

# City of Encinitas

## MEMORANDUM

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**DATE:** July 31, 2024

**TO:** City Council  
Planning Commission

**FROM:** Melinda Dacey, Housing Services  
Manager

**CC:** Pamela Antil, City Manager

Patty Anders, Planning Manager

**VIA:** Kerry Kusiak, Director of  
Development Services

**DEPARTMENT:** Development Services

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This memorandum provides a list of the comments received from the public, the Planning Commission, and the City Council on the Public Review Draft El Camino Real Specific Plan and Mitigated Negative Declaration at the Special Joint City Council and Planning Commission meeting held on June 26, 2024, in the Council Chambers at City Hall. This memorandum includes staff responses and provides tracked changes of edits made to the Draft Specific Plan in response to comments received, which are depicted as ~~striketrough~~ for items removed and underlined to show text that has been added.

Public Comments received were as follows:

**Donna Westbrook (Member of the Public)**

1. The improved bicycle lanes that are being proposed under the specific plan are the same as what is on Highway 101. Bikers currently call it “the death trap”. There have been at least 32 accidents and 1 death on Highway 101. El Camino Real has more vehicles and traffic, you need to make it easier for people to travel, these drawings do not do that.

— Response: Comment Noted.

2. The project is a streetscape plan not a specific plan. The funding grant from HCD is for affordable housing project, this is not an affordable housing project. If we are trying to meet RHNA numbers, we need to be transparent and tell the community we are putting in low-income units not a streetscape plan.

— Response: The El Camino Real Specific Plan (Specific Plan) contains standard components of a specific plan including tailored allowed uses and land use and development regulations, objective design standards, and streetscape design standards that would apply to all allowed uses and to housing allowed under State housing laws.

3. This is just a landscape plan. We do not need bike lanes with bollards, this is only going to reflect what is happening on Highway 101 and it is disturbing that the City Council has not made any efforts to change what is happening. Do not continue with this specific plan because it is a landscape plan. It is only going to make it more difficult for people to use the uses along the Corridor.

— Response: The El Camino Real Specific Plan (Specific Plan) contains standard components of a specific plan including tailored allowed uses and land use and development regulations, objective design standards, and streetscape design standards that would apply to all allowed uses and to housing allowed under State housing laws.

Councilmember and Planning Commissioner comments received were as follows:

#### **Council Member Hinze**

4. Mark Wisneski (local arborist) has hosted a local tour and has pointed out weaknesses in our code and how we constrain trees within parking lots. The goal is to get shaded parking lot while letting trees grow and have an established root system. With minimum planters surrounded by impervious surfaces this is restricting the tree from growth. Main concerns are focused arounds trees that are planted in the frontage zones. The plan proposes to have a six-foot planter, it is important that surrounding the trees we have pervious surfaces to make sure the tree is not in a restricted area.

— Response: Section 4.4.2.3.b has been added to the Specific Plan, as follows:

“b. Sidewalk panels adjacent to street trees in the parkway shall be comprised of tree grate extension panels.”

5. Would like to see the goals of the planning document to be high level:
  - i. We do want Class I bike lanes.
  - ii. We do want protection for cyclists.
  - iii. We do want physical separation and not just buffers.

— Response: The Specific Plan has provided for bike facility amenities to the extent feasible based on conditions present. A Class IV Cycle Track providing a seven-foot bike lane and three-foot buffer is proposed along El Camino Real. Buffer options will be decided at a later date, as approved by the City Engineer and Development Services Department. Options may include raised dikes, bollards, or other physical barriers with vertical elements.

#### **Mayor Kranz**

6. I assume that HCD is aware of these changes and the scope still falls within the grant parameters, so I support these changes to the scope of work.

— Response: Comment noted.

## Commissioner Sherod

7. This is an opportunity to do better. Fallbrook requires street trees when there is new development or significant redevelopment. We should require street trees.
  - Response: Chapter 4 – Design Standards, Sections 4.4.2 – Streetscape and Public Realm, 4.4.4 - Buffers and Screening, 4.4.5 – Placemaking, and 4.4.6 – Circulation and Parking of the Specific Plan contain provisions requiring street trees.
8. El Camino Real has some mission markers left. It is on the City to maintain.
  - Response: Comment noted.
9. History of Encinitas: 21 missions' route, steam train water stop, El Camino Real transit route for commuters, flower growers, self-realization fellowship (SRF), evolution of surfing (Linda Benson, Rob Machado), times have changed, we need to change.
  - Response: We recognize the history of the El Camino Real corridor and its significance. A Historical Significance description is included on page 2 of the Specific Plan, which has been expanded to note how many mission markers are within the Specific Plan boundary, and now includes a description of what they look like.

### Historical Significance

El Camino Real, or “the Royal Road” was created by the Spanish to link the 21 California missions stretching from Mission San Diego to Mission San Francisco Solano. The footpath became a roadway wide enough for horses and wagons, and eventually automobiles. In the early 20<sup>th</sup> Century, the California State Assembly designated several sections of the state highway as the official route of El Camino Real. There are approximately 450 cast iron bells along El Camino Real, including six within the SPA, that hang 11 feet high with a "shepherd's crook" style. One bell was placed in front of each Mission and the rest were placed about a mile apart, creating what's now known as the Mission Bell Markers. A majority of the bells are under a mandate to be restored and maintained since their original inception in 1906 due to their religious, historical, and cultural significance to El Camino Real and California missions.

10. Require this added housing be 50-60% for sale. That is the existing character of Encinitas. Higher percentage of ownership builds stability in a community. This can be achieved through land trust development. This should be encouraged in the community benefits. Renters do not feel invested, feel priced out, left out, lack of inclusiveness, build in stability. Create 100% affordable dwellings with the use of partnerships, consider Land Trusts.
  - Response: For Sale Housing has been added to list of Community Benefit options in Table 6-1 of the Specific Plan as follows:

Community Benefit	Description	Points Granted Per Unit	Maximum Points Granted
<b><u>For Sale Housing</u></b> <sup>1</sup>	<u>To increase homeownership opportunities, construction of at least 50 percent of units as For Sale housing units that cater to a range of income levels encourages long-term residency, increases local investment, and contributes to the overall stability in a community.</u>	30	

11. We need a cohesive design theme. What is the City’s theme? For example, Hollywood has the stars in the pavement. We should have a “Walks on water”, surfboards or footprints inset within the pavement, maybe even a famous surfer donate a board. People can pay to have their surfboard. This can be located in a plaza.

— Response: A comprehensive design theme may be determined at a later date based on a separate future branding effort, as conducted by the Development Services Department and approved by the City Council.

12. Suggested recommendations to add into the Objective Standards:

i. Additional landscaping requirements including street trees requirements.

— Response: Chapter 4 – Design Standards of the Specific Plan, Sections 4.4.2 – Streetscape and Public Realm, 4.4.4 - Buffers and Screening, 4.4.5 – Placemaking, and 4.4.6 – Circulation and Parking contain provisions requiring street trees. Sections 4.4.4 – Buffers and Screening and 4.4.15 – Landscaping contain provisions addressing landscape requirements.

ii. Permeable paving, strive for 100%.

— Response: Section 4.4.6 – Circulation and Parking, 5.c. of the Specific Plan requires surface parking design to utilize pervious paving treatments.

iii. Redevelopment can lead to additional stormwater runoff that can not only impact the local wetland “Cottonwood Creek” but our ocean.

— Response: See Section 7.5, Stormwater, in the Specific Plan. When redevelopment occurs, the standards in effect today would result in reduced impervious surface areas pursuant to the City’s Stormwater Management regulations outlined within the Engineering Design Manual. These regulations prohibit increased runoff from new development, which ultimately results in bio-retention basins and other stormwater treatment facilities being required for redevelopment projects. Additionally, active construction sites require the use of best management practices (BMPs) to prevent

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<sup>1</sup> Residential and mixed-use projects utilizing State housing legislation may not receive these additional incentives but are strongly encouraged to incorporate these types of community benefits into their plans.

debris from leaving the site and impacting storm drains, sewers or estuaries in compliance with National Pollutant Discharge Elimination System (NPDES) regulations.

- iv. Require front of commercial buildings to input awnings and shelter to block from the outdoor elements. Consider the aging population, encourage to plant more tree shaded benches and amenities that appeal such as on demand ride service or electric shuttles or pedi-cabs. Example of a bench that protects a tree, made of natural materials (wood, stone, brick), not plastic. RICK should be showing us examples and ideas for development. Encouraging the use of native plants and trees.

— Response: Chapter 4 – Design Standards, Section 4.4.10, 4.a. and 8 contain provisions regarding architectural design including awnings, overhangs, trellises, etc.

- v. The plan should have graphic examples that “feel” like Encinitas. We can require a green roof to reduce the heat island effect, in areas not taken up by solar. This dissipates heat and enhances green areas for humans and pollinators where there is sufficient area for both photovoltaics (solar energy generation) and green roofs on buildings.

— Response: The Specific Plan has been revised to incorporate additional illustrative examples of streetscape elements and greenspace as Figure 4-5, Example Common Open Space Elements. Standard 4.4.7.9 has been added to address cultural and historical context of Encinitas and El Camino Real as follows:

“Common open space amenities exemplified in Figure 4-5, Example Common Open Space Elements, shall be reflective of the cultural and historical context of Encinitas and El Camino Real pursuant to any adopted theme for the area. Where possible, the style, materials, and colors shall emphasize the use of green materials and local designers. Examples shown are illustrative only and are not intended to set forth or require a specific design or feature.”

- vi. Require art that matches and goes along with Encinitas theme. Provide a variety of art examples and pictures: painted surfboards (natural or bright colors), public piano, existing infrastructure like utility boxes, bike racks, storm drain can be painted in different creative ways that is also inexpensive. It would be great to have one focus piece of art within a plaza or central location that can be bigger and brighter. Encourage solar powered LED lighting with sensors and timers.

— Response: Chapter 4 – Design Standards, Section 4.4.3 – Frontage Zone, 2. contains provisions intended to encourage public art within the El Camino Real Corridor. Chapter 6 – Community Benefits includes Public Art as a stand-alone option in the list of Community Benefit options and public art is encouraged in other options listed in the table. The Specific Plan has also been revised to encourage Local Public Art in the list of Community Benefit options in Table 6-1 of the Specific Plan.

Community Benefit	Description	Points Granted Per Unit	Maximum Points Granted
<b><u>Local Public Art</u></b>	<u>A three-dimensional piece of local artwork shall be sited in a public space, such as a park, plaza, or center. Local public art or sculptures can take many forms and may be made of a variety of materials, including but not limited to metal, stone, wood, and concrete. Local Public Art or sculptures shall be designed to provide aesthetic or cultural value to the community, created by local artists to facilitate a sense of place and pride.</u>	<u>5 points for every local art piece greater than 10 square feet</u>	

In addition, the Specific Plan has been revised to incorporate additional illustrative examples of amenities that could occur within the Corridor, including public art as Figure 4-5, Example Common Open Space Elements, and Standard 4.4.7.9 has been added to address cultural and historical context of Encinitas and El Camino Real.

vii. From RICK, we want to see more innovation and more creativity.

— Response: The Specific Plan has been revised to incorporate additional illustrative examples of streetscape elements and creative design as Figure 4-5, Example Common Open Space Elements, and Standard 4.4.7.9 has been added to address cultural and historical context of Encinitas and El Camino Real.

viii. An elevated walkway where there is a high pedestrian zone Encinitas and El Camino or Mountain Vista.

— Response: Comment noted.

**Mayor Kranz**

13. The original bells located in median should be recognized for their historical value and significance.

— Response: It is noted that the commemorative bells that currently exist within the median along El Camino Real recognize El Camino Real’s historical value and significance and the historical context of the Corridor.

Further, additional description has been added to Chapter 1 – Introduction to expand the discussion regarding the historic El Camino bells. Chapter 4 – Design Standards Section 4.4.2 has also been revised to add provision 4.4.2.9.b to require the bells to be preserved and integrated into streetscape design as development occurs as follows:

“b. Historical street furnishings, such as the Mission Bell Marker System, shall be preserved, restored when appropriate, and integrated into streetscape design as development occurs.”

Chapter 6 – Community Benefits has been revised to add relocation of the bells from the center median to the parkway in the list of options provided under the “Contribution to ECRSP Community Benefits Fund” topic in Table 6-1 as follows:

Community Benefit	Description	Points Granted Per Unit	Maximum Points Granted
<b>Contribution to ECRSP Community Benefits Fund</b>	<u>Relocation of historic El Camino Real bells from the median to the parkway.</u>	4030 points for every \$10,000 contributed	60

**Council Member Ehlers**

14. Would like to see the framework of the R-30 zone (controlling the average size of units) to be done within this specific plan as well. In the design standards, provide a maximum average unit size for any residential project within the project boundaries. For R-30, the maximum average unit size is 1,000 SF for rental and 1,100 SF for sale. What we are seeing come through on these housing element projects is far below that, close to 800 square feet. Having the average square footage lower for this specific plan, would actually help the overall size of the building because it would be smaller.

— Response: An additional standard has been added to Chapter 3, as Section 3.4.8 Maximum Average Unit Size, which is consistent with the average unit size already established in Municipal Code § 30.16.010 as follows:

“Maximum Average Unit Size

The maximum average size of dwelling units in the project shall not exceed 1,000 square feet of floor area for rental projects and 1,150 square feet of floor area for ownership projects. Ownership projects include all projects with a condominium map or where units may be sold individually. For purposes of compliance with this requirement, only floor area within dwelling units shall be used to calculate the average unit size for a project.”

15. Assuming new development would be able to seek waivers allowances within the specific plan area just like they do everywhere else. What can we do to avoid/preclude them being able to use waivers to get out of all the objective design standards we are putting in the plan?

— Response: The City cannot preclude any provisions and/or allowances that State law allows. The intent of the Specific Plan is to provide a framework for development that would be acceptable and effective at incentivizing development as-is.

16. Not in R-30 but a suggestion, ratio of livable space to accessory space. Put a limit on the average size. This would be doable because this has nothing to do with density. This would help manage AB 2011 and SB 6. This should also be implemented throughout the entire City.

- Response: Comment noted. An additional standard has been added to Chapter 3, as Section 3.4.8 Maximum Average Unit Size, which is consistent with the average unit size already established in Municipal Code § 30.16.010. Additionally, Chapter 3 – Land Use and Development Regulations, Section 3.4.5 – Useable Open Space Standards and 3.4.7 – Private Storage Space, and Chapter 4 – Design Standards, Section 4.4.11 – Building Façade Activation 5.c. contain provisions addressing accessory private space.

### Council Member Lyndes

17. Support Commissioner Sherod’s comments entirely and all other Councilmembers’ previous comments.

- Response: Comment noted.

18. See a gap, not a lot of attention to context and being context sensitive. This feels like an injured part of our City. Look at the historic context and culture context. The natural setting of our community is native plants, cliffs, sand stones, wetlands. These are hidden gems within our City and we can use the specific plan to enlighten these natural resources to be transparent, and have it be a requirement for redevelopment to enlighten these areas. If we use language like “context sensitive”, they may not know what that is. Enlighten and improve the existing value of these environmental and cultural settings.

- Response: Chapter 4 – Design Standards, Sections 4.1 and 4.4.2 – Streetscape and Public Realm have been revised to add language regarding the importance of context sensitive design.

#### “4.1 Overview

[...] The overall intent of these standards is to require design that accomplishes the community’s desired vision for the SPA, as described in Chapter 2 to fit within the cultural context of Encinitas and historical context of El Camino Real. This vision includes a well-designed, dynamic mix of uses linked together by quality pedestrian-oriented connections, public spaces, and an improved streetscape along El Camino Real.

[...] The following design standards provide a framework for development to occur in a context-sensitive manner to achieve this vision.”

#### “4.4.2 Streetscape and Public Realm

[...] Development shall create attractive, context-sensitive, high-quality public realm spaces, landscaping, and pedestrian- and bicyclist-oriented amenities that are safe, vibrant, and accessible to all.”

19. Objective Design Standards vs Community Benefits

- Permeability should be a requirement within the objective standards. This will decrease the impact to our storm drain systems. Not a community benefit. “Let’s make sure it is required throughout all hardscape requirements.”

- Response: Section 4.4.6 – Circulation and Parking, 5.c. of the Specific Plan requires surface parking design to utilize pervious paving treatments.



ii. Requirement of trees. Can we pull some objective standards from the Climate Action Plan like:

- Shade in urban context to reduce heat island effect.
- Carbon sequestration of trees and our urban environment

— Response: As noted above, Chapter 4 – Design Standards of the Specific Plan, Sections 4.4.2 – Streetscape and Public Realm, 4.4.4 - Buffers and Screening, 4.4.5 – Placemaking, and 4.4.6 – Circulation and Parking of the Specific Plan contain provisions requiring street trees and shading. Sections 4.4.1 – Site Design, 3-4; 4.4.2 – Streetscape and Public Realm, 6.c. and 4.4.3 – Frontage Zone contain provisions addressing paseos and open space. Section 4.4.6 – Circulation and Parking, 5.c. requires surface parking design to utilize pervious paving treatments. These provisions are all intended to reduce the overall amount of asphalt pavement.

iii. Theming. Can we require a percentage for local art. Can we put this in the objective design standards?

— Response: Chapter 4 – Design Standards of the Specific Plan, Section 4.4.3 – Frontage Zone, Standard 2. contain provisions preferring art elements to be created by local artists and Section 4.4.7 – Common Open Space, Standard 8. encourages commissioning of local artists.

In addition, Chapter 6 – Community Benefits includes Public Art as a stand-alone option in the list of Community Benefit options and public art is encouraged in other options listed. Chapter 6 – Community Benefit of the Specific Plan has also been revised to encourage Local Public Art in the list of Community Benefit options in Table 6-1, Menu of Community Benefit Options.

### **Commissioner Sherod**

20. Recommends that there are graphic/picture examples of public open space requirements (paseo, courtyard, plazas).

— Response: The Specific Plan has been revised to incorporate additional illustrative examples of amenities (Figure 4-5) that could occur within the Corridor, including public gathering spaces such as paseos, courtyards, and plazas.

### **Mayor Kranz**

21. Community benefits

i. Cottonwood Creek on the west side of El Camino Real, the creek is currently in pipe, let's create an incentive to daylight the creek and decrease the amount of impervious surface that the creek touches. Natural biofiltration opportunity that we should take advantage of. Similar to Encinitas Ranch Specific Plan, Cottonwood Creek was daylighted, this should be considered as well.

— Response: To encourage daylighting of Cottonwood Creek, Chapter 6 – Community Benefit of the Specific Plan has been revised to include daylighting of Cottonwood Creek

in the list of Community Benefit options in Table 6-1, Menu of Community Benefit Options as follows:

Community Benefit	Description	Points Granted Per Unit	Maximum Points Granted
<b><u>Daylighting of Cottonwood Creek</u></b>	<u>Daylighting of at least 60% of the length of the creek within the project site. This includes dismantling of the underground channeling for that segment, inclusion of riparian restoration and biofiltration devices as appropriate. Such plans are subject to review and approval of the City and applicable regulatory agencies.</u>	<u>30 points</u>	

- ii. How many people take advantage of Community benefit programs in other cities?
  - Response: The use of community benefit type programs in other cities varies based on community. Providing a menu of options for preferred benefits that developers are incentivized to provide is a common strategy.
- iii. Do not recommend a maximum to the number of points one can receive under community benefits.
  - Response: Chapter 6 – Community Benefits of the Specific Plan, Section 6.2.2 has been revised to remove the provision establishing a maximum number of points a project can receive as follows:  
  
 “[...] There is no maximum number of development points that a project can be granted via community benefits-is 90 community benefit points.”
- iv. Agrees with Ehlers on the maximum average size of units and would like a percentage requirement, maybe through community benefits. Likes the idea of a certain percentage of for sale units, you get a certain number of points toward community benefits.
  - Response: An additional standard has been added to Chapter 3, as Section 3.4.8 Maximum Average Unit Size, which is consistent with the average unit size already established in Municipal Code § 30.16.010. Additionally, the For Sale Housing community benefit requires 50% of the units as For Sale.
- v. Importance of affordable workforce housing and making these units market rate to the workforce.
  - Response: An additional standard has been added to Chapter 3, as Section 3.4.8 Maximum Average Unit Size, which is consistent with the average unit size already established in Municipal Code § 30.16.010. The Specific Plan allows for housing opportunities through State legislative bills AB 2011 and SB 6. These bills require an

affordable housing component thereby increasing housing opportunities for income qualifying households, and by extension workforce housing opportunities.

**Commissioner Sherod**

22. Agreed with Mayor Kranz’s point about having percent of ownership (for sale units) in community benefits.

- Response: As noted above, to encourage ownership within the El Camino Real Corridor, For Sale Housing has been added to list of Community Benefit options in Table 6-1 of Chapter 6 – Community Benefits of the Specific Plan.

**Commissioner Pendergast**

23. The Home Depot should be included within the specific plan boundaries. I do not understand as to why we are not taking advantage of this, and to include it, if Ralph’s shopping center can be converted then Home Depot can be converted as well, remember it was developed once before, it is possible.

- Response: City staff originally considered including the Home Depot Specific Plan area in the ECRSP project boundary but elected to omit it due to a significant number of environmental constraints. The total open space area within the Home Depot Specific Plan is about 44.3 acres or 80% of the Specific Plan area. The areas surrounding the already developed Home Depot and storage facility building/improvements are recorded conservation easements. No improvements or modifications are allowed within these designated protected areas. The purpose of the SP is to provide design standards and controls for housing that would be allowed under SB 6 and AB 2011. Because the Home Depot Specific Plan was approved prior to adoption of SB 6 and AB 2011, and the Plan does not permit multifamily housing, the area contained within that Plan would not meet the requirements of SB 6 and AB 2011 to allow multifamily residential development.

**Council Member Ehlers**

24. Would like to second the tree roots comment and have it as an objective standard to allow trees to grow.

- Response: As noted above, Section 4.4.2.3.b has been added to the Specific Plan requiring tree grate panels to support tree root health.

**Commissioner Sherod**

25. Local input is important to ensure community vibe. Art and landscaping shall be done by local experts.

- Response: As noted above, Chapter 4 – Design Standards of the Specific Plan, Section 4.4.3 – Frontage Zone, 2. contain provisions preferring art elements to be created by local artists and Section 4.4.7 – Common Open Space, 8. encourages commissioning of local artists.

In addition, Chapter 6 – Community Benefits includes Public Art as a stand-alone option in the list of Community Benefit options and public art is encouraged in other options listed. The Specific Plan has also been revised to encourage Local Public Art in the list of Community Benefit options in Table 6-1 of Chapter 6 – Community Benefits of the Specific Plan.

**Commissioner Pendergast**

26. Does the developer have an opportunity to propose a new community benefit? Create an “Other” option that can be approved by a decision-making body at a later date. As time goes on, we want this plan to be timeless, there may be new and innovative designs that would be awesome to have as a community benefit, the “Other” option allows developers to do that.

— Response: Craft language to allow “other” benefits to be considered as approved by /at discretion of Planning Commission.

Chapter 6 – Community Benefits of the Specific Plan has been revised to add an “Other Benefits” option in Table 6-1 of Chapter 6 – Community Benefits of the Specific Plan to be approved at the discretion of the Planning Commission as follows:

Community Benefit	Description	Points Granted Per Unit	Maximum Points Granted
<b><u>Other Benefit(s)</u></b>	<u>Provision of an amenity, design feature, or other element considered to serve as an enhancement that provides a benefit to the community and contribute to the overall quality of the corridor.</u>	<u>To be determined by Planning Commission based on level of community benefit value achieved.</u>	