



City of Encinitas

Development Services Department

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

May 24, 2018

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

Re: Public Comments Received on the City of Encinitas Draft Housing Element Submittal

Dear Ms. Huntley:

Thank you for forwarding correspondence received by HCD from the following individuals in reference to the City's Draft Housing Element submittal. Our responses are provided below.

Emails from:

Donna Westbrook, May 17 (2), May 21, May 22, and May 24, 2018
Bob Wilkes, May 18, 2018
Glen Johnson, May 18, 2018
Damien Mavis, May 21, 2018

Letter from:

Steve and Jayshree Gerken, May 18, 2018

Donna Westbrook Emails:

Lower Income Housing Constructed on Selected Sites (May 17 Email). The City intends to require as much lower income housing as is economically feasible on the candidate sites; see Programs 2A and 2B. Recognizing that insufficient public subsidies are available to construct the City's entire lower income RHNA, the City is proposing to rezone a substantial buffer of sites to ensure that the City can accommodate its lower income RHNA throughout the planning period.

Sage Canyon Approved Tentative Map (May 17 Email). Mr. Keith Harrison, who has entered into a purchase agreement for this site (AD1), has provided a letter stating that he desires to modify the approved plans to create additional housing units if the City increases the allowable density as proposed in the Housing Element. See email correspondence in Appendix C.

Quail Gardens 54-Unit Incomplete Application (May 21 Email). This email references the Baldwin & Sons Property, Site AD2. Maria Miller, representing Baldwin & Sons, has confirmed that the owners are interested in having the site considered for higher density housing rather

than proceeding with the current application. That application, as noted, is not yet complete. The owner's representative, Mr. Nick Lee, vice-president of Baldwin & Sons, has regularly attended and spoken at public meetings regarding development standards and expressed continuing interest in the inclusion of his property. See email correspondence in Appendix C.

Garden View Court (May 22 Email). This email references new site AD32. Recognizing that there is an operational business on the site, only 2.25 acres of the total 4.13-acre site is proposed to accommodate housing. The site would also be rezoned to permit residential uses at 30 units per acre if included in the adopted Housing Element. The owner has submitted a detailed email dated May 9, 2018 explaining how the site may be developed.

Removal of L-7 (May 24 Email). The City's letter to HCD dated May 8, 2018 discussed the removal of L-7 from the site inventory and City's intent to either swap the site for a more suitable affordable housing site, or sell the site and use the proceeds for affordable housing.

Bob Wilkes Email: Impacts to Quail Garden Drive. The City's letter to HCD dated May 8, 2018 responded to concerns raised by residents related to impacts of upzoning properties along Quail Garden Drive.

Glen Johnson Email: Bruce Ehlers PowerPoint. Bruce Ehlers is a member of the Housing Element Task Force and a Planning Commissioner. He presented a PowerPoint at a City-sponsored community meeting regarding development standards. The City has posted all City submittals to HCD and all public comments to HCD on its web site.

Damien Mavis Email: Mr. Mavis also provided his comments to the City of Encinitas, and his comments were considered during hearings held on proposed development standards.

Height Calculation. The proposed development standards to permit 30 units per acre will enable the Planning Commission to approve modifications to the designation of "natural grade" where grading is required due to geotechnical concerns; drainage or flood control requirements; accessibility requirements; remediation; or where a modification is needed to permit development at the minimum net density of 25 units per acre.

Parking Requirements. The proposed development standards will apply, for affordable housing, standards of one space for studio and one bedroom units; 1.5 space for 2 bedroom units; and 2 spaces for 3 bedroom units. All projects developed on the upzoned sites will be required to comply with the City's inclusionary ordinance, requiring at least 10 percent low income units, and may utilize at their discretion the parking standards contained in the state density bonus ordinance of 1 space for studio and one-bedroom units; 2 spaces for 2- and 3-bedroom units; and 2.5 spaces for 4-bedroom units or larger. Developers may reduce their parking without applying for a bonus. These standards are lower than those recommended by Mr. Mavis.

Net Site Area: The proposed development standards will apply to any site that achieves 25 units per net acre. So as not to overestimate the number of units that could be achieved, the City used available information to calculate net acreage to the best of its ability. If the actual net acreage of a site is less than estimated, the City will allow use of the proposed development standards so long as the site achieves 25 units over the actual net acreage. The City is proposing to adopt a buffer in part to ensure that adequate sites will remain if site capacity was overestimated.

CEQA Process. Any site reviewed in the Measure T Housing Element Program EIR may tier off the analysis in that EIR using the provisions of CEQA Guidelines Section 15168. For other sites, an Environmental Assessment as described in Government Code 65759 is being completed and will become part of the City's general plan, including all mitigation measures, thereby mitigating most impacts. These environmental documents should greatly simplify further environmental review.

Rental projects requiring no subdivision and containing 20 percent low-income housing are exempt from CEQA under Government Code Sections 65583.2(h) and (i).

Steve and Jayshree Gerken Letter:

Distribution of Housing Element Sites. The City responded to this issue in its letter dated May 14, 2018.

Environmental Constraints regarding Site AD2. The City responded to this issue in its letter dated May 14, 2018. Substantial contiguous unconstrained areas are available for development on Site AD2.

School Impacts. A Public elementary school (Ocean Knolls Elementary), middle school and high school (San Dieguito High School) are within 1 miles of the site. If elementary students are required to attend Capri Elementary School, they would travel three miles from home.

School District Capacity. The City responded to this issue in its letter dated May 14, 2018. As noted, school capacity and estimated student generation will be detailed in the environmental assessment being prepared on the Housing Element.

Insufficient Capacity on Quail Gardens Drive. The City responded to this issue in its letter dated May 14, 2018. The environmental assessment will further review traffic impacts.

Current Application for Site AD2. Please see above response to Donna Westbrook email of May 21, 2018.

Creation of Segregated Communities. Segregation normally references separation by race and ethnicity. No evidence is provided regarding the expected ethnicity of persons living in future affordable housing in Encinitas. The City now has a substantially higher proportion of white residents, and a much lower proportion of black, Asian, and Latino or Hispanic residents, than the County as a whole.

In regard to socioeconomic and income segregation, the entire City of Encinitas is designated as either a 'highest resource' or 'high resource' area by the Tax Credit Allocation Commission and HCD. These high resource areas are given higher priority for allocation of tax credits for affordable housing based on educational opportunities, economics, and mobility. Placing affordable housing in Encinitas would reduce, Countywide, existing socioeconomic and income segregation.

Department of Housing and Community Development
May 24, 2018
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Should you have any further questions or comments, please feel free to contact me directly at 760/633-2712 or bwisneski@encinitasca.gov.

Sincerely,

A handwritten signature in blue ink, reading "Brenda Wisneski". The signature is fluid and cursive, with the first name "Brenda" being more prominent than the last name "Wisneski".

Brenda Wisneski, AICP
Development Services Director

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, May 17, 2018 11:31 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas up-zone for Market Rate Units

See the comment below from Ms. Donna Westbrook. Will the city be responding to the comment?

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Thursday, May 17, 2018 11:23 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas up-zone for Market Rate Units

Dear Ms. Huntley,

As you are probably aware, the Encinitas Council's selected parcels for up zoning to 30 units per acre will result in market rate units. The Council is relying on the inclusionary ordinance of 1 low income unit to 10 market rate units to provide the low income units. With the market rate units of 1,600 on these parcels, the number of low income units would be only 160 units.

How is this acceptable to HCD?

Thank you.
Donna Westbrook

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Thursday, May 17, 2018 12:40 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Some parcels not developable - Encinitas submitted sites for up zoning

See donna Westbrook's additional comment below. I ask the city to respond to this comment.

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Thursday, May 17, 2018 12:29 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Some parcels not developable - Encinitas submitted sites for up zoning

Ms. Huntley,

For your information -

Property labeled as AD1 - Sage Canyon Parcel has an approved 10 lot tentative map.

Donna Westbrook

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*****CR

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 18, 2018 11:22 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: New information regarding Encinitas draft HEU update
Attachments: Letter to HCD update on Encinitas HEU final.pdf

Attached are additional comments from Steve and Jayshree Gerken. Please provide the city's response.



Robin Huntley

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



From: Steve and Jayshree Gerken [mailto:sgerken@sbcglobal.net]
Sent: Friday, May 18, 2018 10:16 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: New information regarding Encinitas draft HEU update

Dear Ms. Huntley,
Thank you for keeping me informed of the status of the HCD review of the Encinitas draft Housing Element Update. I have attached a letter to the HCD with additional information regarding the HEU and clarification and correction of the Encinitas City Planner's response to my letter of May 1.

If you have any questions, please contact me.

Sincerely,

Steven C Gerken, Ph.D., MBA
Encinitas resident

From: "Huntley, Robin@HCD" <Robin.Huntley@hcd.ca.gov>
To:
Sent: Monday, May 14, 2018 12:04 PM
Subject: Response to Correspondences

Encinitas Housing Element Commenters:

HCD strives to encourage communication and transparency. As the City of Encinitas responded to multiple public comments received by HCD within one response document as opposed to separate documents, HCD is forwarding the document in its entirety to multiple recipients. It is being emailed

to each party referenced in the document. While not all of the comments within the response are intended for every recipient, the response is intended to address each recipient's original comments.

Please note the City has rescinded its original request for an expedited 45-day review of the housing element. HCD will use the full 60-day timeframe allowed by law. Therefore, HCD's findings are on June 12, 2018.



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



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May 17, 2018

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

RE: Additional facts to clarify comments by Encinitas city planners regarding Gerken letter to HCD of May 1, 2018

Dear Ms. Huntley,

I appreciate the opportunity to address the letter sent to you by Encinitas city planners regarding my letter of May 1 to HCD regarding the Encinitas Housing Element Update (HEU). I hope to add additional information that may be of use to HCD as it reviews the Encinitas HEU.

I would like to touch upon these areas addressed by Encinitas city planner

- Distribution of Housing Element Sites
- Environmental Constraints Regarding Site AD2
- Schools: Impacts on new and current residents
- Insufficient Capacity on Quail Gardens Drive

I would like to address these areas that were not brought up in my initial letter to the HCD:

- Site AD2 is in advanced planning stages for singly family, market rate housing.
- Does the current site selection create segregated communities in Encinitas?

Distribution of Housing Element Sites

The city responds that three of the sites (sites 05, AD2, 12, 09) are located close to one another. In fact four of the sites, including the two of the four largest sites (sites 05, AD2, 12 and are located within one mile of each other along a rural, 11 foot wide, two lane collector road called Quail Gardens Dr. This is within one-minute drive of each other, if not across the street). These sites represent 48% (776 of the 1,621) of the DUs proposed in the draft April 13 HEU. This is not a normal distribution of housing by any statistical measure nor by any common-sense approach. Elimination of site AD2 because it does not sit on a prime arterial and presents unmitigable traffic impact accord to the Measure T EIR, reduces this to 34% of the total city RHNA allocation for VL/L incomes. This is not considered by anyone to be a distribution of housing. Rather this presents itself as segregation of VL/L housing and its residences. This topic will be addressed at a different section of this rebuttal letter.

City planner's response to the May 1 letter states that

"Distribution of Housing Element Sites: The City Council has expressly stated that a fair and equitable distribution of sites is ideal. The sites in question were discussed in great detail at numerous public meetings."

In fact, site AD2 has never been discussed in a public meeting. At the April 4 and April 18 city council meetings, city council was asked to address when this site was submitted to the city, who reviewed the site, who authorized the addition of this site with no public input on this site during the prior 2 ½ years of 18 public meetings. City Council never discussed this site and to this date the only comment from city staff is that the land owner expressed interest. This site was eliminated from the prior HEU because of environmental problems and unmitigable traffic problems. HCD should ask why this site is on the site selection list of vacant, easy to develop parcels.

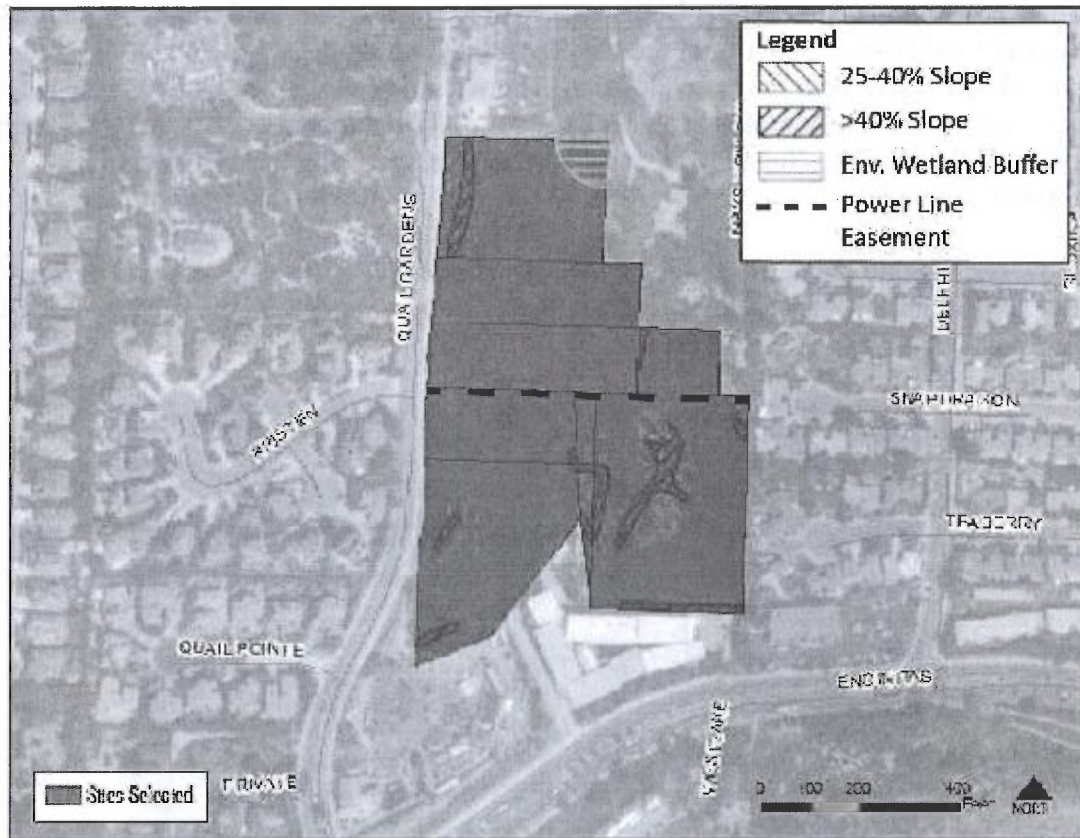
Environmental Constraints Regarding Site AD2

I would ask HCD to examine the parcels for site AD2 (Baldwin & Sons). While this site is deemed vacant, analysis by staff have excluded 2.54 acres of the gross 11.59 acres due to the biological, wetlands, high voltage power line easement and steep slopes impacts reported for this property in the previous Encinitas HEU, Measure T. A simple look at the locations of the acreage excluded from AD2 shows the impacts are distributed throughout the property

Page 29,

http://www.ci.encinitas.ca.us/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Appendix%20C_05092018.pdf

Note, the acreage for mitigation of environmental impact is not clustered enough to make high density housing feasible, but rather the mitigated areas are distributed throughout the site. Thus, these parcels while vacant, are not easy to develop into high density housing.



Schools: Impacts on new and current residents

Distance to Schools:

The city planner states that “the public elementary, middle school and high schools are within 1 mile of the site.” **This is absolutely incorrect.** You would think the Encinitas planners would know better or at the very least they would have gone and looked for themselves. I live next to the school site. There is no school at the Quail Gardens Dr school site. This site contains a “Farm Lab” for daily field trips by students of the nine Encinitas elementary schools. Classes are bussed in to use the farm for teaching purposes.

Below is a Google Earth image of the school site at 441 Quail Gardens Dr. There are a few classrooms, an active school farm and a community garden on the school site. There is no school.



Listed below is the Encinitas Union School District's description of the school that city planners say is less than a mile from the sites on Quail Gardens Dr.

<http://www.eusdfarmlab.com/>

"EUSD Farm Lab is an interactive learning center on a ten-acre farm that integrates into the Encinitas Union School District's comprehensive Health & Wellness programs. All 5,400 EUSD students visit Farm Lab's DREAMS Campus and rotate through grade-level lessons, sometimes for several consecutive days. Visits are designed to impart knowledge and information to students and teachers that seamlessly connects to district efforts at each school site: instilling the values of authentic learning, inspiring healthy lifestyles, becoming engaged citizens, and stewarding a healthy planet."

Since the elementary school assigned to this area of Encinitas is 3 miles away, students living in the new DUs on Quail Gardens Dr will be required to travel 3 miles by vehicle to Capri Elementary. There is no elementary school bus service in Encinitas.

School District Capacity

The city planner's report that enrollment in the Encinitas school district is down since the 2014/2015 school year. Since the new housing sites are not proposed to be distributed equally across the nine schools, it doesn't matter what district wide enrollment is. In the case of the fur sites located on Quail Gardens drive that account for 49% of new housing, what actually matters is what the enrollment is at the two closest schools, Capri Elementary, the designated school and Ocean Knoll, a nearby school. Capri Elementary enrollment has increased by 1% since 2014-2015. It has not dropped. Capri has an enrollment capacity of 775 students with 710 students currently enrolled. Therefore, Capri can take an additional 65 of the expected 257 to 528 students that may enter Capri (0.25 to 0.41 students per DU forecasting model used by EUSD). Since these are high density units, the forecasting number for apartments (0.41/DU) would be the most closely aligned metric for predicting new students in the district from new housing. Therefore, the environmental impact report and the traffic report need to analyze the impact of so many additional vehicles trips during very small morning student commute and drop-off periods. Additionally, the EIR reports needs to evaluate the impact to the local public elementary school if 155 to 253 students enroll with only sufficient capacity for an additional 67 students.

The draft HEU states that Ocean Knoll, a nearby Encinitas public elementary school, can be used since district wide enrollment is down 15%. The fact is that Ocean Knoll Elementary enrollment has increased by 10% since the 2014-2015 school year see Ref. below). Ocean Knoll elementary has an enrollment capacity of 687 students with 650 students enrolled. Therefore, Ocean Knoll elementary can take an additional 37 of the expected 155 to 253 students that may enter the school district from housing sites along Quail Gardens Dr. Therefore, the environmental impact report and the traffic report need to analyze the impact of so many additional vehicles trips during very small morning student drop-off window of time should students be required to attend Ocean Knoll

elementary. Additionally, the EIR reports needs to evaluate the impact to the next closest elementary school if 327 to 528 students enroll and current enrollment is 37 students below capacity.

	Capri	Ocean Knoll
School Capacity	775	687
2014/2015 enrollment	705	599
2017/2018 enrollment	710	650
Change in enrollment	+1%	+10%
% enrollment capacity	90%	
# Students below capacity	65	37

EUSD Board Meeting, May 8, 2018 , Davis Demographics & Planning Presentation of Student Population Projections Through 2024-2025

[https://www.boarddocs.com/ca/eusd/Board.nsf/files/AY8P7561ADA5/\\$file/EUSD%20Demographic%20study%202017_18.pdf](https://www.boarddocs.com/ca/eusd/Board.nsf/files/AY8P7561ADA5/$file/EUSD%20Demographic%20study%202017_18.pdf)

EUSD student increase housing parameters: 0.25 student per single family housing unit; 0.1 student per apartment.

**EUSD student enrollment projections using
2016 Measure T Housing Element Update**

[https://www.boarddocs.com/ca/eusd/Board.nsf/files/AY8P7561ADA5/\\$file/EUSD%20Demographic%20study%202017_18.pdf](https://www.boarddocs.com/ca/eusd/Board.nsf/files/AY8P7561ADA5/$file/EUSD%20Demographic%20study%202017_18.pdf)

Elementary School District				
School	School District	2012-13 Enrollment	Total Maximum Enrollment Capacity	Future Enrollment Capacity
Cajon Elementary School	ECUSD	710	773	773
El Camino Creek Elementary School	ECUSD	601	670	670
Flora Vista Elementary School	ECUSD	480	536	536
La Costa Heights Elementary School	ECUSD	600	713	713
Northern Torrey Pines Elementary School	ECSD	509	535	535
Ocean Road Elementary School	ECUSD	600	687	687
Obregon Foster Elementary School	ECUSD	500	618	618
Park Dale Lane Elementary School	ECUSD	464	508	508
Paul Ecke Central Elementary School	ECUSD	640	694	694
Total	ECUSD	5345	5733	5733

Therefore, overcrowding at the local schools can be expected at levels far beyond what the schools have been designed to accept. The EIR needs to present an alternative impact model looking at what impacts would be in traffic and to school capacity if the housing sites were distributed equally throughout the school district, and therefore distributed equally throughout the city.

Insufficient Capacity on Quail Gardens Drive

Site AD2 is also known as site ALT5 in the Measure T HEU. This site was eliminated from the previous HEU due to environmental impacts and unmitigable traffic impacts. Additional impacts such as high voltage power transmission lines crossing the property

have now been identified. Quail Gardens Dr. is the only street that can provide access to all of the AD2 parcels unless an easement to the prime arterial, Encinitas Blvd., can be negotiated with the Sunshine Gardens owners. Traffic on Quail Gardens Drive, near site AD2, was Level of Service F (the worst possible conditions) at the intersection where the two-lane collector road meets the prime arterial Encinitas Blvd at the time of the previous HEU. These traffic impacts reported in the Measure T EIR have only gotten worse. Don't expect any miracles overnight at this site. Therefore, site AD2 should be removed from the list of vacant, easily developable sites.

Additional information pertinent to the Encinitas Draft HEU update.

Site AD2 is in advanced planning stages for singly family, market rate housing.

Additionally, site AD2 was submitted for 52-54 singly family housing units since 2016 development under Encinitas building application number 16-135/TMDB/MUP/DR/CDP for sites APN: 285-130-80, 82, 86, 91, 93, 94 and 257-020-36, 37. This planning for this housing development is mainly completed and was ready for submission to the Encinitas Planning Commission for market rate single family housing. The AD2 housing development plan has gone through two Citizen Participation Planning meetings with the community on design and impacts. It has gone through 2 or 3 building design reviews with the Encinitas City planning department. This site is actively under development for market rate housing and the developer, Baldwin and sons, has said so as recently as May 2018 at the HEU city council meetings. Nick Lee, vice-president, Baldwin and Sons can be viewed on the tapes of the Encinitas city council meetings stating that they plan to build market rate units on this site. See April 18 presentation to city council starting at 3:31:30 and on for the next 15 minutes:

http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1725

Additionally, Baldwin and Sons does not appear to have participated in the eighteen housing element task force meetings held by the city over the last two and one half years even though they are actively developing housing plans in the city of Encinitas. It wasn't until some time in April 2018 after private meetings were held between city planners, Baldwin and Sons, the BIA and a representative of the low income housing advocacy that they expressed interest.

While the Baldwin and Sons have expressed interest in their property being included in the new HEU, the HCD should question whether site AD2 should be eliminated from the city RHNA count because it is in the advance phase of planning for market rate housing. As such, this site should be removed by HCD in order to obtain an accurate measure of the potential RHNA units that are available to be built on vacant, ready to build land. Additionally, this site should be removed from the VL/L calculation because the land is in advanced stages of planning (see Encinitas planning department Application for development, 16-135/TMDB/MUP/DR/CDP

https://encinitasca.quickbase.com/db/bi293rzwd?a=Mobile_q&qid=94

Does the current site selection create segregated communities in Encinitas?

The HCD policy states that cities will distribute housing across the city to avoid creating segregated communities by design. The city responds that three of the sites (sites 05, AD2, 12) are located close to one another. In fact, four of the HEU sites, including two of the four largest sites (sites 05, AD2, 12 and 09 are located within one mile of each other along a rural, 11 foot wide, two lane collector road called Quail Gardens Dr. This is within a two-minute drive of each other, if not across the street). These sites represent 48% (776 of the 1,621) of the DUs proposed in the draft April 13 HEU. This is not a normal distribution of housing by any statistical measure nor by any common-sense approach. Elimination of site AD2, because it does not sit on a prime arterial and presents unmitigable traffic impact accord to the Measure T EIR, reduces this to 34% of the total city RHNA allocation for L/VL incomes.

Even with the elimination of the premier site for new housing in the city, L7, this is not considered by anyone to be a fair and even distribution of new housing. Rather this skewed number of dwelling units presents itself as segregation of L/VL housing and its residents. So the city or the EIR needs to address at what concentration of L/VL income residents in one community begins to cross the threshold of segregation of these residents.

Segregation can occur based on race, ethnicity, income, socioeconomic status, educational levels and a variety of other factors identified by HCD policy. The EIR, HCD and city council need to identify the demographics of future residents that may apply for L/VL income housing based on San Diego and Encinitas population and historical data. After all, if you build it, they will come. And if the demographics forecast for this very large cluster of new L/VL income housing differs from the 78.9% reporting white for Encinitas, then you have the first, obvious basis for segregation. Obviously, residents along the Quail Gardens Dr corridor will be segregated based on income and socioeconomic levels as the average 2017 income of Encinitas households is significantly higher than the 80% and 50% (L/VL) of AMI for San Diego.

One question HCD must answer or put before the Encinitas City Council is at what level of concentration of L/VL income housing along 1 mile of Encinitas' 172 miles of paved streets, does segregation start to occur? In an ideal world, with 9 schools in the city, the city council would place 11% of housing in each school district site. Alternatively, and as was stated by the city council and planning staff at the start of the HEU update process, housing would be distributed across the city's five communities. Ideally then, each community would develop 20% of the L/VL income housing. Clearly, the draft HEU update fails to deliver what it stated and it is not in compliance with HCD policies in order to actively prevent the creation of segregated communities.

In summary, I strongly urge the HCD to address the unspoken issue of creating segregated communities in Encinitas based on the proposed distribution of L/VL income housing sites and total resident numbers as proposed by the draft HEU update.

Response by Encinitas City planner to May 1, 2018 Gerken letter to HCD

Gerken, dated May 1, 2018

Procedural Errors in Removal of Site L-7: At its regularly scheduled meeting on April 18, 2107, the City Council voted to remove L-7 from consideration subsequent to the submittal of the Draft Housing Element to HCD. The discussion of the Housing Element and efforts to gain compliance was an agenda item. Removal of the site was within the scope of the agenda item. Once the City Council decided to remove L-7, a revised Housing Element was provided to HCD with the L-7 site removed.

Consistency of Site Selection with General Plan Policies Regarding Balance between Commercial Land and Population: The City desires to maintain a proper balance between residential and commercial land uses. Only eight of the nineteen sites selected as suitable for lower income housing are currently zoned non-residential. Therefore, development of these sites for residential uses will not significantly affect the balance of land uses in the City.

While these sites have been available and zoned for commercial development for many years, there has been no developer interest or desire to develop these parcels for viable commercial uses. Existing owners have expressed their desire to redevelop these sites with residences.

Distribution of Housing Element Sites: The City Council has expressly stated that a fair and equitable distribution of sites is ideal. The sites in question were discussed in great detail at numerous public meetings. While three of the sites (sites 05, AD2, 12) are located adjacent to one another, they are near Encinitas Boulevard which provides direct access to commercial uses, transit, and the I-5 freeway. The environmental assessment being developed for the Housing Element under Government Code 65759 will further evaluate potential traffic impacts associated with rezoning the proposed housing sites.

Environmental Constraints Regarding Site AD2: The City utilized the prior environmental analysis completed for Site AD2 in determining the capacity of the site. Although the site acreage totals 11.59 acres, 2.54 acres were excluded because of the presence of wetlands and wildlife habitat in or near the site, steep slopes, and an existing power line easement. The impact listed regarding hazards and hazardous materials is not related to any known contamination of this site, but is rather a risk associated with any development. The environmental assessment will further review traffic impacts. The owner has expressed a desire to develop the site for affordable housing. 1849\03\2363636.1

5/12/2018

High Voltage Power Lines Traversing Site AD2: Power lines traverse site AD2, and the easement area has been deducted from net site acreage in determining site capacity. The owner of the site is aware of these easements and has represented to the City that the site can feasibly be developed for housing.

Insufficient Capacity on Quail Gardens Drive: Quail Gardens Drive has a capacity of 20,000 vehicles per day. It currently carries an average of 9,400 vehicles per day. The environmental assessment currently being completed will further review traffic impacts.

Distance to Schools: The public elementary, middle school and high schools are within 1 miles of the site. San Dieguito High School and Ocean Knolls Elementary are located south of the site. Therefore, travelers would likely travel south on Quail Gardens Drive to Westlake Street. Oak Crest Junior High is located near the intersection of Encinitas Boulevard and Balour Drive.

Based on changes made by the City Council on May 9, 2018, 25 percent of the housing units would be located in proximity of the intersection of Encinitas Boulevard and Quail Gardens Drive. Locating these sites is based on the availability of vacant property and interest of the property owner.

School capacity and the estimated student generated by site development will be detailed in the environmental assessment for the Housing Element. However, based data provided by each school district, capacity is available within each school and generation factors are less than 0.2 students per unit. In fact, the information provided indicates that student population in the City has decreased by about 2,500 students since the 2014/2015 school year.

Distribution of Sites: The General Plan is not being violated by choosing the sites shown on the draft Housing Element. In fact, it is supportive of General Plan policies. In selecting the sites, key factors were the likelihood of redevelopment, owner support, and the presence of vacant land. The City conducted an exhaustive effort to determine those sites represent the highest and best opportunity for affordable housing development.

Consideration of Other Sites. At its May 9, 2018 meeting, the City Council added nine sites for review by HCD. However, the sites on Quail Garden Drive are among the most suitable sites in Encinitas.

45-Day Review Period. As described in our previous letter to HCD dated March 14, 2018, the City is currently subject to two Superior Court judgments ordering it to prepare an adequate housing element. Under Government Code Section 65754, a 45-day review period then applies to HCD's review of the City's Housing Element. Any changes to the Housing Element document made during the review period have been made available to the general public and posted on the city's website.

However, because of the additional sites added at the May 9, 2018 City Council meeting, HCD has requested a full 60-day review period, extending the review period to June 12, 2018.

Comments by Steve Gerken to HCD on Encinitas HEU update of April 13, 2018

May 1, 2018

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

RE: Encinitas draft HCD application of April 13, 2018

Dear Ms. Huntley,

The Development Services Department of the City of Encinitas submitted a draft of the Housing Element. Update (HEU) to the Housing and Community Development Department (HCD). I wish to submit additional information in response to this draft document that I believe is beneficial to the HEU process. For your information, I am a resident of Encinitas since 2002 and I have participated in the planning for the Encinitas HEU at the city of Encinitas for over five years, including the earlier HEU which resulted in the Proposition T ballot measure. After the Proposition T housing element was not adopted by voters in 2015, I have continued to participate through attending meetings, dialogue with residents and staff, and attending and speaking at city council meetings about the HEU. Suffice it to say, I have been an active participant in the HEU.

I read the draft HEU submitted by the city of Encinitas to HCD on April 13, 2018 after it was posted on the city web-site. Since the city has been acting with extreme haste (in the mayor's words) in the preparation and filing of the draft HEU, I understand errors and omission may be part of such a complex document. Therefore, I want to bring to the attention of HCD some technical errors in the writing of the document that may have some bearing on the review. I also want to include some information omitted in the report regarding the development status of some of the sites listed in the HEU. And lastly, I want to also offer suggestions and alternative solutions that may help develop the best HEU.

Significant changes to the draft HEU

At the April 18, 2018 Encinitas city council meeting, the council voted to eliminate the L-7 site from the HEU. This vote occurred after significant organized community protest was acknowledged by the council. Elimination of L-7 is a major change to the HEU. It contained the single largest contribution of RHNA low and very low-income housing to the HEU. As the mayor expressed in the press and in public meetings, the city needs to show it has some skin in the game and affirm its commitment to the HEU by including the one site in the city that can immediately be developed into low and very low-income housing. With the elimination of L-7, the city has withdrawn its participation in providing immediately developable lands. Therefore, the HEU needs to be rewritten. The

HEU should be returned to the city and rewritten. HCD's review clock should be restarted to give all interested parties due process to respond to this major change, especially since the council refused to discuss site AD-2 which has even more onerous environmental and financial impacts compared with L-7. Site AD-2 didn't benefit from the loudest scream paradigm like L-7 whose residents complained the loudest and were capitulated to by the city council. Additional site selection was not discussed after the mayor instructed council and the audience that the council was not gathered to address site selection, but to address policies related to the HEU. **This was a major procedural error that needs time to be corrected by the council because they eliminated L-7 without that matter being on the agenda.**

HEU Major Errors

The errors listed below are brought to your attention because they may affect the site selection review and approval process by HCD. Minor errors have been ignored that would appear to have no impact on HCD decisions.

1. The HEU must comply with the city's general plan. Discussions were held April 18 by city council on policies that need to be changed or amended to allow for the adoption and implementation of the HEU. The city general plan section 1.4, General Plan Consistency, states that "The Housing Element is one of seven elements of the Encinitas General Plan and must be consistent with all of those elements." The Land Use Element, for instance, establishes the location, type, intensity and distribution of land uses throughout the City, and the presence and potential for jobs affects the current and future demand for housing at the various income levels in the City.

Land Use Policy 1.9 states that its goal is to: "Maintain a proper balance between acreage of commercial land and population served." However, the HEU omits discussion of any impact that rezoning of site 12, Sunshine Gardens, and site 5, Encinitas Blvd and Quail Gardens parcels, will have on the proper balance between acreage of commercial land and population served. These two sites are the very last vacant or under-utilized parcels in the commercial corridor of Encinitas Blvd. that can be developed. **There needs to be a discussion of how the city will allow for professional, retail and services for the growing population of Encinitas if it eliminates all vacant commercial land on a key prime arterial route and rezones it to high-density residential.**

2. The city council has stated that because of lack of time to prepare a full EIR, it will utilize the EIR adopted for the previous HEU. Eighteen public HEU meetings were held leading up to the City Council meeting of April 18, 2018. The land use at these public meetings stated that the new housing would be distributed evenly across all five communities, which is very similar to the earlier HEU land use policy. In Resolution 2016-51, certifying the EIR for the public vote on Prop T (previous HEU), it states that "The primary objectives of the proposed project include the following objectives related to the HEU: #8 Distribute attached and multifamily housing to the City's five communities." (ref: *Exhibit B to resolution 2016-51, Section D, page 14*).

Looking at the city map of the location of the proposed housing sites, (page 1-11 of draft HEU, see exhibits), the HEU proposes to concentrate up to 53% of new housing along one mile of the city's 172 miles of roadway. These are sites 03 (L-7 city parcel-117 DU), 05 (Encinitas Blvd. and Quail Gardens Parcels-117 DU), AD2 (Baldwin and Sons Properties-223 DU), 09 (Echter property-246 DU) and 12 (Sunshine Gardens Parcels- 84 DU). Clearly the draft HEU is not compliant with the EIR and the general plan for distribution of housing. **The HCD should question this proposed level of intensification of use of a rural segment of the city. HCD should also evaluate compliance with the EIR.**

HEU Omissions

1. A public records request showed that site AD2 (Baldwin and Sons parcels) appears to have been added to the HEU sites list by city staff sometime around March 2018. Thus, site AD2 did not participate in the 18 public meetings and the past 2 ½ years of public discussion. Site AD2, also known as ALT-5 in the previous HEU site selection, was not included in the previous HEU because of unmitigable environmental problems. The EIR reported a litany of environmental problems with this site. Most likely, this was a major contributing factor for why site AD2 was not included in the current HEU planning. While the city is desperately trying to comply with the new 2018 state laws for new housing sites that can be developed on land deemed vacant and developable within 2-3 years, site AD-2 does not meet the criteria of easily developable sites and not within 2-3 years. The property owner has been trying to build market rate homes on this site for over ten years and has yet to be able to develop the site. The map that was approved ten years before the Prop T EIR did not identify all the environmental problems associated with the site. was done before the EIR.

The litany of environmental problems makes this site problematic for any type of development and are major factors for why it has not been developed. According to the EIR for the previous housing element, site AD2 (called ALT5 in EIR) must address:

- **BIOLOGICAL RESOURCES:** Potentially significant direct impacts to sensitive plants and wildlife could occur on the undeveloped housing sites ALT-4, ALT-5,
- **WETLANDS:** All three housing strategies and the SMUP Alternative would have the potential to impact jurisdictional waters or wetlands based on the potential presence of wetland resources on the following housing sites: ALT-4, ALT-5.
- **CULTURAL RESOURCES:** All three housing strategies and the SMUP Alternative would have the potential to impact jurisdictional waters or wetlands based on the potential presence of wetland resources on the following housing sites: ALT-4, ALT-5,

- **HAZARDS AND HAZARDOUS MATERIALS:** Development of any of the three housing strategies and the SMUP Alternative would result in potentially significant impacts related to accidental release of hazardous materials.
- **TRAFFIC:** Removal of site AD2 mitigated the traffic issues on Quail Gardens Dr. allowing site L-7 to be included in the housing sites in the previous HEU.

I recommend HCD examine site AD2 and remove it from the list of vacant, immediately developable sites and add one or two of the parcels to the list of non-vacant sites for development for the following reasons:

I recommend HCD examine if the southerly parcel(s) of AD2 can be attached to the Sunshine Gardens non-vacant parcel. This would allow the southern parcel(s), which may have less environmental impact due their distance from Biological resources, wetlands, cultural sites. Also, site 12, Sunshine Gardens, will have its site access to the prime arterial, Encinitas Blvd., which would eliminate the unmitigable impact of traffic generation on Quail Gardens Dr., but only if it is attached to site 12 with restrictions to development requiring ingress/egress via Encinitas Blvd. This analysis may allow southern parcel(s) of site AD2 to participate in the non-vacant land site selection process.

In summary, had the owners of site AD2 participated in any of the 18 public hearings over the last two and one-half years, the environmental issues could have been vetted and best solutions for high-density housing on their parcel(s) could have been prepared in a fully transparent fashion. As such, with the lack of any public discussion and lack of transparency by staff in developing the final draft HEU that suddenly included site AD2 for site selection, AD2 should be removed from the vacant, easily developable list.

Finally, the long list of environmental problems certified in the EIR from the former HEU, I strongly recommend HCD remove site AD2 from the vacant, easily developable housing list and move it to the non-vacant housing list for detailed, public consideration.

MAJOR ERRORS

- 1) The HEU states that telephone poles are crossing SITE ad2 AND Quail Gardens Dr. These are high voltage power lines coming from the Saxony substation about ½ mile to the west. Relocation will take considerable more engineering and regulatory approval to relocate than just moving some telephone poles. (see photos)
- 2) The HEU proposes that 55% of its new housing element sites be located on. Quail Gardens Dr. is not an arterial. Quail Gardens Dr. is an 11-foot-wide, two-lane collector road, designed to collect cars from the neighboring residences. This is an important fact because this is a low capacity road where the speed limit has been proposed by city council and adjacent farms and residences to be reduced to 25 MPH.

- 3) Quail Gardens Dr. is already **nearing 80% of capacity** according to the latest city traffic study. The intersection of Quail Gardens Dr at Encinitas Blvd, the adjacent prime arterial, is already at a **level of service F**. No traffic study has been done to address the addition of 55% of the new HEURHNA homes impact on Quail Gardens Dr. The HCD should demand that some traffic studies be done before allowing Encinitas to add so many sites to a country collector road now that HCD is aware that traffic is already at unacceptable levels. While the land on Quail Gardens Dr is vacant, it is not easily developable given what is already known about traffic on this road.
- 4) **The nearest school is located three miles away), not ½ mile away**. The draft HEU mistakenly labels a school district farm as a school. There is no school at the school district farm. Therefore, all children in the Quail Gardens Dr. sites will have to be driven 3 miles to school daily on a collector road that is already nearing capacity.
- 5) Encinitas has 172 miles of paved roadway. Of significant concern to the community was that **the draft HEU proposes to locate 55% of all new housing within a 1 mile stretch of a country road**. This is a violation of the city's general plan land use element. It is a violation of the HCD guidelines that housing be distributed throughout a city. Some of the undescribed impacts from this draft plan will fall heavily upon students who will attend the Encinitas elementary school, Capri Elementary. Capri elementary is already at or near capacity with 705 students enrolled. **Adding another 600 to 700 children (1 child per household estimate) to a single school site will overwhelm the school site and local resources** include the rural roads leading to the schools and the school itself.
HCD should be recommended that the city be allowed to identify other sites dispersed equally throughout the city so as to distribute the full impact of growth in a more manageable fashion, including distributing the school children across the city's nine schools rather than just one. To have fun with the local parlance of the rural character of our community, **"it just ain't fair."**

Good News

At the April 4, 2018 city council meeting on the housing element, it became apparent that the city was very concerned that it may not have sufficient sites to meet the new 2018 vacant land requirements. The great news is that several landowners spoke publicly at the April 4 council meeting. Several stated that this council agenda was the first they had heard of the city's new HEU. So in spite of the outreach by city staff, there appears to be the opportunity for more undeveloped housing sites than city staff has identified. Specifically, the owner of five acres of undeveloped land adjacent to Sage Canyon (AD1site) asked that

their property be included on the list. Then, the representative of Sea Coast Church asked that half of their 4 ½ acres be added to the list of undeveloped properties.

Also, Encinitas has 8 city properties, not one (L7) that could potentially meet the vacant, easy to develop criteria. Just one example is that the facilities lot off Encinitas Blvd could be moved to another site such as the water district facilities site.

The representative of the Strawberry Fields (site 10) said they were willing to work with the city so their development meets the HCD requirements for the new HEU. So an undetermined number of units already in the planning phase on undeveloped land are ready to be committed to the unit count.

And finally, the representative of low income housing stated that proximity to transit was actually not critical for low and very low-income housing. The representative stated at a public hearing that because the families renting this housing tend to work more than one job, they are unable to rely on public transportation and thus rely heavily on automobiles. Therefore, many of the undeveloped sites (OE sites in Olivenhein)listed in the Proposition T HEU (which is still approved by HCD) and identified in the current list of vacant sites, should now be available for development. And since the city listed one or more sites (AD2, L-7) that are not on any transit line and > ¼ - ½ to a local bus line, it is logical that the city can revise its site selection criteria for having easy access to mass transit, shopping centers, etc. Thus, the city has many undeveloped sites that can be brought forward to meet their requirements for RHNA housing.

In summary, I would like to ask the HCD to:

- 1) Restart the 45 day review period since the city substantially changed the HEU at the April 18 city council meeting. The time is necessary to reevaluate what the new HEU looks like and respond to the city about any new impacts that the removal of L-7 had on the draft HEU.
- 2) Please instruct the city to remove sites AD2 from the immediately developable vacant sites as it has been determined by the Prop T EIR to present environmental issues that cannot be resolved in sufficient time to be developed in 2-3 years.
- 3) Ask the city to list the additional properties such as Sea Coast Church and the 5 acres next to Sage Canyon and the Olivenhein properties to the list of immediately developable vacant lands.
- 4) Since the city has rejected the premise that site should be near mass transit, ask the city to relist the Olivenhein sites, the Manchester site, and the seven other properties owned by the city to the list of immediately developable sites.
- 5) Ask the city to assess the financial impact of locating housing instead of commercial on the last two undeveloped commercial properties on the Encinitas Blvd. commercial corridor.

- 6) Ask the city to not shortcut the EIR process. This would certainly delay the HEU as due process would have been denied and any court would mandate that the state laws be followed, regardless of the argument that the city ran out of time. There is always time to follow the law. It just may cost the city money in lawsuits. That's is the cost for delayed planning by the city.
- 7) Consider merging one (two?) of the Southerly AD2 sites with Sunshine Gardens (site 1), if those sites agree to have their access onto the prime arterial Encinitas Blvd. and not the local collector road Quail Gardens Dr. Also, HCD must agree that sites 10 and 05 will have no financial impact to city by removing these large, multi-acre commercial properties from the Encinitas Blvd. commercial corridor.

Sincerely,

Steven C Gerken

Steven C. Gerken
Encinitas resident
202 Lindsey L,
Encinitas

References

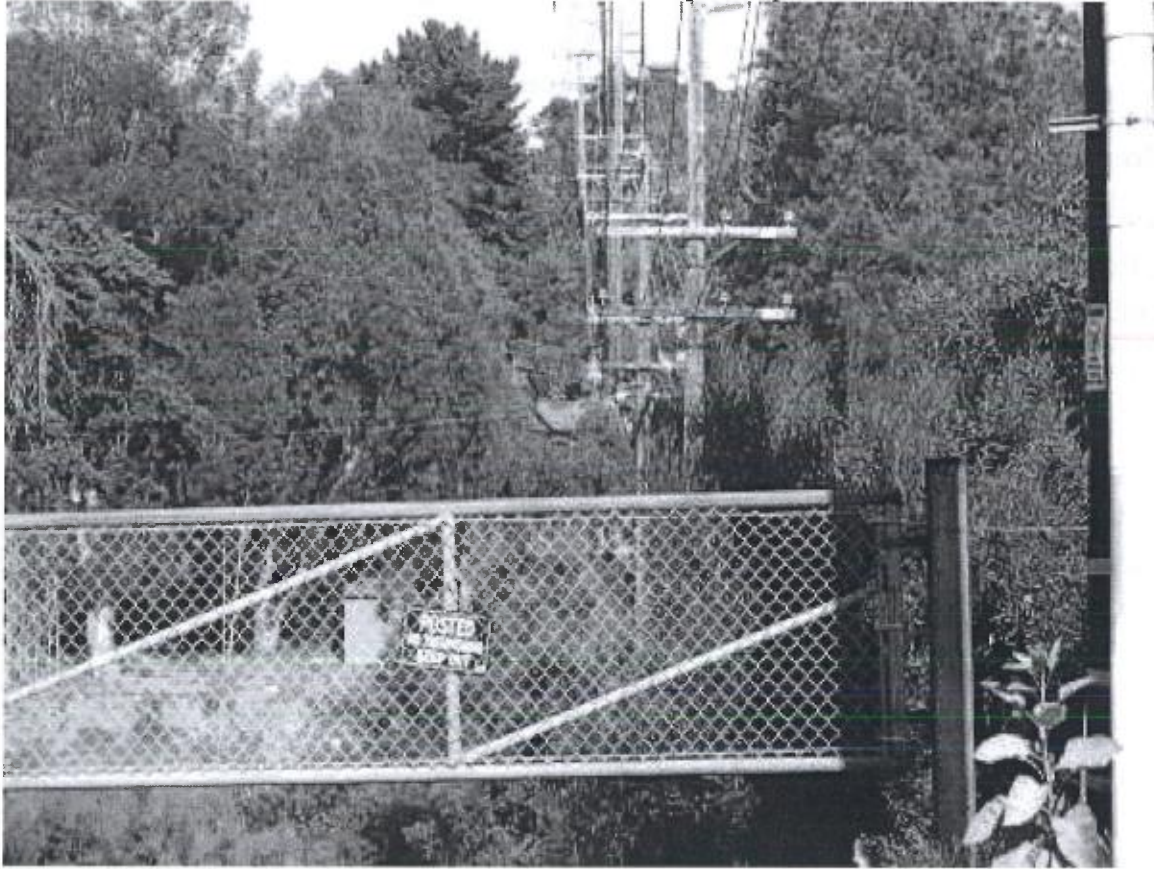
Proposition T Environmental Impact Report: <http://www.encinitasca.gov/I-Want-To/Housing-Plan-Update/Final-Environmental-Impact-Report>

EIR Findings of Fact: City Council Resolution 2016-51

<http://www.encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update/Final%20EIR%20-%20May%202016/CC%20Resolution%20No.%202016-51.pdf>

Photos

Power lines described as telephone poles





Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 18, 2018 12:46 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas planning

Here is an additional comment from Mr. Bob Wilkes regarding Encinitas' draft housing element. Let me know if Encinitas has a response.



Robin Huntley

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



From: Bobby Wilkes [mailto:bob_wilkes@sbcglobal.net]
Sent: Friday, May 18, 2018 11:41 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: Levin Carolyn <levin.carolyn@gmail.com>; Mciver Carol <cpmciver@yahoo.com>; Smith Leslie <lesliejonessmith@gmail.com>; Cooper Sharon <sharon52coop@hotmail.com>; Bolus Sally <sbolus@roadrunner.com>; Tyler Jim <jatylor@pacbell.net>
Subject: Encinitas planning

I've written before on the proposed zoning along Quail Gardens Drive. The picture below is that of our entrance to our community. As you can see there is an island just before our gates. Today marks the 3rd time in a month someone has used it as a turn around damaging the tree, denting our Gate as the truck was too big and had to do a 3 point turn and running over the curb into our landscaping. I'm afraid that adding 400 plus units to this street that this activity will increase causing more disruption and damage to our area



Bob Wilkes

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 18, 2018 1:00 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Please Send Your PowerPoint To HCD!

This appears to be more of an FYI than a comment. I am not clear, but I believe it is requesting Bruce Ehlers to forward information to me. If I remember correctly, Mr. Ehlers came to Sacramento in the role of a representative of the Housing Task Force. Does he continue to be a member of the Task Force?

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

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

From: Glen Johnson [mailto:Glen_D_J@pacbell.net]
Sent: Friday, May 18, 2018 11:45 AM
To: Bruce Ehlers <bruce@ehlers-online.com>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Please Send Your PowerPoint To HCD!

Hello Bruce,

Please send your PowerPoint directly to HCD: Robin Huntley <Robin.Huntley@hcd.ca.gov> so they can hear it straight from you. They will of course forward these to the city for formal comments, but the comments will at least get into the file.

I am suggesting this because the HCD staff members reviewing our application need to develop their own conclusions and the opinions of our consultants are not necessarily the final word on the 30 foot height that our citizens demand. For instance, the consultants may have talked about this to just one person at HCD.

I did not see your slides in any of the Public Comments and Responses posted by our City Staff. This may have been an accidental oversight. Or maybe not.

Anyhow, it can't hurt!

...glen johnson

--

*****CR

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

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Monday, May 21, 2018 4:00 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas Housing Element Update comments

Please see comments from Damien Mavis below and provide the city's response to HCD.

Thanks!



Robin Huntley

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



From: Damien Mavis [mailto:dmavis@covelop.net]
Sent: Monday, May 21, 2018 2:51 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Element Update comments

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

Re: City of Encinitas Housing Element Update

Dear Ms. Huntley:

I wanted to email you regarding the Development Standards proposed for the Encinitas Housing Element Update. I am a builder and developer as well as a property owner of one of the sites which did not make the list, and a consultant to the owner of one of the properties which did make the list. I've been to almost all of the Housing Taskforce meetings, I think they have done a great job with the time and resources they have, however when it comes to the development standards I think a few areas need some adjustments or they will become major roadblocks to development. They are: Height Calculation, Parking required, and definition of net site area. Then also the CEQA process.

Height Calculation: Right now it is proposed to be a maximum of 33 feet for a flat roof and it would be counted from native grade. Pretty much all building will need the ability to go to 3 stories, not just the ones which are

on nearly flat lots. The issue is that 33 ft. is the minimum height for 3 stories. This is fine if the height is counted from the finished floor of the first floor and minor extensions above the 33 ft are allowed for air conditioners, chimneys, elevator towers, roof access etc... Maybe say that these minor extensions can't be more than 20% of the roof area, located as far out of sight as practical, and be visually screened. With regards to the datum where height is measured, I understand that no one wants 3 stories atop an artificial mound of dirt but practically speaking the way the proposed language is written that the third floor would be eliminated on all except very flat lots or lots where you could cut into the hillside. All filled slope areas would essentially be limited to 2 stories. This is just not practical. Traditional building practice on a slope, part is cut and the dirt is used as fill, so some of the foundation is lower than native grade and some is higher. Everything these days has to be pretty flat due to ADA so parking on either side of a double loaded building means a large essentially flat area. There is no getting around it. Building on just cut slopes would result in lots of exported material and it would look like the buildings were placed in holes in a hillside. Other jurisdictions measure height from average native grade under a building. The highest and lowest are averaged. This allows for a cut and fill pad as is common building practice. Then there will undoubtedly be cases where the terrain has anomalies and needs exception for drainage etc.... I would give the planning director or planning commission authority to override this datum and establish a new datum for extreme circumstances as long as the builder is not trying to game the system. I would see this override being employed where there are moderate slopes or larger projects. Small projects on "city" type lots probably would not need any exceptions. The datum at average native grade is important as a starting point.

Parking Requirements: Currently the parking penalizes smaller studios and 1 bedrooms with the same parking as a 2 bedroom. This is completely against "affordable by design". Many jurisdictions encourage small units via less parking requirements Encinitas is opposite. I think your "alternate" parking proposal was a good one, the "existing" is not good for multifamily. It might work in lower density but in higher density, everything needs to be as efficient as possible and if you want 25 units per acre, amenity space, and parking the parking needs to be right sized. This oversize parking requirement will discourage rental communities and encourage high end for sale communities. It is easier to monetize for sale units, and if subterranean parking or structured parking is forced by these parking ratios then the city is promoting luxury condo sales. Furthermore, deed restricted affordable housing communities will just not pencil out with anything except surface parking. For Market rate high density housing I think that inclusive of guest parking 1 space for a studio, 1.5 for a 1 bedroom, 2 for a two bedroom, and 2.25 for a 3 bedroom is appropriate. This standard was labeled "Potential Standard" in a presentation by the city.

Net site area: I understand that the city is setting a minimum density of 25 units per acre. This is assumed to be to avoid luxury condo complexes being built. This is fine however unless you make it easy for every building to be 3 stories, and reasonable parking anything except a flat rectangular site is going to have a difficult time reaching 25 units per acre with these restrictions. Furthermore if there is any slope there will naturally be longer driveways, smaller buildings and less efficiency, if the net site area for the min density requirement isn't reasonable you will end up with lots of unbuildable lots. Also if the city uses the target number of units for each site as the minimum I will guaranty that at least half the sites will not reach those numbers and if that happens depending on the language of the net site area calculation they could become unbuildable. I certainly understand that staff had to go to each site without the help of a topographic survey or botanical survey and just give a best estimate of units per site. This is fine but once the surveys happen and the natural constraints are looked at by land planners and architects then things will get fine tuned. That fine tuning needs to be allowable so that a property is not rendered unbuildable due to a technicality

CEQA process: I am not an expert in this area but knowing how litigious some neighbors can be it seems like we have to plan the CEQA process carefully. I am under the impression that like with Measure T there will be a PEIR that will be completed for these sites so that when an individual site comes in with a development plan that the CEQA process will either be done or streamlined. I think this is paramount to removing road blocks to development. If every project has to start at the beginning with the environmental review it could add years and

a lot of uncertainty. Any help the city can give in this area would result in a lot of time and money saved and housing built much quicker.

I think the bottom line is that to reach these densities the city needs to really allow 3 stories, not just in the most ideal hard to achieve situation, but as the standard. Second, its time to right size the parking, we are talking about multifamily not single family it needs to be right sized. Third, the city needs to realize that not all the constraints of each site are known and therefore it is currently unknown how many units each site can accommodate, there needs to be flexibility so that sites aren't inadvertently become unbuildable. Finally, everyone knows the easiest way to stop development is to challenge the CEQA findings, A PEIR such as was done with measure T would really help these sites move efficiently through the process.

I think that staff and the volunteer and elected officials responsible for this Housing Element Update have done a great job and have been responsive to being pulled in lots of different directions. If these items could be fine tuned I believe that there will be affordable housing built in the city.

Sincerely,

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

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

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Tuesday, May 22, 2018 7:16 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Parcels cannot be up zoned - Encinitas Housing Sites

See the additional comments submitted by Donna Westbrook and forward the city's response to HCD.

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Monday, May 21, 2018 7:34 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Parcels cannot be up zoned - Encinitas Housing Sites

Hi.

Here are seven more housing sites parcels that shouldn't have been submitted by city planning. The developer filed an application in 2016. The APNs are at the bottom.

Project Information

Project Name

Quail Meadows

Description

A 54-lot/unit planned residential development with a density bonus request.

Status

Deemed Incomplete

Project Number

16-135 TMDB/MUP/DR/CDP/EIA

CEQA Determination

Pending Determination

Location

Location

185 Quail Gardens Drive, Encinitas, California 92024

APN

2581308000

2581308200

2581308600

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Tuesday, May 22, 2018 12:52 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas upzoning sites - another site that should be removed

See additional comments below from Donna Westbrook. Let me know if the city is providing a response.

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

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

From: DW [mailto:twicesites@yahoo.com]
Sent: Tuesday, May 22, 2018 12:44 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas upzoning sites - another site that should be removed

Hi.

On the map the city sent is AD32 - Garden View Court (Previously Frog's Gym). It should be removed from the proposed sites.

The business has changed owners and with a different name, but there is still a business on the parcels.

The original permit for the gym was approved in 1993. The parcels are zoned office professional. They aren't zoned residential.

The APNs are:
2574702500
2574700900
2574701000

Donna Westbrook

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