EIR is appropriate. As detailed in Section 4.1 of the Draft EIR, development of the site with the Neighborhood Center/Mixed Use-Large Site Neighborhood prototype would not adversely impact community character due to the nature and diversity of the surrounding land uses, including I-5 to the east, a large community park to the south, commercial uses and Santa Fe Drive to the north, and commercial and residential uses to the west. Further, the R-3 zoned lands to the west would trigger application of Neighborhood Transition Standards (Municipal Code Section 30.35.060) to ensure appropriate transitions are incorporated to maximize compatibility between development on the housing site and off-site residential uses. In the new zone program and Design Guidelines, future development would be required to respect and sensitively transition in use and character when abutting single family residential zone districts. A variety of transition solutions would be accepted, depending on the overall context and lot size. Solutions include landscape buffering or appropriate fencing, lower height restrictions close to a single - family zone, and /or low -scale residential building types adjacent to single - family. Where redevelopment lots are constricted in lot size, landscaping or fencing would be acceptable options. On larger, less constrained sites, increased setbacks and lower building height restrictions would apply to the higher intensity zone district.</p> <p>The transition area would require a 10-foot landscaped buffer area, a 25-foot compatible use area, and a 30-foot compatible massing area where the height of structures would be limited to two stories or a maximum of 26 feet.</p> <p>For these reasons, and as specified in the Draft EIR, aesthetics impacts associated with development of housing site C-1 would be less than significant.</p> <p>Understanding your objection to specific sites under consideration, please note that the draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy). A fourth map was also created through the environmental review process. Viable Housing Site C-1 is on two of the four maps.</p>
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<p><i>an adverse effect on scenic views and impacts would be less than significant."</i> Emphasis added.</p> <p>This conclusion is offensive and not true. As an immediate neighbor of this site I come to the exact opposite conclusion and I have lived here more than 25 years. I directly challenge whoever, penned the above conclusion and request to know 1) where do they live? 2) how long have they studied Santa Fe Plaza and lived here to arrive at this conclusion; and 3) I invite the author to validate this conclusion- not merely impose his or her aesthetic opinion upon my neighborhood!</p> <p>II-17 The parking lot, this no nothing writes of, is presently filled to capacity most days and there is no more room for either infill or taller structures as envisioned bringing more traffic to the location. Santa Fe Drive is gridlock from the freeway to the roundabout many hours of the day especially during rush hours. Now the Park is in operation, the Hospital expanding beyond the new ER, and the defunct gas station is slated to open as a restaurant. Santa Fe Drive cannot accept more traffic, congestion or development.</p> <p>One January 4, 2007 I wrote to Scott Verbuff, Environmental Coordinator for the City regarding the Hospital's proposed expansion:</p> <p>"Traffic from the proposed project will be a disaster and needs to be completely rethought and redesigned. Aside from the obvious inadequacies of the roads abutting the project, this project should be redesigned with a perimeter (interior) Hospital campus road which will take all vehicles to the current main exit which is controlled by a traffic light. The main exit should be widened to accommodate two lanes of traffic entering and leaving the campus. To install gates as planned for the front entrance will congest traffic especially during the rush hours. One need only look at the Scripps La Jolla front gates and the backup caused during the rush hours extending beyond the freeway to realize that this idea is folly. Current parking lot design insanely directs eastbound traffic to the west and through a residential traffic circle designed to slow traffic. Not only is this inefficient but also destructive of the residential community character, ambiance and aesthetics. I am further concerned that Santa Fe Drive will become far too industrial looking instead of the "gateway" to the Composer District (as designated by the Planning Commission) and other neighborhoods. Parking has already migrated from Santa Fe Drive onto Rubenstein Ave. Devonshire Drive is completely over parked and unattractive due to Hospital patient and staff parking. This mistake, or unintended consequence, should be vigilantly guarded against repetition. Once these errors are committed, they are largely unretractable."</p> <p>An honest appraisal of the condition Santa Fe Drive, nine years later, reveals that the street is incapable of additional traffic. It is gridlock during the afternoon and during rush hour. It is now, with the addition of the underpass to the beach at the westerly portion of Santa Fe Drive, an important access to the beach, as well as a scenic view corridor. In short, more cars cannot</p>	<p>II-16 (cont.) All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration.</p> <p>The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU.</p> <p>II-17 The City of Encinitas would regulate parking for the housing sites through the new zone program (Municipal Code Section 30.36.090). The new code provides requirements for on-site parking and addresses transportation demand management strategies for future housing site projects. The regulations proposed are consistent with State planning initiatives embodied in both Senate Bill (SB) 375 and SB 743 (refer to Section 4.9 Land Use).</p> <p>According to the TIS, all segments of Santa Fe Drive within the Study Area presently function at an LOS of C or better (refer to Table 3.2 of Appendix N). Tables 4.9, 4.11 and 4.13 of the TIS (Appendix N) disclose the future year conditions under the HEU. Under housing strategy 1 (RM) – 4 segments of Santa Fe Drive would be impacted. Under housing strategy 2 (BYO) – 4 segments of Santa Fe Drive would be impacted and under housing strategy 3 (MMUP) - 5 segments would be impacted.</p>
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LETTER

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be tolerated on Santa Fe Drive. Further, the Hospital directs all ER traffic easterly to the residential neighborhood even though we know that 80 percent of the people leaving the Hospital go east not west. This will only intensify when the next *already approved* phase of the expansion of the Hospital occurs. Some have spoken of three more roundabouts between the current roundabout and the freeway on Santa Fe Drive. The fact that this is even being considered illustrates the folly of upzoning Santa Fe Plaza.

II-18 Presently there is no housing in Santa Fe Plaza. It's nice and neighborly and should be left alone. The thought of upzoning a commercial shopping center under the guise of a housing element update is wrong, unjustly rewarding to the commercial property investors and disrespectful of the neighbors who live nearby and use Santa Fe Drive multiple times a day for egress and access to the Composer District.

It is my hope that all of the concerns I have mentioned are thoroughly considered.

Cordially,



Peter Stern

II-18 Refer to the response to comment B-1 above for more background information about the site selection process.

The draft Housing Plan includes three different housing strategies, each with its own sites inventory (some sites appear on more than one strategy). A fourth map was also created through the environmental review process. Viable Housing Site C-1 is on two of the four maps.

All four maps provide a lands inventory that fully accommodates RHNA for all income levels as required by Government Section Code 65583(c)(1) and 65913.1. Although each map meets certain project objectives, each alternative proposes a different way to accomplish that goal. The only task remaining is to determine which map(s) should be offered for voter consideration. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU.

The comment states the author's conclusion and does not raise any additional environmental issue within the meaning of CEQA. Therefore, no further response is required.

LETTER

RESPONSE

Letter JJ

From: Suzanne Mahoney <sorellasuz@yahoo.com>
Sent: Tuesday, March 01, 2016 9:26 AM
To: athome
Subject: Dropping the ALT5 site from the map

JJ-1

I support the EIR for the housing element plan recommendation to **DROP** the ALT5 site from the map because of traffic issues.

Additional info to be added to the report that support dropping ALT5 from the map are:

- 1) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

Alt5 fails to meet the recommended criteria for site selection because:

- 1) It is not close to a transit stop, being over ¼ mile from the nearest transit stop.
- 2) It is not near shopping, being > ¼ mile from the nearest shopping.
- 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
- 4) Quail Gardens Dr. is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Dr. is at Kristen Court would result in traffic generation that is not mitigable without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil, residential community character and the park like setting of the San Diego Botanical Gardens.
- 5) Alt 5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
- 6) Alt5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff control system.
- 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before accepting as a housing element site.

In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

Thank you,

Suzanne Mahoney
 508 Kristen Court
 Encinitas, CA 92024
 760-519-1334

JJ-1

The comment supports the EIR's recommendation to remove site ALT-5. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter KK

From: Nor525@aol.com
Sent: Wednesday, March 02, 2016 3:45 PM
To: athome
Subject: EIR for the Housing Element Plan

KK-1

I support the EIR for the housing element plan recommendation to drop the ALT5 site from the map because of traffic issues.

Additional information to be added to the report that supports dropping ALT5a from the map includes:

- 1) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

ALT5 fails to meet the recommended criteria for site selection because:

- 1) It is not close to a transit stop, being over 1/4 mile from the nearest transit stop.
- 2) It is not near shopping, being more than 1/4 mile from the nearest shopping.
- 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
- 4) Quail Gardens Drive is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Drive is at Kristen Court would result in traffic generation that is not able to be mitigated without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil residential community character and the park-like setting of the San Diego Botanical Gardens.
- 5) ALT5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
- 6) ALT5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff acontrol system.
- 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before being acceptable as a housing element site.

In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

Respectfully,
 Nore Thiesfeld
 525 Kristen Court
 Encinitas, CA 92024

KK-1

The comment supports the EIR's recommendation to remove site ALT-5. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter LL

From: sylvia Steding <mldchance@aol.com>
Sent: Wednesday, March 02, 2016 4:27 PM
To: athome
Subject: EIR Plan ALT5 Site

LL-1

I support the EIR regarding the housing element plan recommendation to drop the ALT5 site from the map.

Quail Gardens Drive has a serious problem traffic problem and is almost at maximum traffic capacity now as already identified. We also have an existing problem due to the location of the entrance/exit of Quail Botanical Gardens (the one just south of Mays Hollow). Traffic backs up to the point that we cannot access our street when there are special events. Morning traffic backs up often. I was talking to a driver as he was making his way down QGD who said traffic was backed up about 1/2 mile - which prevents emergency vehicles from going South on QGD. Quail Gardens Drive is a two-lane street.

Quail Gardens Drive is a pretty, residential street. To put 275-300 units at ALT5 is simply not acceptable. There is no way for the number of occupants that would entail to enter or leave that property without further disrupting/stopping traffic. Insufficient parking is always involved in high density housing. On Kristen Ct we already have a problem with people from the existing apartments close to Encinitas Blvd parking on Kristen - especially in the summer months.

High density housing would not fit into ALT5 from an esthetic viewpoint. It is surrounded by lovely single family residences including Quail Run, Quail Point and Quail Park with the residential community of Rosebay to the east.

ALT 5 is located over a storm drain easement and under a power line easement - again, not suitable for high density. ALT 5 is in the headwaters of Cottonwood Creek. Again not suitable for high density housing due to potential environmental damage. The site contains contains wetlands. Again not suitable for high density housing.

I believe that the removal of ALT5 from the housing element map is the correct decision and that it should not be overturned.

Sylvia Steding
 574 Kristen Ct
 Encinitas, CA 92024
mldchance@aol.com

LL-1

The comment supports the EIR's recommendation to remove site ALT-5. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter MM

From: Maria Lindley <maria.lindley@gmail.com>
Sent: Thursday, March 10, 2016 9:17 AM
To: Deana Gay; Council Members
Cc: Michael Strong
Subject: Planning Commission Review of Housing Element & EIR
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Good morning,

MM-1

I am writing to request that the attached petition (10 pages) be shared with City Council and Planning Commission members. I realize the Planning Commission will be meeting tonight for continued review of the Housing Element parameters and hope that this community input can be made available to them.

This petition was drafted to *provided written comment to the Housing Element EIR* and is signed by 163 Adult Encinitas residents. (I will be delivering the original of the attached to the Planning Department this afternoon.) We request that the Planning Commission and City Council discard the Ready-Made Plan map and endorse the environmentally superior Sustainable Mixed Use Places (SMUP) map for placement on the November ballot.

In particular, we oppose the Housing Element Ready-Made Plan aspect which earmarks 2- and 3-story, high-density housing on Leucadia sites L-5 and L-6. These two sites are located in a low-density neighborhood with agricultural areas. Upzoning these two sites to R-30 from R-2 and R-3 would have a huge negative impact on surrounding neighbors: damaging the low-density community character that we value and exacerbating the already heavily congested traffic flow of the area.

In addition to very congested traffic on Leucadia Blvd., the existing traffic flow on Urania (where the Commission helped us add speed cushions in an attempt to slow unsafe travel speeds) is increasingly congested (a number of new residential developments have been added), and speed continues to be an issue, both of which make the safety of Capri student walkers an ongoing concern. We therefore believe that adding upwards of 200 high-density units that L-5 and L-6 represent is unacceptable.

We offer our support for the SMUP map in that it locates high density where density already exists: for instance, Sites ALT-2, ALT-3, and ALT-7, which are in commercial and mixed-use areas and provide the best walkability to transportation resources, services, and amenities.

Thank you for your assistance and consideration, please don't hesitate to contact me with any questions or concerns,

Maria Lindley
 940 Urania Ave
 Encinitas
 760-944-3683

MM-1

Thank you for seeking out opportunities to inform and engage other residents in the city. Public participation is at the core of the planning process. Refer to the response to comment B-1 above for more background information about public participation and the site selection process. At this point, the City Council will consider all input in making a determination on which map(s) will be offered to the voters for their consideration.

The comment expresses general concern regarding the negative effects associated with increased density and traffic, but does not raise any specific environmental issue. Therefore, no further response is possible. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU.

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Maria Lindley	940 Urania Ave	Maria.Lindley@gmail.com
	James Salathia	931 Ocean View Ave	hartsalathia@gmail.com
	Jean L. Bruns	933 Ocean View Ave	Jeanbruns@cox.net
	Fred Bruns	933 Ocean View Ave	fredbruns@cox.net
	Lori Dunne	939 Ocean View Ave	loridunne23@gmail.com
	Steve Meseros	953 Ocean View	Steve94dottless.com
	Jill Meseros	953 Ocean View	Jill4dottless.com
	Scott Hendrickson	959 Ocean View	hendrickson.s@yaho.co
	Lisa Marubio	965 Ocean View	Lisa.marubio@gmail.com
	Laura Kaczmarek	968 Ocean View	Kaczoo@cox.net
	Robert Hartman	958 Ocean View	robhartman@aol.com
	Robt. Joan Hartman	958 Ocean View	robhartman@aol.com
	John H. Thayer	952 Ocean View	johnhthayer@gmail.com
	Debra Moore	952 Ocean View	debramoore@earthlink.net
	Rick H. Batten	942 Ocean View	760-486-7646
	K. Fine	754 Normandy Rd	760-915-3525
	Sue Fowler	698 Normandy Rd	415-828-0494
	Aram Janoyan	670 Normandy Rd	760-452-6146
	Lusine Janoyan	670 Normandy Rd	" "
	T. Cappino	729 Normandy Rd	" "
	Natalie Castriotta	1130 Urania Ave.	858-442-7592
	Giorina Liu	673 Blossom Rd	(858) 605-8777

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Ron Lindley	940 KARANNA AVE	760-814-7383
	Emma Lindley	940 KARANNA AVE	emmalindley@gmail.com
	Garry Simon	805 SANDY CT	760 487-5190
	Phuong Nguyen	809 SANDY CT	619 849 9649
	WAYNE PRIGATANO	813 SANDY CT.	prigatano@sbccbbba.net
	DEBRA PRIGATANO	813 Sandy Ct.	Prigatano@SBC 9/16/2016
	NICK NELSON	821 SANDY CT.	Kdenz26@gmail.com
	Kyle Gilder	809 DOLOPHIN CIRLE	Kgilder@excite.com
	T.C. FITZPATRICK	1187 TUSCANY AT	tfitzpatrick@gmail.com
	PAIGE GARDNER	901 WILLOW	paigesgardner@gmail.com
	Lavelle Snotum	815 NORMANBY BL.	snotumten@com.net
	M. Machure	1058 VERMONT AVE	760-944-9480
	Peter C. Velle	805 La Mirada Ave	VelleC@att.net
	Jose M. G.	804 La Mirada Ave	jsguerrero@gmail.com
	L. G. HANSEN	775 LA MIRADA AVE	SOLBREETS@hotmail.com
	Lydia Glos	7606 La Miral Ave	760 230 1355 Gloslydia@gmail.com
	MICHAEL FARSMOW	7616 LA MIRADA BLVD	mfarsmow744@aol.com
	William Reynolds	734 La Mirada	760-473-1691
	Ana Ruth Leon	714 Del Riego Ave	760-840-1196
	Victoria Leon	714 Del Riego	760-230-1545
	Dennis H Cutton	715 Del Riego	760 274-8299
	J.P. St. Pierre	123 JASPUR ST 36	760-484-0254

6/11/11
2/1

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 161 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-33, which is potentially up to 40 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council discard the Ready Made Plan and instead endorse the Sustainable Mixed Use Places (SMUP) Map and Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
Sean Moran	Sean Moran	1140 Urania Ave CA	760-761-672- Sean.P.Moran@encinitas.gov
John Moran	John Moran	943 Urania Ave	760-761-672- John.Moran@encinitas.gov
Stephen Schuch	Stephen Schuch	703 Del Rio	stephen.schuch@encinitas.gov
Toni McNaught	Toni McNaught	735 Del Rio	toni.mcnaught@encinitas.gov
Lisa Sinkovitch	Lisa Sinkovitch	748 Del Rio	lisa.sinkovitch@encinitas.gov
Chris Sinkovitch	Chris Sinkovitch	748 Del Rio	chris.sinkovitch@encinitas.gov
Celine Lamb	Celine Lamb	755 Del Rio	
Amy H. Bennett	Amy H. Bennett	824 Del Rio Ave	760-753-5515
Tranahy Bunker	Tranahy Bunker	874 Del Rio Ave	760-753-3355
Alain Vico	Alain Vico	776 Del Rio	
Charles P. Prie	Charles P. Prie	776 Del Rio	
Natasha Thompson	Natasha Thompson	775 Del Rio	
Gloria Heisterkamp	Gloria Heisterkamp	796 Del Rio	
R. McLeary Johns	R. McLeary Johns	796 Del Rio	
Josh Neffman	Josh Neffman	825 Del Rio Ave	646-591-5855
Rodney McConroe	Rodney McConroe	844 Del Rio Ave	760-942-6332
Alan Hammer	Alan Hammer	856 Del Rio Ave	760-994-6483
Sam Hernandez	Sam Hernandez	864 Del Rio Ave	760-925-9278
Sharon Morison	Sharon Morison	875 Del Rio Ave	760-635-9338
Esther Grawton	Esther Grawton	795 Del Rio	760-753-7609
Juan Ramirez	Juan Ramirez	728 Del Rio	760-436-8824
Tina Mendez	Tina Mendez	734 Del Rio	760-233-2599

10/14/16

MAK LINDAY 710-322-7000
 MARIA LINDAY 2
 Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map) *General: 420*

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on those sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
<i>Michelle Pollinger</i>	Michelle Pollinger	715 Blossom Rd. Encinitas, CA 92024	pollingermishna@gmail.com 858-349-1092
<i>Justin Blythe</i>	Justin Blythe	715 Blossom Rd. Encinitas, CA 92024	858-774-2239
<i>Erica Howard</i>	Erica Howard	686 Blossom Rd. Encinitas, CA 92024	619-550-6155
<i>Stacey Seeloff</i>	Stacey Seeloff	657 Blossom Rd. Encinitas, CA 92024	619-619-9720
<i>Kristina Shanks</i>	Kristina Shanks	672 Blossom Rd. Encinitas, CA 92024	508-353-5766
<i>Thomas Jock Jr.</i>	Thomas Jock Jr.	673 Blossom Rd. Encinitas, CA 92024	858-401-0624
<i>Aida Al-Ansari</i>	Aida Al-Ansari	686 Blossom Rd. Encinitas, CA 92024	760-230-2039
<i>Robert G. Kruger</i>	Robert G. Kruger	726 Northmanly Rd. Encinitas	760-695-8508
<i>Patricia M. Kruger</i>	Patricia M. Kruger	726 Northmanly Rd. Encinitas	760-828-8728
<i>Meenal Patel</i>	Meenal Patel	156 Blossom Rd. Encinitas, CA 92024	858-964-8144
<i>MENG XU</i>	MENG XU	687 Blossom Rd. Encinitas, CA 92024	646-290-0811
<i>Krista L. Smith</i>	Krista L. Smith	656 Northmanly Rd. Encinitas, CA 92024	760-230-6194
<i>Charles Smith</i>	Charles Smith	656 Northmanly Rd. Encinitas, CA	760-230-6194
<i>Ann Marie Quinn</i>	Ann Marie Quinn	700 Blossom Ave. Encinitas	951-675-8715
<i>Like Ighile</i>	Like Ighile	686 Blossom Rd. Encinitas	646-257-6921
<i>Ayla El-Muray</i>	Ayla El-Muray	686 Blossom Rd. Encinitas	917-593-9842
<i>Isabel Garcia</i>	Isabel Garcia	824 Del Rio Ave. Encinitas, CA 92024	760-753-0834
<i>Kerstin Ray</i>	Kerstin Ray	824 Del Rio Ave. Encinitas, CA 92024	760-277-7609
<i>Wendy Davis</i>	Wendy Davis	824 Del Rio Ave. Encinitas, CA 92024	949-338-2217
<i>Pat McElrath</i>	Pat McElrath	804 Del Rio Ave. Encinitas, CA 92024	760-944-1279
<i>Nancy Smith</i>	Nancy Smith	804 Del Rio Ave. Encinitas, CA 92024	760-944-1279
<i>Vincent Byrd</i>	Vincent Byrd	1130 Union Ave. Encinitas, CA 92024	760-614-0776

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural trees. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Katherine Ruth Bender	919 URMIA LEUCADIA	KatherineBender@earthlink.net 760.632.4450
	SINEER COLES	919 URMIA LEUCADIA	760-220-1066
	Uwe F. Mayer	387 Trailview, Enc.	UWE-F.MAYER@Yahoo.com 760.632.4450
	Jennifer Souders	387 Trailview, Enc.	619-370-9290
	ROBERT BENDER	919 URMIA LEUCADIA	760.632-1750
	Cole Bender	919 URMIA LEUCADIA	760-632-1480
	Kenneth Bender	919 URMIA LEUCADIA	760-764-7076
	Shannon Dwyer	1561 Loxham Ave, Encinitas	760-213-7519
	T. Southard	1752 Gascony Rd, Encinitas	richardfat@gmail.com
	Monica Majumder	2027 Village Way, Encinitas	indrak@encinitas.net 760.632.4450
	Laurel Anderson	1023 Pacifica Ave, Encinitas	760-525-8881
	Nancy Jois	1023 Pacifica Ave, Encinitas	760-310-0004
	Scott Leonard	460 Main St, Encinitas	760 815-2394
	Lance Brown	785 Countrywood, Encinitas	760-855-1860
	Sharonne Jones	1611 Trask Rd, Encinitas	760-535-4693
	Patricia Ward	575 Ranch Santa Fe, Encinitas	760 753-0966
	Holly Britt	1178 Hampton Ct, Encinitas	760 631-1807
	Miro Moya	236 Leucadia Blvd, Encinitas	(760) 942-4897
	Shawn Kuggia	277 Hillcrest Dr, Encinitas	(760) 500-6396
	Steve Clark	1030 Quail Garden Ct, Encinitas	760-944-5586
	Ruth Fenner	1662 Hawkview Dr, Encinitas	760.753.2584
	Claude Fenner	1662 Hawkview Dr, Encinitas	(760) 753-2584
	Natalie Doyle	1472 Bottle Tree Lane, Encinitas	760-822-7015
	Madi Doyle	1472 Bottle Tree Lane, Encinitas	760-822-6155

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-6 (up to 51 units) and L-8 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Lauren Riordan	800 Leucadia Blvd	760/481-9182
	Erik Joller	262 Chapala Dr	(658) 753-5018
	Jessica Broom	704 Calle de Santa	760 211 2144
	Lauren Engle	955 3rd St.	858-254-3312
	Brooke Joller	262 Chapala Dr	858-867-4268
	Rob Riordan	800 Leucadia Blvd	ROBERT.RIORDAN@GMAIL.COM
	JP Seherer	1727 Myopia Ave	(760) 402-5124
	Eliot Smith	249 Colada Street	760.518.9206
	Justin Happ	239 Melrose Ave	951-852-3853
	Garrett Happ	239 Melrose Ave	951-892-6459
	Bryans Schlosser	2939 Avenida Tiramisu	(858) 229-5750
	Jim O'Donnell	637 SPARTA DR	760 310-1606
	Bryce Easter	1246 Cedar Tree Way	858-442-1043
	Colleen Schlosser	2939 Avenida Theresa	760-419-9823
	Casey McFarland	871 Neptune Ave	760-322-1045
	Michelle Gardiner	1200 Crestview	760-274-6785
	Lisa Chappell	414 Larkspur Col	760 809-0752
	Tyler Dinslage	12624 Arava Teller	858 602 8359
	HAROLD PINNER	806 LEUCADIA	760-717-1158
	Katelyn Mishler	804 Leucadia Blvd	760 331 3951
	Cuper Mishler	804 Leucadia Blvd	760-420-6314
	Dolores Luenano	802 Leucadia	760-942-0608

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Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

I strongly support the Alternative Plan/ Map, Sustainable Mixed Use Places (SMUP) option, outlined in the City's draft Environmental Impact Report. It aligns with a simple concept to put high-density where density already exists in the City. The SMUP plan rightly identifies sites such as ALT-2, ALT-3, and ALT-7 which are located where commerce and mixed-use traffic and higher-density already exists.

I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Sam Herrick	950 Urania ⁹²⁰²⁴	858 663 0297
	Megan Herrick	950 Urania	760 487-1251
	Norm Anderson	13689 Camino ⁹²⁰²⁴	958 513 1055
	Melissa Anderson	6493 San ⁹²⁰²⁴	760 415 6060
	Heidi Herrick	1713 Redwing ⁹²⁰²⁴	760 390-7655
	Matt Herrick	13048 Old West Ave	858 481-2931
	David Herrick	1713 Redwing St. San Marcos, CA 92078	(760) 889-3734
	SAMUEL F. HERRICK	13048 Old West Ave SD, CA 92029	888-449-1949
	SARAH J. STONE	1100 GARDEN VIEW #133	760 482 0254
	MARK BAKULA	957 URANIA AVE	(760) 845-3292
	Naomi Honda	976 URANIA AVE	760 492 4684
	Ben Brumitt	975 Urania Ave	760 426 1644
	Anna Evans	1010 Urania Ave	760 650-6431

Encinitas Housing Element: Opposition to Inclusion of L-5 and L-6 Sites (Ready Made Map)

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 Story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

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I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Places (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

Signature	Name	Address	Contact (Email/Phone)
	Kim McQuiston	917 Urania Ave.	mcquiston@cox.net 760-419-9021
	Don McQuiston	917 URANIA AVE	mcquistonbldg@gmail.com
	ALINA PETRU	292 Via Villero Encinitas	760-809-7719
	Chase McQuiston	917 Urania Ave	chase.mcquiston@yahoo.com
	Cheyne McQuiston	314 A. street.	cheyne92024@gmail.com
	SUZANNE MAHONEY	508 KRISTEN CT	Sorellasuz2@yahoo.i
	JIM MAHONEY	508 KRISTEN CT	760-436-4241
	Paul Slipper	2040 WANDER RD ENCINITAS, CA 92024	(760) 505-7807 pslipper@stglobal.net
	HILDEGARD SCHAUBKE	921 URANIA AVE ENCINITAS 92024	760-753-5897
	ANDREW YEVCHUK	921 URANIA AVE ENCINITAS 92024	760-753-5897
	Sydney Huisey	2015 COUNTRYWOOD CARTER ENCINITAS 92024	Sydneyhuisey@gmail.com

I request that the Encinitas Planning Commission and City Council discard the Ready Made Plan and instead endorse the Sustainable Mixed Use Places (SMUP) Map and Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

[illegible]

RESPONSE

I do not support the Housing Element Ready-Made Map/Plan which earmarks 2 & 3 story, high-density housing on Leucadia sites L-5 (up to 51 units) and L-6 (up to 164 units). Leucadia sites L-5 & L-6 are located in a low-density neighborhood with agricultural areas. Radical up-zoning on these sites would have a huge negative impact on the surrounding neighbors, exacerbate the already heavily congested traffic flow of the area, and damage the low-density community character that we value. Both L-5 and L-6 sites are currently zoned R-3; the Housing Element suggests up-zoning to R-30, which allows for up to 30 units an acre.

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I request that the Encinitas Planning Commission and City Council endorse the environmentally superior Sustainable Mixed Use Placos (SMUP) option and discard the Ready-Made Plan. It is the best possible map for the City and the right choice to present to Encinitas voters on the November 2016 ballot.

[illegible]

LETTER

RESPONSE

Letter NN

From: Jim Mahoney <jfmfabrication@gmail.com>
Sent: Tuesday, March 01, 2016 12:08 PM
To: athome
Subject: Regarding: Revised housing element EIR comment

NN-1 I support the EIR for the housing element plan recommendation to drop the ALT5 site from the map because of traffic issues.
 Additional info to be added to the report that support dropping ALT5 from the map are:
 1) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.
 Alt5 fails to meet the recommended criteria for site selection because:
 1) It is not close to a transit stop, being over ¼ mile from the nearest transit stop.
 2) It is not near shopping, being > ¼ mile from the nearest shopping.
 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
 4) Quail Gardens Dr. is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Dr. is at Kristen Court would result in traffic generation that is not mitigable without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil, residential community character and the park like setting of the San Diego Botanical Gardens.
 5) Alt 5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
 6) Alt5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff control system.
 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before accepting as a housing element site.

In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

Jim Mahoney
 508 Kristen Ct
 Encinitas Ca. 92024

NN-1 The comment supports the EIR's recommendation to remove site ALT-5. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter OO

From: Cory Carroll <ccarroll@mgocpa.com>
Sent: Tuesday, March 01, 2016 2:02 PM
To: athome
Cc: Angela Carroll
Subject: Revised housing element EIR comment

OO-1

To Whom it May Concern,
 I support the EIR for the housing element plan recommendation to drop the ALT5 site from the map because of traffic issues.

Alt5 fails to meet the recommended criteria for site selection because:

- 1) It is not close to a transit stop, being over ¼ mile from the nearest transit stop.
- 2) It is not near shopping, being > ¼ mile from the nearest shopping.
- 3) It is located on a two lane collector road and not a major transit corridor as recommended for a housing element site.
- 4) Quail Gardens Dr. is already experiencing vehicle stoppage and backups from morning daily commuter traffic and events held at the San Diego Botanic Gardens. Adding a high density housing site whose ingress and egress from Quail Gardens Dr. is at Kristen Court would result in traffic generation that is not mitigable without creating a multi-lane road. A multi-lane road on QGD is not consistent with the tranquil, residential community character and the park like setting of the San Diego Botanical Gardens.
- 5) Alt 5 is located over a storm drain easement and under a power line easement. These are not ideal criteria to locate a major housing element.
- 6) Alt5 is located in the headwaters of Cottonwood Creek. This is a very poor location for a major housing element due to the potential for environmental damage of Moonlight Beach from failure of an onsite runoff control system.
- 7) The site contains wetlands. Disruption of the wetlands would need an acceptable mitigation plan before accepting as a housing element site.
- 8) The Feb. 18, 2016 Planning Commission meeting identified traffic on Quail Gardens Drive as a serious problem.

In summary, I believe the EIR correctly removed the ALT5 site from the housing element map. Please enter these additional facts into the record supporting the removal of ALT5 from the Housing Element map.

CORY CARROLL, M.S., CPA
 SENIOR MANAGER

858.792.2210
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OO-1

The comment supports the EIR's recommendation to remove site ALT-5. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

LETTER

RESPONSE

Letter PP

Brian Burke
1958 Jayton Lane Encinitas CA. 92024

3/5/16

RE: PEIR Air Quality

- PP-1** The section on Air Quality, pages 207-227 in the PEIR found on the City website for Home in Encinitas is useless for the analysis of the impact of further development on air quality in the City of Encinitas.
- The reason is very simple.
- The nearest air monitoring station is at least 10 miles south in Del Mar, and it only monitors Ozone.
- The Del Mar station during peak Ozone periods, the summer, registers levels that if in non-compliance is very close. Ozone migrates because it is lighter than the surrounding air, but particulate matters settles rather quickly.
- Other stations are on Pendleton or Escondido, 20-30+ miles to the north and east, too far away to have any significance. PM levels in these areas to the east have no significance for Encinitas.
- There is very little data attributed to Encinitas.
- PP-2** The city is bisected by 4 major thoroughfares, the Interstate 5 (200,000 DVT) and local roads, PCH, El Camino Real and Encinitas Boulevard (20-40,000 DVT each).
- Each contribute significant amounts of particulate matter from vehicles a day spewing combustion exhaust and atomization of rubber tires due to wear and tear. But there are no monitors to document this.
- Further more this section on air quality looks as if it was lifted from a previous County wide study, a technique frequently used by consultants who then charge as if it was original research, particularly true since the data is limited to 2014.
- PP-3** RE: PEIR Traffic
- Try as I might I had difficulty making sense of this report, just too much data. The findings do reinforce concerns about increased traffic, which would decrease air quality.
- Concerns for traffic killed the Carlsbad Strawberry Fields ballot proposition despite a 100 to 1 spending advantage by the developer. We will probably see the same come this November, a well funded negative and disinformation campaign and a grassroots efforts to defeat it.

- PP-1** The air quality monitoring network in San Diego County provides measurement data that indicates the status of the air quality and progress being made to improve air quality. In accordance with U.S. Environmental Protection Agency monitoring regulations, the California Air Resources Board (CARB) and the San Diego Air Pollution Control District (SDAPCD) conduct an assessment of their monitoring networks every five years to determine if the network meets the monitoring objectives, whether new sites are needed, whether existing sites are no longer needed, and whether new technologies are appropriate for incorporation into the air-monitoring network. The SDAPCD monitoring network measures pollutants in the San Diego Air Basin (SDAB). Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. Although there is not currently an air monitoring station within City limits, ambient air quality within the City is similar to ambient air quality within the SDAB and at the nearest monitoring stations identified in the EIR.
- PP-2** Refer to response to comment PP-1. Although there is not currently an air monitoring station within City limits, ambient air quality within the City is similar to ambient air quality within the SDAB and at the nearest monitoring stations identified in the EIR. The Mitigation Framework identified in Section 4.2.7.3 of the EIR provides measures to reduce impacts associated with the placement of sensitive receptors within 500 feet of I-5. The information provided in the air quality section of the EIR is specific to the region and the HEU. Air quality data presented in Table 4.2-2 was obtained from CARB's California Air Quality Data Statistics website, which provides measurement data through year 2014. As of the public review period for the EIR, Year 2015 data is not available.
- PP-3** The comment states a general concern regarding increased traffic and decreased air quality, but does not raise any specific environmental issue. Therefore, no further response is possible. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in making their decision whether or not to approve the HEU.