

## Appendix A: Community Engagement Summary

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below.

The City of Encinitas 5<sup>th</sup> Cycle Housing Element Update was completed and certified by HCD in October 2019. As part of the 5<sup>th</sup> Cycle Housing Element Update process, the City conducted extensive public outreach activities beginning in 2014 to complete the 5<sup>th</sup> Cycle 2013-2021 Housing Element. Much of the information collected during these outreach activities are valid and applicable to the 6<sup>th</sup> Cycle Housing Element Update. These recent outreach efforts included presentations, City Council and Planning Commission Study Sessions, numerous meetings with a Housing Element AdHoc Committee, Community Workshops, digital media, numerous mailers and ads and noticed Public Hearings. Project materials, including summaries from community workshops and public meetings, notices, and draft public review documents are available on the City's website: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>

As part of the 6<sup>th</sup> Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community. All of the community outreach activities are advertised through the City Manager's newsletter which has 1,322 subscribed, the Housing Element Interested Party List with 778 subscribed, and through the Next Door Application which reaches 31,005. The City also sends updates through Facebook which has 14,984 followers. Outreach activities include the following actions:

- **Community Workshop#1** – The city conducted a community workshop on November 18, 2019 at City Hall that was advertised via email to all interested parties and through the weekly City Manager's newsletter as well as a Public Notice circulated in the Coast News. The workshop had over 40 participants. At the workshop, participants were provided an overview of the planning process, the City's RHNA obligations and engaged in an interactive exercise to identify local housing issues and potential solutions.

The first workshop was also recorded and provided on the City's website to allow additional opportunities to participate. The City provided an online feedback form with the identical information provided at the workshop. [A summary of input received and the questions and responses are available on the project webpage in Spanish and English.](#)

- **Community Workshop #2** – A second Community Workshop was conducted on February 10, 2020 at the Encinitas Community Center. The City sent a mailer advertising the availability of a preliminary draft of the Housing Element and the Meeting date to 30,396 property owners and residents of the City. In addition, the workshop date and document availability was sent via email to all interested parties and through the weekly City Manager's newsletter. The workshop had over 55 participants. At the meeting the consultant presented on the City's progress in preparing the 2021-2029 Housing Update (6<sup>th</sup> Cycle), the application of recent housing-related state law, and additional information relating to policies and programs proposed to be included within the 6<sup>th</sup> Cycle Housing

Element. Following the presentation, the attendees were asked to participate in focused discussions on accessory dwelling units, development of housing for all income levels, governmental and non-governmental constraints, and fair housing issues and challenges. The City provided the presentation and summary of input received ([Spanish and English](#)) on the project webpage. City staff did receive a call from a resident that was not able to physically attend and requested the preliminary draft to be mailed which was sent.

- **Joint City Council/Planning Commission Work session** – A work session was held on December 11, 2019 before the City Council and Planning Commission. This publicly noticed meeting discussed the 6<sup>th</sup> Cycle Update process and allowed the City’s decision-makers to review data, receive public comment and provided direction to staff on content and policy of the Housing Element.
- **City Council Study Session** – A virtual study session was held on November 16, 2020 before the City Council. This publicly noticed meeting discussed the status of the Sixth Cycle Update and allowed the City’s decision-makers and the public to review the HCD’s comments and proposed responses, receive public comment, and provide direction to staff on the draft modifications to the Programs contained in the Housing Element.
- **Affordable and Fair Housing Questionnaire** – From May 18 through June 8, 2020, the City of Encinitas released a questionnaire to obtain additional feedback about incentives, programs, and actions to encourage development of affordable housing; common barriers to obtaining housing; fair housing issues or challenges the City’s Housing Element should address; and challenges to building community awareness about fair housing. The availability of the questionnaire was sent via email to all interested parties registered for updates and through the City Manager’s weekly newsletter and on the Housing Element Interested Parties List. In addition, the questionnaire was sent to representatives from the City’s school districts and Mira Costa College to circulate to their faculty, parents, and students. It was also sent all property owners and managers of affordable housing units in Encinitas. The questionnaire has received 53 responses.
- **Affordable and Fair Housing Questionnaire II-** In December 2020, the City of Encinitas released a second questionnaire to obtain additional information about housing constraints, programs, and actions to encourage development of housing at all affordability levels; fair housing issues or challenges in the City; and impediments and incentives for constructing Accessory Dwelling Units. The survey was available in Spanish and English and circulated online and made available in paper upon request.
- **Housing Element Update Fact Sheets** – A series of “fact sheets” were developed for public consumption. The fact sheets provide relevant information about the update process, key features of the housing element and a calendar of events for outreach activities. The factsheets were made available to the public on the City’s project webpage, at public workshop, and at City Hall. The Fact Sheets are available in Spanish and English on the project webpage. [Note: The second fact sheet to be completed prior to adoption.]

- **Website** – A project page for the housing element update is located on the City’s website at <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>.

In addition, to the 6<sup>th</sup> Cycle Housing Element Update, the City conducted additional outreach to the Encinitas community, including the following actions:

- **Consolidated Plan** - The Consolidated Plan is a five-year planning document that identifies needs within low-to moderate- income (LMI) communities and outlines how the City will address those needs as required to participate in the Community Development Block Grant Program and other Department of Housing and Urban Development funded programs. It guides investments and helps achieve HUD’s mission of providing decent housing, suitable living environments, as well as expanded economic opportunities for LMI populations. During the development of the Consolidated Plan, two community meetings were held at the Encinitas Library. The meetings were held October 14, and October 21, 2019, with 38 community members who provided feedback on what they identified as the City’s most pressing community needs. In addition, a community needs survey was offered in English and Spanish in both online and hard-copy format. A total of 273 individuals responded to the survey. The City adopted the FY 2020-25 Consolidated Plan on April 22, 2020. The City maintains a webpage for Community Development Block Grant Program with a copy of the Consolidated Plan and information about the program: <https://encinitasca.gov/Residents/Housing-Resources/Community-Development-Block-Grant-Program>.
- **Special Fair Housing Outreach** – Community workshops, targeted stakeholder interviews to service providers and local organizations, and a fair housing survey was conducted in Spanish and English as part of the development of the San Diego Regional Analysis of Impediments to Fair Housing. Public notices and additional outreach for the community workshop and surveys were circulated in the Winter 2019-20 through local service providers and made available on the City’s Fair Housing webpage and at City Hall. Over 120 residents of Encinitas participated in the Fair Housing Survey. The City is scheduled to consider the FY 2020-25 Analysis of Impediments to Fair Housing on June 24, 2020. In addition, Fair Housing educational brochures were developed and are available online and in City Hall. The City maintains a webpage on Fair Housing: <https://encinitasca.gov/Residents/Housing-Resources/Fair-Housing>.
- **Public Housing Agency Plan** - In Winter 2020, the City conducted public outreach prior to the adoption of the FY 2020-25 Public Housing Agency Plan which included outreach to Section 8 tenants and landlords and a Resident Advisory Board Meeting that included tenant representatives from the Program. The 5-Year PHA Plans provides the City of Encinitas Public Housing Agency’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families. The Housing Authority Board approved the FY 2020-25 PHA Plan on March 18, 2020. The City maintains a webpage for the Section 8 Housing Choice Voucher Program with a copy of the Plan and information about the program: <https://encinitasca.gov/Resident/Housing-Resources/Section-8-Program>.
- **Affordable Housing Developer Roundtable** - On May 30 and August 29, 2019, the City held roundtable discussions with to receive input from participants in the affordable

housing and market-rate development community to understand possible incentives to encourage affordable housing above and beyond what is required under the City's Inclusionary Ordinance or the State Density Bonus Law. At the August 29th meeting, staff presented key themes and topics of the initial roundtable in order to solicit further feedback which was presented to the Housing Authority in October 2019. Over 80 developers and organizations were mailed invitations, a Public Notice was circulated for both meetings and was advertised in the City Managers Newsletter and to the Housing Element interested party list. The list of stakeholders contacted by the City is provided below.

During HCD's 60-day public review, the City solicited comments on the Draft 6<sup>th</sup> Cycle Housing Element from June 17, 2020 through September 2, 2020. Comments were received from eleven individuals and six organizations or interest group including Encinitas 4 Equality, Keys 4 Homes, San Dieguito Alliance for a Drug Free Youth, San Diego Housing Federation, Faith in Action, and Encinitas Residents for Responsible Development. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

This Appendix contains a summary of all public comments and input regarding the Housing Element received by the City at scheduled public meetings, surveys, questionnaires, and during the public review period and the Appendix has been provided to the City Council. ***[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]***

## A.1 Housing Element Public Comments

This section contains a summary of the available public oral comments provided during each of the Housing Element Community Workshops. Public comments were received in written and oral form.

This section also contains correspondence received via email by the City relating to the Housing Element Update [and all comments received during the public review period June 17, 2020 through September 2, 2020.](#)

## Community Responses to Questions: Poster boards

### What are the biggest challenges to housing in Encinitas?

1. Traffic! On Leucadia Blvd!!
2. Pleasing present property owners
3. Easing traffic!
4. Need jobs and housing co-located, or better transit to solve this [easing traffic]
5. Why do we want to encourage low income families? Carlsbad has many problems with that population. Workers can drive to Encinitas.
6. No [referring to comment 5]
7. The City thinking they know it all.
8. Hah! The Ca Education system. Really letting our children down w/o providing thinking skills to make a decent income or career path with a future.
9. Begin requiring every project to provide "affordable housing." No units, no permit!
10. Same [referring to comment 9]
11. Prices are high. People who cannot afford Encinitas are demanding homes.
12. People who live here are being forced out - that's not OK.
13. Enough people already!!
14. Vulture investors
15. NIMBYs
16. Many units have been put on short term rentals – a big loss to our rental housing inventory. Small, [illegible] units easy to rent!
17. How do we get apartment houses and condos built? Do not lower parking standards
18. High property costs! One size fits all housing laws do not fit in Encinitas
19. Too much demand due to weather! Price and rents will rise faster than the State average
20. Maintaining community character (low density + height) which is why Encinitas was incorporated to preserve
21. Not using public land ie. L-7 to be utilized for affordable housing – this is what we fight for

### What creative ways can Encinitas provide housing in the future?

1. Put L7 back on the Housing Element
2. Modular homes and using prefab companies
3. Relax the zoning on older properties for original homeowners to build the granny flat that they want to build plus add to housing #s
4. The new options for building accessory units is a big step towards getting new units
5. City should try some tiny homes
6. All new housing should include a unit over the garage like the houses on the B[illegible] old property at Santa Fe and Lake
7. Underground railroad tracks and you will create a lot of space for both housing and public amenities. Look at Chicago for example of using airspace above rail lines.
8. Efficiency units for single or a couple with children could be built on top of stores ie Walmart and Target, Home Depot for their employees
9. Yes! [response to comment 8]

November 18, 2019

10. No development without some affordable units, period. No increase of density. Density causes problems! Mice kill each other if too crowded
11. Affordability by design
12. Empty whole foods store > apartments?
13. Add apartments above shops on El Camino.
14. Tiny eco-village combines with agriculture
15. Apartments for students at Mira Costa – put housing at locations that make sense and reduce need for cars.

**What are challenges to buying and renting housing in Encinitas?**

1. More demand than supply because of weather. Encinitas is nit Urban , it's coastal suburban. Housing Unit requirements should be allocated on a countywide base to provide more flexibility.
2. Income disparity since 1990's compared to housing rental and mortgage rates
3. Prices are high with good reason "location location location"! Low crime, good schools, quality of life. Earn a good living and you can live here.
4. Not enough low, med-low and moderate units on the market – many being rented as short term.
5. Venice, Italy has happy workers that cannot afford to live in the city. They must take the train into Venice and then take the vaporetto's to the stop nearest their place of employment. Then they walk to work! They are happy workers and proud of their work in Venice.
6. Families cannot compete with greedy rich developers who drop cash on older homes an then turn them into unaffordable luxury mansions. Incentives for sellers of older/less expensive homes to sell to families/residents and not investors?
7. People feel entitles to live in Encinitas, I think they need to earn the right.
8. The average home in Encinitas is now 1.5 million that is beyond what our support staff and service workers can afford.
9. If it doesn't get under control we will end up with the Bay area nightmare – poor have to live far out and drive in, rich live here and drive out to work. Awful future. \* Rent control!

**What unanswered questions you have?**

1. Why is Leucadia burdened with the majority of the sites? Should we equally distribute among all communities. Olivenhain, Cardiff, Encinitas and Leucadia!
2. Encinitas is a Charter City! We do not have to accept Sacramento Housing Plans!
3. Amen! [in response to comment 2]
4. How can we spend 10 million on pedestrian walkway and not be able to afford to built low income housing on L7?
5. How do we avoid all the incentives n the density bonus projects. Its not the higher density that negatively impacts the older neighborhoods it's the short setbacks, no parking, narrow streets, etc.
6. & luxury mansions we don't need [in addition to comment 5]
7. We should ban together with neighboring cities and sue Sacramento!
8. Encinitas has a responsibility to protect it assets! The beach, cliffs, lagoons, and especially the inland bluffs in all of Encinitas. No buildings should not be built on or near sensitive land. Not happy that we don't fight back and have "smart growth." 15% for low income is nothing!

November 18, 2019

9. Destroy the Hsg Ele map land with high density just for small amount of low income!
10. When will we vote in laws that require conformance with environmental regulations? i.e. to solve the climate crisis, we must build smart. This needs to be built into law. – small homes & trees & solar & protect open space.
11. Yes sir! Love our “open space”! BTW: “open space” is not the distance between two cars
12. Infrastructure! Encinitas Blvd is a horror story now wit development at Enc. Blvd and Quail garden it will be impossible
13. \*yes [response to comment 12]



November 18, 2019

## Community Responses to Questions: Hand-outs

### What are challenges to buying and renting housing in Encinitas?

1. Cost. Lack of mid-level housing to allow people to move up from ADU's and smallest units and allow new people to come in
2. Too many people competing for a limited carrying capacity, expectation that everyone can live here.
3. Knowing the City Council is homeless and low income friendly, makes us want to buy/rent in another city. The future of this city looks bleak.
4. High property costs, smaller units being rented short term and taking those units out of long-term rental market, parking is already a problem downtown and in areas with apartments and accessory units.
5. Inventory and cost
6. NA
7. NA

### What creative ways can Encinitas provide housing in the future?

1. Tiny home clusters with shared "community rooms" co-housing -multigenerational developments mansion-ization ordinance – limit the size of big homes
2. We are already doing it with ADU's. Limit size of units – higher density > smaller units.
3. Keep ADU program (only) going, stay out of housing – not your job to provide housing. The "market" does this, not elected officials, city council folks.
4. Require our [illegible] to actually get low and moderate housing built, the density bonus law works against getting low income housing built where property costs are high
5. Tiny or small houses
6. Private/public partnerships to [illegible] land to build affordable housing
7. Subdivisions in Olivehain

### What are the biggest challenges to housing in Encinitas?

1. NIMBYs, Prop A
2. Preserving quality of life in our established residential neighborhoods.
3. Maintaining quality of life for Encinitas property, home + business owners, tax-payers. We are the "Shareholders," not outsider interests hell bent on bringing homeless + low income multi family units.
4. High property costs, developers not willing to build low to moderate where they can make more \$\$ building high [illegible] homes, the density bonus law negatively impacts the neighborhoods because of all the waivers – not just the increased zoning
5. Build apartment complexes off of El Camino Real where there are buses and enough businesses, growing stores, restaurants etc. to not increase traffic like it would in other areas like the coast.
6. Affordability... need to look at uniform building codes and not require retention [illegible] and dual black/grey water plumbing systems...these add 10% to building costs!!
7. Traffic is the biggest challenge. Adding more housing is not practical because it will make traffic congestion unlivable for residents

**What unanswered questions you have?**

1. NA
2. How do we get Scott Wiener et al. off our backs? How do we get affordability from density bonus? Yield is low. How do we reestablish local control?
3. Why do you want to let Sac and SANDAG dictate our future with faulty forecasts and numbers? Keep it up, prices will go down, people will move out, lower taxes for the City. Since we are a "Charter" City, we don't need these numbers thrown at us.
4. What can we do to actually get low and moderate income housing built? What is going to happen on L7? Can we keep mobile home parks at low costs? How do we actually get student dorms built?
5. Find creative solutions to qualifying unpermitted units to get permits - maybe an "exception" type of permit. The last program to get them permitted didn't have enough flexibility. Many units can't reasonably be brought up to code, find a way to qualify them and they get added on to #s.
6. Why did C-7 come off Housing Element!!!
7. Why is developer/city council collusion and pay-to-play fundraising tolerated?

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## Respuestas comunitarias a preguntas: Carteles

### ¿Cuáles son los retos más grandes de viviendas en Encinitas?

1. ¡El tránsito! ¡¡En Leucadia Blvd!!
2. Por favor presente a los propietarios
3. ¡Aliviar el tránsito!
4. Necesitan empleos y viviendas compartidas, o mejor tránsito para resolver esto [aliviar el tránsito]
5. ¿Por qué queremos animar a las familias de bajos ingresos? Carlsbad tiene muchos problemas con esa población. Los trabajadores pueden conducir hacia Encinitas.
6. No [en referencia al comentario 5]
7. La ciudad pensando que lo sabe todo.
8. ¡Hah! El sistema de educación de Ca. Realmente decepcionando a nuestros hijos sin proporcionarles habilidades de pensamiento para tener un ingreso decente o una carrera con futuro.
9. Empiece a requerir que cada proyecto proporcione "viviendas asequibles." ¡Sin unidades, sin permiso!
10. Igual [en referencia al comentario 9]
11. Los precios son altos. Las personas que no pueden costear Encinitas están demandando hogares.
12. Las personas que viven aquí están siendo forzadas a salir - eso no está bien.
13. ¡¡Ya hay suficiente gente!!
14. Investigadores buitres
15. NIMBYs
16. Muchas unidades se ha alquilado a corto plazo – una gran pérdida para nuestro inventario de viviendas de alquiler. ¡Las unidades pequeñas, [ilegible] son fáciles de alquilar!
17. ¿Cómo logramos que se construyan casas de apartamentos y condominios? No bajen los estándares de parqueo
18. ¡Altos costos de propiedades! Una talla única para todas las leyes de vivienda no encaja en Encinitas
19. ¡Demasiado demanda por causa del clima! Los precios y rentas aumentarán más rápido que el promedio estatal
20. Mantener el carácter de la comunidad (baja densidad + altura), cuya preservación fue por la cual Encinitas fue incorporada
21. No usar el terreno público. L-7 a ser utilizado para viviendas asequibles – por esto luchamos

### ¿De qué maneras creativas Encinitas puede ofrecer viviendas en el futuro?

1. Regresar L7 al Elementos de viviendas
2. Hogares modulares y usar compañía de prefabricación
3. Relajar la zonificación de las propiedades más antiguas para que los propietarios originales construyan el piso de la abuela que quieren construir, además de añadir a las cantidades de viviendas
4. Las opciones nuevas para construir unidades complementarias es un gran paso hacia obtener unidades nuevas
5. La ciudad debería intentar con algunos hogares pequeños
6. Todas las viviendas nuevas deben incluir una unidad encima del garaje, igual que las

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- viviendas en la B [ilegible] propiedad antigua en Santa Fe y Lake
7. Con vías de ferrocarril subterráneas se crearán muchos espacios para viviendas y servicios públicos. Por ejemplo, miren como Chicago usa el espacio aéreo encima de las líneas de ferrocarril.
  8. Las unidades eficientes para individuos o una pareja con hijos podrían ser construidas encima de tiendas, ej., Walmart y Target, Home Depot, para sus empleados
  9. ¡Sí! [respuesta al comentario 8]
  10. No hay desarrollo sin algunas unidades asequibles, punto. No hay aumento de densidad. ¡La densidad causa problemas! Los ratones se matan los unos a los otros si están demasiado abarrotados
  11. Asequibilidad por diseño
  12. Tienda de Whole Foods vacía > apartamentos?
  13. Agregue apartamentos encima de las tiendas de El Camino.
  14. Una eco-aldea pequeña se combina con la agricultura
  15. Apartamentos para estudiantes en Mira Costa – disponga de viviendas en lugares que tengan sentido y reduzcan la necesidad de vehículos.

### **¿Cuáles son los retos para comprar y alquilar viviendas en Encinitas?**

1. Más demanda que oferta debido al clima. Encinitas no urbana, es un suburbio costero. Los requisitos de unidades de viviendas deben ser implementados en todo el condado para ofrecer más flexibilidad.
2. La disparidad de ingresos desde 1990 en comparación con las tasas de alquiler de viviendas e hipotecas
3. Los precios son altos, y con buena razón, ¡"ubicación ubicación ubicación"! Crimen bajo, buenas escuelas, calidad de vida. Gane una buena vida y podrá vivir aquí.
4. No hay suficientes unidades bajas, medias y moderadas en el mercado – muchas siendo alquiladas a corto plazo.
5. Venecia, Italia, tiene trabajadores felices que no pueden costear vivir en la ciudad. Deben usar el metro para llegar a Venecia y luego tomar el vaporetto hasta la parada más cercana a su empleo. ¡Luego caminan hacia el trabajo! Son trabajadores felices y orgullosos de su trabajo en Venecia.
6. Las familias no pueden competir con constructores ricos y codiciosos que invierten dinero en hogares más antiguos y luego los convierten en mansiones costosas de lujo. ¿Incentivos para vendedores de hogares más antiguos/menos costosos para vender a familias/residentes y no inversores?
7. La gente siente que tiene derecho a vivir en Encinitas, piense que deben ganarse ese derecho.
8. El hogar promedio en Encinitas cuesta ahora 1.5 millones, lo cual está fuera del alcance de lo que nuestro personal de apoyo y trabajadores de servicios pueden costear.
9. Si no se controla terminaremos con la pesadilla del área de la Bahía - los pobres tienen que vivir lejos y conducir para llegar, los ricos viven aquí y conducen para salir al trabajo. Un futuro horrible. \* ¡Control de alquileres!

### **¿Cuáles preguntas no respondidas tiene?**

1. ¿Por qué Leucadia tiene que cargar con la mayoría de los sitios? Deberíamos distribuir

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- equitativamente entre todas las comunidades. ¡Olivenhain, Cardiff, Encinitas y Leucadia!
2. ¡Encinitas es una ciudad de alquiler! ¡No tenemos que aceptar los planes de viviendas de Sacramento!
  3. ¡Amen! [en respuesta al comentario 2]
  4. ¿Cómo podemos gastar 10 millones en un camino peatonal y no poder permitirnos construir viviendas de bajo coste en la L7?
  5. Cómo evitamos todos los incentivos en los proyectos de bonificación por densidad. Lo que afecta de forma negativa a los vecindarios más antiguos no es la alta densidad, sino los pequeños contratiempos, la falta de parqueos, calles estrechas, etc.
  6. y mansiones lujosas que no necesitamos [en adición al comentario 5]
  7. ¡Debemos unirnos con las ciudades vecinas y demandar a Sacramento!
  8. ¡Encinitas tiene la responsabilidad de proteger sus bienes! La playa, colinas, lagunas, y especialmente los acantilados del interior en todo Encinitas. No se debe construir ningún edificio sobre, o cerca de terrenos sensibles. No estamos felices con el hecho de que no luchamos ni tenemos un "crecimiento inteligente." ¡15% por bajos ingresos no es nada!
  9. ¡Destruir el mapa de terreno Hsg Ele con alta densidad solo por pequeña cantidad de ingresos bajos!
  10. ¿Cuándo votaremos por leyes que requieren la conformidad con las regulaciones ambientales? Es decir, para resolver la crisis climática, debemos construir de manera inteligente. Esto se debe incluir en la ley. – hogares pequeños y árboles y energía solar y proteger los espacios abiertos.
  11. ¡Si señor! ¡Nos encanta nuestro "espacio abierto"! Por cierto: "espacio abierto" no es la distancia entre dos vehículos
  12. ¡Infraestructura! Encinitas Blvd es una historia de horror ahora con el desarrollo en Enc. Blvd y Quail será imposible
  13. \*sí [respuesta al comentario 12] Respuestas comunitarias a preguntas: Volantes

### ¿Cuáles son los retos para comprar y alquilar viviendas en Encinitas?

1. Costo. La falta de viviendas de nivel medio para permitir que la gente suba de las unidades de ADU y más pequeñas y permitir que lleguen gente nueva
2. Demasiada personas compitiendo por una capacidad limitada y una expectativa de que todos pueden vivir aquí.
3. Saber que el ayuntamiento es amigable a las personas sin hogar y de bajos ingresos no hace querer comprar/alquilar en otra ciudad. El futuro de esta ciudad parece sombrío.
4. Propiedades de altos costos, unidades más pequeñas siendo alquiladas a corto plazo y sacando dichas a unidades fuera del mercado de alquiler a largo plazo, y el parqueo es un problema en el centro y en las áreas con apartamentos y unidades complementarias.
5. Inventario y costo
6. NA
7. NA
8. Precios altos, temor, exclusividad económica. Existe una necesidad de más diversidad en los tamaños de hogares, apartamentos y condominios, tanto en el mercado como en alquileres, Una comunidad diversa - buena mezcla de alquileres y asequibilidad de mercado es necesaria. Además, los alquileres en el centro de Encinitas tienden a ser ruidosos debido a

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que hay demasiado bares en el área del centro.

### ¿De qué maneras creativas Encinitas puede ofrecer viviendas en el futuro?

1. Pequeños grupos de casas con "cuartos comunitarios" compartidos - ordenanza de mansionización de desarrollos multigeneracionales - limitan el tamaño de las grandes casas
2. Ya lo estamos haciendo con los ADU. Limitar el tamaño de las unidades - mayor densidad > unidades más pequeñas.
3. Mantén el programa ADU (sólo) en marcha, mantenerse fuera de la vivienda - no es tu trabajo proporcionar viviendas. El "mercado" hace esto, no los funcionarios electos, gente del ayuntamiento.
4. Requerirle a nuestro [ilegible] que construyan viviendas bajas y moderadas reales, la ley de bonificación por densidad funciona en contra de construir viviendas de bajos ingresos donde los costos de propiedad son altos
5. Casas diminuta o pequeñas
6. Sociedades privadas/públicas de [ilegible] terreno para construir viviendas asequibles
7. Subdivisiones en Olivehain
8. Ofrecer incentivos a los propietarios de grandes lotes o que compren tierra aquí es que contratarán a un contratista/constructor que construirá pequeñas casas, condominios o apartamentos (1 cama/1 baño) en esta propiedad. Colocar las propiedades L-7 en la lista de disponible para construcción y buscar un constructor que construya viviendas pequeñas de bajos ingresos y a la tasa del mercado, apartamentos eficientes, o condominios. Además, más accesibilidad de tránsito en algunas áreas ayudaría. Necesitamos crecer, pero de manera amigable para la tierra (viviendas pequeñas con energía solar, materiales reciclados).

### ¿Cuáles son los retos más grandes de viviendas en Encinitas?

1. NIMBYs, Prop A
2. Preservar la calidad de vida en vecindarios residenciales ya establecidos.
3. Mantener la calidad de vida para las propiedades de Encinitas, propietarios de casas + negocios, contribuyentes. Somos los "Accionistas", no intereses externos empeñados en traer a las personas sin hogar + unidades multifamiliares de bajos ingresos.
4. Altos costos de propiedades, constructores no dispuestos a construir bajo y moderado cuando pueden ganar más  
\$\$ construyendo hogares de [ilegible] nivel, la ley de bonificación por densidad afecta de forma negativa a los vecindarios por todas las exenciones - no solo la zonificación incrementada
5. Construir complejos de apartamentos en las afueras de El Camino Real donde hay autobuses y suficientes negocios, tiendas en crecimiento, restaurantes, etc. para no aumentar el tráfico como lo haría en otras áreas como la costa.
6. Asequibilidad... necesidad de mirar los códigos de construcción uniformes y no requerir retención [ilegible] y sistemas duales de plomería de aguas negras/grises... ¡Esto añade un 10% a los costos de construcción!
7. El tránsito es el mayor reto. Añadir más viviendas no es práctico porque hará que la congestión del tráfico sea inhabitable para los residentes.

18 de noviembre de 2019

8. El costo, sin diversidad y los hogares ofrecidos son demasiado grandes. Y muchos de los locales no quieren ningún crecimiento.

**¿Cuáles preguntas no respondidas tiene?**

1. NA
2. ¿Cómo podemos librarnos de Scott Weiner et al.? ¿Cómo podemos sacar asequibilidad de la bonificación por densidad? La ganancia es baja. ¿Cómo podemos reestablecer el control local?
3. ¿Por qué quieres dejar que SAC y SANDAG dicten nuestro futuro con pronósticos y números incorrectos? Si sigue así, los precios bajarán, la gente se mudará, bajarán los impuestos para la ciudad. Como somos una ciudad de "alquiler", no necesitamos que nos arrojen estos números.
4. ¿Qué podemos hacer para realmente conseguir que se construyan viviendas de ingresos bajos y moderados? ¿Qué sucederá en L7? ¿Podemos mantener parques de hogares móviles a bajo costos? ¿Cómo podemos realmente lograr construir dormitorios para estudiantes?
5. Encontrar soluciones creativas para calificar a unidades no permitidas para que obtengan permisos - tal vez un permiso de tipo "excepción". El último programa que logró permitir las no tenía suficiente flexibilidad. Muchas unidades no pueden cumplir con el código de manera razonable, encontrar una manera de calificarlas y se pueden sumar a los #s.
6. ¡¡¡Por qué L-7 se salió de Elementos de Viviendas!!!
7. ¿Por qué se tolera la colusión entre constructores y ayuntamientos y la recaudación de fondos de pago por participar?
8. ¿Por qué el estado, condado, y ciudad no requieren de tamaños de hogares más diversos y mezclados? Si necesitamos viviendas en estos tiempos, necesitamos reducir los tamaños y compartir más - ¿por qué entonces los gobiernos no están abordando esto? Hacer que los terrenos estén disponibles para construcción no están realmente abordando el problema - ¿por qué se están creando más tamaños y diversidad?

## The City of Encinitas is in the process of updating the 2021-2029 Housing Element. This Q&A sheet is intended to answer additional questions asked during the first Community Workshop, held on Monday, November 18, 2019.

### Q. Is this 6<sup>th</sup> cycle RHNA allocation in addition to the 5th cycle?

A. No, the 6th Cycle is a new Housing Element for the 2021-2029 planning period. There are no carryover units from the previous cycle. Please see Fact Sheet #1 for the City's 2021-2029 RHNA allocation.

### Q. Can we reuse sites?

A. Yes, the City intends to utilize the sites rezoned as a part of the 5th Cycle Housing Element Update (HEU) to meet the 6th Cycle 2021-2029 RHNA need. Additional sites will be identified to meet the City's 6<sup>th</sup> Cycle Above Moderate RHNA need. This can be accomplished within existing zoning with no rezoning of parcels required.

### Q. Are ADUs counted in the existing inventory?

A. Yes, Accessory Dwelling Units (ADUs) which are registered with the City are counted in the current inventory. The City tracks the affordability of each registered ADU based on owner input to track progress toward meeting the City's RHNA obligations.

### Q. Can we explain future construction on Olivenhain development?

A. The Housing Element is a citywide housing policy document and is not related to individual development projects within the City. Please contact Roy Sapa'u, City Planner for the City of Encinitas, for more information on projects currently in the permitting and development process.

### Q. How does density bonus get factored into the Housing Element process?

A. While density bonus projects do assist the City in meeting their RHNA need for the planning period, the Housing Element does not factor in density bonus as part of the potential unit yield calculation because density bonus requests are made when individual projects are submitted by applicants. Density bonuses are allowed by existing state law. The Housing Element does contain a program to ensure that the City's density bonus ordinance remains consistent with State law. HCD does not allow the inclusion of possible density bonuses to be included in determining site capacity.

### Q. What is the process for bringing unpermitted units into compliance?

A. The City has a process that allows unpermitted dwelling units to be brought into compliance and registered with the City. Please visit the City's [FAQ](#) for additional information about this process and its requirements.

### Q. Does less units mean less people projected in the next cycle?

A. The SANDAG housing unit growth projections are calculated based on growth locally and throughout the San Diego region. The RHNA growth need reflects the estimated number of dwelling units needed to meet the projected growth in population, jobs and other factors within Encinitas and the region during the 2021-2029 planning period. Therefore, a lower RHNA is not indicative of less projected population during the planning period.



**Q. Is Encinitas designated as “urban” by HCD?**

A. Urban areas are designated by the US Census Bureau. Encinitas is located in the San Diego Metropolitan Statistical Area and so is considered to be urban. For the purpose of determining the required density for lower income housing, Encinitas is considered to be “metropolitan” because it sits within a Metropolitan Statistical Area (MSA) of greater than 2,000,000 people and has a population greater than 25,000 people. Sites zoned to allow 30 units per acre or more are considered to be suitable for lower income housing in metropolitan cities.

**Q. Why is Encinitas a metropolitan/urban designation vs. suburban?**

A. Encinitas is defined by state law as “metropolitan” because it sits within a Metropolitan Statistical Area (MSA) of greater than 2,000,000 people and has a population greater than 25,000 people.

**Q. How can we get affordability at all income levels?**

A. Affordability of housing is primarily determined by market forces. The Housing Element Update itself does not construct any units, however the Housing Element’s programs and policies provide various means to encourage development of units that meet the City’s RHNA housing need for all income levels. The City requires the construction of affordable housing in any project with more than 7 units through its inclusionary ordinance.

**Q. When will the sites selection process begin?**

A. Sites identified to accommodate RHNA growth need will be made available to the public when the draft document is released. It will not be necessary to identify new additional sites zoned at 30 units per acre or more to meet the City’s 6<sup>th</sup> Cycle RHNA allocation.

**Q. How does Prop A factor into the 6th Cycle?**

A. Proposition A has certain procedural requirements for any general plan amendment that the City will follow. The City does not anticipate that a vote will need to be placed on the ballot because the City has adequate properly zoned sites to meet its RHNA without upzoning any additional sites or changing land use from non-residential to residential.

**Q. What is going to happen to the L-7 property?**

A. The 6<sup>th</sup> Cycle Housing Element process is not related to individual development projects submitted by applicants. The 7.6-acre L-7 site located on Quail Gardens Drive is currently designated Rural Residential (RR1) and there are no active applications in process for development on the property.

**Q. Can current sites come off and better ones be added?**

A. The sites selected to accommodate the City’s 6<sup>th</sup> Cycle RHNA allocation may differ from those selected during the 5<sup>th</sup> Cycle, however the City does not anticipate rezoning any sites as part of the 6<sup>th</sup> Cycle Housing Element Update. There are sufficient sites to accommodate the City’s 6<sup>th</sup> Cycle RHNA need within existing zoned parcels.

**Q. How are schools impacted?**

A. The environmental review completed for the Housing Element Update will analyze any potential impact to utilities and services, including schools. The 5<sup>th</sup> Cycle Housing Element Environmental Assessment reviewed potential impacts to schools and any required mitigation as a result of the additional future housing units.

**La ciudad de Encinitas se encuentra en le proceso de actualizar el Elemento de Vivienda 2021-2029. La hoja de preguntas y respuestas está diseñada para responder preguntas adicionales hechas durante el primer taller comunitario, impartido el lunes, 18 de noviembre de 2019.**

**P. ¿Esta asignación RHNA de 6to ciclo es en adición al 5to ciclo?**

*R. No, el 6to ciclo es un Elemento de Viviendas nuevo para el periodo de planificación 2021-2029. No hay unidades de arrastre del ciclo anterior. Por favor vea la hoja de datos #1 para la asignación RHNA 2021-2029.*

**P. ¿Podemos reusar los sitios?**

*R. Sí, la ciudad pretende utilizar los lugares reclasificados como parte de la actualización del 5to ciclo de Elemento de Viviendas (HEU) para satisfacer la necesidad del 6to ciclo RHNA 2021-2029. Se identificarán lugares adicionales para satisfacer la necesidad que tiene la ciudad del 6to ciclo de moderado alto RHNA. Esto se puede cumplir dentro de las zonas existentes si reclasificar las parcelas requeridas.*

**P. ¿Las ADU son contadas dentro del inventario existente?**

*R. Sí, las unidades de viviendas complementarias (ADUs) que están registradas con la ciudad son contadas en el inventario actual. La ciudad rastrea la asequibilidad de cada ADU registrado basado en la opinión del propietario para rastrear el progreso en el cumplimiento de las obligaciones de RHNA de la ciudad.*

**P. ¿Podemos explicar las construcciones futuras de desarrollo Olivenhain?**

*R. El Elemento de Viviendas es un documento de políticas de vivienda para toda la ciudad y no está relacionado con proyectos de construcción individuales dentro de la ciudad. Por favor comuníquese con Roy Sapa'u, planificador municipal de la ciudad de Encinitas, para mayor información sobre proyectos que se encuentran actualmente en el proceso de permiso y desarrollo.*

**P. ¿De qué manera la bonificación por densidad se considera como factor dentro del proceso de Elemento de Viviendas?**

*R. Aunque los proyectos de bonificación por densidad si asisten a la ciudad en el cumplimiento de su necesidad RHNA para el periodo de planificación, el Elemento de Viviendas no toma en consideración la bonificación por densidad como parte del cálculo de posible ganancia de unidades porque las solicitudes de bonificación por densidad son hechas cuando los proyectos individuales son sometidos por los solicitantes. Las bonificaciones por densidad son permitidas por la ley estatal existente. El Elemento de Viviendas cuenta con un programa para garantizar que la orden de bonificación por densidad de la ciudad sea consistente con la ley estatal. HCD no permite la inclusión de posibles bonificaciones por densidad para determinar la capacidad del lugar.*

**P. ¿Cuál es el proceso para lograr que las unidades no permitidas entren en cumplimiento?**

*R. La ciudad cuenta con un proceso que permite que las unidades de viviendas no permitidas puedan entrar en cumplimiento y registrarse en la ciudad. Por favor vea las [FAQ](#) de la ciudad para información adicional sobre este proceso y sus requerimientos.*

**P. ¿Menos unidades significan menos personas proyectadas para el próximo ciclo?**

*R. Las proyecciones de crecimiento de unidades de viviendas SANDAG son calculadas en base al crecimiento local y a lo largo de la región de San Diego. La necesidad de crecimiento RHNA refleja el número estimado de unidades de viviendas necesarias para cumplir con el crecimiento proyectado en la población, los trabajos y otros factores de Encinitas y la región durante el periodo de planificación 2021-2029. Por lo tanto, un RNHA más bajo no es indicativo de menos población proyectada durante el periodo de planificación.*

**P. ¿Encinitas ha sido designada como "urbana" por HCD?**

*R. Las áreas urbanas son designadas por la oficina del censo de EE.UU. Encinitas está localizada en el área estadística metropolitana de San Diego, y por lo tanto, se considera urbana. A los efectos de determinar la densidad requerida para las viviendas de bajos ingresos, se considera que Encinitas es "metropolitana" porque está situada dentro de un área estadística metropolitana (AEM) de más de 2,000,000 de personas y tiene una población superior a 25,000 personas. Los lugares reclasificados para permitir 30 unidades por acre o más son consideradas aptas para viviendas de bajos ingreso en ciudades metropolitanas.*

**P. ¿Por qué Encinitas es designada como metropolitana/urbana vs. suburbio?**

*R. La ley estatal define a Encinitas como "metropolitana" porque se encuentra dentro de un área estadística metropolitana (AEM) de más de 2,000,000 de personas y tiene una población superior a 25,000 personas.*

**P. ¿Cómo podemos lograr la asequibilidad para todos los niveles de ingreso?**

*R. La asequibilidad de las viviendas es determinada principalmente por fuerzas del mercado. La actualización del Elemento de Vivienda en sí no construye ninguna unidad, sin embargo, los programas y políticas del Elemento de Vivienda proveen varios medios para fomentar el desarrollo de unidades que satisfagan la necesidad de vivienda RHNA de la ciudad para todos los niveles de ingresos. La ciudad requiere la construcción de viviendas asequibles en cualquier proyecto con más de 7 unidades a través de esta ordenanza inclusiva.*

**P. ¿Cuándo iniciará el proceso de selección de lugares?**

*R. Los lugares identificados para satisfacer la necesidad de crecimiento de RHNA estarán disponibles al público cuando el documento borrador sea liberado. No será necesario identificar nuevos lugares adicionales reclasificados a 30 unidades por acre o más para cumplir con la asignación del 6to ciclo RHNA de la ciudad.*

**P. ¿Cómo se considera el factor Prop A en el 6to ciclo?**

*R. La propuesta A tiene ciertos requerimientos de procedimientos para cualquier plan general de enmienda que implemente la ciudad. La ciudad no anticipa que se debe colocar un voto en la boleta porque la ciudad cuenta con lugares reclasificados correctamente adecuados para cumplir con su RHNA sin tener que reclasificar lugares adicionales o cambiar el uso de terrenos de no-residencial a residencial.*

**P. ¿Qué sucederá con la propiedad L-7?**

*R. El proceso del 6to ciclo de Elemento de Viviendas no está relacionado con procesos individuales de desarrollo sometidos por solicitantes. El sitio de L-7 de 7.6 acres localizado en Quail Gardens Drive está designado actualmente como rural residencial (RR1) y no hay solicitudes activas en proceso de desarrollo en la propiedad.*

**P. ¿Se pueden eliminar lugares actuales y agregar otros mejores?**

*R. Los lugares seleccionados para acomodar el 6to ciclo de asignación RHNA de la ciudad pueden diferir de aquellos seleccionados durante el 5to ciclo, sin embargo, la ciudad no anticipa reclasificación de ningún lugar como parte del 6to ciclo de actualización de Elemento de Viviendas. Hay suficientes lugares para acomodar la necesidad del 6to ciclo RHNA de la ciudad dentro de parcelas clasificadas existentes.*

**P. ¿Cómo son afectadas las escuelas?**

*R. El revisión ambiental completada para la actualización de Elemento de Viviendas analizará cualquier posible impacto a los servicios y compañías públicas, incluyendo las escuelas. La evaluación ambiental del 5to ciclo de Elemento de Viviendas revisó los posibles impactos a las escuelas y cualquier mitigación requerida como resultado de las unidades de viviendas futuras adicionales.*

## Workshop #1 Public Comments

### 1<sup>st</sup> Housing Element Workshop – November 18, 2019

#### Summary of Public Comments/Questions and Responses:

Additional 1554 units needed to add to the 6<sup>th</sup> cycle? *No, 5<sup>th</sup> cycle sites are still available for 6<sup>th</sup> cycle*

Last cycle – 2300 units. Are the current sites appropriated enough for the next cycle? We don't need to add anymore sites? *As of today, no new sites will be identified.*

What about the 1100 units that are not permitted? Are they counted? Are they counted in the existing inventory? Can they be? *Once unpermitted units go through the permit process, they will be added to the count.*

Do ADU's count? *Yes*

What is going on with the property in Olivenhain? Allowed to go to 69 feet with 4 stories. We were told this can never happen by the city. What is the real potential of these sites? *Application submittal is under review. Staff review and public hearing will take place. All correspondence is public information.*

This project seeks to utilize DB waivers for height. How do you accommodate the possibility of DB units when they are at the election of the property owner/developer? How does DB figure into the 6<sup>th</sup> cycle? HE is about all housing not just affordable housing.

The program for unpermitted units (approximately 110-1300) was not effective. City has several programs for homeowners with lots of flexibility.

City discouraged participation with so many regulations.

There's an element of fear to get unpermitted unit permitted.

Permitting the old stuff is going to be very difficult.

A year ago, Goodson project was originally supposed to be a senior project but now it's not at all what Olivenhain wants in their community.

States population growth numbers are way too high -need to be looked at again.

2300 units in 5<sup>th</sup> cycle and now 1500 units for 6<sup>th</sup> cycle – are we projecting less growth in Encinitas? Why is it going down? *Part of the RHNA process, a model that they use. SANDAG's website provides numbers and explanation.*

Go to [GrowtheSanDiegoWay.com](http://GrowtheSanDiegoWay.com) – exposes the way SANDAG comes up with their numbers.

Numbers don't represent the expected growth of Encinitas, but our share of the growth of the county.

Is Encinitas dedicated as urban or suburban? *Urban*

Builders are not interested in building apartments, city is getting so little from the DB law as far as affordability. This is a bonus for the developers.

Last HE was focused on R-30 zones. City has the lowest relative percent of multi family housing in the area.

## Workshop #1 Public Comments

City approves over 90% market rate –we will never advance these affordable projects when you have to deal with over 90% of homes being market rate. Market rate is the problem.

Conversation in Oceanside – people are stuffed into real small apartments and if homes were truly affordable, those lower rent places could be used equitably.

What is the due date for turning in the plan? *April 2021*

Do we have to do one more 4 year update to our plan? *Yes*

Sites selected and the hearings will start in April? Is that true? *Tentative Draft is due in April, we will need to verify 5<sup>th</sup> cycle sites.*

Will there be any citizen input? *Yes*

Sites are essentially chosen. They are in the existing HE.

What about Prop A? Sites, policies, programs?

Goodson project was supposed to be 150 low income units. Now it is 277 units, with only 40 low income. There is a deficit just on that property. Game is being played here making it difficult to even interact with the planning department.

L-7 could have been built 100% affordable – it was added, then removed. HCD was unhappy about this. What is going to happen to this property?

On Monday February 10, 2020 the City of Encinitas held a public community workshop at the Encinitas Community and Senior Center from 6 - 8pm. The meeting included a presentation on the City's progress in preparing the 2021-2029 Housing Update (6<sup>th</sup> Cycle), the application of recent housing-related state law, and additional information relating to policies and programs proposed to be included within the 6<sup>th</sup> Cycle Housing Element . Following the presentation, the attendees were asked to participate in focused discussions, which were organized into five stations located around the room. Discussion at each station was facilitated by members of City Staff and the Housing Plan Update team. The stations were focused around the following topics:

- Accessory Dwelling Units
- Development of Housing for All Income Levels
- Reducing Governmental/Non-Governmental Constraints
- Fair Housing Issues/Challenges
- Any Additional Comments/Discussion

Below is a summary of the comments discussed by workshop participants at each breakout station. .

#### **Station 1: Accessory Dwelling Units**

- *Barriers to permitted and permitting ADU's include:*
  - Strain on septic system
  - County restrictions
  - Fees
  - Construction costs
  - School fees
- *Opportunities for ADU's include:*
  - City sponsored financing in exchange for affordable units
  - Permit Ready ADU's for above garage units (not just detached)
  - Tax incentives/breaks for building and sewer hook ups

#### **Station 2: Development of Housing for All Income Levels**

- *Barriers to development of housing for all income levels include:*
  - Doubts of decision makers by community members to answer and address community concerns
  - State laws
  - Cost of property
  - Equal distributions of affordable housing within communities
  - Parking barriers
  - Consider Vulcan Ave. for lack of parking problem
  - Developers transfer all affordable to one property
  - Open City negotiations with HCD to the public
  - Giving control back to City to preserve character
  - Incentives that take away character
  - Need more parking – 2 spaces for every bedroom plus visitor

- Parking depends on product and location
- *Opportunities for development of housing for all income levels include:*
  - L-7 site included as a housing element site and increase number of affordable units to a 100% affordable site
  - Equal distributions of affordable housing within communities
  - Focus on subsidizing affordable sites – balance density allotments with affordable requirements for developers
  - Analyze changes from Cycle 5
  - More extremely low and low categories through incentives and direct subsidies
  - Focus laws on citizen interest
  - Lobby with other cities
  - Artist housing-tiny units in one area with common areas – cater to specific people
  - Shared spaces
  - Senior living
  - Keep at minimum for market rate units
  - Create an affordable by design product
    - Focus on people without cars
    - Ex. Rooms with common kitchen
  - Low level developments to maintain character (2 story)
  - Public/Private partnerships with low-income developers
  - More housing near public transportation by identifying low-use bus stops
  - Vacant city property become available for all affordable housing
    - Without charge
    - No permit fees
    - Waive development impact fees
  - SROs considered affordable
  - Require larger percent of affordable housing for market rate
  - Lobby state for a higher percent of affordable housing by right

### **Station 3: Reduce Governmental /Nongovernmental Constraints**

- *Barriers to reducing government/nongovernmental constraints include:*
  - Concern of overflow parking
  - Cost constraints per unit
  - R-30 zoning find different [sic]
  - Does removing constraints provide affordable units?
  - Prob A, a constraint?
  - Building cost
  - Land is expensive – cost of acquisition
  - Adequate parking
  - Lack of alternative modes of transportation
  - Sidewalks
- *Opportunities for reducing government/nongovernmental constraints include:*
  - More transit stops



- Where? How often?
- What type?
- Parking ratios appropriate to public transit
- Single family zoning to multifamily zoning
- Look at more modes of housing for providing affordable housing, open the range
- Developments with common amenities
  - Ex. Tiny homes with amenities on one lot
- Reduce green building requirements
  - Ex. Solar requirements
- Alternative methods of construction
- Wastewater system under county restrictions
- Small lot subdivisions
- Tiny homes ordinance
- Lower permit fees
- Bond financing for street improvements to be paid by city for development impacts
- Diversity zoning to allow for different kinds of housing
- Allow more duplexes
- Public private partnerships
- Reduce parking for studios and 1-bedroom apartments
- Inclusionary zoning increases to at least 50%
- Include public housing owned by city

#### **Station 4: Fair Housing Issues/Challenges**

- *Barriers to fair housing include:*
  - Discrimination and potential harassment amongst tenants
  - Affordability
  - Size of housing
  - Availability of housing
  - Accessibility to housing
  - H.O.A./management potentially discriminatory
  - Affordability barriers
  - Transit and access barriers
  - Infrastructure and accessibility barriers
- *Opportunities for fair housing include:*
  - Education about fair housing
  - Information to tenants to explain their rights/opportunities
  - More services for different age groups
  - Source of income opportunities
  - Condensing affordable housing into one space/area
  - More inclusionary options
  - Education: how does/do the laws apply to homeowners with ADU's or individual rooms concerned with compatibility?
  - Consideration of protected ages/classes such as young people and seniors

- Education: language access
  - More opportunity for non-English speakers
- Work with additional entities to provide more services
- Information on availability

### Station 5: Additional Comments

**Participants expressed additional concerns, ideas, comments and commentary on a variety of topics, including:**

- Senior Housing
  - Infrastructure issues
  - Building within existing residential uses
  - Habitat preservation issues
  - Zoning requirements, are we ignoring by allowing?
  - Example at La Costa Living estates
  - 123 senior care facility
  - Existing R1/ habitat issues
  - SF Characters and density bonus abuse?
- Non-compliant development, why do we allow?
- Sites identification
  - Up zoning plus bonus was not expected by residents
  - Rural residential density not compatible with higher density projects
  - Environmental challenges not addressed
- Is current policy approach wrong? Are we doing it wrong now?
  - Want to save current character of Encinitas
  - Is money for developers a good idea?
- 5<sup>th</sup> cycle properties identified
  - Put Encinitas in role of building affordable in city owned [sic]
- Don't give entitlements, build affordable housing instead
- Gaffney/Goodson parcel example of issue
  - Revoke overlay zone
  - Why make developers rich?
  - 69 ft in Encinitas, is that appropriate?
- Option for City to have developers pay to the build units
- 754 Bonita Drive example
  - Density bonus
- ADU tax basis for valuation of ADUs
- Leucadia Challenges
  - Affordable housing need to ride bus, etc. no safety issues addressed
  - Work with NCTD on rail crossing safety
  - Pedestrian access in Vulcan not safe
- Vulcan @La Costa sites
  - Low income vs. market rate/what is appropriate

- No bus services on La Costa
  - Ped. Safety Issues apparent
- Other housing types
  - Not just family units, but other types to fill other needs
  - Example: Efficient units
  - Example: Units serving Young working adults
  - Example: Single Adults
- Downsizing in Encinitas
  - Multigenerational family
  - Age in place
  - Age changes/income changes
- Where is the data for unoccupied units?
- AirBnB and short-term data available?
- The City work to solve housing issues for City not for HCD
- Density where it makes sense
  - Not in rural areas
  - Near transit locations
  - Near schools and jobs
- Are all the sites picked already for RHNA?
- How can city get control back? Instead of HCD
- Housing as business vs. for the people
- Mitigation fund?
  - Example on 30 du/acre parcel
  - In lieu contribution by developer
  - For original density
  - Mitigation fund pay for housing units' construction of affordable
  - Don't let developers "off the hook"
- Why not let the City be the developer?
  - Provide opportunity for 100% affordable
  - Current development and developers just making city more dense
- Give fees/sites to affordable developers (for free?)
- Go all in with state mandates. Be more aggressive
- You should compare actual Homeless vs. available vacant in California. We can house them all.
- County oversees septic/county controlled
  - Work with county related to ADU development and septic
  - They can make requirements that constrain
  - Come up with plan with county re: ADU in rural areas on septic
  - Improved septic technology is an option to explore
  - Constraint to developers with septic limitations
- Pre-wiring ADUS/Housing for EV chargers
- 6<sup>th</sup> cycle criteria options for high density developers
  - Up the requirements

- Example: 75% affordable 25% market
  - By-right and density bonus Increase in disparity in neighborhoods
  - Disparity in unit mix
  - Example: 1 mil homes in a development then 1 affordable
- Incentives fail to evaluate impacts of the actual incentives
- More developers should put in affordable housing
- Develop and determine an equation or formula that works better when determining “inclusionary” units.
  - More aggressive options?
- Census data used in the plan
  - Why are we using 2010 census data when it may not be valid?
  - Where are demographics now vs 2010
    - Jobs/housing ratio, what is it?
    - Where is the data/what is available/what is the source?
- Map of lower income
  - We should have a map of lower income units
  - We should have a map of moderate/above moderate units
- Housing is driven by transportation/CO<sup>2</sup>
  - SANDAG Mandates/policies
  - Were transportation issues addressed in housing?

El lunes, 10 de febrero de 2020, la ciudad de Encinitas impartió un taller comunitario público en el centro comunitario y de ancianos de Encinitas de 6 - 8pm. La reunión incluyó una presentación del progreso de la ciudad en la preparación de la actualización de viviendas 2021-2029 (6<sup>to</sup> ciclo), la implementación de ley estatal reciente relacionada con viviendas, así como información adicional relacionadas con las políticas y programas propuestos a ser incluidos dentro del 6to ciclo de Elemento de Viviendas. Después de la presentación, a los asistentes se les pide que participen en discusiones enfocadas, las cuales fueron organizadas en cinco estaciones ubicadas alrededor del salón. La discusión en cada estación fue facilitada por miembros del personal municipal y el equipo de actualización del plan de viviendas. Las estaciones se enfocaron alrededor de los siguientes temas:

- Unidades de viviendas complementarias
- Desarrollo de viviendas para todos los niveles de ingresos
- Reducir las restricciones gubernamentales/no-gubernamentales
- Asuntos/retos de viviendas equitativas
- Cualquier comentario/discusión adicional

A continuación un resumen de los comentarios discutidos por los participantes del taller en cada estación individual. .

#### **Estación 1: Unidades de viviendas complementarias**

- *Las barreras para ADUs permitidas y para permitir las incluyen:*
  - Restricciones del condado y sobrecarga del sistema séptico
  - Tarifas/ tarifas escolares
  - Costos de construcción
- *Las oportunidades para ADUs incluyen:*
  - Financiamiento patrocinado por la ciudad a cambio de unidades asequibles
  - ADUs listas para permiso para unidades encima de garajes (no solo las separadas)
  - Incentivos/exenciones fiscales para enlaces entre edificios y alcantarillados

#### **Estación 2: Desarrollo de viviendas para todos los niveles de ingresos**

- *Las barreras para el desarrollo de viviendas para todos los niveles de ingresos incluyen:*
  - Dudas de los miembros comunitarios en la toma de decisiones para responder abordar preocupaciones comunitarias
  - Leyes estatales
  - Costos de propiedades
  - Distribuciones equitativas de viviendas asequibles dentro de las comunidades
  - Barreras para parqueos
  - Considere la Vulcan Ave. para el problema de falta de parqueos
  - Los constructores transfieren todo lo asequible a una propiedad
  - Negociaciones de ciudad abiertas con HCD para el público
  - Devolver el control a la ciudad para preservar su carácter
  - Incentivos que le quitan su carácter
  - Necesita de más parqueos – 2 espacios por cada habitación más un visitante

- El parqueo depende del producto y ubicación
- *Las oportunidades para el desarrollo de viviendas para todos los niveles de ingresos incluyen:*
  - El sitio L-7 incluido como sitio de Elemento de Viviendas e incrementar el número de unidades asequibles a un sitio 100% asequibles
  - Distribuciones equitativas de viviendas asequibles dentro de las comunidades
  - Enfocarse en subsidio de lugares asequibles - equilibrar las asignaciones de densidad con requisitos asequibles para constructores
  - Analizar los cambios del ciclo 5
  - Más categorías bajas y extremadamente bajas a través de incentivos y subsidios directos
  - Enfocar las leyes en los intereses ciudadanos
  - Dialogar con otras ciudades
  - Las viviendas de los artistas-pequeñas unidades en un área con áreas comunes - atienden a personas específicas
  - Espacios compartidos
  - Viviendas para ancianos
  - Mantener un mínimo para unidades a precio de mercado
  - Crear un producto asequible por su diseño
    - Enfocarse en personas sin vehículos
    - Ej. Habitaciones con cocina común
  - Construcciones de bajo nivel para mantener el carácter (de 2 pisos)
  - Sociedades públicas/privadas con constructores de bajos ingresos
  - Más viviendas cerca de transporte público, pero evitar ubicaciones de paradas de autobuses de poco uso (no transporte público real)
  - Propiedades vacantes de la ciudad disponibles para todas las viviendas asequibles
    - Sin cargos
    - Sin tarifas de permisos
    - Exención de tarifas de impacto de desarrollo
  - Las SROs se consideran asequibles
  - Requerir un mayor porcentaje de viviendas asequibles a precio de mercado
  - Dialogar con el estado para un mayor porcentaje de viviendas asequibles por derecho y para permitir SROs, unidades complementarias y viviendas para ancianos para incluir junto con las de RHNA.

### **Estación 3: Reducir las restricciones gubernamentales/no-gubernamentales**

- *Las barreras para reducir restricciones gubernamentales/no-gubernamentales incluyen:*
  - Preocupación por el desbordamiento de parqueos
  - Restricciones de costos por unidad
  - Reclasificación R-30 para encontrar diferentes lugares
  - ¿Eliminar las restricciones proporciona unidades asequibles?
  - Prob A, ¿una restricción?
  - Costo de construcción
  - Los terrenos son caros – costo de adquisición
  - Parqueo adecuado

- Falta de métodos alternativos de transporte
- Aceras
- *Oportunidades para reducir las restricciones gubernamentales/no-gubernamentales incluyen:*
  - Más paradas de tránsito
    - ¿Dónde? ¿Con qué frecuencia?
    - ¿Qué tipo?
  - Proporciones de parqueos apropiados para el tránsito público
  - Reclasificación de familias individuales a multifamilias
  - Analizar más métodos de viviendas para proveer viviendas asequibles, expandir el rango
  - Desarrollos con comodidades comunes
    - Ej. Pequeñas casas con servicios en un solo lote
  - Reducir los requisitos de los edificios ecológicos
    - Ej. Requisitos de solares
  - Métodos alternativos de construcción
  - Sistema de aguas residuales bajo restricciones del condado
  - Subdivisiones de lotes pequeños
  - Ordenanza de hogares pequeños
  - Tarifas de permisos más bajos
  - La financiación de bonos para las mejoras de las calles será pagada por la ciudad por los impactos del desarrollo
  - Reclasificación de diversidad para permitir diferentes tipos de viviendas
  - Permitir más dúplex
  - Sociedades público privadas
  - Reducir los parqueos para estudios y apartamentos de 1 habitación
  - Incremento de reclasificación inclusiva a por lo menos 50%
  - Incluir viviendas públicas propiedad de la ciudad

#### **Estación 4: Asuntos/retos de viviendas equitativas**

- *Barreras para las viviendas justas incluyen:*
  - Discriminación y posible acoso entre inquilinos
  - Asequibilidad
  - Tamaño de viviendas
  - Disponibilidad de viviendas
  - Accesibilidad a viviendas
  - H.O.A./gerencia potencialmente discriminatoria
  - Barreras a la asequibilidad
  - Barreras de tránsito y acceso
  - Barreras de infraestructura y accesibilidad
- *Las oportunidades para viviendas justas incluyen:*
  - Educación sobre viviendas justas
  - Información a inquilinos para explicar sus derechos/oportunidades
  - Más servicios para diferentes grupos de edades
  - Oportunidades para fuentes de ingreso

- Condensar las viviendas asequibles a un espacio/área
- Más opciones inclusivas
- Educación: ¿cómo se aplican las leyes a los propietarios de hogares a ADUs o habitaciones individuales con respecto a la compatibilidad?
- Consideración de edades/clases protegidas como personas jóvenes y ancianos
- Educación: acceso a idiomas
  - Más oportunidades para personas que no hablan inglés
- Trabajar con entidades adicionales para proveer más servicios
- Información sobre disponibilidad

### Estación 5: Comentarios adicionales

**Los participantes expresaron preocupaciones adicionales, ideas, y comentarios sobre una variedad de temas, incluyendo:**

- Viviendas para ancianos
  - Asuntos de infraestructura
  - Construyendo dentro de residenciales en uso existente
  - Asuntos de preservación de hábitats
  - Requisitos para reclasificación, ¿estamos ignorando al permitir?
  - Ejemplo en propiedades de viviendas La Costa
  - 123 centros de atención a ancianos
  - Asuntos existentes de R1/ hábitat
  - ¿Abuso de carácter SF y de bonificación por densidad?
- Construcción que no cumple, ¿por qué la permitimos?
- Identificación de lugares
  - Reclasificación más bonificación no fue algo esperado por los residentes
  - La densidad rural residencial no es compatible con proyectos de mayor densidad
  - Retos ambientales no abordados
- ¿La política de enfoque actual está equivocada? ¿Lo estamos haciendo mal ahora?
  - Queremos salvar el carácter actual de Encinitas
  - ¿Dinero para los constructores es buena idea?
- 5<sup>to</sup> ciclo de propiedades identificadas
  - Colocar a Encinitas en el rol de construir de manera asequible en los [sic] propiedad de la ciudad
- No otorgar derechos, sino construir viviendas asequibles
- Ejemplo de tema parcela Gaffney/Goodson
  - Revocar la zona de superposición
  - ¿Por qué hacer a los constructores ricos?
  - 69 pies en Encinitas, ¿es esto apropiado?
- Opción para que la ciudad haga que los constructores paguen para construir las unidades
- Ejemplo de 754 Bonita Drive
  - Bonificación por densidad
- Base de impuestos ADU para tasación de ADUs



- Retos de Leucadia
  - Viviendas asequibles necesarias para montar el autobús, etc. ningún asunto de seguridad abordado
  - Trabajar con NCTD en la seguridad de cruce de ferrocarriles
  - Acceso de peatones en Vulcan no es seguro
- Lugares Vulcan @La Costa
  - Bajos ingresos vs. Precio de mercado/lo que sea apropiado
  - Ningún servicio de autobús en La Costa
  - Ped. Aparentes asuntos de seguridad
- Otros tipos de viviendas
  - No solo unidades familiares, sino otros tipos para cumplir con otras necesidades
  - Por ejemplo: Unidades eficientes
  - Por ejemplo: Unidades para jóvenes adultos que trabajan
  - Por ejemplo: Adultos solteros
- Reducir los tamaños en Encinitas
  - Familiar multigeneracionales
  - Edad en el lugar
  - Cambios de edad/cambios de ingresos
- ¿Dónde están los datos de unidades no ocupadas?
- ¿Datos de AirBnB y de corto plazo disponibles?
- La ciudad trabaja para resolver los asuntos de viviendas para la ciudad y no para HCD
- Densidad donde tenga sentido
  - No en áreas rurales
  - Cerca de lugares de tránsito
  - Cerca de escuelas y trabajos
- ¿Ya todos los lugares de RHNA están seleccionados?
- ¿Cómo puede la ciudad retomar el control? En vez de HCD
- Viviendas como negocios vs. para las personas
- ¿Fondo de mitigación?
  - Ejemplo en parcela de 30 acres
  - En lugar de ello, la contribución del constructor
  - Para la densidad original
  - Pago de fondo de mitigación para construcción de unidades de viviendas asequibles
  - No dejar que los constructores “se liberen”
- ¿Por qué no dejar que la ciudad sea el constructor?
  - Proporcionar oportunidades para 100% asequibles
  - El desarrollo actual y los constructores solo hacen la ciudad más densa
- Dar tarifas/lugares a constructores asequibles (¿gratuitamente?)
- Cumplir completamente con las órdenes del estado. Ser más agresivo
- Se debe comparar las personas sin hogar actuales vs. los vacantes disponibles en California. Podemos proporcionarle viviendas a todos.
- El condado supervisa los sépticos/controlado por el condado

- Trabajar con el condado con relación a la construcción de ADU y de séptico
- Pueden crear requisitos que restrinjan
- Crear un plan con el condado: ADU en áreas rurales para sépticos
- La tecnología de sépticos mejorada es una opción a explorar
- Restricción para constructores con limitaciones sépticas
- Pre-alambrado de ADUS/viviendas para cargadores EV
- Opciones de criterio de 6<sup>to</sup> ciclo para constructores de alta densidad
  - Aumentar los requisitos
  - Por ejemplo: 75% asequible 25% mercado
  - Por derecho y bonificación por densidad incrementos en disparidad en vecindarios
  - Disparidad en mezcla de unidades
  - Por ejemplo: 1 millón de hogares en una construcción, pero solo 1 asequible
- Los incentivos no evalúan los impactos de los incentivos reales
- Más constructores deben aportar viviendas asequibles
- Desarrollar y determinar una ecuación o fórmula que funcione mejor para determinar unidades "inclusivas".
  - ¿Opciones más agresivas?
- Datos del censo utilizados en el plan
  - ¿Por qué estamos usando los datos del censo del 2010 cuando estos podrían no ser válidos?
  - Cómo está la demografía ahora vs. en el 2010
    - Proporción trabajos/viviendas, ¿cuál es?
    - ¿Donde están los datos/qué está disponible/cuál es la fuente?
- Mapa de bajos ingresos
  - Deberíamos contar con un mapa de unidades de bajos ingresos
  - Deberíamos contar con un mapa de unidades moderadas/por encima de moderadas
- Las viviendas son impulsadas por el transporte/CO<sup>2</sup>
  - Órdenes/políticas de SANDAG
  - ¿Se abordaron los asuntos de transporte con las viviendas?

Attendees of the February 10, 2020 Housing Element Community Workshop were asked to provide additional comments and input regarding the 6<sup>th</sup> Cycle Update. The handout stated “Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update Process. You may fill this out and hand it to staff or email to Jennifer Gates at [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov). Thank you!”

The following were received the evening of the workshop:

1. Require a minimum number of very low income or low income units (20% of total site units) at each property.
2. Please forward me all email notices or [sic] at [willsschneider@gmail.com](mailto:willsschneider@gmail.com) Will Schneider 865 Morning Sun Dr. Encinitas, Ca 92024, (760)436-2100, Thank you!
3. How do increased needs of infrastructure get metro forecast? How to maintain community integrity/character with increased units? How to preserve the Encinitas we moved here to enjoy? I want to give more input on constraints the expanded number of units allowed.
4. Who is paying, how and when for all the new infrastructure this new zoning and housing will necessitate? Roads, plumbing, infrastructure, schools? This sucks!
5. Eliminate all “in lieu’ fees or options to transfer affordable units to other projects or sites.
6. Where is the discussion about our City adhering to the city charter? Why are we not asserting local control versus state control?
7. The city wants growth but id not willing to pay for improved infrastructure to support the growth. Widen very narrow roads, bring in sewer to areas dependent on septic. City needs to step up and spend its own money, instead of expecting developers to do everything.
8. Need to count existing affordable housing currently being provided by residents. In Olivahain there are a number of ranches all of which provide low cost on [sic] stuff. Many homes provide low cost on housing for their parents or adult children (often with some disabilities). There is no justification for Sacramento not counting these. Only reason that City of Encinitas exists is because our 5 communities were determined to keep our community characteristics.

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at [Jgates@encinitasca.gov](mailto:Jgates@encinitasca.gov). Thank you!

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about our City adhering to the

City Charter?

Why are we not asserting local control  
versus state control.

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How do increased needs of Infrastructure get met or forecast.  
How To maintain Community Integrity / Character with increased units? How To preserve the Encinitas we moved here to enjoy.  
I want to give more input on Constraining the expanded ~~into~~ # of units Allowed.



Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at [Jgates@encinitasca.gov](mailto:Jgates@encinitasca.gov). Thank you!

Who is paying, how and when for all the new infrastructure this new zoning and housing will necessitate?

- ✓ Roads
- ✓ Plumbing
- ✓ Infrastructure
- ✓ Schools

This sucks!



Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



Michelle J. Gates 760518-8182

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Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



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Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



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Please send me all e-mail  
NOTICES OR COMMUNICATIONS  
@ [611554@encinitasca.gov](mailto:611554@encinitasca.gov)  
611554@encinitasca.gov  
2011 Santa Monica  
865 Moravia San Diego  
Encinitas CA, 92024  
(760) 436-2100  
Thank you!

Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



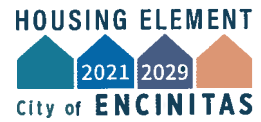
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Require a minimum # of very low income or low income units  
(20% of total site units) at each property.



pg. 1 of 2

Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



To: Jennifer Gates

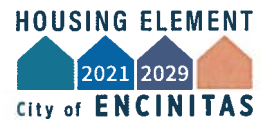
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*we need more small homes for currently unhoused, local youth, climate refugees, as well as seniors and disabled. City could buy, lease, or manage vacant land to require smaller homes near transit. We need transit locally to eliminate too many cars. Also, why not hire locals with building skills to create local jobs. Urban infill is what is needed, but with small, green, affordable homes, both rental + market. We need homes to reside in, not vacation rentals, air bnb, or "investment" homes.*

*Helen Bourne  
760 625-5621*

pg. 2 of 2

Encinitas Housing Plan 2021-2029  
Community Workshop 2  
February 10, 2020



To: Jennifer Gates

Please provide the Housing Element team with any additional information you believe would be useful during the Housing Element Update process. You may fill this out and hand it to staff or email to Jennifer Gates at [Jgates@encinitasca.gov](mailto:Jgates@encinitasca.gov). Thank you!

*Another suggestion is to create a community land trust for small square footage homes to remain permanently affordable. Also, more could be done to encourage public participation in the upkeep of community well being, such as neighborhoods sweeping (brooms, no leaf blowers) & doing trash pick ups.*

*Helen Bourne  
760 625-5621*



**From:** [Juliana Maxim](#)  
**To:** [Jennifer Gates](#); [Roy Sapau](#)  
**Subject:** Comments to the 6th cycle HE draft  
**Date:** Wednesday, February 12, 2020 8:43:06 PM

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[NOTICE: Caution: External Email]

Dear Jennifer,

Thank you very much for organizing the Community Workshop about the 6th Cycle Housing Element on February 10, 2020.

I have a few comments that I hope will be included in the package forwarded to HCD, and provided to the City Council. I would appreciate a response to question 1.

1. Unoccupied and short-term rental units.

Is the City collecting data on unoccupied units (units that sit un-used for more than 6 months / year) and on short-term rentals such as Airbnb? And if so, could you please include this data in an appendix to the HE? This would provide a more accurate picture of how the existing housing stock is used in Encinitas. It would also qualify the claim that we have a housing supply problem.

2. "removing constraints"

During the workshop, the public was asked for ways to "remove constraints" for developers in order to facilitate the building of affordable housing. This, however, is an example of a suggestive or biased question, because it permits only answers that agree with the assumption that constraints are a negative thing.

But constraints are far from being all bad. In fact, we as citizens should place all sorts of demands on our built environment, rather than simply leave it up to the developers.

A better question would be: what are *good* constraints and what are *bad* constraints?

I will assume that this is the real question, and answer it.

-Good constraint: CEQA. We should subject all rezoning to the requirement that it minimizes the impact on the environment, by reducing, for instance, the need for cars. ALL projects should require CEQA, including the 'by right' ones.

-Bad constraint: "real estate financial feasibility", which is the guarantee that the developer makes a profit. True affordable housing needs to be publicly subsidized and publicly controlled. It should not serve private profit.

3. Beneficiaries' participation in design and implementation

The potential beneficiaries of affordable housing were nowhere to be seen during the community workshop. If the city is serious about "participation of all economic segments of the community," then it should establish genuine dialogue with tenant organizations (such as Tenants United) and affordable housing grass roots groups (such as Affordable Housing Advocates).

4. Public policy but private profits

Current policies are entirely predicated on extracting private profit out of the public support for affordable housing construction.

We need to expand the range of mechanisms for achieving affordable housing to include not-for profit development, public housing and rent control. Before assuming that rent control is

bad, or public housing "is not done anymore," as was asserted by City staff during the workshop, look carefully at the data. (For public housing, see the small, thriving housing authorities in Austin, TX; Portland, OR; Cambridge, MA; or St Paul, MN). History shows that real estate-led development is the cause rather than the solution to gentrified neighborhoods.

5. Rethink inclusionary zoning.

-Affordability: in Encinitas, rent for 80% AMI for 1-Bd is set at \$1,713/month. This is out of reach for most working class people. Such "affordable" units are priced at levels virtually identical to market rates and should not count towards the density bonus or the inclusionary %. "Affordable" should begin at 50% AMI.

-Neighborhood impact: hold to limits on height, set-backs, etc, and avoid granting zoning and building exceptions. Consider impacts of construction, and the neighborhood needs for facilities and services. This will prevent stigmatizing and separating the 'affordable' units and their residents from the surrounding neighborhood.

I understand that most of our housing policies are handed down to the City by HCD. I am writing precisely in the hope that someone from HCD will read this.

With thanks for your consideration,

Juliana Maxim  
254 Rancho Santa Fe Road  
Encinitas

**From:** [Kathy Hollywood](#)  
**To:** [Jennifer Gates](#)  
**Subject:** FW: empty residential units. Why?  
**Date:** Wednesday, February 12, 2020 10:44:14 AM

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Kathy Hollywood, City Clerk  
City of Encinitas  
760-633-2601

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**From:** Jeffery Laudenslager <laudenslager1@cox.net>  
**Sent:** Monday, February 10, 2020 5:13 PM  
**To:** Kathy Hollywood <khollywood@encinitasca.gov>  
**Subject:** empty residential units. Why?

**[NOTICE: Caution: External Email]**

Hi,

Below are two links that give a nuanced picture of the reality of our scarce housing opportunities in California. I think it is worthwhile looking at our "housing crisis" from a different perspective. If affordable housing is to be effectively built and utilized it must be built for those who actually need it. Not a small percentage of affordable units mixed with a larger portion of "market value" houses. That is simply a greedy building industry masquerading as a savior to this perceived "crisis".

I suggest the City get real with solving this problem we are being forced by the State to address. No market rate housing until that is done.

<https://www.citylab.com/equity/2019/12/california-housing-crisis-vacancy-rate-new-homes-real-estate/603145/>

<http://www.capoliticalreview.com/capoliticalnewsandviews/too-many-empty-homes-in-san-jose-there-could-be-a-penalty-tax-for-that/>

Jeffery Laudenslager  
619-417-0303

**From:** [Huntley, Robin@HCD](mailto:Huntley,Robin@HCD)  
**To:** [Jennifer Gates](#); [Barbara Kautz](#)  
**Subject:** FW: Fwd: Comments to the 6th cycle HE draft  
**Date:** Thursday, February 13, 2020 7:41:32 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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[NOTICE: Caution: External Email]

HCD is forwarding comments received with regard to Encinitas' draft 6<sup>th</sup> cycle housing element and offers the City an opportunity to respond. HCD considers all comments received during our review.

In addition, we are aware the City's previous Community Development Director is no longer with the City. Please provide the contact information for the appropriate staff who will be working on the 6<sup>th</sup> cycle element.



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



---

**From:** Dan Vaughn <daniel\_e\_vaughn@yahoo.com>  
**Sent:** Wednesday, February 12, 2020 9:48 PM  
**To:** Juliana Maxim <jmaxim@sandiego.edu>; Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>  
**Subject:** Re: Fwd: Comments to the 6th cycle HE draft

Hi Juliana, let me virtually introduce you to Robin Huntley. She is the point person at HCD for our Encinitas project.

Robin, please see below for Juliana's comments on the 6th cycle HE in Encinitas. She is an architecture professor at UCSD.

Best to both, Dan

On Wednesday, February 12, 2020, 8:48 PM, Juliana Maxim <[jmaxim@sandiego.edu](mailto:jmaxim@sandiego.edu)> wrote:

The City asked for public comments on the next HE. Here are mine, in case anyone cares to read a long email :)  
Juliana

Begin forwarded message:

**From:** Juliana Maxim <[jmaxim@sandiego.edu](mailto:jmaxim@sandiego.edu)>

**Subject:** Comments to the 6th cycle HE draft

**Date:** February 12, 2020 at 8:40:17 PM PST

**To:** [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov), [rsapau@encinitasca.gov](mailto:rsapau@encinitasca.gov)

Dear Jennifer,

Thank you very much for organizing the Community Workshop about the 6th Cycle Housing Element on February 10, 2020.

I have a few comments that I hope will be included in the package forwarded to HCD, and provided to the City Council. I would appreciate a response to question 1.

1. Unoccupied and short-term rental units.

Is the City collecting data on unoccupied units (units that sit un-used for more than 6 months / year) and on short-term rentals such as Airbnb? And if so, could you please include this data in an appendix to the HE? This would provide a more accurate picture of how the existing housing stock is used in Encinitas. It would also qualify the claim that we have a housing supply problem.

2. "removing constraints"

During the workshop, the public was asked for ways to "remove constraints" for developers in order to facilitate the building of affordable housing. This, however, is an example of a suggestive or biased question, because it permits only answers that agree with the assumption that constraints are a negative thing.

But constraints are far from being all bad. In fact, we as citizens should place all sorts of demands on our built environment, rather than simply leave it up to the developers.

A better question would be: what are *good* constraints and what are *bad* constraints?

I will assume that this is the real question, and answer it.

-Good constraint: CEQA. We should subject all rezoning to the requirement that it minimizes the impact on the environment, by reducing, for instance, the need for cars. ALL projects should require CEQA, including the 'by right' ones.

-Bad constraint: "real estate financial feasibility", which is the guarantee that the developer makes a profit. True affordable housing needs to be publicly subsidized and publicly controlled. It should not serve private profit.

3. Beneficiaries' participation in design and implementation

The potential beneficiaries of affordable housing were nowhere to be seen during the community workshop. If the city is serious about

"participation of all economic segments of the community," then it should establish genuine dialogue with tenant organizations (such as Tenants United) and affordable housing grass roots groups (such as Affordable Housing Advocates).

#### 4. Public policy but private profits

Current policies are entirely predicated on extracting private profit out of the public support for affordable housing construction.

We need to expand the range of mechanisms for achieving affordable housing to include not-for profit development, public housing and rent control. Before assuming that rent control is bad, or public housing "is not done anymore," as was asserted by City staff during the workshop, look carefully at the data. (For public housing, see the small, thriving housing authorities in Austin, TX; Portland, OR; Cambridge, MA; or St Paul, MN).

History shows that real estate-led development is the cause rather than the solution to gentrified neighborhoods.

#### 5. Rethink inclusionary zoning.

-Affordability: in Encinitas, rent for 80% AMI for 1-Bd is set at \$1,713/month. This is out of reach for most working class people. Such "affordable" units are priced at levels virtually identical to market rates and should not count towards the density bonus or the inclusionary %.

"Affordable" should begin at 50% AMI.

-Neighborhood impact: hold to limits on height, set-backs, etc, and avoid granting zoning and building exceptions. Consider impacts of construction, and the neighborhood needs for facilities and services. This will prevent stigmatizing and separating the 'affordable' units and their residents from the surrounding neighborhood.

I understand that most of our housing policies are handed down to the City by HCD. I am writing precisely in the hope that someone from HCD will read this.

With thanks for your consideration,

Juliana Maxim  
254 Rancho Santa Fe Road  
Encinitas

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You received this message because you are subscribed to the Google Groups "Encinitas Residents For Responsible Development" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [encinitas-residents-for-responsible+unsubscribe@googlegroups.com](mailto:encinitas-residents-for-responsible+unsubscribe@googlegroups.com).

To view this discussion on the web visit

<https://groups.google.com/d/msgid/encinitas-residents-for-responsible/DA600DE4-477A-4939-AB54-E39066C22DB7%40sandiego.edu>  
[\[groups.google.com\]](https://groups.google.com).

**From:** [Annemarie Clisby](#)  
**To:** [Jennifer Gates](#)  
**Subject:** FW: Housing Element Update - Feb. 19. 2020  
**Date:** Thursday, February 20, 2020 9:05:12 AM

---

**From:** Linda <lradcliffe@gmail.com>  
**Sent:** Thursday, February 20, 2020 8:55 AM  
**To:** Council Members <council@encinitasca.gov>  
**Subject:** Re: Housing Element Update - Feb. 19. 2020

**[NOTICE: Caution: External Email]**

Thank you for sending this message information.

With the scale of projects and major changes underway by the City, it is overwhelming to the residents to evaluate the implications of individual initiatives and the cumulative impact of all. In an election cycle caution is requested in implementing this and other initiatives.

It is not evident what the environmental, financial, traffic , other logistics and community effects of these housing increases to our community..

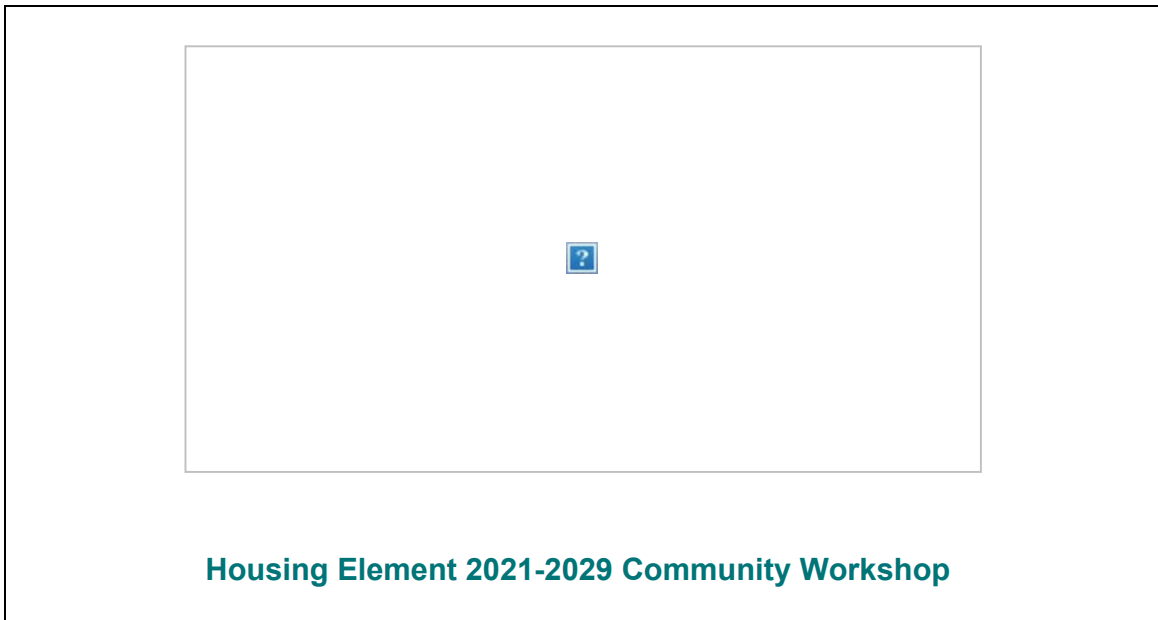
A pause is required in order for the constituents to have a reasonable opportunity to understand and review the city's intent. The council has not done due diligence to address this.

Thank you.

Linda Radcliffe

Sent from my iPhone

On Feb 19, 2020, at 11:03 AM, City of Encinitas <[webmaster@encinitasca.gov](mailto:webmaster@encinitasca.gov)> wrote:





## Materials Available Online

Thank you to all who were able to attend the community workshop held on February 10th to provide input on the City's preliminary draft of Section 1 and Appendix C of the 6th Cycle Housing Element. We had over 100 participants provide input on four main topics: Accessory Dwelling Unit (ADU) development; affordable housing for all income levels; governmental constraints to housing development; and fair housing issues and challenges. Participants were also provided an opportunity to provide general comments on the Preliminary Draft of the Housing Element. To view the presentation and input received visit the project [webpage](#).

Comments will continue to be received on the preliminary drafts until March 1, 2020. Drafts of both documents are available now for your input on the [City's website](#). We would like to hear your initial comments on the preliminary draft before we release the public review draft to the Department of Housing and Community Development. The proposed modifications to Section 1 of the 6th Cycle Housing Element reflect the City's progress in implementing the currently adopted Housing Element and new state law requirements. In Appendix C, the modifications include the identification of "moderate" and "above-moderate" sites needed to meet the Regional Housing Needs Allocation. No rezoning of sites to meet the required sites inventory is required at this time.

Visit [www.encinitasca.gov](http://www.encinitasca.gov) for more information on the Housing Element 2021-2019. To stay apprised of project updates and upcoming meetings visit: [www.encinitasca.gov/Home/City-Updates](http://www.encinitasca.gov/Home/City-Updates) to sign up to receive City newsletters and e-notifications. Select "Housing Element Update" and any other topics that are of interest.

For more information please contact Jennifer Gates, Principal Planner by email [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov).

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

[SafeUnsubscribe™](#) [lrادcliffe@gmail.com](mailto:lrادcliffe@gmail.com)

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Constant Contact



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Housing Element Draft comments  
26 Feb 2020

Dear Jennifer,

Please see below my comments on the initial draft of section 1 of the Cycle 6 Housing Element. Thank you for considering my feedback.

“As part of the adoption of the Housing Element, the City will modify policies in other elements if needed to achieve internal General Plan consistency.” Not a fan of having everything else requiring changes to fit the Housing Element. The Housing Element should instead be created to fit into the General Plan.

“Section 65583(c)(9) of the Government Code states that, “The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” A discussion of citizen participation is provided below and in Appendix A.” I do not see an Appendix A. I also do not see any evidence at all that the City actually tried to obtain participation in this process by anyone other than a privileged few who have the time and energy and ability to participate in this process. If the City actually wanted involvement from all sectors of society, it would make a much better effort to meet the residents where they are to obtain feedback – i.e. sending out survey mailers in English and Spanish with return postage paid; holding open houses at different times and days of the week to allow discussion and a two way dialogue, etc.

The suggested policies in the introduction generally sound all well and good, but they are weakly worded and are not currently being enforced. So, will they be enforced? If so, how? You could start with, for example, strengthening the wording. For example, for POLICY 2.7, language should change from “Discourage residential development of steep slopes, canyons, and floodplains” to PROHIBIT development in these areas (as stated in the General Plan, these areas cannot be built; therefore, this verbiage of “discouraging” violates the General Plan).

Policy 2.8 makes no sense at all. What on earth is this trying to say? It’s just a bunch of words that sound like they mean something without actually making any commitments. How about doing something meaningful, like connecting low income homeowners to assistance with energy efficiency upgrades, such as: <https://www.maacproject.org/main/impact/healthy-homes-health-services/weatherization-services/>

Goal 3 does not contain any actual policies related to quality of new housing. It is misleading for it to be named as such. Further, Policy 3.2 is vague and terrible. How will this be conducted? Why? So that people can be evicted from substandard housing?

Goal 4 “The city will attempt” – this is so weak. Of course the city will not do anything meaningful, if wording is so vague like this. How about some actual actions and commitments?

Policy 4.1 is ridiculously worded – “the City will continue to develop necessary actions”?! WHAT actions? How? Why is the City paying a consultant to churn out meaningless garbage like this?

Section 2.5 should be eliminated. “Constraints” exist to ensure that development in our City occurs thoughtfully and responsibly. Eliminating “constraints” so that builders can do whatever they wish is NOT what anyone in Encinitas wants.

Section 2.6 last paragraph – so what you are saying here is that the Housing Element is NOT consistent with the Land Use Element of the General Plan, and that you will *amend* THAT in order to make them consistent. As stated above, how about just making the Housing Element consistent in the first place?! This is what we want.

Program 1E is ridiculous: The suggestion is that if a developer fails to develop a site as intended under the housing element, the City will absorb the consequences by undertaking rezoning to accommodate the shortfall? So, every time a developer comes in and just builds more LUXURY HOMES THAT WE DO NOT NEED, the city will just REZONE a different area to be high-density, so MORE LUXURY HOMES can be built, ad Infinium? THIS IS NOT OK. PLEASE DO NOT DO THIS. The onus MUST be put on the developers to build the amount and type of housing that is indicated in the housing element – no more, no less, and most definitely developers should NOT be allowed to build less than the Housing Element - required affordable units on site.

Program 1F is weak. New construction should include efficient systems and use green building standards, period. This should not be an option.

Program 2B – the “average” size limitation is problematic, because it allows developers to make the affordable units tiny and the unaffordable units large (i.e. extremely unequal). There needs to be a cap on the disparity allowed between these types of units – i.e. the market rate units should only be allowed to be, perhaps, a maximum of 30% larger than the affordable units. Further, size is not the only thing that will prevent developers from creating luxury homes – amenities (that would only be available to the market rate inhabitants, most likely) and materials are also involved in driving up housing costs. To prevent the construction of yet more unaffordable luxury housing, which we DO NOT need (according to HCD’s recent letter), this section needs to have more strict guidelines.

Remove the text “Moreover, the City will continue to review and approve projects under density bonus law without applying any requirements of Proposition A.” Proposition A has not been invalidated and is still applicable to Density Bonus Projects. No portion of the State Law prevents Proposition A from being applied.

In the section “Ground Floor Uses Only,” “key locations” should not be determined by the City Council on its own, but by the City Council with adequate and fair input from residents.

Program 3C – would not be required, had the City listened to residents and developed Housing Elements with sites and approaches that residents approved of (like L7, for example).

Program 3D “Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible now to focus future environmental review on project- specific issues.” Wording is garbled and approach is unacceptable. The City is failing miserably at its job of protecting the City and citizens by requiring adequate environmental review. The City routinely illegally claims that projects are exempt from CEQA, which must end. Throwing away environmental review does not solve our problems, it simply leads to different problems – an environmental crisis in place of a housing affordability crisis. Is that acceptable? I think not.

Program 3F – YES PLEASE! Can you also maybe listen to residents, and require developers to actually complete their CPP requirements as intended, and to design projects that are not terrible?

Program 4A – great! Would have been nice had this been applied to the Bonita Drive project, don’t you think?

Program 4B – this is way too small – surely there is a way to increase the # of households that can be helped with this program? Start with conducting free assessments of housing throughout the City and identifying what needs to be fixed. Most likely, some homes would have relatively minor things that could help a lot (i.e. leaky windows), and others would require more costly repairs (i.e. leaky roof). Obtaining a full inventory of repair needs throughout the city would allow the City to come up with an efficient way to help repair homes for lower income residents. For example, small repairs can be tackled by volunteers and/or contributions from the community, while larger projects such as roof replacements could be reserved to be covered under CDBG funds.

Program 5A – wow, that’s very vague and unhelpful. I look forward to reading some actual actions in the revision. Sad that the consulting firm hired to prepare this didn’t have any useful ideas to put forth here other than just repeating key phrases over and over.

Program 5B – how about including requirements in new development proposals to ensure adequate access? For example, the City just approved several Density Bonus projects that have no sidewalks, and therefore people have to drive into their homes and/or walk in the roadway. This is not safe or adequate for disabled people (or children, or non-disabled people either, for that matter).

Thank you,  
Jessica Carilli, PhD  
Former renter, current homeowner in Encinitas

**From:** [Van Cheng](#)  
**To:** [Jennifer Gates](#)  
**Subject:** Housing element  
**Date:** Sunday, February 9, 2020 3:26:29 PM

---

[NOTICE: Caution: External Email]

My concern is that Quail Pointe Drive is already very congested. With the Leichtag homeless car exit being changed to it, instead of Saxony, please do not have Quail Pointe Drive be a place for affordable housing.

Van Cheng, M.D.,  
545 Quail Pointe Lane  
Encinitas California 92024

Sent from my iPhone

**From:** [Jennifer Gates](#)  
**To:** [Kyle Hoggatt](#)  
**Subject:** RE: Above moderate income sites

---

Hi,  
Yes they will be removed as available for housing.  
Thanks,  
Jennifer

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

From: Kyle Hoggatt <[khoggatt@couponchief.com](mailto:khoggatt@couponchief.com)>  
Sent: Thursday, February 27, 2020 10:32 AM  
To: Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)>  
Subject: Re: Above moderate income sites

[NOTICE: Caution: External Email]

Hi Jennifer  
Just following up on this while community feedback is still being taken. Will these sites be removed from the HEU?

Thanks,  
Kyle

> On Feb 20, 2020, at 9:16 AM, Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)> wrote:

>

> Yes we noticed that one when we went back through the Encinitas Ranch Specific Plan Area.

> Thank you!

> Jennifer

>

> -----Original Message-----

> From: Kyle Hoggatt <[khoggatt@couponchief.com](mailto:khoggatt@couponchief.com)>

> Sent: Wednesday, February 19, 2020 5:48 PM

> To: Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)>

> Subject: Re: Above moderate income sites

>

> [NOTICE: Caution: External Email]

>

> Thanks. The EUSD site across the street isn't zoned for residential either (441 QGD).

>

> -Kyle

>

>> On Feb 19, 2020, at 5:16 PM, Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)> wrote:

>>

>> Thank you I will look into it and get back to you. Leichtig Commons should be ER-AG as you state.

>> Sincerely,

>> Jennifer

>>

>>

>>

>> Jennifer M. Gates, AICP

>> Principal Planner

>> Development Services Department

>> 505 South Vulcan Ave, Encinitas, CA 92024

>> (760) 633-2714 | [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov) [www.encinitasca.gov](http://www.encinitasca.gov)

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>> -----Original Message-----

>> From: Kyle Hoggatt <khoggatt@couponchief.com>

>> Sent: Wednesday, February 19, 2020 11:49 AM

>> To: Jennifer Gates <jgates@encinitasca.gov>

>> Subject: Above moderate income sites

>>

>> [NOTICE: Caution: External Email]

>>

>> Hi Jennifer,

>>

>> I just looked at the updated Appendix C for the housing element, and I saw the Leichtag property listed there (Ecke Ranch Road and Union St). Why are those shown as RR1 zoning instead of ER-AG?

>> Do you have any details on this?

>>

>> Thanks,

>> Kyle Hoggatt

>>

>> \_\_\_\_\_

>>

>> This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

>



**From:** [Jennifer Gates](#)  
**To:** [Juliana Maxim](#)  
**Subject:** RE: Comments to the 6th cycle HE draft  
**Attachments:** [image001.jpg](#)

---

Hi Juliana,

Sorry for the delay in my response. Thank you for your email and sharing your thoughts and ideas. In the meantime below are my responses to your questions and comments.

1. We do not have a current way of tracking “unoccupied” units. As for short-term rentals, we only have a list of those that have permits through the City so we can pull that data.
2. You are correct it is more about an analysis of constraints. In the Housing Element, each jurisdiction is tasked with an analysis of constraints. Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. Here is more information from HCD on what we are tasked with <https://www.hcd.ca.gov/community-development/building-blocks/constraints/processing-permitting-procedures.shtml>. Please share any additional thoughts you have on this.
3. Agreed. We are serious about including all interest groups and I will reach out to those two you recommend but I also want to hear from our Encinitas residents that currently participate in our affordable housing programs, which is why we sent a letter to all residents and property owners in Encinitas about the last workshop. I did hear from some residents who were unable to attend the meeting about their concerns and have mailed a copy of the document to an individual that did not have access to a computer. We have also heard through different avenues from affordable housing developers. Please let me know any additional local interest groups you think I should specifically reach out to.
4. We are looking at the different avenues to partner with non-profit and for-profit developers to develop more affordable housing throughout Encinitas. This includes different State funding opportunities. Unlike large cities throughout the US and other cities that have remnant redevelopment funds our affordable housing fund is limited so we will need to be more creative. What I meant regarding public housing is that large subsidized housing projects that were common in the 1960s, that were funded mostly by the Federal government, are not done anymore. The federal government has virtually eliminated funding for new public housing. Today it takes many partners and diversity of funding sources. Some housing authorities do act as developers under the new model. Regarding rent control, statewide rent control was enacted this year by AB 1482.
5. While low-income households may earn approximately 80% of AMI, we do follow the HCD guidelines, which set the rent limits as 30% of 60% of AMI, which, based on 2019 income limits, limits rent to \$1,036 a month for a one bedroom unit for both inclusionary and density bonus affordable units. Here is the [link to our sheet](#) we update annually. We have not received the numbers from the State yet for 2020. We will continue to look at neighborhood impact as we develop objective design standards this year. That project will begin soon and include opportunities for community input.

Thank you,  
Jennifer Gates



**Jennifer M. Gates, AICP**  
**Principal Planner**  
**Development Services Department**  
505 South Vulcan Ave, Encinitas, CA 92024  
(760) 633-2714 | [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)  
[www.encinitasca.gov](http://www.encinitasca.gov)

**In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the [Customer Service Center](#) portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via <https://encinitasca.gov/Home/City-News/ArticleID/216>.**

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**From:** Juliana Maxim <[jmaxim@sandiego.edu](mailto:jmaxim@sandiego.edu)>  
**Sent:** Wednesday, February 12, 2020 8:40 PM  
**To:** Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)>; Roy Sapau <[RSapau@encinitasca.gov](mailto:RSapau@encinitasca.gov)>  
**Subject:** Comments to the 6th cycle HE draft

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I understand that most of our housing policies are handed down to the City by HCD. I am writing precisely in the hope that someone from HCD will read this.

With thanks for your consideration,

Juliana Maxim  
254 Rancho Santa Fe Road  
Encinitas

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This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

## Jennifer Gates

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**From:** Camille Perkins <camille.perkins@gmail.com>  
**Sent:** Wednesday, September 2, 2020 4:56 PM  
**To:** Jennifer Gates  
**Subject:** Re: Housing Element Questions  
**Attachments:** 2020 09 02 CP Housing Element Comments.pdf

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Thank you for your response.

I note the following:

- (1) my emails were requests for information, not a comment letter.
- (2) it took two weeks to receive a substantive response from the City.
- (3) the City did not provide the requested "sources and computations" explaining the Schedule C numbers relating to APN 264-020-13.
- (4) failure to provide the requested information has prevented me from fully and meaningfully commenting on this Housing Element and its schedules.

Please include this entire email chain, including this email, in the public record.

Attached please find my comment letter.

Thank you in advance.

Sincerely,  
Camille Perkins

On Mon, Aug 17, 2020 at 1:59 PM Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)> wrote:

Dear Ms. Perkins,  
Sorry for the delay in getting back to you. Attached is the responses to your questions from August 3 and 6.

Last week HCD provided initial verbal comments. The project webpage has been updated with the responses to HCD verbal comments in track changes this morning: <https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>.

Sincerely,  
Jennifer Gates

---

**From:** camille perkins <[camille.perkins@gmail.com](mailto:camille.perkins@gmail.com)>  
**Sent:** Friday, August 14, 2020 6:59 AM  
**To:** Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)>  
**Subject:** Re: Housing Element Questions

[NOTICE: Caution: External Email]

Hi Ms. Gates,

Following up on my inquiries.

Thank you again,  
Camille Perkins

On Aug 7, 2020, at 6:53 AM, camille perkins <[camille.perkins@gmail.com](mailto:camille.perkins@gmail.com)> wrote:

Sincere thanks.

Best regards,  
Camille Perkins

On Aug 6, 2020, at 8:56 AM, Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)> wrote:

Hi Camille,  
Sorry for the delay in my response. I will get back to you next week with answers to your questions.  
Sincerely,  
Jennifer

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**From:** Camille Perkins <[camille.perkins@gmail.com](mailto:camille.perkins@gmail.com)>  
**Sent:** Thursday, August 6, 2020 7:01 AM  
**To:** Jennifer Gates <[jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)>  
**Subject:** Re: Housing Element Questions

**[NOTICE: Caution: External Email]**

Dear Ms. Gates,

Following up on my August 3, 2020 email. When should I expect a response?

It appears there may be errors/discrepancies in Appendix C. In addition to my August 3, 2020 questions, please could you explain the sources and computations underlying the following numbers from Appendix C relating to APN 2640201300:

**Parcel size (49.67 acres)**

C-58 of Housing Element: 39.50 ac

**Minimum or Average Density: (2-4 acres)**

C-58 of Housing Element: .125

Thank you in advance for clarifying these questions.

Please let me know if I can provide any further information.

Thank you again in advance.

Camille Perkins

760.456.9291

On Mon, Aug 3, 2020 at 7:02 AM Camille Perkins <[camille.perkins@gmail.com](mailto:camille.perkins@gmail.com)> wrote:

Dear Ms. Gates,

We spoke a few weeks ago and I wanted to follow up with some questions and request for further information:

Please could you send me some additional materials concerning the Housing Element that explains: (1) the requirements and details concerning sites designated for the various income levels; (2) any information explaining the selection of sites designated in Schedule C outside of the Housing Element; (3) any other background materials and summaries you think would be useful to understand the Housing Element.

Is it correct that the acreage listed on the sites inventory (Schedule C) is a gross number and is based on the assessor's data? If not, could you please explain how this number was calculated and how I can obtain information about how this number is computed for specific parcels?

Is it correct that maximum density figures listed on the sites inventory (Schedule C) are available on the City's e-zoning website?

Is the "minimum or average density" on the sites inventory (Schedule C) the mid-range density from the City's e-zoning website or the minimum density number? Which number is used in the chart? If not, where can this number be found?

If the site inventory (Schedule C) contains incorrect information, will the City revise this information in the final report?

Sincere thanks in advance,

Camille Perkins

760.456.9291

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This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

**C. Perkins Comment:**

**Please could you send me some additional materials concerning the Housing Element that explains: (1) the requirements and details concerning sites designated for the various income levels; (2) any information explaining the selection of sites designated in Schedule C outside of the Housing Element; (3) any other background materials and summaries you think would be useful to understand the Housing Element.**

**City of Encinitas Response:**

*Section 11.2 of Appendix B (Pages B-109 – B-111) describes the methodology used in assumptions for the Encinitas Sites Analysis. This is available on the City's Housing Element website.*

*Additionally, HCD has recently released guidance regarding the development of Sites Analysis sections of 6<sup>th</sup> Cycle Housing Elements. As this was released near the time that the City submitted the draft document to HCD for review, any revisions that need to be made based on this new guidance will be accommodated.*

*The guidance document can be found here:*

[https://www.hcd.ca.gov/community-development/housing-element/docs/Sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/Sites_inventory_memo_final06102020.pdf)

*Lastly, the City has posted a Fact Sheet and the Presentation from the Kick-Off Workshop on the City's Housing Element Website. They can be found here:*

<https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>

**C. Perkins Comment:**

**Is it correct that the acreage listed on the sites inventory (Schedule C) is a gross number and is based on the assessor's data? If not, could you please explain how this number was calculated and how I can obtain information about how this number is computed for specific parcels?**

**City of Encinitas Response:**

*Yes, the acreage information for sites identified to meet the City's moderate and above moderate RHNA need come from the City's Tax Roll Assessor Parcel data. Where information on potential constraints was available, the gross acreage may have been lowered on individual parcels to represent a more accurate potential unit capacity.*

*Appendix C contains detailed information on the sites identified to meet the City's lower income RHNA need, which has net acreage numbers that may differ from the gross parcel acreage based on known parcel constraints, such as steep slopes or environmentally sensitive areas.*



**Is it correct that maximum density figures listed on the sites inventory (Schedule C) are available on the City's e-zoning website?**

**City of Encinitas Response:**

*Yes, maximum allowable densities for each residential district can be found in Title 30 (Zoning) of the Encinitas Municipal Code:*

[http://www.qcode.us/codes/encinitas/view.php?topic=30-30\\_16-30\\_16\\_010](http://www.qcode.us/codes/encinitas/view.php?topic=30-30_16-30_16_010)

*There may be some revisions needed to the table regarding the Moderate (Residential Only) maximum density numbers. These are considered cosmetic and will not impact analysis as the Unit Capacity was not based off this number.*

**C. Perkins Comment:**

**Is the "minimum or average density" on the sites inventory (Schedule C) the mid-range density from the City's e-zoning website or the minimum density number? Which number is used in the chart? If not, where can this number be found?**

**City of Encinitas Response:**

*For sites identified to meet the City's moderate and above moderate RHNA need, **Section 11.2 of Appendix B (Pages B-109 – B-111)** describes the methodology used and assumptions. In areas outside of the mixed-use areas (Downtown Specific Plan Area and North 101 Corridor Specific Plan) the City utilized the mid-range density. Sites within the mixed-used areas used the minimum density and additional assumptions as outlined in the sections indicated above.*

*For sites identified to meet the City's lower income RHNA need, the minimum allowed density of 25 du/ac was used in unit capacity calculations. A mid-range density was not identified for the R-30 Overlay zone.*

**C. Perkins Comment:**

**If the site inventory (Schedule C) contains incorrect information, will the City revise this information in the final report?**

**City of Encinitas Response:**

*Yes, if any errors are found prior to adoption of the final Housing Element document, they will be rectified in the Housing Element document and/or Appendices.*

**C. Perkins Comment:**

**It appears there may be errors/discrepancies in Appendix C. In addition to my August 3, 2020 questions, please could you explain the sources and computations underlying the following numbers from Appendix C relating to APN 2640201300:**

**Parcel size (49.67 acres)  
C-58 of Housing Element: 39.50 ac**

**Minimum or Average Density: (2-4 acres)  
C-58 of Housing Element: .125**

**City of Encinitas Response:**

*The parcel size comes from the City's Assessor Parcel Database as indicated in the previous response. We will verify with external sources (ParcelQuest, an online database, shows 49.67 acres as indicated.)*

*In addition, aerial imagery of the parcel shows existing environmental factors which may contribute to a lower "net" usable acreage as indicated in the previous response. If revisions are needed, they will be reflected in the draft Housing Element document before it goes for public review and prior to final adoption.*

To: Ms. Jennifer Gates, Principal Planner, City of Encinitas  
From: Camille Perkins  
Date: August 19, 2020  
RE: Public Comments to City of Encinitas Housing Element

#### A. Introduction

News articles have called Encinitas “California’s most housing-averse city.”<sup>1</sup> Limits on growth, and failure to provide new housing, is Encinitas’ original sin. After incorporation, additional restrictions on development and housing were added, including decreases to density.

The City created a document that appears to meet State Housing and Community Development (“HCD”) requirements, but under closer scrutiny does not achieve its goals, as discussed below. This Housing Element continues the original sin, in a document/plan that may fail to produce the required numbers.

The City is attempting to meet many State and regional housing requirements with ADU/JADU units.

Nonetheless, a tremendous proportion of moderate/above-moderate housing units are projected to be created on micro-subdivisions and developments, far more than I believe will ever occur. Many of the proposed units are likely economically infeasible or undesirable to develop at the unit yield listed. The Housing Element does not demonstrate that the required units can be developed, or that Encinitas has built housing at similar rates in past.

The Housing Element doesn’t provide a full listing of exactions and developmental requirements applicable to Encinitas properties, or list all costs and constraints of subdivision/development. These requirements can make projects economically infeasible at the yield numbers listed for moderate/above-moderate properties.

The Housing Element should be redrafted to address the concerns described below.

My comments are based on my lifetime experience in Encinitas and familiarity with applicable properties and communities.

Big picture, the City needs to remove many restrictions on meeting its housing needs, including overlays and other decreases to zoning density. For example, a document that contemplates 1 dwelling unit per 12.4 acres, in an area zoned 1 dwelling per 2 acres, adjacent to developed 1 and 2 acre lots is ridiculous. How is the City contemplating development of the public Dog Park while prohibiting in-character development on private lands?

#### B. The Housing Element Schedule C Numbers Appear Incorrect and Staff Declined to Provide Information to Explain Calculations and Methodology.

For APN 264-020-13, the Schedule C Above-Moderate Sites Inventory states: the total yield for the property is 4 units, 3 additional to the existing, that the parcel size is 39.5 acres, and zoning is .125.

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<sup>1</sup> <https://www.voiceofsandiego.org/topics/government/californias-most-housing-averse-city-has-a-pro-housing-mayor/>

1. I requested in writing the sources and calculations of these numbers because the Schedule C numbers and information significantly deviate from known facts, including parcel size (Schedule C parcel size is 39.5 acres, assessor records show 49.67 acres) and zoning (Schedule C says .125, Encinitas's e-zoning website/actual zoning is .26-.50). Despite repeated requests, and a two week delay in response, the City failed to provide the requested information, referring only to high level boilerplate language.
  - a. It remains unclear whether this is an error or if the City has determined that density has been decreased to 1 dwelling unit per 12.4 acres in a 2 acre zoned area.
2. For APN 264-020-13, and likely many other properties, the Schedule C numbers cannot be trusted or verified and are not based on known limitations, articulated requirements or project design.
3. For APN 264-020-13, and likely many other properties, the City's Exhibit C modifications to parcel size and density numbers are either completely wrong or speculative projections without substance.
4. The owner of the property was never contacted regarding inclusion in the Housing Element.
5. Numbers listed in Exhibit C do not reflect yields of any similar projects. (One unit per 12.4 acres is **NOT** "typical" density in Olivenhain, and this property is bounded by houses on 1 and 2 acre lots.)
  - a. The City's approach for APN 264-020-13, and likely other parcels in the Housing Element, is inconsistent with representations made in the Housing Element and appendices.
  - b. The City has precluded meaningful public comment/participation by failing to provide requested information and calculations supporting its assertions within the Housing Element.
  - c. The Housing Element must be returned for corrections and redrafting and reopening for public and State comment.

C. Housing Element Fails to Justify Adequacy of Housing Site Inventory to Meet Housing Requirements

The City provided no analysis or methodology supporting the City's assertion that the Schedule C Sites Inventory will meet the City's housing requirements during the Housing Element period.

I believe the City of Encinitas is including many units in Schedule C at yields that are economically infeasible to develop, especially entries with existing land uses/improvements and/or requiring subdivision. This means many of the units contemplated by the Housing Element will never be created, and the proposed Housing Element numbers being provided to the State, citizens and public are incorrect and illusory.

The Housing Element needs to use historical development statistics to justify meeting the required housing yields within the Housing Element period.

1. Analysis of Housing Element Schedule C Site Inventory Raise Economic Feasibility Concerns that Must be Addressed by the City of Encinitas
  - a. I did a preliminary analysis of the Schedule C Moderate and Above-Moderate Site Inventory. See Appendix.
2. Analysis of Schedule C Moderate and Above-Moderate Site Inventory reveals:

- a. Vacant land provide very little available unit yield (3% of unit yield of moderate, 8% of above-moderate)
  - b. Existing residential properties provide the majority of units (51% of unit yield of moderate, 59% of unit yield for above-moderate.
    - i. However, many more residential parcels are required to be utilized as compared to commercial parcels.
    - ii. Development of only 5 parcels yields a large percentage of the above-moderate units required
      - 1. Schedule C includes parcels that can provide 32 units, 25 units, 15 units, 14 units, 11 units
  - c. Site inventories rely on very small/micro subdivision and development projects to fulfil housing requirements
    - i. Large percentages of Schedule C sites create less than 3 units
      - 1. Moderate sites: Projects of 3 additional units or less provide 26% of unit yield
      - 2. Above-moderate: Projects of 3 units or less provide 38% of unit yield
3. This analysis, along with City failures to include full exactions, requirements and other information in the Housing Element, raises significant concerns that many of these housing units will be economically infeasible/unprofitable to construct and will fail to provide sufficient units to meet the City's yield requirements.
- a. Properties with existing uses, especially residential properties with low lot yields, are much less likely to be redeveloped within the Housing Element period.
  - b. Small developments lack economies of scale, increasing the expense of each unit, and resulting in the decreased likelihood that the City will reach the proposed housing yield requirements.
  - c. As relatively larger lots become more scarce, and houses have increasingly large footprints/size to justify the purchase costs, larger lots are often sold at a premium at the existing use because they provide usable outdoor/yard space. This makes redevelopment less likely.
    - i. This issue isn't addressed or mentioned in the Housing Element.
  - d. The outcome of all Encinitas exactions and building limitations is to force the building of increasingly large homes, with increasingly large price tags. This is the only way that costs and regulatory burdens can be met.
  - e. The Housing Element fails to provide any information concerning historic development patterns of similarly situated lots to justify the significant reliance on micro-projects and existing residential subdivision/redevelopment.
  - f. There is no evidence within the Housing Element that the Schedule C sites reflect historical development patterns, realistic subdivision/development size or will fulfil the City's housing unit yield requirements.
4. It is notable that the City does not provide statistics justifying the Schedule C numbers because the City estimates ADU/JADU yields based on historical housing unit yields.

- a. The City assumes there is no need for rezoning because sufficient sites exist to accommodate all required moderate/above moderate units.<sup>2</sup> Without including analysis of the historical redevelopment trends, this is likely untrue.
  - b. In a significant number of cases these sites would require redevelopment and removal of existing commercial or residential uses.<sup>3</sup>
  - c. The City has provided no statistical analysis of expected yield of these mixed use and development of non-vacant sites listed in Schedule C, and no analysis similar to the JADU/ADU analysis cited above.
5. Likewise, for Mixed Use Sites (currently commercial) “assumes” that sites in different areas will be developed at 50% and 75% yields.<sup>4</sup>
- a. These assumptions are not the same as the JADU/ADU historical statistical analysis of expected yield.
  - b. There is no explanation as to the basis for these assumptions.
  - c. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with percentage discount to account for the decreasing availability of land.
6. For housing development on non-vacant sites, feasibility is determined by a “sample” of 10 infill projects.<sup>5</sup>
- a. A sample is not the same as the JADU/ADU historical statistical analysis of expected yield.
  - b. There is no information provided describing the basis of selection, or representativeness, of these “sample” projects.
  - c. There is no explanation as to the basis for any assumptions regarding the economic feasibility of any projects listed in Schedule C.
  - d. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with a percentage discount to account for the decreasing availability of “underutilized” land.

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<sup>2</sup> Schedule B Section 11.2.1 of the Housing Element “Appendix C in this Housing Element includes the full list of sites identified to meet the moderate and above moderate RHNA need for this planning period. Sites identified currently have the capacity to accommodate at least one additional unit and are zoned appropriately to accommodate moderate or above moderate-income housing.” This analysis assumes existing property can accommodate 518 moderate-income units (308 required) and 429 above-moderate income units (408 units required).

<sup>3</sup> See, e.g., discussions of Mixed Use Sites and Development of Non-Vacant Sites; Sections 11.2.3 and 11.3 of Schedule B; Schedule C.

<sup>4</sup> Schedule B, Section 11.2.3 describes the residential unit housing yield projections for commercial mixed-use sites. It assumes “50 percent of sites in the DCM-2, D-VSCC and D-OM Zones in the Downtown Encinitas Specific Plan, as well as the N-CM1, N-CM2, N-CM3 and N-CRM1 and N-CRM2 Zones of the North 101 Corridor Specific Plan will be redeveloped as mixed-use projects, with a residential component” (yielding 141 potential units, moderate and above moderate income). It assumes 75% of sites in the DCM-1 Zone, “are reasonably expected to provide viable short, term opportunities”, (133 potential units, moderate income).

<sup>5</sup> See Section 11.3 of Schedule B.

In summary, I believe many of the units listed in Schedule C will be economically or practically infeasible, or given existing uses does not have a realistic probability of being utilized during the Housing Element period, and inclusion of these units within the Housing Element is misleading to the public and State.

This Housing Element needs to be redrafted to determine if the suggested units are likely to be redeveloped.

#### D. Housing Element Does Not Fully Address Constraints and Barriers to Development.

The Housing Element does not contain a full list of requirements or applicable processing times. It also fails to address how several City policies burden and impede the production of housing. These costs/exactions/expenses and policies limit and/or prevent housing supply.

1. Housing Element Contains Incomplete list of requirements/exactions
  - a. The Housing Element does not contain a complete list of all requirements and exactions for subdivisions/developments, including those applicable to the sites identified on the sites inventories. This is misleading and must be amended.
    - i. List of overlays is incomplete
    - ii. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment!<sup>6</sup>) These include
      1. Cost of environmental mitigation
        - a. Cash required: recently, \$216,000 per lot was required for habitat endowment (in addition to preservation requirements)
      2. Costs of Maps, surveys, engineering
        - a. It can cost \$1 million or more in engineering and service provider fees to subdivide and develop
      3. Land, mitigation and improvement costs for public trails
2. Listed time frames for project processing are incorrect and incomplete in Schedule B Section 9.9. They do not include EIR processing times and samples of projects in Schedule B Section 11.3 show these time estimates are wrong. These numbers must be updated.
3. City Policies regarding Onsite/Offsite Infrastructure Could Pose Barriers to Development/Housing.
  - a. Housing Element Policy 2.2 states the City will “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing.”
  - b. In fact,
    - i. Onsite/offsite infrastructure costs for City parcels can cost millions of dollars, and involve extensive mitigation requirements.
      1. The City has historically relied on developers/subdividers to make significant and expensive improvements to public (and private) streets.
      2. It is City policy to keep new roads private (and privately maintained)

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<sup>6</sup> One longtime owner took approximately two decades to process their subdivision. Many neighbors went bankrupt trying to utilize their properties, including a longtime Olivenhain resident who lost the family homestead and declared bankruptcy due to subdivision costs. Many recent owner/developers have barely broken even on subdivision costs or gone underwater on development projects.

3. The City proposes development fees to address infrastructure issues (another constraint)
  - ii. City has taken actions that increase housing development costs including
    1. vacating public rights of way and IODs (e.g., IOD on Vulcan)
    2. Failing to accept IODs and public roadways
4. Housing Element Policies Actually Increase Costs of Development and Lower Housing Yield
  - a. Despite Policies and Goals to the contrary, the Housing Element Policies increase developer obligations, and consequently home development costs
    - i. Increasing the percentage of affordable housing required for residential development
    - ii. Emphasis on development fees (Policy 2.2)
    - iii. Encourage street planting and landscaping (Policy 2.5)
    - iv. Undergrounding utilities (Policy 2.5)
    - v. Encourage high standards of design, materials, and workmanship in construction and development (Policy 2.6)
    - vi. Discourage development of steep slopes, canyons, floodplains (Policy 2.7)
    - vii. Continue to develop and promote energy efficiency conservation measures (Policy 2.8)
    - viii. Additional required expenses include installation of solar photovoltaic systems and solar water heaters in new housing, along with residential electric charging stations.
    - ix. Any replacement units must be compatible in design with the surrounding residential neighborhood (Policy 1.3)
  - b. This makes development of all housing more expensive and unlikelier to occur
5. The costs of each additional exaction and expense affects housing supply
  - a. The Housing Element and City policies do not articulate that each of these entries could be the marginal expense that prohibits the contemplated housing development project.
  - b. Building on many of the Schedule C sites requires economies of scale to enable economically viable development, and sites with only a few additional units have costs exceeding benefits.
    - i. Many development costs are fixed, whether the project is 1 home or 100.
    - ii. Small subdivisions often are cost-prohibitive because an insufficient number of lots are created, and market costs of lots do not bear these costs.
    - iii. Developers rely on economies of scale to provide homes at market prices.
    - iv. Land development is a very risky business and California land prices have historically been extremely volatile.
    - v. Profit margin is required to mitigate risks and justify the significant time and effort to develop.
    - vi. Marginal cost of solar photovoltaic systems, solar water heaters, electric vehicle stations or the requirement that 10-15 percent of homes must be very low or low income may each be the expense that causes costs to outweigh benefits.
6. Each of Encinitas' actions and policies increasing housing costs described in this comment need to be addressed in this Housing Element.



## Miscellaneous Comments

1. Schedule C's Above Moderate Sites Inventory Chart column of "Parcel Specific Comments" are not consistent. Many entries use different, and sometimes pejorative, language to describe the same situation. For example, all of the following should be revised to a uniform designation: "Single family home on large lot", "one existing single family building", "single family home with large lot", "Vacant lot with 1 existing unit", "vacant lot single family home."
  - a. Note further that this is a misuse of the term "vacant" pursuant to California HCD guidance: "underutilized sites are not vacant sites."
2. Contrary to HCD requirements, Exhibit C does not reflect project densities successfully developed within the City.
3. Textual Inconsistency within Housing Element and Exhibits
  - a. Exhibit B and Exhibit C are inconsistent and appear to describe different standards.<sup>7</sup>
  - b. This document is misleading and unclear, with contradictory language.
  - c. Schedule C chart headings are unclear, and may not reflect actual contents.
  - d. Staff declined to explain the specific application of this language, despite written request.
4. The document editing and posting of the Housing Element to the City website is extremely misleading and likely to cause public misunderstanding.
  - a. Schedule C was divided into two sections posted to the City website and fails to clearly describe its contents and pagination.
    - i. The first section begins with a description and listing of the Very Low and Low Sites Inventory.
    - ii. The second section is the first page of a chart listing the Above Moderate Sites Inventory.
    - iii. A description of the Above Moderate Sites Inventory was tacked onto the end of the first section, hidden behind the Very Low and Low Sites Inventory.
  - b. The hidden Above Moderate Sites Inventory description contains the only reference to Exhibit B relating to the Above Moderate Sites Inventory, which as described above, contains a different standard than the one described in the Above Moderate Sites Inventory description.
  - c. The City's misleading editing and inconsistent language will cause many residents and property owners to misunderstand this document. There must be an additional public comment period and review when this document is clearly drafted, edited and published.
  - d. I note that the public Encinitas Dog Park is being considered to provide 14 Above-Moderate housing units in Schedule C. Inclusion of the Dog Park in the Housing Element appears to be hidden and without adequate discussion or public notice.

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<sup>7</sup> Introduction to Exhibit C ("Maps of Moderate and Above Moderate Sites", p. C-50) states that "The capacity of these sites was initially determined by multiplying the parcel size by the minimum or midrange density for that zoning designation"). Exhibit C includes columns for "Zoning", "Parcel Size", "Max Density" "Minimum or Average Density" and Unit Capacity. This isn't the same standard as Exhibit B that states: "Reasonable capacity for [for moderate and above moderate sites] was calculated for each site based on environmental constraints, site size, zoning requirements and average density achieved in projects with similar zoning. Deductions were made as applicable for site constraints, such as steep slopes and potentially limiting known environmental factors."

5. Staff has not provided timely responses to citizen requests for further information, and have not met their own time estimates for responses. This has hindered and prevented me from fully and meaningfully commenting on the Housing Element.
6. The Housing Element's discussion regarding reducing parking standards in affordable housing do not make sense for proposed low-income housing in Olivenhain. In this sub-suburban area, there is no public street/alternative parking available and mass transit and transit connectivity is very poor. The vast majority (or all) adults living at this site will have a car. A parking space must be provided for each adult, along with spots for guests. Otherwise, this site will provide inadequate parking to serve its residents, and pose safety issues to residents and the larger community. Failure to accommodate actual vehicles will cause further transit problems along Rancho Santa Fe Road and Encinitas Boulevard.
7. Infrastructure
  - a. Encinitas has never maintained existing levels of service, nor has accommodated regional growth and use of Encinitas roadways.
  - b. Despite increased traffic, Encinitas continues to narrow roadways and impede vehicular traffic, where transit times to get to the grocery store or other side of town have increased 2-5x.
  - c. Rancho Santa Fe Road is inadequate to serve additional traffic for the proposed high-density, low income housing near Four Corners. Similar problems will affect Coast Highway 101.
    - i. Rancho Santa Fe Road serves as a major traffic corridor, contains many stop signs and often can take 15-25 minutes to traverse a mile or two, a fairly recent deterioration. This road is the only route in and out of Olivenhain. This is before the proposed high density projects. The City did not accommodate increased traffic from adjacent growth and residents continue to receive lower levels of street access and service. This is also a safety issue. These traffic issues must be resolved prior to any R-30 development in the area.
    - ii. The City has recently narrowed Coast Highway 101. This is causing further traffic problems within the City and fails to accommodate new housing traffic.
    - iii. I believe the City has undertaken actions regarding City roadways in violation of state transit and road requirements. Additional housing will exacerbate these issues and cause further failures of the Housing Element language concerning roadways.
8. Program 3G: Monitor Adequacy of Development Standards must also include above-moderate housing in its Monitoring Program, as required by Goal 5<sup>8</sup> and Policy 5.1.<sup>9</sup> The City's development standards constrain the development of above-moderate income housing and the language of Goal 5 and Policy 5.1 apply to housing at all income levels. As drafted, this Housing

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<sup>8</sup> GOAL 5: THE CITY WILL DEVELOP STRATEGIES AND ACTIONS TO REDUCE OR ELIMINATE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO THE DEVELOPMENT OF HOUSING.

<sup>9</sup> POLICY 5.1: The City periodically evaluates adopted zoning provisions, entitlement procedures, fees and other city requirements that may create constraints to the development of housing and will implement policies to reduce or eliminate those constraints.

Element is misleading, fails to meet its goals/policies, and will overstate the numbers of Above-Moderate housing units to be created.

9. Appendix B states that the average per square-foot cost for good-quality housing in the San Diego region is \$129 for single-family homes. This number is not reflective of Encinitas costs. Every recent home in Olivenhain has been \$400/square foot or more, a very significant discrepancy.
  - a. It is only economically feasible to construct very high end, very large houses in Encinitas given the zoning, exactions and other barriers to development/subdivision.
10. Appendix B states slope areas within Olivenhain and the Sphere of Influence are greater than 25% and characterized by the presence of biological habitat.
  - a. This statement should be removed as it is misleading and irrelevant, speculative, and unrelated to the Housing Element.
    - i. It is mostly applicable to County land (outside the City) already set-aside or being developed.
    - ii. Further, this is not a statement that can be relied upon, but is only a supposition or projection and not based on on-the-ground studies.
    - iii. If this language is not removed, analogous statements must be included about all other areas with >25% slope in the City.
  - b. The City cannot make a formal determination of the slope characteristics or habitat, or impacts to housing, until specific sites are proposed for use based on on-the-ground studies.
11. The City continues to fail to understand Olivenhain and its Character.
  - a. A .45 acre lot in Olivenhain is not a large lot, as described. Most of Olivenhain is zoned 1 and 2-acre zoning. The Land Use Element describes the highest densities as 2 units per acre. The General Plan Land Use Element Land Policy states, e.g., "Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural "feeling of country" character that is typical of the community."
  - b. The Housing Element fails to comprehend the issues facing property owners in Olivenhain. Housing Element language is not correct for Olivenhain owners being considered in this plan.
  - c. The only growth contemplated for Olivenhain is by allowing very intensive R8 development of very small lots, something that conflicts with the description on LU-74 of the Land Use Element of the General Plan.
  - d. Olivenhain is not a beach community and has no characteristics of a beach community. Comparison tables of nearby cities are meaningless. They do not include adjacent and nearby cities (San Marcos and Escondido) yet include cities that are not adjacent (e.g., Oceanside and Del Mar), do not have similar population levels (e.g., Del Mar and Solana Beach) and do not have significant numbers of larger rural lots (e.g., Del Mar and Solana Beach). This is very misleading.
    - a. No nearby city reduces density as Encinitas does.
    - b. San Marcos and Escondido have allowed, and continue to allow, extensive development in areas similar to Olivenhain.

12. I do not believe that Section 9.9, Local Permits and Processing Times are correct in all cases, including relating to properties listed on Schedule C. This is misleading because it does not reflect actual processing times and requirements. Permit and Processing Time information must be updated to include when EIRs are required, along with any other situations that would require additional processing times.
13. The Development and Planning Fees (Exhibit B, Section 9.5) regional comparison chart should have included the County given the possibility that sphere of influence lands could annex from the County and provide City of Encinitas housing.

#### E. Questions

1. APN 264-020-13
  - a. Why did the City refuse to provide requested calculations and methodologies and explanations relating to parcels listed on Schedule C when asked about significant discrepancies between (a) Schedule C listed lot size and actual lot size and (b) Schedule C listed zoning and actual zoning density?
  - b. What projects in the City of Encinitas have a historic housing yield similar to one dwelling per 12.4 acres as listed?
  - c. Please explain how the City is upholding its obligations under Goal 5 and Policy 5.1 stating that 1 dwelling per 12.4 acres is the housing yield given the applicable zoning is 1 dwelling unit per 2 acres?
2. Encinitas Housing Element Goal 5, and Policy 5.1, contemplate implementation of policies to reduce/eliminate governmental and non-governmental constraints for all housing within the City.
  - a. Housing Element Program 3G: Monitor Adequacy of Development Standards states “In the course of reviewing new projects on the sites shown on the site inventory in Appendix C, the City of Encinitas will evaluate the development standards contained in Title 30 of the Encinitas Municipal Code and Specific Plans to determine if any standards create undue burdens, or limit the ability for housing to be developed at the density designated in the site inventory.” Why does program 3G: Monitor Adequacy of Development Standards not specifically include above-moderate housing as required by Goal 5 and Policy 5.1?
3. Program 3B, Modify Regulations that Constrain the Development of Housing
  - a. The Housing Element states: “In 2019, the City of Encinitas identified potential constraints to the development of housing, including ground-floor commercial only uses, findings for residential projects related to density and design, and airspace ownership requirements.” What specific document or program is this referring to? Who was invited to participate? Who participated?
  - b. Given that Program 3B, Modify Regulations that Constrain the Development of Housing, is represented as an ongoing program within the Housing Element, how can I be included as a stakeholder in this program and be able to provide feedback and information?
    - i. I request to be included in this program.
  - c. What are the City’s plans, timeline and next steps to implement Program 3B?

- d. Who specifically is the “development community” that the City is referring to in Program 3B of the Housing Element?<sup>10</sup>
4. Housing Element Program 3D, Improving the Efficiency of the Development Review Process for Housing Projects states that “Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible to focus future environmental review on project-specific issues and to apply the objective standards included in the Environmental Assessment.” Please could you confirm that this statement applies to all housing units created in the City, not just the sites/units described in Schedule C0?
5. Olivenhain Community Character
  - a. Please explain why the City of Encinitas considers .45 acres a large lot in Olivenhain, when most of Olivenhain is zoned 1-2-4 acre zoning and the General Plan’s Land Use policy on page LU-74 describes the highest densities as 2 dwellings per acre?
  - b. How is subdivision of a .45 acre lot permitted where the Land Use Policy states the highest densities are 2 dwellings per acre in Olivenhain?
  - c. How does development of the proposed sites in Olivenhain meet the Land Use Policies applicable to Olivenhain? (e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”)
    - i. How does the proposed 30 dwelling units per acre contribute to preserving Olivenhain’s rural character?
    - ii. How has the City determined that the 30 dwelling units per acre projects in Olivenhain is consistent with the Land Use Element of the General Plan?
  - d. Why is the Schedule C Description and Parcel Specific Comments for similarly sized lots the same for Olivenhain as for the other communities that have different community characters and standards?
  - e. Why were the cities of San Marcos and Escondido not included in local comparison tables, when they are much closer in location and character to Olivenhain than Oceanside?
6. Why has the City not reached out to property owners of properties listed in Schedule C to determine if (1) they are interested in developing the planned home sites on their properties within the Housing Element period or (2) City allocated yield numbers are feasible, including economically feasible?
7. Economic Feasibility
  - a. Has the City determined economic feasibility for development of each property listed in Schedule C, including Moderate and Above-Moderate sites? How? Please explain analysis in detail.
8. ADU/JADU
  - a. Across Encinitas, how many parcels are eligible to build (1) ADUs and (2) JADUs? If 75 ADUs/JADUs per year are constructed as assumed by the Housing Element, what is the percentage utilization rate of the ADU/JADU program across the City?

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<sup>10</sup> The City states in Program 3B: “Working with the development community, the City will continue to evaluate regulations that may pose a constraint to the development of housing and modify them if consistent with State law.”

- b. Exhibit B Section 9.3.2 states: “The City is currently in the process of updating the existing ADU and JADU ordinance to be consistent with state laws adopted in 2019. See additional discussion in Section 11.1 of this Appendix.” Section 11.1 of the Appendix does not mention ADU/JADUs but instead states “Appendix C contains a detailed list of vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and discuss the City’s experience with the redevelopment of non-vacant sites.” What is the City referring to in Section 9.3.2?
9. Schedule C
- a. Please provide the City’s methodologies for Schedule C site selection and unit yield.
    - i. Note that the descriptions in Schedule B and Schedule C are conflicting and there is insufficient information to replicate the City’s calculations.
  - b. Are all vacant parcels in the City included in Schedule C? If not, why not?
  - c. Are underutilized or vacant parcels on private roads included in Schedule C?
  - d. Given the relatively low percentage utilization of JADU and ADU entitlements as a percentage of City homes/available parcels, and a significant percentage of housing unit yield will be coming from redevelopment projects on parcels with existing uses, on what basis has the City determined that a sufficient number of units on moderate/above-moderate sites identified on the Schedule C Sites Inventory will be constructed within the next 10 years to meet State requirements? Please explain the rationale. On what statistics or facts is this determination being made?
10. The City provided estimates for the number of ADUs/JADUs anticipated to be created under the plan in Section 12.1 of Schedule B based on the historical average numbers of permits granted by the City. No similar analysis appears to have been undertaken for the sites listed on Schedule C for moderate and above-moderate housing—despite the fact that most of these sites require subdivision and/or already have existing uses.
- a. Why has the City not undertaken a consistent approach/methodology to estimate housing yields, and based its analysis on historical yield numbers?
  - b. Please provide statistics for historical housing yield for each income bracket equivalent to the ADU/JADU numbers.
    - i. On average, how many homes is Encinitas permitting per year at each income bracket?
    - ii. What are the City’s projections of the number of homes that will be permitted each year of the Housing Element at each income bracket?
  - c. On average,
    - i. How many subdivisions is Encinitas processing per year?
    - ii. What is the average number of parcels created?
    - iii. How many 4 lot or fewer subdivisions are being processed each year?
    - iv. On average, how long does it take to record a subdivision map?
    - v. On average, how long from the time a subdivision map is recorded until building permits are issued?
    - vi. As vacant and underutilized land inventory declines over time as land is developed, how has the City addressed this in its projections?

- d. Does the City expect all homes (excepting ADUs/JADUs) to be built on Schedule C sites? If not, what percentage are projected from Schedule C sites, and what percentage from non-Schedule C sites?
11. Section 11.3 of Exhibit B, including Table B-51, provides “samples”<sup>11</sup> of development of non-vacant sites being converted to higher utilization residential use.
- a. How were these samples selected? How are these “samples” representative of projects in the City of Encinitas? Please explain methodology and calculations, assumptions, etc.
  - b. Do these projects yield moderate or above-moderate units? How many of each?
12. Processing Times, Section 9.9 of Schedule B
- a. Table B-51
    - i. Please explain how the City can justify the development time periods listed in Section 9.9, when the Housing Element shows that actual projects take far longer (e.g., see Table B-51 showing a sample of 10 “existing applications under review or approved” since July 2019, including 1 project submitted in 2014, 1 in 2016, 5 in 2017, 1 in 2018 and 2 that are undated).
    - ii. Which of these sample projects were approved and which were under review at time of inclusion?
    - iii. When will the City update the Housing Element with correct information regarding processing times and sample project details? Please explain.
  - b. EIRs are required for properties listed on the site inventory.
    - i. What are processing time frames when EIRs are required?
    - ii. Why did the City not include this information in Schedule B?
    - iii. Will the City update the Housing Element with more accurate and complete processing times and estimates?
  - c. Are there any other factors that would delay subdivision and development projects, and related housing, not listed in Schedule B? What are these factors? When will the Housing Element be updated with this information?
13. The Housing Element contains statements that residents do not want hillsides developed.
- a. Which communities include homes built on slopes, including slopes greater than 25%? Wouldn't this include portions of Cardiff and Leucadia?
  - b. How and when was this information gathered?
  - c. Do residents complain about existing housing stock built on hills and steep slopes?
  - d. Is there evidence that the community would prefer to develop public parks for above-moderate income homesites rather than allow development on hillsides?
14. Encinitas Dog Park is listed on the Schedule C Above-Moderate Sites Inventory.
- a. Does the City plan to vacate the Encinitas Dog Park to provide 14 above-moderate homes?
  - b. Under what circumstances would development of the 14 above-moderate homes occur on the Encinitas Dog Park?
  - c. Does the City believe that building housing on the Dog Park is more important than changing zoning to simple standards (e.g., 2 acre zoning without removal of densities for overlays, easements, slope, etc.). Explain.

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<sup>11</sup> Table B-51 states it is a “sample of existing applications under review or approved since July, 2019”.

## 15. Infrastructure

- a. The Housing Element states that Encinitas “must also plan to provide the infrastructure needed to maintain existing levels of service” along with many other references. How specifically are City policies and practices changing with respect to the following:
    - i. Continuing actions that block and impede through traffic on City thorough-fares through road narrowing, traffic calming, stop signs, etc.
    - ii. Failure to maintain existing levels of service from the time of incorporation (transit times have increased 2-5x)
    - iii. Failure to accommodate traffic caused by growth in neighboring cities
  - b. Many references within the Housing Element relate to minimizing constraints to development. How specifically are City policies and practices changing with respect to the following?
    - i. Requiring developers/subdividers to provide onsite and offsite improvements to public streets
    - ii. Failing to accept public road IODs, so that subdivision/development roadways are private
    - iii. History of vacating public roads and/or IODs
  - c. Has the City’s failure to accept public road IODs decreased the number of parcels available for inclusion in Schedule C?
16. What prevents the Moderate income sites identified in Schedule C from being developed and offered to the market as Above-Moderate units?
17. Please explain how Exhibit C Sites Inventory designates lots as “vacant” when also noting they have existing homes and/or other improvements, given that this conflicts with the HCD definition of “vacant” and goes against HCD guidance?
18. Given that the City appears to contemplate further revisions, corrections and alterations to Schedule C, and given that the City has not been forthcoming about information included in this Schedule C, what opportunity will landowners and the general public be given to comment on revisions?
19. Given that (a) figures and information contained in the Housing Element, including Schedule C, are erroneous, drafted in violation of State HCD guidelines or are potentially economically infeasible, and (2) the City failed to provide requested information concerning calculations and methodology, what is the City’s plan to ensure that the public is able to meaningfully and fully understand this plan and provide public comment based on complete and accurate information?

## F. Conclusion

Schedule C Capacity is very different from having completed units at the end of the Housing Element period. I have grave doubts that the majority of Schedule C sites will provide units to meet Encinitas’ housing obligations.

Judging from Schedule C, and the reliance on micro-subdivisions and projects, it appears that Encinitas is running out of developable land. Zoning must be changed so density is not removed for easements, utility easements, roads, trails, drainage systems, certain slopes, wetlands, etc. This will help meet Encinitas’ housing needs without changing community character.

Thank you in advance for your attention and for the requested information.



Note: The reason this response is lengthy is because the City did not to provide requested information regarding the Housing Element and I consequently reviewed the Policy and its Appendices in depth. While I did not find the information I sought, I do include my thoughts and comments to the Housing Element.

APPENDIX

Methodology:

(1) I organizing the listed sites into the following categories: (a) existing residential uses; (b) existing commercial, agricultural, recreational, church and similar uses; and (c) vacant lots / parking lot / construction lot;

(2) Next, for each category, I counted the total number of parcels yielding 1 housing unit, 2 housing units, 3 housing units, etc.; (3) I then determined the total percentage of moderate or above-moderate units at that unit yield level.

Analysis of Schedule C Sites (Moderate income), divided by existing use and number of units able to be created.

Existing use	Number of units created	Number of Sites listed at this unit number with same existing use	Total Yield at this unit level (# units multiplied by # sites)	Percentage of total moderate units (totals 100%)
Residential	2	23	46	13%
Residential	3	15	45	13%
Residential	4	3	12	3%
Residential	5	9	45	13%
Residential	6	1	6	2%
Residential	8	2	16	4%
Residential	10	1	10	3%
Commercial / storage yard	Varies (2-13)	24	168	47%
Vacant / construction lot / parking lot	Varies (3-4)	3	11	3%

Analysis of Schedule C Sites (Above-Moderate Income), divided by existing use and number of units able to be created.

Existing use	Number of units created	Number of Sites listed at this unit number with same existing use	Total Yield at this unit level (# units multiplied by # sites)	Percentage of total above-moderate units (totals 100%)
Residential	1	13	13	3%
Residential	2	35	70	16%
Residential	3	27	81	19%
Residential	4	8	32	7%
Residential	5	6	30	7%
Residential	6	2	12	3%
Residential	9	2	18	4%
Agricultural / Equestrian / Recreational / park / church-school	Varies (2-32)	15	145	33%
Vacant / construction lot / parking lot	Varies(1-5)	12	35	8%

## Jennifer Gates

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**From:** Geoff <millergm@pacbell.net>  
**Sent:** Wednesday, September 2, 2020 3:55 PM  
**To:** Jennifer Gates  
**Subject:** Comments re Draft Housing Element

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Hi Jennifer:

While I freely admit to not having fully digested the entire contents of the plan, I do wish to pass along a few thoughts as to some of the recent proposed developments as a 25 year resident of Olivenhain.

1) I am strongly opposed to the multi-story apartment complex scheme targeted for construction behind the 7-11 at the corner of RSF road & Encinitas Blvd. I attended the zoom meeting hosted by Randy Goodson and came away with nothing but questions and doubts about the project. The proposed building is totally out of place for the community and surrounding area and will lead to traffic nightmares on a regular basis, never mind the real problems caused should emergency evacuations be required along RSF road southbound.

2) I also attended a zoom meeting regarding the proposed "density bonus" 14 home development right across RSF road in the "balloon field ". As described, the development seems overly congested for the sub 5 acre plot. With only one home designated for a lower income household, I fail to see how this planning approach meaningfully helps the city toward meeting its housing goal for lower income residents.

3) I have a very cynical view of "density bonus " projects, particularly if part of the stated reason is to increase the city inventory of affordable housing. I live near the "Loden at Olivenhain " project area and I believe those homes are being offered at \$1.4 - \$1.7 million at the low end. That is not affordable housing for lower income families in my book. I believe only one of the "Lodenite" homes is earmarked for this type of buyer profile.

Regards,

Geoff Miller

Sent from my iPad

## Jennifer Gates

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**From:** Juliana Maxim <jmaxim@sandiego.edu>  
**Sent:** Wednesday, September 2, 2020 3:55 PM  
**To:** Jennifer Gates; Roy Sapau; Idoherty@encinitas.gov; Council Members  
**Cc:** 'daniel\_e\_vaughn@yahoo.com' via Encinitas Residents For Responsible Development  
**Subject:** Comments on the 6th cycle HE  
**Attachments:** Housing Element public input Sept 2 2020.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Planning Department Staff and City Council,

Thank you for the opportunity to submit public comments on this document.

Juliana

September 2, 2020

Dear Planning Staff and City Government, dear Housing and Community Development (HCD) staff,

Real obstacles stand in the way of a rational and transparent exchange of ideas about best ways to achieve housing affordability in our city. Both HCD and the 2021-2029 Housing Element (HE) perpetuate some of these obstacles.

1. HCD has a record of being friendly to the developers and the Building Industry Association (BIA)

On February 7, 2020, the HCD took the extraordinary step to intervene in favor of a private developer, Randy Goodson. In a letter signed by Deputy Director Zachary Olmstead, the agency enjoined the City of Encinitas to work ‘cooperatively’ with the developer to ‘facilitate the development of housing in Encinitas.’ This raises serious questions about the neutrality and objectivity of the agency, its staff, and most importantly, its policies.

The word ‘cooperation’ in HCD’s letter is an especially striking example of deceptive language. Cooperation, after all, is defined by mutual benefit and requires both sides to participate equally. The letter, instead, is strong-arming the city into yielding to the developer’s extraordinary demands under by-right development.

A Public Records Act request reveals the high number of contacts between Robin Huntley and the representatives of the BIA, as well as the speed and depth of her response, compared to the anemic and superficial response received by citizens. That the HCD deputy director himself would intervene in favor of a single developer with a documented history of unethical practices should sound the alarm. This suggests an agency that is highly responsive to construction and real estate lobby groups and much less so to the public. Since the agency is publicly run and publicly funded, this asymmetry should be reversed.

**Suggestion 1: At a minimum, the agency should give the same amount of careful consideration to citizens’ voices as it does to the BIA.**

2. “Affordable housing” is still expensive housing.

Much of the “affordable housing” obtained through upzoning, Density Bonus Law, and inclusionary zoning is out of reach for working-class households.

Developers get to count as “affordable housing” those units whose rent is adjusted for a household making 80% of AMI, which in Encinitas comes to over \$85,000 annual income for a

family of 4. As a tool, AMI has been repeatedly criticized for failing to capture the condition of the many working-class families who live at substantially below 80% of AMI.

**Suggestion 2: Housing policy should require developers who benefit from R30 upzoning and density bonus to count as affordable only those units for families at 50% AMI or below.**

3. Compliance with state law has led the city to give up on planning.

The housing policies put forward by the previous HE cycle and continued in the 2021-29 HE legalize a frenzy of land speculation that leave the city holding the bag for a range of unmitigated impacts.

Less than a year after the HCD certified the current Encinitas Housing Element, five projects making use of the R-30 upzoning, the DBL, and ‘by-right’ development are in front of us. Taken together, they reveal the burden they place on our city and provide concrete and quantifiable evidence that this triad of laws and policies fails to address the need for affordable housing.

Encinitas R-30 Project Table							
Low Income Housing					Total Units		
Project Name	Claimed	Proposed	Income Type	%	EIR	Proposed	%
Goodson	149	42	(L)	28%	181	283	156%
Agrihood@ FoxPoint Farms	246	39	(VL)	16%	296	250	84%
Sunshine Gardens	84	21	(L)	25%	102	140	137%
Quail Meadows	225	72	(L)	32%	272	485	178%
Fenway N. 101 Jackal	33	19	(L)	58%	89	94	105%
Total	737	193		26%	940	1252	133%

Of the 1252 units that will be built, only 193 will be affordable. Only 15% of all units built will be affordable. Of the 193 affordable units, only 39 will accommodate families at 50% AMI. Only 3% of all units built will be truly affordable.

Because these 1252 housing units will be built without any thought for urban planning, they will hollow out the city’s much-touted Climate Action Plan. In direct contradiction with the city’s goal to reduce traffic, several of these projects are located far from any meaningful public transportation and will therefore add more than 10,000 daily car trips to our city.<sup>1</sup> To obtain 39 truly affordable units, the city has agreed to put on the road more than 2000 additional vehicles

<sup>1</sup> At a conservative estimate of 8 trips x unit

or 10,000 metric tons of carbon dioxide every year, an amount that cancels the beneficial effects of all other environmental measures combined.<sup>2</sup>

2000 additional cars will have to be parked in Encinitas as a result of these projects. At an estimated 300 sf per parking stall, the area required to accommodate these cars is about 600,000 sf or 150 acres. The construction of elevated structures and the covering of natural surfaces in asphalt in order to accommodate vehicles that sit idle 90% of the time count among the most inefficient land uses, and contribute directly to the heating of the atmosphere.

A full and transparent analysis of the R30 method as proxy for affordability would reveal its very modest benefits and its staggering costs.

**Suggestion 3: The language of Program 1E is unnecessarily coy. The HE should honestly acknowledge the implications of its “compliance with state law.” This should include openly addressing the net loss of affordable units. This should also include required updates to the Climate Action Plan, Mobility Plan, and Safety and Maintenance Plan to account for the negative effects associated with these projects and the increase in the city’s infrastructural needs.**

4. It is time we begin counting, and taxing, housing units that sit vacant or idle

Before claiming we need to build more housing, we should find out how many units sit vacant a significant part of the year. As other coastal cities have demonstrated, plenty of inventory is already available in the form of housing units used as secondary homes or short-term rentals such as AirBnB. Those units would more than make up for our city’s RHNA allocation.

How many units are used for short-term-rental (e.g. AirBnB)? How many units are used as secondary homes and remain unoccupied for a large part of the year? Perhaps we don’t need more housing, but only more affordability.

**Suggestion 4: The HE should account for the units that sit vacant in Encinitas. The city should institute a luxury housing tax, a foreclosure tax, and a tax on empty buildings.**

5. The Housing Element is built on HCD’s untested assumptions

The assumption at the base of the HE, handed down and perpetuated by HCD and passively accepted by our city, is that indiscriminately increasing the housing supply will eventually provide enough affordable units. This model of “supply-side” or “trickle-down economics” has been repeatedly refuted by evidence and is considered today a failed theory.

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<sup>2</sup> A typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year (EPA data).

The Housing Element is not only legally but also ideologically aligned with HCD's thinking. HCD, after decades of lobbying from groups such as the Building Industry Association, asserts that by default the only plausible provider of affordable housing is the for-profit developer. Because our city takes its marching orders from HCD, the HE yields the task of providing decent and truly affordable housing to the private market. This is a mistake.

Building affordable housing is expensive, and entrusting it to for-profit developers can only make it more so, since in addition to the actual building costs, the developer will also seek to extract a sizable profit. Given that a developer's profit does not come from thin air, a wealth transfer has to occur, in this case from the city into private hands.

The public-to-private wealth transfer that recent state housing laws force upon our cities is not easily quantifiable. But that should not mean we should not try to measure and understand it. Accurately accounting for the public costs of for-profit development would include quantifying the value of upzoning, which the Building Industry Association, in a rare bit of straight-talking, designates as a subsidy. It would also include measuring the effects of the six market-rate units the city needs to absorb in order to obtain one "affordable" unit; those unneeded and unwanted market-rate units will strain our roads, our air, our water, our city services, and destroy our ecosystems. The accounting should include the qualitative decline of a city grown for the developers' bottom line rather than its residents.

The housing policies adopted by the city enshrine the developer's right to profit from housing. But evidence exists that shows how private development exacerbates rather than reduces the costs of providing truly affordable housing.

**Suggestion 5: The HE should objectively compare the costs and benefits of profit-driven development with those, for instance, of public housing systems, in achieving truly affordable housing.**

6. The Housing Element only puts for-profit, market-driven options in front of the citizens.

It is striking that the only options put on the table during the consultation process were forms of for-profit development. The HE contains no suggestion that other ways of thinking about housing exist, or that vigorous debates have emerged around the country about new solutions to achieve housing justice. The HE excludes the possibility of public, democratic control over land and resources. (The Nexus study is one example of a document that claims scientific rationality but instead is predicated on the gospel of private profit.)

**Suggestion 6: Rather than rely on unimaginative planning consultants, support a wide public discussion of alternative housing systems, such as public, cooperative, limited-equity co-ownership, communal, and other forms of tenure.**



7. Stop saying “We can’t afford to build affordable housing ourselves.”

The claim that in one of the wealthiest cities in the wealthiest country we lack the money to build affordable housing is a political rather than a factual statement. We do spend generously on other priorities: San Diego County’s Sheriff’s department budget nears \$ 1 billion. This is more than 12 times the budget for Housing and Community Development, more than six times the budget for public health, and more than twice the budget for child welfare services.

**Suggestion 7: Ask the Board to Supervisors to divert some of the sheriff’s generous budget to address social needs such as housing.**

This would be money well spent: study after study shows that stable and affordable housing is the most cost-effective and long-term solution to address mental health, public health, and child welfare issues all at once.

It is time we go beyond the habit of thinking in terms of scarcity and reorganize our community according to our sense of decency and need.

8. Last but not least: the consultation process that led to the HE was limiting

Although Encinitas is home to a large number of working class families and to a sizable Latino population, the consultation process does not seem to have reached them. This means that the housing policies inscribed in the HE fail to reflect the voices of their possible beneficiaries. Instead, housing policy continues to be determined by a relatively small, white, middle-class elite.

This speaks to another, more general problem: the policies on which the HE is based are so technical, and the language so convoluted, that only the most determined citizen can wade successfully through them. Housing developments such as the Goodson/Malk in Olivenhain are pushed through the planning process using arcane technical knowledge and backroom negotiations. The form and substance of this process needs to be changed, in order to make the advantages given to any developer completely clear and open to public scrutiny. Social justice and environmental justice impacts should be fully stated for all large-scale proposals, and written in a language that the public can understand.

**Suggestion 8: Democratize housing policy: downsize the power of experts and consultants and put instead the voices and perspectives of poor households at the center of planning and policy discussion.**

Much has changed in the last year. The connection between housing and public health has become clearer. The connection between housing and racial justice has become clearer. The biases embedded in our spending priorities have become clearer.

Now more than ever, a just housing system concerns all of us, and therefore should not be the sole domain of specialists that “explain” things to us. Instead of being subjected to a planning process shrouded in arcane technical knowledge, housing policies need to be opened up to broader democratic scrutiny, input, and imagination, so that they can be contested at a scale appropriate to their significance to everyday life.

With thanks for your consideration,

Juliana Maxim  
254 Rancho Santa Fe Road, Encinitas

## Jennifer Gates

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**From:** Camille Perkins <camille.perkins@gmail.com>  
**Sent:** Wednesday, September 2, 2020 3:54 PM  
**To:** Jennifer Gates  
**Subject:** Housing Element Comment Letter from Virginia Perkins  
**Attachments:** 2020 09 02 VLP Housing Element Comment Letter.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Attached please find a Housing Element comment letter from Virginia Perkins.

Thank you for your attention.

Sincerely,  
Camille Perkins

3451 Bumann Road  
Encinitas, CA 92024

August 30, 2020

Ms. Jennifer Gates  
Principal Planner, City of Encinitas  
505 S. Vulcan Ave.  
Encinitas CA, 92024

RE: Update of City of Encinitas Housing Element  
Allocation of 3 additional housing units to APN 264-020-13, a single parcel of land, 49.67 acres

Dear Ms. Gates,

No contact was ever made with me by the City of Encinitas to include my 49.67-acre property within the updated Housing Element yet the City allocated 3 units to my single parcel. I request the City explain how 3 additional housing units can be built on one parcel of land.

Since 1951, our 69-year-long ownership of the 49.67 acres in Olivenhain has brought extensive knowledge of the area and the many governmental policies affecting land use and housing. In 1951, no land use restrictions or regulations existed! Since the 1970s, layer upon layer of controlling regulations have been adopted. This has resulted in today's strangulation of good planning and it prevents accommodation of today's housing needs.

Encinitas incorporated in 1986 with a General Plan written intentionally and specifically to limit growth in eastern Olivenhain to benefit some and place the burdens of exactions and downzoning on others. I know, as I attended many a planning meeting (until 2 a.m.).

Encinitas is now scrambling to satisfy California Department of Housing and Community Development requirements using devious tactics to satisfy numbers, not the actual building of housing units. If the City disagrees with this statement, how is this not true?

My 49.67 acres have been disturbed and occupied with multiple housing units since the late 1800s. Activities have included mining, farming, ranching and residential uses for over 120 years. Road right of ways have existed since early 1900s. Over the years, extensive SDG&E and OMWD facilities were installed on easements that enabled development near and far, including Encinitas, Carlsbad and County of San Diego.

Housing exists on three borders, including multiple subdivisions of lots averaging 1 and 2 acres and a more recent subdivision that took approximately two decades to record a subdivision map of 28 lots averaging 1 dwelling unit per 4 acres. The State finally got involved and pushed for approval.

Regarding the 3 units allocated to APN 264-020-13, without referring me to exhibits or endless City documents that are overwhelming and difficult for a layperson to understand, please answer the following:

1. Is a subdivision map required to create parcels/lots for 3 additional housing units?
2. List all agencies involved in processing a subdivision map for the 49.67 acres.
3. What steps are required to get a map recorded for the 49.67 acres?
  - a. What is the estimated time?

- b. What is the estimated cost?
4. What onsite and offsite improvements would be required in order to obtain a building permit for each of the 3 units allocated to APN 264-020-13?
  - a. What is the estimated time?
  - b. What is the estimated cost?
5. What conditions and exactions would be required for the 49.67 acre subdivision map of 3 additional units to be recorded?
6. How is density determined on the 49.67 acres? What specifically may reduce the density from the stated 2-acre zoning? Explain 0.125 as Minimum or Average Density per the Schedule C, Above-Moderate Sites Inventory.
7. Do all current lots and housing units in the City of Encinitas comply with and meet all current slope requirements? If not, please explain.
8. Is it economically feasible to build 3 housing units on APN 264-020-13, 1 dwelling unit per 12.4 acres, considering the requirements necessary to obtain a subdivision and building permit?  
or  
Is Encinitas allocating bogus numbers?
9. Where else in the City do densities average 1 dwelling unit per 12.4 acres or more than 1 dwelling unit per 4 acres?
10. How does the City of Encinitas explain and justify the allocation of the 3 units on 49.67 acres to the California Department of Housing and Community Development?
11. Since today's motto is "We're all in this together", explain how the burdens of open space (along with habitat endowments which can be hundreds of thousands of dollars per lot) are solely borne by those who have preserved habitat/open space. Could the open space exaction potentially reduce density? Please explain. Also, could this be considered PUNISHMENT FOR PRESERVATION?
12. Correct incorrect facts in Schedule C Above-Moderate Site Inventory regarding 264-020-13, including street name, parcel size, max density, minimum or average density, unit capacity or fully explain why not changed.

In conclusion,

1. I request the City of Encinitas be forthright in their responses to my questions. This will provide practical information to California Department of Housing and Community Development.
2. I request the City honor the base zoning and remove all obstacles that reduce density (i.e., removing density for slope, utilities easements, waterways, rights of way/roads) allowing the transfer of density to the remainder of the parcel.
3. No Housing Element Certification should be provided until all allocated numbers are reasonable, feasible and doable.
4. I believe many units listed in the Housing Element are economically infeasible. Until I have received and understand your responses, I will not know if the potential units attributed to APN 264-020-13 are economically feasible. Do not include my property in the final Housing Element without liaising with me first.

Sincerely,

Virginia L. Perkins

## Jennifer Gates

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**From:** Louise Julig <ljulig@me.com>  
**Sent:** Wednesday, September 2, 2020 3:36 PM  
**To:** Jennifer Gates  
**Subject:** 6th Cycle Housing Element Comments

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Jennifer Gates,

Somewhere in the Housing Element draft I thought I remembered reading new language that emphasized looking at housing through a racial equity lens. This was several weeks ago when I first read it, and now that I try to go back and look for the specific language I can unfortunately not find the specific part I was looking for. However, my comment is that I want to support any efforts to view housing through a racial equity lens, because as I am learning, most all policy put in place has some embedded racial impact, and if we don't look for it, it will likely impact Black and Brown communities adversely.

Voice of San Diego just published an informative deep dive into the history and repercussions of single-family zoning in San Diego just last week, at [Single-Family Zoning's Century of Supremacy in San Diego — Voice of San Diego](#). There were so many eye-opening moments and quotes from this piece, and I suggest all in City Government read it, but I will share just two quotes:

"Excluding single-family areas near transit ... exacerbates the problems of single-family zoning – especially low-density neighborhoods in high-income areas. The collective benefit of allowing more people to live near transit should outweigh the concerns of people who live in those neighborhoods and don't want them to change."

and:

"Exclusionary zoning, like single-family zoning, is used as a planning tool by local cities around the nation to segregate Black, Brown and poor residents from wealthier and whiter neighborhoods," [This is from a letter from a coalition of seven anti-poverty groups to Councilwomen Monica Montgomery, Vivian Moreno, and Georgette Gomez.]

Encinitas does not have a great track record of being proactive about inclusionary housing it seems to me. We can do better.

Respectfully,  
Louise Julig

[www.louisejulig.com](http://www.louisejulig.com)

Writing and Editing

@LouiseJulig

LinkedIn: [www.linkedin.com/in/louisejulig](http://www.linkedin.com/in/louisejulig)



## Jennifer Gates

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**From:** daniel\_e\_vaughn@yahoo.com  
**Sent:** Wednesday, September 2, 2020 2:29 PM  
**To:** Jennifer Gates; Roy Sapau; Lillian Doherty  
**Subject:** 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Dear Planning Department Staff,

I wanted to provide more detailed, actionable comments to address the more goal-oriented comments in my August 19 correspondence.

The importance of new housing being compatible with the surrounding neighborhood and community (Section 2.1):

- Goal 1 should explicitly state compatible with neighborhood and/or community. For example, “THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY THAT EMBRACES THE DISTINCT CHARACTER OF THE FIVE COMMUNITIES.”
- Policy 1.3: Most residential neighborhoods and all 5 communities were not planned by the city. Please revise to “When existing single-family residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood and embrace the distinct character of the five communities.”
- There should be a program introduced to define objective standards for preserving community character for all new residential development.

The importance of planning infrastructure needs and protecting the environment (section 1.2).

- Goal #2 should be updated to include infrastructure planning and environmental analysis. For example, “SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS WITH ADEQUATE INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS AND MITIGATION.”
- policy 2.2 should be expanded to include environmental analysis. So, “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing based on adequate environmental impact analyses and mitigation.”
- policy 2.8 should be expanded to require VMT traffic analyses and GHG studies for all large projects.
- The city also needs to review and update its antiquated circulation element to adequately plan for the necessary infrastructure needs and environmental protections.
- There should be a program introduced to conduct the Environmental Impact and mitigation, and to provide the infrastructure planning. This should remedy the mismatch between the EA done with up-zoning when several properties were ineligible for by right development and the current situation where they are. This should update the city’s antiquated circulation element.

Program 1A, Page 1-13: “As discussed under Program 1B, the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households.” This is untrue,



please correct as the use by right was introduced in September 2019 for all properties requiring lot consolidation.

Program 2B: The use of R-30 zoning and its preposterous assumption of affordability is not meaningfully contributing to the affordable housing stock beyond the deed-restricted units, typically < 15%. Most of the R-30 projects that have been submitted are designed with luxury features and are not likely to provide even moderate-income affordable housing. The Goodson project for example, proposes a luxury roof-top 70' above grade with a club-house, pool and deck, and exercise spa. Similarly, limiting the average unit size has failed, as the developers are shrinking the deed-restricted units' size to build large penthouse apartments for premium rent.

Partnering with the for-profit development community as been a disaster. Mr. Goodson had proposed a n ~150-unit low impact assisted senior living center while advocating for inclusion of his property. Within days of the 5<sup>th</sup>-cycle housing element adoption, he was consulting with planning staff on a gigantic apartment complex. Rather than being further victimized by these bait-and-switch tactics. The city needs to partner with the non-profit development community to build housing that is affordable to all income levels on properties where the city has site control (either by ownership or covenant).

Program 2C: The extremely long wait list has discouraged eligible residents from applying. Any outreach should extent to all Section 8 eligible residents, and not just those on the wait list many of whom have no connection to Encinitas. The inserted text on page 1-23 states 25 percent are low income, is this meant to be very-low income?

Program 2D: Please break out the 62 "lower income units" by income level.

Program 3: The phrase "community character" has been systematically removed. Rather than word-smithing the document, the city needs to prioritize putting in place objective standards by a combination of Environment Impact mitigations associated with the housing element and through EMC.

Program 3C: Any future Housing Element should both comply with state law and be embraced by the citizens. Rather than lawsuits, the city should focus on identifying projects that build the housing desperately needed by our families making median area income and below.

Program 3D: An objective should be added to identify subjective design standards and to replace them with appropriate objective standards.

Thank you for your consideration.

Yours in community, Dan

## Jennifer Gates

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**From:** Laini Cassis <lainicassis@gmail.com>  
**Sent:** Tuesday, September 1, 2020 4:57 PM  
**To:** Jennifer Gates  
**Cc:** aaronshook@gmail.com; Mali Woods; Barbara Murray; Joshua Lazerson; Ana Reyes; Matthew Loecker; olivenaftzger@gmail.com; Lydell Fleming  
**Subject:** Comments on 6th Cycle Draft Housing Element  
**Attachments:** Encinitas4Equality Comments to the 6th Cycle Housing Element Draft.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

We thank you for consideration of our feedback and comments, which are in a PDF attached to this email. We appreciate the time and effort the Planning Department staff have dedicated to the draft Housing Element document. We look forward to supporting the City of Encinitas in adopting a robust, inclusive plan that will steer towards meeting the City's housing goals.

Respectfully,

Laini Cassis

*Encinitas4Equality Housing Committee*



Encinitas4Equality

August 30, 2020

Ms. Jennifer Gates, AICP  
Principal Planner  
City of Encinitas  
505 S. Vulcan Avenue  
Encinitas, CA 92024  
Submitted via email: [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)

## Re: Draft 6<sup>th</sup> Cycle Housing Element

Dear Ms. Gates:

E4E appreciates the opportunity to provide input after reviewing The Encinitas Sixth Cycle Housing Element draft. This letter comes to you specifically from the Housing Committee, whose mission is to make Encinitas a place where neighborhoods are affirmatively anti-racist and a city that intentionally increases access to housing opportunities for low-income individuals and families, and for Black and Indigenous persons, and People of Color (BIPOC).

In the broadest terms, E4E is pleased to note the generally progressive tenor of the Element, a good portion of which is dedicated to acknowledging the reality of various challenges to realizing housing equity and greater diversity of income and race/ethnicity, and to setting forth potential actions that might speak to and mitigate current inequities.

E4E sees great value in the City of Encinitas leveraging available tools to promote and increase availability of more affordable housing. Given that one of the prime means of increasing available housing stock in recent years has focused on the development of ADUs, E4E encourages the City to use those tools available to promote the development of ADUs that are specifically designated for low to extremely low-income populations.

E4E appreciates the City's intent to promote the availability of housing to Very Low income populations through the Section 8 program, and while acknowledging the great excess demand for Section 8 housing, to maintain contact with those on the Section 8 list while those individuals and families are waiting, and potentially providing additional information, assistance, and linkage to resources in addition to housing or as potential alternatives to Section 8 housing in Encinitas.

## Program 1C

Thank you for establishing a numerical goal of seventy-five ADUs annually. We encourage changing this goal to *at least* seventy-five ADUs annually.

We are in favor of the City's promotion of ADUs. To continue this effort, we encourage the City to adopt a "Tiny House" ordinance, if it's deemed this type of ordinance will promote the development of smaller and more affordable housing in Encinitas. If this is the case, this ordinance should include the waiving of Development Fees and the "Permit Ready" element of the ADU program to

expedite the process and reduce costs to applicants. We feel it is important to have ADUs have deed restriction, to ensure affordability and not only serve to add density. Mobile homes should also be considered when designing parcels within appropriate zones.

## Program 1E

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. We recognize that federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for Extremely Low, Very Low, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.

Please commit to identifying replacement sites which will serve to maximize the number of actual Very Low and Low income affordable housing units built. This can be achieved by identifying available funding, donated land, and below market cost land, such as faith-based owned land, underutilized land, or government entity owned land.

## Program 2B

Thank you for establishing a numerical goal of 250 lower-income units annually. We encourage changing this goal to *at least* 250 lower-income units annually.

We applaud the goal of preparing an inventory of City surplus land that is no longer required for the City’s use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing. We support the City of Encinitas’ dedication to partner with agencies that own property in the City, such as the County of San Diego and the North County Transit District (NCTD). Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees. For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.

Specifically, a partnership with NCTD will keep transit hubs at the forefront when building lower income multi-family housing. Because the privately owned sites on the current list will mostly likely produce affordable units at the Low 80% AMI tranche, we feel it’s critical that the City of Encinitas focuses on increasing the percentage of affordable units build in the Very Low 50% AMI tranche, the Very Very Low tranche, as well as housing for the “missing middle.” The reason for this inclusivity is to create housing opportunities across the income spectrum. This will serve the growing demographic in the City of seniors living on fixed incomes, our essential workers earning \$15-\$20/hour, and for young professionals. The City should strive to make standards more challenging to meet. These standards should include a designation of a number of the units for serving citizens in the Very Low and the Very Very Low AMI tranches.

To track the City’s progress in producing housing for all income levels, please create a housing “dashboard” to be shared with the public. This dashboard will summarize the housing built by income category throughout the planning cycle. We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of

availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.

## Program 2C

We support the City's commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of ninety-six to 106, with a goal of fully restoring the program to 136 vouchers by 2022.

As noted in the Housing Element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee's Opportunity Map as areas of highest or high resource, and that the City is predominantly white, comprising >85 percent of the City's population. It is also noted that patterns of racial and ethnic concentration exist in the region. We believe it's critical to do more in welcoming Black, Indigenous, and Hispanic/Latinx neighbors to Encinitas, who currently constitute just 0.6%, 3.9%, and 13.7% respectively of the most recent Census. The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

## Program 2F

We encourage you to continue funding homelessness prevention through rent payments, utility payments, and other financial assistance for residents of Encinitas, ensuring that residents can remain in their homes during these difficult times. It is disruptive and costly to find housing for a person or family experiencing homelessness, as opposed to providing financial support in keeping these residents housed. To this effect, please extend the residential eviction moratorium, as necessary, which is another form of homelessness prevention.

We wish to highlight the City's Climate Action Plan calls on the City's Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground-floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. In the September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," it was found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger buildings and smaller units: all factors that make affordable housing near transit a key greenhouse gas reduction strategy.

## Program 3H

E4E believes that this, if done conscientiously and with relevant input, can go a long way to identifying and pointing to potential remedies for current racial inequities. We would ask that the City give substantial consideration to how it will involve and gather input

from diverse voices within the community; and whether there might be scope to create a public sub-group of the body with responsibility for this Program that provides for longer-term, more integral involvement of community voices in this process.

## Program 5

We appreciate this type of ‘global’ picture of the actions that might be taken to promote fair housing and access in the City of Encinitas, based on AI review. E4E recognizes the value in all of these potential actions, but wishes to state that the recognition that Latinxs and Blacks continue to be under-represented in the homebuyer market and continue to experience large disparities in loan approval rates is particularly important and meaningful in acknowledging the real history of racist discrimination as relates particularly to housing in Encinitas. We believe that the City, armed with this understanding, can incorporate it into planning and outreach efforts, and ultimately make a difference in building the diversity of Encinitas through the encouragement and support of members of these populations to become residents of Encinitas.

In summary, we support the City’s efforts adopting a Housing Element Plan which will be a catalyst for building affordable homes for our senior citizens and our millennial and family residents. We also seek to support our essential workers earning \$15-\$20/hour; they are often commuting long distances or undergoing difficult living arrangements in order to serve the City.

We stand with the City of Encinitas in the focus on innovation and identifying solutions for providing much-needed affordable housing in our beloved community. We thank you for consideration of our feedback and comments. We appreciate the time and effort the Planning Department staff have dedicated to the draft Housing Element document. We look forward to supporting the City of Encinitas in adopting a robust, inclusive plan that will steer towards meeting the City’s housing goals.

In unity,

Laini Cassis, Housing Committee Co-leader  
Mali Woods-Drake, Encinitas4Equality Co-founder  
The Encinitas4Equality Housing Committee  
<https://www.encinitas4equality.org/>

## Jennifer Gates

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**From:** Lukacz, Emily <elukacz@health.ucsd.edu>  
**Sent:** Monday, August 31, 2020 6:03 PM  
**To:** Jennifer Gates  
**Subject:** 6th Cycle Housing Element Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

As a 20+ year resident of Olivenhain I have watched the development around our community explode from a 2 lane road with 4 way stop at El Camino and Manchester to a 4 lane highway with a backup to get onto the highway in the morning for work that spans nearly a mile. For the most part development has been sensible and responsive to the community needs. The balloon launch site off of Peppertree/RSF road proposal is far more palatable than the proposed Goodson apartment complex on Encinitas Blvd and Rancho Santa Fe Road; which is a radical departure from the rural residential designation of this community and a major liability to the residents of this community. There is simply not enough room for 300+ cars anticipated with a 283 unit apartment structure. The increased traffic density is a huge risk for those of us who live on Manchester avenue and cannot see oncoming traffic when coming out of our easements. That's in a car.... There are also thousands of community members who enjoy riding their bikes in this area and do so on the Manchester/RSF road all the time. I do not understand why the Goodson project can't be more in line with the Olivenhain Trust project across the street with single family homes or even condo units to accommodate low income housing.

In addition to safety concerns, the aesthetics of a 7 seven story building in an area surrounded by large acreage lots, horses and farm land, the proposed project will be an eye sore to those living in that vicinity.

There is NOTHING affordable about the Goodson project. I hope that the rezoning of the Peppertree lot to 14 units on 2.5 acres would effectively STOP and permanently prevent a monstrosity like the Goodson project. If that is the case I am fully supportive. But, if there is ANY chance that you will continue to destroy this community with apartment complexes on that site I am vehemently opposed.

If the goal is to provide "affordable housing" neither project comes close to serving the community. On the outskirts of Rancho Santa Fe (one of the most expensive places in the country) the services and stores are more than twice the price of any other places in Encinitas closer to I5. Harvest Ranch is probably the most expensive grocery store in San Diego. The stores and services on Encinitas Blvd and El Camino are too far to walk for the "low income" tenants that this building is supposedly being constructed for.

While I acknowledge that we have a "housing crisis" in California, the plans to solve this should be based on developing affordable housing close to mass transit, walking distance to schools and shopping facilities. There are plenty of locations closer to I5 that would meet the needs of the community and the demands of the state that do not require rezoning or destroying a community's character and placing its residence at risk. How the land behind Vons off of I5 was decided to be developed as a "dog park" and recreation area and not affordable housing across from the hospital is beyond me. There are also locations by D street in downtown Encinitas that would meet these requirements and actually boost the local economy.



The fact that only 42 of the 283 (15%) proposed units are designated for “low income” is a JOKE. The housing crisis we have will not be solved by building a luxury apartment high rise in this small, rural residential community.

Needless to say, I am ADAMANTLY opposed to re-zoning of our rural residential real estate in Olivenhain into high density housing. ONLY if there is a guarantee that the up zoning of the peppertree lot is permanent and could NEVER be changed to high density apartments would I support such action.

Encinitas Resident since 1999

\*Please respect the confidentiality of this email

Emily S. Lukacz, MD  
Division Director & Program Director Female Pelvic Medicine & Reconstructive Surgery  
Professor, Department of Obstetrics, Gynecology & Reproductive Sciences  
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Department Website <http://obgyn.ucsd.edu>  
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## Jennifer Gates

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**From:** Jennay Gunderson <jennaymarie@cox.net>  
**Sent:** Saturday, August 29, 2020 5:48 PM  
**To:** Jennifer Gates  
**Subject:** 6th Cycle Housing Element Comments

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Ms. Gates,

Thank you for the opportunity to comment on the 6th Cycle Housing Element. My comments refer to the lot on the SE corner of Rancho Santa Fe Dr. and Encinitas Blvd. also know as the "Balloon Lot."

Many Olivenhain residents, myself included, attended 2 Council meetings last year that went well into the late night, requesting that this lot remain at R-2 designation on the Housing Element. In our neighborhood, the zoning of the property across Rancho Santa Fe Rd. from the Balloon Lot, (the Goodson property) was changed in the Housing Element to accommodate the State's requirement for more affordable housing. In addition, vehicular and pedestrian traffic in this area is already over capacity.

Therefore, the City Council voted to keep the "Balloon Lot" at R-2.

My concern is that this vote is being upturned?

Many of us took time and energy to give our feedback to the City Council and a vote was taken by the Council to keep this lot at R-2 and not to be considered for an increase in zoning since the lot across the street (Goodson lot) was proposed and approved for a zoning increase and also because of the traffic concerns along Rancho Santa Fe Road. and Encinitas Blvd.

I'm surprised and disappointed that the "Balloon Lot" is being considered for a zoning increase and I am requesting that this property stay at R-2 zoning.

Thank you,  
Jennay Gunderson  
jennaymarie@cox.net  
511 Whisper Wind Drive, Encinitas

## Jennifer Gates

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**From:** Bob Kent <bobkent84@gmail.com>  
**Sent:** Wednesday, August 26, 2020 11:37 AM  
**To:** Jennifer Gates  
**Cc:** Lois Sunrich  
**Subject:** Housing Element - Cycle 6 - Public Comment  
**Attachments:** Housing Element Cycle 6 - Keys4Homes Comments 8-26-20.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

**[NOTICE: Caution: External Email]**

Jennifer: I hope you are staying safe and healthy these days. On behalf of Keys4Homes, attached please find our public comments for the Housing Element - Cycle 6.

Thank you.

Bob Kent & Lois Sunrich  
Keys4Homes

August 26, 2020

To: Ms. Jennifer Gates, Principal Planner City of Encinitas

From: Bob Kent & Lois Sunrich – Keys4Homes in Encinitas

Dear Jennifer: On behalf of Keys4Homes, we are writing to provide comments on the draft 6<sup>th</sup> Cycle Housing Element for the City of Encinitas, as follows.

**Policy 1.7** – Please include coordination with local faith-based organizations, since many of these organizations are currently providing support services (i.e. such as addressing food insecurity) to our residents who are experiencing homelessness, along with seniors and working families who are spending far too much of their income on rent—sometimes with little or no funds available for medical ,

**Program 1C** – We support the City’s efforts to promote the development of ADU’s. We encourage the City to adopt a “Tiny House” ordinance, if it’s deemed that this type of ordinance will promote the continued development of smaller and more affordable housing in Encinitas. If so, this ordinance should include the waiving of Development Fees and the “Permit Ready” element of the ADU program for expedited processing and reduced costs to the applicants, along with an evaluation of other incentives used to promote the development of Tiny Homes. Please consider utilizing the recently passed City of San Diego Tiny House ordinance as a starting template. Alternatively, please consider amending the ADU ordinance to include Tiny Houses.

Thank you for establishing a numerical goal of 75 ADU’s per year. We support changing the goal to “***at least***” 75 ADU’s per year.

**Program 1E** – In order to build affordable housing at the lower income levels, we need both financial resources and land (i.e. site control.) Therefore, please commit to identifying replacement sites which will maximize the number of actual very low- and low-income affordable housing units built---by identifying available funding and donated/below market cost land (for instance: faith based owned/underutilized land) and/or city owned, county, NCTD or other government entity owned land. The City (along with other government entities) having financial “skin in the game” (aka “local gap financing”) is a key and necessary component to financing and building more lower income affordable housing in our community. Please see **Program 2B** comment below.

**Program 2A** – We support the City’s efforts to increase the percentage of affordable housing units required for residential development. What is the status of the economic feasibility study, which will be the justification to increase the %?

**Program 2B** – We support the City’s commitment to partner with other agencies that own property in Encinitas, including the County of San Diego and North County Transit District. With respect to NCTD, we support this type of partnership to build lower income multi-family housing near transit hubs. Since the privately owned sites on the current list will most likely produce affordable units at the “Low” 80% AMI tranche, it’s critically important that the City focus on increasing the % of affordable units built in the “Very Low” 50% AMI tranche along with housing for the “missing middle,” so there are housing opportunities across the income spectrum, for our seniors on a fixed income (a growing demographic population in Encinitas), our essential workers earning between \$15-\$20/hour and for young professionals. To track the City’s progress in producing housing for all income levels (i.e. very low, low,

moderate, aka “missing middle”) please create a housing “dashboard” to be shared with the public, which summarizes the housing built by income category during the planning cycle. Also, please see **Program 1E** comment above.

**Program 2B – continued** - Thank you for establishing a numerical goal of building 250 lower income units. We support changing the goal to “*at least*” 250 lower income units.

SB899 is a State of California bill which allows for religious institutions and nonprofit colleges to build 100% affordable housing on their land. If this bill becomes law, please engage in outreach to the local faith-based community and Mira Costa College to assess and collaborate on any viable affordable housing opportunities.

**Program 2C** – We support the City’s commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of 96 to 106, with a goal of fully restoring the program to 136 vouchers by 2022.

**Program 2F** – Please continue to dedicate funding for Homelessness Prevention: rent payments, utility payments and other financial assistance for Encinitas residents, so they can stay in their homes during these difficult times. It’s disruptive and much more costly to find housing for a person or family experiencing homelessness versus providing financial support to keep a resident/family in their home. Also, please extend the residential eviction moratorium, as necessary, which is another form of Homelessness Prevention.

Please have a continued focus on innovation and identifying success stories in other locations that could work in Encinitas, to help move the needle and provide much needed affordable housing in our community.

We support the City’s efforts to adopt a Housing Element Plan which will be a catalyst for the actual building of affordable homes for our seniors, our millennial and family residents as well as for our essential workers, who earn between \$15-\$20/hour and who are commuting long distances or finding difficult living situations in order to stay here in the city they serve.

## Jennifer Gates

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**From:** Jennifer Flanigan Haack <jennifer.flanigan@mac.com>  
**Sent:** Saturday, August 22, 2020 2:50 PM  
**To:** Jennifer Gates  
**Subject:** 6th Cycle Housing Element

[NOTICE: Caution: External Email]

Dear Ms. Gates,

I am writing to provide comments on the 6th Cycle Housing Element for the City of Encinitas.

I oppose:

- Up-zoning without citizen participation
- Plans to build too much market-rate, high-density housing
- Any high-density housing that is not near jobs and public transit
- Not planning for necessary infrastructure to support high-density housing
- Density bonus laws that grant developers waivers and concessions so they don't have to mitigate negative impacts
- Housing that fails to preserve the surrounding neighborhood's community character

I support:

- High-density housing which is located in an appropriate place along major thoroughfares and close to jobs, shopping, public transit and freeway access
- Utilizing existing structures such as empty shopping centers or big-box stores that are no longer in use and can be transformed into suitable and appropriate housing
- Requiring that developers comply with all environmental and safety standards currently in place
- Maintaining the unique character of each neighborhood in Encinitas. As a resident of Olivenhain, I am particularly supportive of keeping this part of Encinitas rural.

Thank you,  
Jenni Haack  
2337 11th Street, Encinitas

## Jennifer Gates

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**From:** Judi Strang <judistrang@earthlink.net>  
**Sent:** Wednesday, August 19, 2020 4:15 PM  
**To:** Jennifer Gates  
**Subject:** Public Comment regarding the Encinitas Housing Element 2021-29  
**Attachments:** ASHRAE pos doc\_ETS in MUH-2020-07-1.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Hi Jennifer.

SDA staff and Encinitas community members really appreciate your team's work on the Encinitas Housing Element.

Regarding Page 1 - Under Local Need, you state:

"The City envisions itself as a sustainable community that embraces its quality of life through environment, fiscal health, community health and equity."

Regarding P. 6 - Under Housing Opportunities, you state for goals and policies of the Housing Element:

"ensure that the existing housing stock is maintained and preserved."

Regarding P. 7 - Under Quality of Housing Policy 2.3:

"Allow for cluster type housing and other innovative housing design that provides adequate open areas around and with these developments."

SDA would respectfully suggest that the Housing Element Plan should include language that - any and all multi unit complexes which are encouraged or underwritten or come before the City Staff and/or the City Council be required to be smoke-free and vape-free.

We are attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers. They state on P.5:

*"While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts.*

*ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.*

*ASHRAE's position is that **all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects.***

*ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS), and engaging in other activities commonly referred to as e-cigarettes or vaping."*

And on P. 10:

*ASHRAE recommends that multifamily buildings **have complete and enforced smoking bans** inside and near them in order to protect nonsmoking adults and children.*

We feel that SDA proposal above and ASHRAE's recommendations completely support the City's goals and policies in the Housing Element 2021-29.

Warm Regards, Judi Strang, Executive Director

San Dieguito Alliance for Drug Free Youth

Serving the cities of Del Mar, Encinitas, Solana Beach, and the communities of Carmel Valley, Del Mar Heights, Elfin Forest, La Costa, Rancho Santa Fe, Sorrento Valley

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# ASHRAE Position Document on Environmental Tobacco Smoke

Approved by ASHRAE Board of Directors  
July 1, 2020

Expires  
July 1, 2023

## COMMITTEE ROSTER

The ASHRAE Position Document on Environmental Tobacco Smoke was developed by ASHRAE's Environmental Tobacco Smoke Position Document Committee formed on May 16, 2018, with Larry Schoen. as its chair.

**Lawrence J. Schoen**  
Schoen Engineering Inc.  
Columbia, MD

**Kevin Kennedy**  
Children's Mercy Kansas City  
Kansas City, MO

**Costas Balaras**  
National Observatory of Athens  
Athens, Greece

**Andrew Persily**  
NIST  
Gaithersburg, MD USA

**Lan Chi Nguyen Weekes**  
La Cite Collegiale  
Ottawa, ON, Canada

### Cognizant Committee

The chairperson of the ASHRAE Environmental Health Committee, also served as an ex-officio member:

**Wade Conlan**  
Hanson Professional Services  
Maitland, FL, USA

## HISTORY OF REVISION/REAFFIRMATION/WITHDRAWAL DATES

The following summarizes this document's revision, reaffirmation, or withdrawal dates:

6/30/2005—BOD approves Position Document titled *Environmental Tobacco Smoke*

6/25/2008—BOD approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

10/22/2010—BOD approves revision to Position Document titled *Environmental Tobacco Smoke*

6/30/2013—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/29/2016—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

6/26/2019—Technology Council approves reaffirmation of Position Document titled *Environmental Tobacco Smoke*

7/1/2020 – BOD approved revision to Position Document titled *Environmental Tobacco Smoke*

**Note:** ASHRAE's Technology Council and the cognizant committee recommend revision, reaffirmation, or withdrawal every 30 months.

**Note:** ASHRAE position documents are approved by the Board of Directors and express the views of the Society on a specific issue. The purpose of these documents is to provide objective, authoritative background information to persons interested in issues within ASHRAE's expertise, particularly in areas where such information will be helpful in drafting sound public policy. A related purpose is also to serve as an educational tool clarifying ASHRAE's position for its members and professionals, in general, advancing the arts and sciences of HVAC&R.

## **ABSTRACT**

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. ASHRAE's role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position document.

ASHRAE's position is that all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects. ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS ), and engaging in other activities commonly referred to as e-cigarettes or vaping.

## EXECUTIVE SUMMARY

While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. While ASHRAE does not conduct research on the health effects of indoor contaminants, ASHRAE has been involved in this topic for many years. Through its committees, standards, handbooks, guides, and conferences, ASHRAE has long been providing information to support healthful and comfortable indoor environments, including efforts to reduce indoor ETS exposure.

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
  - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.
  - Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
  - Neither dilution ventilation, air distribution (e.g., "air curtains") nor air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

## 1. THE ISSUE

While indoor smoking has become less common in recent years in many countries<sup>1</sup>, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts<sup>38</sup>. Researchers have investigated the health and irritant effects among non-smokers exposed to tobacco smoke in indoor environments. Such exposure is also known as passive smoking and as involuntary exposure to secondhand smoke. A number of national and global health research groups and agencies (Cal EPA 2005, EPA 1992, IARC 2004, IOM 2010, NRC 1986, SCTH 1998, USDHHS 2014, USDHHS 2006, WHO 2019) have concluded, based on the preponderance of evidence, that exposure of nonsmokers to tobacco smoke causes specific diseases and other adverse effects to human health most significantly, cardiovascular disease and lung cancer. No cognizant authorities have identified an acceptable level of ETS exposure to non-smokers, nor is there any expectation that further research will identify such a level.

Despite extensive evidence of such harm, the well-documented benefits of bans, including exposure reduction and benefits to public health (CPSTF 2013) and widening adoption of smoking bans, many locations worldwide still lack laws and policies that provide sufficient protection. In many locations, laws and policies are only partially protective, permitting smoking in certain building types including casino, entertainment and multifamily housing. Even where permitted by law, many developers, building owners, and operators, including those of restaurants and other hospitality venues, do not allow smoking indoors.

There are currently trends that increase use of electronic nicotine delivery systems (ENDS), smoking of cannabis, use of hookahs and other related activities that are beyond the scope of this document, but which likely present risks from involuntary exposure in the indoor environment that are not as well understood.

## 2. BACKGROUND

ASHRAE, through its Environmental Health Committee, TC 4.3 Ventilation Requirements and Infiltration, SSPCs 62.1 Ventilation for Acceptable Indoor Air Quality, 62.2 Ventilation and Acceptable Indoor Air Quality in Residential Buildings, 189.1 Standard for the Design of High-Performance Green Buildings, Handbook-Applications Chapter 46 (ASHRAE 2019) and Handbook-Fundamentals Chapters 10 and 11 (ASHRAE 2017), Indoor Air Quality Design Guides (ASHRAE 2018, 2009), and IAQ conferences, has long been active in providing engineering technology, standards and design guidance in support of providing healthful and comfortable indoor environments.

Previous versions of this position document have been instrumental in informing the public, building scientists and practitioners, policymakers and lawmakers

about the inability of HVAC technologies to eliminate health risks to nonsmokers from exposure to tobacco smoke in indoor environments.

The evidence on the health consequences of exposure to ETS is extensive (hundreds of scientific papers) and has been reviewed by numerous independent expert groups in the United States and internationally, all reaching similar conclusions regarding the adverse health effects caused among nonsmokers exposed to tobacco smoke indoors. These include but are not limited to:

U.S. Surgeon General (USDHHS 2014, 2006)  
U.S. Environmental Protection Agency (EPA 1992)  
National Research Council (NRC 1986)  
California Environmental Protection Agency Cal EPA 2005)  
World Health Organization (WHO 2019)  
International Agency for Research on Cancer (IARC 2004)  
United Kingdom Department of Health (SCTH 1998)

The first major studies on passive smoking reported that passive smoking was a cause of lung cancer in non-smokers. Subsequent evidence has identified other health effects in adults and children. Notably, the number of coronary heart disease deaths caused by ETS greatly exceeds the number of ETS-caused lung cancer deaths. Additionally, the scientific evidence recognizes substantial subpopulations, such as children (USDHHS 2014) and adults with asthma or heart disease, whose disease may be exacerbated by ETS exposure.

There is no threshold for ETS exposure below which adverse health effects are not expected, as indicated in the referenced health authority reports. In general, risks tend to increase with the level of exposure and conversely to decrease with a reduction in exposure.

Only an indoor smoking ban, leading to near zero exposure, provides effective control, and only such bans have been recognized as effective by health authorities. Experience with such bans documents that they can be effective (CPSTF 2013, USDHHS 2014, 2006). While there are no engineering design issues related to this approach, the existence of outdoor smoking areas near the building and their potential impacts on entryway exposure and outdoor air intake need to be considered.

Nevertheless, smoking is permitted in some indoor spaces in some buildings. There are now several decades of international experience with the use of strategies, including separation of smokers and nonsmokers, ventilation, air cleaning and filtration, to limit contamination spread from smoking permitted areas to other areas inside the building.

There are three general cases of space-use and smoking activity in sequence from most to least effective in controlling ETS exposure:

- 1) allowing smoking only in isolated rooms;
- 2) allowing smoking in separate but not isolated spaces; and
- 3) totally mixing occupancy of smokers and nonsmokers.

These approaches do not necessarily account for all circumstances. Each leads to different engineering approaches as follows.

1. Smoking Only in Isolated Rooms: Allowing smoking only in separate and isolated rooms, typically dedicated to smoking, can reduce ETS exposure in non-smoking spaces in the same building. Effective isolation requires
  - a) sealing of cross contamination pathways and airtightness of the physical barriers between the smoking and nonsmoking areas,
  - b) the use of separate ventilation systems serving the smoking and non-smoking spaces,
  - c) exhausting air containing ETS so it does not enter the non-smoking area through the outdoor air intakes, windows, and other airflow paths,
  - d) airflow and pressure control including location of supply outlets and return and exhaust air inlets to preserve airflow into the smoking space at doorways and other openings, which is powerful enough so that movement of people between non-smoking and smoking areas and so that thermal and other effects do not disrupt intended air distribution patterns.

Even when all available strategies have been employed in multifamily housing, there is a lack of credible evidence that anything short of a smoking ban will provide full protection to occupants of non-smoking residential dwelling units. The risk of adverse health effects for the occupants of the smoking room itself also cannot be controlled by ventilation.

2. Smoking in Separate but Not Isolated Spaces: This approach includes spaces where smokers and non-smokers are separated but still occupy a single space or a collection of smoking and non-smoking spaces not employing all the isolation techniques described in 2. a) through f) above. Examples can be found in restaurants and bars with smoking and non-smoking areas, or buildings where smoking is restricted to specific rooms, but a common, recirculating air handler serves both the smoking and non-smoking rooms.

Engineering techniques to reduce odor and irritation include, directional airflow patterns achieved through selective location of supply and exhaust vents, and air cleaning and filtration. Limited evidence is available, and none supports the significant reduction of health effects on those exposed.



3. **Mixed Occupancy of Smokers and Nonsmokers:** If smoking is allowed throughout a space or a collection of spaces served by a single air handler, with no effort to isolate or separate the smokers and nonsmokers, there is no currently available or reasonably anticipated ventilation or air cleaning system that can adequately control or significantly reduce the health risks of ETS to an acceptable level.

This situation includes unrestricted smoking in homes, dormitories, casinos, bingo parlors, small workplaces, and open plan office spaces. Air cleaning, dilution ventilation and displacement ventilation can provide some reduction in exposure, but they cannot adequately control adverse health effects, nor odor and sensory irritation for nonsmokers in general.

Ongoing trends, studies and research:

- Electronic nicotine delivery systems (ENDS) are increasing in use and the health effects of primary and secondary exposure continue to be revealed. ENDS and other related exposures in the indoor environment, including those arising from cannabis combustion and use of hookahs, are outside the scope of this position document. ENDS are addressed in an ASHRAE Emerging Issue Brief.
- Third-hand smoke, which results from the release of contaminants from the clothing of smokers and other surfaces, is a relatively new concept. There is evidence of potential hazards (Sleiman 2010) and researchers are still studying it (Mayo Clinic 2017).

### **3. RECOMMENDATIONS**

- ASHRAE is committed to encouraging lawmakers, policymakers and others who exercise control over buildings to eliminate smoking inside and near buildings.
- ASHRAE's current policy (ROB 1.201.008) is that Standards and Guidelines shall not prescribe ventilation rates or claim to provide acceptable indoor air quality in smoking spaces. This PD recommends extending such policy to other ASHRAE documents.
- ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings. This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects and therefore,
  - The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.

- Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
- Neither dilution ventilation, air distribution (e.g., “air curtains”) or air cleaning should be relied upon to control ETS exposure.
- ASHRAE recommends that building design practitioners work with their clients to define their intent, where smoking is still permitted, for addressing ETS exposure in their building and educate and inform their clients of the limits of engineering controls in regard to ETS.
- ASHRAE recommends that multifamily buildings have complete and enforced smoking bans inside and near them in order to protect nonsmoking adults and children.
- ASHRAE recommends, given current and developing trends, that further research be conducted by cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using ENDS, and engaging in other activities commonly referred to as vaping or using e-cigarettes.

## 4. REFERENCES

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[https://www.who.int/tobacco/global\\_report/en/](https://www.who.int/tobacco/global_report/en/)

## Jennifer Gates

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**From:** Laura Nunn <laura@housingsandiego.org>  
**Sent:** Wednesday, August 19, 2020 2:02 PM  
**To:** Jennifer Gates  
**Cc:** Intern 1  
**Subject:** San Diego Housing Federation comment letter - Draft 6th Cycle Housing Element  
**Attachments:** SDHF comments City of Encinitas Housing Element.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**[NOTICE: Caution: External Email]**

Attached please find a comment letter from the San Diego Housing Federation on the City of Encinitas Draft 6<sup>th</sup> Cycle Housing Element. Please do not hesitate to reach out if you have any questions or if we can provide any additional information.

Thank you,  
Laura

Laura Nunn (she / her)  
*Director of Policy & Programs*

[San Diego Housing Federation](#)  
3939 Iowa Street, Suite 1  
San Diego, CA 92104  
(619) 239-6693  
[laura@housingsandiego.org](mailto:laura@housingsandiego.org)



Following CDC and state guidelines, all of San Diego Housing Federation is working remotely to support the health and well-being of our staff and members.

For a list of local resources, visit [housingsandiego.org/covid19](https://housingsandiego.org/covid19)

To support our advocacy efforts during COVID-19, give at [housingsandiego.org/donate](https://housingsandiego.org/donate)



*San Diego's Voice for Affordable Housing*



August 19, 2020

Ms. Jennifer Gates, AICP  
Principal Planner  
City of Encinitas  
505 S. Vulcan Avenue  
Encinitas, CA 92024  
Submitted via email: [jgates@encinitasca.gov](mailto:jgates@encinitasca.gov)

**Re: Draft 6<sup>th</sup> Cycle Housing Element**

Dear Ms. Gates:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6<sup>th</sup> Cycle Housing Element for the City of Encinitas.

The draft Housing Element contains several actionable items that will help Encinitas make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

**Implementing State Legislation**

The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will advance Housing Element Policy 1.4 (HE 1-6) to provide opportunities for low and moderate income housing throughout the city. We applaud the city's goal in Program 2B to prepare an inventory of City surplus land no longer required for the City's use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing.

We were also proud to support AB 1763, which provides a density bonus for developments that are 100 percent affordable. We recommend that the City move quickly to implement this legislation to serve as a tool for building affordable housing. The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "[Equity and Climate for Homes](#)," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing. Should AB 2345 pass and be signed by the Governor this fall, this could serve as a valuable tool to achieve the City's housing goals.

**Local funding for affordable housing**

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. As is recognized throughout the draft Housing

Element, federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.

We would like to express our strong support for Program 2B (HE 1-19-20), which calls for partnering with agencies like North County Transit. Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees (HE 1-20). For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.

#### **Affordable housing preservation**

The draft Housing Element states a goal to ensure the continued affordability of deed-restricted affordable units (Goal 4, HE 1-8). We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.

#### **Affirmatively furthering fair housing and equity**

As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee’s Opportunity Map as areas of highest or high resource and the city is predominantly white with the white population comprising 88.7 percent of the City’s population (HE 1-13). It is also noted that patterns of racial and ethnic concentration exist in the region (HE 1-35). The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

### **Housing and Climate Change**

The City's Climate Action Plan calls on the City's Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground-floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. Our September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that Planning Department staff have dedicated to the draft Housing Element document and look forward to supporting the City of Encinitas in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,



Laura Nunn  
Director of Policy & Programs

## Jennifer Gates

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**From:** daniel\_e\_vaughn@yahoo.com  
**Sent:** Wednesday, August 19, 2020 12:09 PM  
**To:** Jennifer Gates; Roy Sapau; Lillian Doherty; Council Members  
**Cc:** Encinitas Residents For Responsible Development  
**Subject:** Comments on the draft 6th cycle HE

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Planning Department Staff and City Council

The 2021-2029 Housing Element (HE) is our opportunity to plan the Encinitas we want to build. The draft HE correctly identifies the importance of new housing being compatible with the surrounding neighborhood and community (section 2.1), and embraces the distinct identity and character of its five communities (section 1.2). It also correctly points out the importance of planning infrastructure needs and protecting the environment (section 1.2). However, it fails to cascade these critical priorities into the goals, programs and policies, and therefore fails to adequately plan for the necessary infrastructure, analyze or mitigate the adverse environmental impacts, and hands over "By-Right" development to developers to propose gross monstrosities that destroy our neighborhoods and communities.

I note with some alarm, that in response to state Housing and Community Development (HCD) feedback last week, the revised draft HE released this Monday has struck community character from the document. This is a mistake! In Goodson's proposed CPP, which the city correctly rejected last week, he repeatedly rejected valid concerns about the project's bulk, mass, and height as illegal subjective assessments community character incompatibility. You must protect our five communities as prioritized in our general plan, and if this requires adoption of additional objective standards, that needs to be a priority.

The draft HE fails to provide for the desperately needed low income housing and instead leads to over-development throughout the city with unwanted high density market rate units. The central program, which identifies adequate sites affordable to low and very low income households to meet our RHNA allotment, provides too little affordable housing. There are now 7 submissions of sites upzoned to R-30 in the 5th cycle, and they are providing only minimal deed-restricted affordable units (typically 15%), and mostly market rate units. Including the 4 additional sites that have had staff advisory consultations, they account for ~95% of the recognized inventory. This strategy does produce some needed low income (80% MFI income, ~\$80K/family) housing, but it comes at the cost of thousands of market rate high density units, which are generally unaffordable to even moderate income households, **Table 1**.

**Table 1:**

Income Category	RHNA Need (Table 2-2)	Likely Approved Sites Submitted (Projected*)
Extremely Low	235	0 (0)



Very Low	234	40 (40)
Low	369	187 (295)
Moderate	308	~0**
Above Moderate	408	1226 (2234)
Total	1554	2569

\* Extrapolated from the first 7 R-30 sites submitted (58%, sites 08a&b, 09, AD2 a,b,&c, 12, 07, AD1, AD8), and 4 SAC meetings (35%, 01, 02, 05, AD31) as reported in Table C5 and text following. \*\* The projects propose an extrapolated 2607 market rate units, and based on prevailing rental rates for similar new constructions, it is anticipated that they will all rent at above market levels.

Encinitas is poorly suited for this glut of expensive market rate high density units. None of the developments are near qualifying transit, and Encinitas doesn't have the jobs to support these rents. Therefore the projects add thousands of additional commuters who add over 10 million new vehicle miles traveled annually to our region, and contribute to global warming and green house gas emissions. Encinitas doesn't have the infrastructure to support these developments, and because the vast majority are using both "by-right" development and 35% density bonus, the environmental effects are generally neither being adequately assessed nor mitigated. High density market rate development belongs near jobs and transit centers, and there are plenty of neighborhoods in the region for which this kind of development is appropriate, but Encinitas is not one of them.

Even the city's highly regarded accessory dwelling unit (ADU) program is falling short of providing the much needed low income housing. Based on surveys, the city estimates that just under a quarter are affordable to low income families while the majority are only affordable to above moderate income families, and only 38 are deed restricted. Taken together with the R-30 zoning, they produce only a trickle of units affordable to households with two full time low wage earners (50% MFI), and none for families below the poverty line or dependent on disability income. Encinitas has no emergency shelter beds, no permanent supportive housing, and less than 10% of the needed Section 8 housing. As a city, we are failing our most vulnerable citizens, and this draft HE does next to nothing to help them.

The draft HE states, "the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower income households" (page 1-13). This is untrue! When the HE was adopted several sites that required consolidation of multiple lots were not eligible for by right development as they were subdivisions under then current Encinitas Municipal Code (EMC). The EA adopted at that time explicitly promised CEQA review of those sites requiring a subdivision. As Monday's revision correctly inserts, the city subsequently amended the EMC to allow lot consolidations that are not subdivisions (page 1-33), but in doing so, it never studied the environmental impact of this change nor disclosed the association with the Goodson project. In order to adequately manage environmental impact and infrastructure needs, the city must conduct an EIR (subject to full citizen participation) before they approve any lot line adjustments under the new EMC policy.

Traffic is one glaring area where adverse environmental impacts are not being adequately studied or mitigated. Currently, the city allows Goodson, and other R-30 sites, to tier from the Measure T Environmental Impact Report (EIR). However this EIR neither adequately planned for by-right development nor for his use of the density bonus law to propose 102 units beyond the 181 maximum yield in the Environmental Assessment (EA). Goodson declared in his recent CPP meeting, that the city has extensively studied the traffic and there is no impact on RSF Rd. That EIR never studied the 1700+ new average daily trips (ADTs) this project would add. Rather it promised that "future projects that would generate over 1,000 ADT or 100 peak-hour trips would be required to prepare a traffic impact study regardless of consistency with the HEU to identify their direct project impacts and appropriate mitigation" (Section 4.13.4.2.). That EIR determined that if the total city-wide upzoning added even additional 500 ADTs on RSF Rd, that would result in significant adverse impacts along three RSF Rd segments (Table 4.13.20). The Goodson project proposes 283 families who would

have to drive their children from one end of RSF Rd to the other to take their children to school in the morning, exceeding the 100 peak hour trip threshold with just that action. The glut of traffic on RSF Rd also seriously threatens our ability to safely evacuate the valley in the event of a wildfire, raising the frightening possibility of a Paradise-like tragedy. Monday's new draft insertion (page B-109) needs to be revised to clarify that by-right developments that significantly exceed the traffic volume studied in the referenced environmental documents, will still need to prepare a traffic impact study to identify their direct project impacts and appropriate mitigation.

The real threat of new upzoning is being undersold. Program 1E, details the need to provide additional sites within 180 days of project approvals that would deplete the adequate RHNA sites. The buffer once the 6th cycle is approved, would increase to 661 units, however the first 7 projects submitted that were upzoned to R-30 in the 5th cycle HE will already deplete 620 units once approved. Triggering "no net loss" is not a matter of if it will happen in the 6th cycle, but just a matter of how fast. Newly inserted into Monday's draft HE, "The City recognizes that at some point in the planning period it is likely that "no net loss" requirements will mandate that additional sites be designated for lower income housing." Well before this happens, the city needs to identify sites that can accommodate the desperately needed 430 very low and extremely low income units, plan for the necessary infrastructure and environmental analysis, obtain site control (either by ownership or covenant), and build city-wide consensus to ensure passage of the upzoning measure consistent with Prop A.

The citizens of Encinitas deserve better than a plan that:

- Builds too many market rate high density units that are near neither jobs nor transit
- Accommodates too few desperately needed very low and extremely low income units
- Fails to plan for or provide the necessary infrastructure needs
- Fails to analyze or mitigate the adverse environmental impacts, including wildfire evacuation risk
- Fails to preserve our neighborhoods and community character

I note with appreciation today's extension of the deadline for public comment. Fifty hours was not enough time to adequately address Monday's last minute revisions to the draft HE. I am submitting this open letter today ahead of the original deadline in hopes that it advances our community dialogue and citizen participation on this important document. I will also be submitting more detailed specific suggested revisions to the draft document by the new revised deadline (5 pm September 2<sup>nd</sup>) to the planning staff.

Dan Vaughn  
Board Chair, Encinitas Residents for Responsible Development

## Jennifer Gates

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**From:** Amy <amyhmccord@gmail.com>  
**Sent:** Tuesday, August 18, 2020 6:35 PM  
**To:** Jennifer Gates  
**Subject:** Housing Element

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

I am writing in support of Dan Vaughn's submission of comments regarding the Housing Element.

The draft HE correctly identified the importance of new housing being compatible with the surrounding neighborhood and community. This premise was an instrumental part of the platform that was responsible for electing the Mayor of Encinitas as well as other City Council members. Maintaining the character of each of the five communities has always been part of the fabric of Encinitas and frankly, citizens continue to demand that going forward.

Last week there was feedback from HCD. Yesterday in response to that feedback, the revised draft HE struck community character from the document. This information was released Monday August 17th. How can it be that the public comment period ends August 19th? Reversing your position on something so important to Encinitas citizens and not allowing time for community response is unacceptable.

Overturing Prop A, side-stepping a voter approved measure, and upzoning parcels all over Encinitas without considering what this would lead to has put the City of Encinitas into a state of upheaval. Our beloved community is about to be over-run with high-density housing that does not accomplish the goal of providing affordable housing. Instead many over-sized projects which grant developers unprecedented waivers and concessions, will provide a glut of market-rate apartments and very few affordable units. Most of the new housing will be unaffordable to residents of Encinitas where we do not have jobs to support these rents. This will effectively increase commuting and therefore carbon emissions. High density developments belong in areas with qualifying public transit and jobs.

Allowing developers (like Goodson) to completely ignore the overwhelmingly negative impacts their projects will have on the surrounding communities will destroy Encinitas.

If our need is affordable housing, we must find a way to build those required units in concentrated numbers, and eliminate plans for market rate housing we do not need.

Please do not proceed with projects that fail to plan for infrastructure, ignore community character, and do not mitigate adverse environmental impacts.

Sincerely,

Amy McCord

## Jennifer Gates

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**From:** James Stiven <jstiven@roadrunner.com>  
**Sent:** Monday, August 17, 2020 3:01 PM  
**To:** Jennifer Gates  
**Cc:** Catherine Blakespear; 'Adam Belt'; 'Betsy Vaughn'  
**Subject:** Comments on Sixth Cycle Housing Element  
**Attachments:** Draft of Comments to Draft Sixth Cycle Housing Element.docx

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

**[NOTICE: Caution: External Email]**

Jennifer – As promised, attached please find the Comments of our Faith in Action group at St Andrew's church to the proposed Sixth Cycle Housing Element. Please distribute as appropriate. Thank you very much. Jim Stiven (for the group)

**T0: Jennifer Gates, and the staff and City Council of Encinitas, CA**

**Comments to Draft Sixth Cycle Housing Element (8/17/20)**

**We the undersigned, members of the Faith in Action Ministry at St. Andrew's Episcopal Church, offer the following comments regarding the Draft Sixth Cycle Housing Element:**

**First, we are impressed with the scope and detail of the material presented in the Draft, and are generally supportive of the Policies and Programs outlined therein. We express our support specifically to those portions of the draft which embrace expansion of mobile home units, ADU's, 'tiny homes', SRO's, and housing rehabilitation – as these all can help increase the supply of affordable housing. We likewise applaud your support of Sec 8 Housing Vouchers (while noting there are nearly 1000 applicants on the waiting list), as well as the need for Emergency Shelters. That said, we have the following additional comments about specific portions of the Draft.**

**As to Policy 1.7, we urge expanded contact/coordination with Faith-Based organizations in the community, and support for continuation of the County's Project HOPE.**

**As to Policy 5.1, what evaluation/action is being done or considered to ease the restrictive requirements imposed by Prop A ?**

**As to Program 1A, we recognize that SANDAG assigned an RNHA to Encinitas of 1554 units for this Housing Element. However, we believe that that # will be inadequate to meet the actual needs for housing during the period covered by the Sixth Cycle. Moreover, we believe that the Sites identified in this draft (with no changes in existing zoning), although projected to produce excess capacity, will prove to yield far less than the projected # of units – when and if**

development is actually approved. This is applying a realistic 'No Net Loss' policy. This, we believe, is especially true in the Low and Very Low Income categories.

As to Program 1E, if what is stated above should prove to be true (the final approval process yields less than what is required under RHNA), how does the City plan to "rezone sufficient sites within 180 days" in light of Prop A?

As to Program 2A, what is the status and objective of the City's plan for "amending Zoning Code 2020 to increase the percentage of affordable housing required - - -" ?

As to Program 2B, as suggested in the Draft, we strongly urge the City to partner with other agencies owning property in Encinitas, such as the County and NCTD, to add to the inventory of available sites for development of affordable housing. Likewise, as noted, it should also look to City owned property not presently needed for other purposes. 'Site Control' is a key factor in actually producing the #s of units needed.

As to Program 2D, what is the status and objective of the City's plan for "an amendment" to the City's implementing ordinances to comply with the state's Density Bonus Law ?

As to Program 2E, we suggest you add Interfaith Community Services to the various social service organizations you have listed. Further, on a related issue, we urge the City to quickly pass an ordinance extending the moratorium on evictions, and some form of rent relief/forgiveness for those adversely affected by the COVID-19 crisis.

Finally, we offer whatever assistance we can provide in encouraging community support of any and all programs designed to increase the availability of affordable housing and addressing and preventing the looming crisis of homelessness in Encinitas.

Respectfully Submitted: Jim Stiven, Kathleen Stiven, Betsy Vaughn, Adam Belt, Georgina Miller, Teresa Baggot Roberts, Virginia Sublett and Linda Nolten

## Jennifer Gates

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**From:** Green DWG <suzysherod123@gmail.com>  
**Sent:** Monday, June 22, 2020 1:21 PM  
**To:** Jennifer Gates  
**Cc:** Council Members; Roy Sapau; Anna Colamussi  
**Subject:** Re: Housing Element Draft Feedback  
**Attachments:** Final HE Feedback.doc

[NOTICE: Caution: External Email]

Dear All, I am attaching a more detailed math basis for my response to the Draft Housing Element. Please see the attached file.

Thank you..

All My Best, Susan Sherod, Architect  
Encinitas Planning Commissioner

On Sun, Jun 21, 2020 at 2:17 PM Green DWG <[suzysherod123@gmail.com](mailto:suzysherod123@gmail.com)> wrote:

Dear Jennifer,

As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.

Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RKA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.

In Encinitas, per <https://www.point2homes.com/US/Neighborhood/CA/Encinitas-Demographics.html>

Owner occupied housing = 15,162

Renter occupied housing = 8,834

Total = 23,996 Existing homes, of which **57% are single family detached homes**. (note: values may differ slightly for 2020).

**If we upzone those nearest to public transit and create an overlay zone, it is less disruptive and an easier solution for residents to palate.** Per <https://ggwash.org/view/68496/why-are-developers-only-building-luxury-housing>, "The antidote to the disruptive effects of big change is gradual change. The next increment of development—from single-family to duplex, duplex to small apartment building, small apartment building to larger apartment-building—should always be available."

It is more comfortable for a city to allow market demand to dictate how new housing is created. As a large part of development cost is land, it should result in more affordable housing if we gradually build 2, 3 or 4 dwelling units on one lot instead of one home per lot. It could be required, that residential lots situated near public transit would build an additional affordable unit for each single family home they build or remodel over 50% with incentives per typical practices. This type of building doesn't result in sprawl, since the added dwelling units may be done on lots that already have a single home and that are already served by infrastructure such as water, power and roads. Plus, when dwelling units are located in areas near desirable amenities, such as shopping and beaches or other entertainment, traffic is greatly reduced, as the neighborhood may already be walk or bike friendly. Zoning such development near transit to be car-free, is a best practice strategy.

In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon & ocean areas. As you know, we are bordered by lagoons to the north and south, and the ocean to the west. These are hard boundaries, and very little land is owned by the city, limiting our options for preservation of open space, however, changing ZONING is doable. I would not have created R30 zones. I would have upzoned near public transit and tried to strengthen transit infrastructure, as it is a primary need for residents of affordable housing. Working with NCTD on use of any NCTD land or Right of Way (R.O.W.), is an excellent



strategy to explore. Some cities are building housing over and adjacent to public transit, which could be one strategy of Encinitas. The Encinitas train station track elevation is 30' below the elevation of the city owned City Hall and library. An agreement with NCTD and an R.F.P. could result in a mix of compact dwelling units (DU's), that are built over Vulcan and the train station, without affecting ocean views.

Again, I KNOW it's a challenging job that you have, but we need, at this time, to be creative, think outside of "the box" and to challenge dictates from the State of California, when they do not make sense.

All My Best, Susan Sherod, Architect  
Encinitas Planning Commissioner

## Jennifer Gates

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**From:** Green DWG <suzysherod123@gmail.com>  
**Sent:** Sunday, June 21, 2020 2:18 PM  
**To:** Jennifer Gates  
**Cc:** Council Members; Roy Sapau; Anna Colamussi  
**Subject:** Housing Element Draft Feedback

[NOTICE: Caution: External Email]

Dear Jennifer,

As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.

Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RKA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.

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In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon & ocean areas. As you know, we are bordered by lagoons to the north and south, and the ocean to the west. These are hard boundaries, and very little land is owned by the city, limiting our options for preservation of open space, however, changing ZONING is doable. I would not have created R30 zones. I would have upzoned near public transit and tried to strengthen transit infrastructure, as it is a primary need for residents of affordable housing. Working with NCTD on use of any NCTD land or Right of Way (R.O.W.), is an excellent strategy to explore. Some cities are building housing over and adjacent to public transit, which could be one strategy of Encinitas. The Encinitas train station track elevation is 30' below the elevation of the city owned City Hall and library. An agreement with NCTD and an R.F.P. could result in a mix of compact dwelling units (DU's), that are built over Vulcan and the train station, without affecting ocean views.

Again, I KNOW it's a challenging job that you have, but we need, at this time, to be creative, think outside of "the box" and to challenge dictates from the State of California, when they do not make sense.

All My Best, Susan Sherod, Architect  
Encinitas Planning Commissioner

Dear Esteemed Mayor and City Council Members,

This is my detailed feedback, on the Housing Element draft, and on upzoning for the City of Encinitas as a private resident and as a broadly experienced architect and member of the Planning Commission.

The City of Encinitas will have to submit a Mid-Cycle Update to reflect progress towards implementing the 6th Cycle Housing Element by April 15, 2025.

It is important to know that RHNA is ultimately a requirement that the region **zone sufficiently** in order for these homes to have the **potential** to be built, **but it is not a requirement or guarantee that these homes will ever be built.**

In Encinitas, per <https://www.point2homes.com/US/Neighborhood/CA/Encinitas-Demographics.html>

Owner occupied housing = 15,162

Renter occupied housing = 8,834

Total = 23,996 Existing homes

Per report paid for by City of Encinitas to Kimley-Horn & Associates (KHA) dated May 25, 2018, the city had 4.4% growth from 200-2010 and it is projected to experience 8.6% growth by 2050.

**57% were Single Family Detached units.** THIS MEANS  $(15162+8834)*.57=13,677.72$  **detached Single Family homes currently exist.** If we upzone SOME OF these Single Family homes near public transit, to allow Compact Dwelling units (that could be built eventually... it would be gradual most likely) it would be **easier for the public to accept.**

If we have **8.6% growth**, we need only 26,059.656 TOTAL, so subtraction finds the number needed.

$26,059.656 - 23,996 = 2,063.656$  **new units needed by 2050**, which is in 30 years, so if we divide  $2,064$  homes/30 years = just **68.8 homes per year**. Since **29% would need to be affordable,  $2064*.29=599$  affordable DUs by 2050 at a rate of about 20 affordable dwelling units per year.** If we create one or more zone overlays to allow upzoning near transit, that requires 29-50% of what is built to be affordable, we would solve our affordable housing needed.

**We would simultaneously need to codify that any commercial or residential remodel of 50% or greater is viewed as NEW construction with all improvements brought up to the current code standards, including the CA Green Building Code and Title 24.**

**R30 Zones are not necessary, and reduce open space, plus put density where we do not have adequate public transportation infrastructure, resulting in traffic congestion.** They give huge developer incentives but little affordable housing and upset many Encinitas citizens. If we **tackle this math another way**, and we consider how many AFFORDABLE homes that are needed, based on the KHA report, just under one-third (29 percent) of Encinitas households earned low, very low or extremely low incomes. SO. If we were to say that  $(23,996 \text{ existing homes})*(29\%)=$ , we need 6,958.84 affordable homes and would theoretically require 8.6% more by 2050 totaling to 7,557.30024, which is  $7557-6959=598.3$  and dividing by 30 years that is still 20 affordable homes per year out of the 69 new homes per year to achieve 8.6% by 2050, so upzoning single family detached homes SOLVES THE PROBLEM immediately, and for the foreseeable projection into 2050 and far beyond it as 57% of the homes are detached single family dwellings, and many do not currently have even an ADU or JADU. IF any R30 development were allowed, profit sharing should be used to build infrastructure, such that developer profit is capped at perhaps 2.5 - 3% and the amount above goes for city infrastructure. *Further, if the city were to issue an RFP to have it developed within a Community Land Trust, on City and possibly NCTD R.O.W. owned land, the units price of development goes way down, allowing 100% of units in that area to be smaller, affordable and nicely done near city amenities, the beach and most critically near local jobs and transit.*

Considering the geography of being bordered by three bodies of water, lagoons at north and south, and ocean at the west, and having extremely limited transit options at present, we are completely justified in limiting growth to be less, if we so choose. The sooner we start modifying the Housing Element to reflect these actual numbers, the better. I welcome constructive criticism of my analysis. It is possible to be wrong, even in math. Advise me.

All My Best, Susan M. Sherod, Architect  
Encinitas Planning Commissioner

**CITY OF ENCINITAS: 6<sup>TH</sup> CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST**

Comment Letter	Questions/Comments	City Response
<b>Letter 1. C. Perkins</b>		
1a	<p>1. I requested in writing the sources and calculations of these numbers because the Schedule C numbers and information significantly deviate from known facts, including parcel size (Schedule C parcel size is 39.5 acres, assessor records show 49.67 acres) and zoning (Schedule C says .125, Encinitas’s e-zoning website/actual zoning is .26-.50). Despite repeated requests, and a two week delay in response, the City failed to provide the requested information, referring only to high level boilerplate language.</p> <p>a. It remains unclear whether this is an error or if the City has determined that density has been decreased to 1 dwelling unit per 12.4 acres in a 2 acre zoned area.</p> <p>2. For APN 264-020-13, and likely many other properties, the Schedule C numbers cannot be trusted or verified and are not based on known limitations, articulated requirements or project design.</p> <p>3. For APN 264-020-13, and likely many other properties, the City’s Exhibit C modifications to parcel size and density numbers are either completely wrong or speculative projections without substance.</p>	<p>Appendix C provides the acreage information for sites identified to meet the City’s moderate and above moderate RHNA need based the City’s Tax Roll Assessor Parcel data. Where information on potential constraints was available, the gross acreage may have been lowered on individual parcels to represent a more accurate potential unit capacity. Appendix C contains detailed information on the sites identified to meet the City’s lower income RHNA need, which has net acreage numbers that may differ from the gross parcel acreage based on known parcel constraints, such as steep slopes or environmentally sensitive areas. The net calculation is based on environmental constraints that are calculated in GIS which reduces the parcel size. When a project is proposed a more detailed net acreage analysis is required. The average density used was the mid-range density for RR zone (.125) which has been corrected to (.38/ 1 du per 3 acres) provided by the zoning code:  <a href="http://www.qcode.us/codes/encinitas/view.php?topic=30-30_16-30_16_010&amp;frames=on">http://www.qcode.us/codes/encinitas/view.php?topic=30-30_16-30_16_010&amp;frames=on</a>.</p>
1b	4. The owner of the property was never contacted regarding inclusion in the Housing Element.	Exhibit C looks at potential capacity of sites based on the existing zoning capacity of sites. No rezoning is required; therefore, property owners are not required to be notified.
1c	5. Numbers listed in Exhibit C do not reflect yields of any similar projects. (One unit per 12.4 acres is NOT “typical” density in Olivenhain, and this property is bounded by houses on 1 and 2 acre	Exhibit C looks at potential yield based on known potential constraints and existing zoning. What is actually developed and constructed on any given parcel may be different. The public has opportunity to provide

**CITY OF ENCINITAS: 6<sup>TH</sup> CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST**

Comment Letter	Questions/Comments	City Response
	<p>lots.)</p> <p>a. The City’s approach for APN 264-020-13, and likely other parcels in the Housing Element, is inconsistent with representations made in the Housing Element and appendices.</p> <p>b. The City has precluded meaningful public comment/participation by failing to provide requested information and calculations supporting its assertions within the Housing Element.</p> <p>c. The Housing Element must be returned for corrections and redrafting and reopening for public and State comment.</p>	<p>comments throughout the process through adoption.</p>
1d	<p>1. Analysis of Housing Element Schedule C Site Inventory Raise Economic Feasibility Concerns that Must be Addressed by the City of Encinitas</p> <p>a. I did a preliminary analysis of the Schedule C Moderate and Above-Moderate Site Inventory. See Appendix.</p> <p>2. Analysis of Schedule C Moderate and Above-Moderate Site Inventory reveals:</p> <p>a. Vacant land provide very little available unit yield (3% of unit yield of moderate, 8% of above-moderate)</p> <p>b. Existing residential properties provide the majority of units (51% of unit yield of moderate, 59% of unit yield for above-moderate.</p> <p>i. However, many more residential parcels are required to be utilized as compared to commercial parcels.</p> <p>ii. Development of only 5 parcels yields a large percentage of the above-moderate units required</p> <p>1. Schedule C includes parcels that can provide 32 units, 25 units, 15 units, 14 units, 11 units</p> <p>c. Site inventories rely on very small/micro subdivision and development projects to fulfil housing requirements</p> <p>i. Large percentages of Schedule C sites create less than 3 units</p>	<p>Thank you for your suggestion. Section 11 of Appendix B and Section C.2 of Appendix C describes the methodology for the calculation of unit capacity for Moderate and Above Moderate Sites in compliance with the realistic capacity of the sites in accordance with Government Code Section 65583.2 and HCD Technical Assistance Guide. Recent development, existing uses, market conditions and other regulatory and information is also provided in Appendix B. Economic feasibility of an individual project is based on variables that are specific to each project including land costs, developer return on investment, cost of construction, etc.</p>

**CITY OF ENCINITAS: 6<sup>TH</sup> CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST**

Comment Letter	Questions/Comments	City Response
	<p>1. Moderate sites: Projects of 3 additional units or less provide 26% of unit yield</p> <p>2. Above-moderate: Projects of 3 units or less provide 38% of unit yield</p> <p>3. This analysis, along with City failures to include full exactions, requirements and other information in the Housing Element, raises significant concerns that many of these housing units will be economically infeasible/unprofitable to construct and will fail to provide sufficient units to meet the City’s yield requirements.</p> <p>a. Properties with existing uses, especially residential properties with low lot yields, are much less likely to be redeveloped within the Housing Element period.</p> <p>b. Small developments lack economies of scale, increasing the expense of each unit, and resulting in the decreased likelihood that the City will reach the proposed housing yield requirements.</p> <p>c. As relatively larger lots become more scarce, and houses have increasingly large footprints/size to justify the purchase costs, larger lots are often sold at a premium at the existing use because they provide usable outdoor/yard space. This makes redevelopment less likely.</p> <p>i. This issue isn’t addressed or mentioned in the Housing Element.</p> <p>d. The outcome of all Encinitas exactions and building limitations is to force the building of increasingly large homes, with increasingly large price tags. This is the only way that costs and regulatory burdens can be met.</p> <p>e. The Housing Element fails to provide any information concerning historic development patterns of similarly situated lots to justify the significant reliance on micro-projects and existing residential subdivision/redevelopment.</p> <p>f. There is no evidence within the Housing Element that the Schedule C</p>	

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	sites reflect historical development patterns, realistic subdivision/development size or will fulfil the City’s housing unit yield requirements.	
1e	<p>4. It is notable that the City does not provide statistics justifying the Schedule C numbers because the City estimates ADU/JADU yields based on historical housing unit yields.</p> <p>a. The City assumes there is no need for rezoning because sufficient sites exist to accommodate all required moderate/above moderate units. Without including analysis of the historical redevelopment trends, this is likely untrue.</p> <p>b. In a significant number of cases these sites would require redevelopment and removal of existing commercial or residential uses.</p> <p>c. The City has provided no statistical analysis of expected yield of these mixed use and development of non-vacant sites listed in Schedule C, and no analysis similar to the JADU/ADU analysis cited above.</p>	<p>The potential for ADU/JADU development is based on the analysis direction provided by HCD Technical Assistance Guide which is different than a sites capacity analysis.</p>
1f	<p>5. Likewise, for Mixed Use Sites (currently commercial) “assumes” that sites in different areas will be developed at 50% and 75% yields.</p> <p>a. These assumptions are not the same as the JADU/ADU historical statistical analysis of expected yield.</p> <p>b. There is no explanation as to the basis for these assumptions.</p> <p>c. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with percentage discount to account for the decreasing availability of land.</p>	<p>Recent infill and and density bonus development history is provided in Appendix B. Section C.2 of Appendix C describes the methodology for the calculation of unit capacity for Moderate and Above Moderate Sites in compliance with the realistic capacity of the sites in accordance with Government Code Section 65583.2 and HCD Technical Assistance Guide.</p>



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	<p>d. For housing development on non-vacant sites, feasibility is determined by a “sample” of 10 infill projects.</p> <p>a. A sample is not the same as the JADU/ADU historical statistical analysis of expected yield.</p> <p>b. There is no information provided describing the basis of selection, or representativeness, of these “sample” projects.</p> <p>c. There is no explanation as to the basis for any assumptions regarding the economic feasibility of any projects listed in Schedule C.</p> <p>d. There are no statistics or analysis as to historical residential development unit yield. Statistics should include estimated average numbers of housing yield based on size of subdivision/project and historical precedent, along with a percentage discount to account for the decreasing availability of “underutilized” land.</p>	
1g	<p>1. Housing Element Contains Incomplete list of requirements/exactions</p> <p>a. The Housing Element does not contain a complete list of all requirements and exactions for subdivisions/developments, including those applicable to the sites identified on the sites inventories. This is misleading and must be amended.</p> <p>i. List of overlays is incomplete</p> <p>ii. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment! 6) These include</p> <p>1. Costs and Exactions not considered by the City (and underestimated by landowners to their detriment! 6) These include</p> <p>a. Cash required: recently, \$216,000 per lot was required for habitat endowment (in addition to preservation requirements)</p> <p>2. Costs of Maps, surveys, engineering</p>	<p>Fees and development costs are provided in Appendix B. Exactions and fees for permits for required environmental studies will vary based on the scope of work. A description of the Cultural and Natural Overlay has been added to Section 9.1 of Appendix B.</p>

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Comment Letter	Questions/Comments	City Response
	<p>a. It can cost \$1 million or more in engineering and service provider fees to subdivide and develop</p> <p>3. Land, mitigation and improvement costs for public trails</p>	
1h	<p>1. Listed time frames for project processing are incorrect and incomplete in Schedule B Section 9.9. They do not include EIR processing times and samples of projects in Schedule B Section 11.3 show these time estimates are wrong. These numbers must be updated.</p>	<p>These comments will be considered with other comments received from the public. As noted in Section 9.9 total processing times vary by project. Table B-48 provides a detailed summary of the typical estimated processing procedures and timelines of various types of projects in the City, assuming that no Environmental Impact Report, legislative approval (General Plan, Specific Plan, or zoning amendment), or Coastal Commission approval is needed.</p>
1i	<p>2. City Policies regarding Onsite/Offsite Infrastructure Could Pose Barriers to Development/Housing.</p> <p>a. Housing Element Policy 2.2 states the City will “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing.”</p> <p>a. In fact,</p> <p>i. Onsite/offsite infrastructure costs for City parcels can cost millions of dollars and involve extensive mitigation requirements.</p> <p>1. The City has historically relied on developers/subdividers to make significant and expensive improvements to public (and private) streets.</p> <p>2. It is City policy to keep new roads private (and privately maintained)</p> <p>3. The City proposes development fees to address infrastructure issues (another constraint)</p> <p>ii. City has taken actions that increase housing development costs including</p>	<p>These comments will be considered with other comments received from the public.</p>

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Comment Letter	Questions/Comments	City Response
	<ol style="list-style-type: none"> <li>1. vacating public rights of way and IODs (e.g., IOD on Vulcan)</li> <li>2. Failing to accept IODs and public roadways</li> <li>3. Housing Element Policies Actually Increase Costs of Development and Lower Housing Yield               <ol style="list-style-type: none"> <li>a. Despite Policies and Goals to the contrary, the Housing Element Policies increase developer obligations, and consequently home development costs                   <ol style="list-style-type: none"> <li>i. Increasing the percentage of affordable housing required for residential development</li> <li>ii. Emphasis on development fees (Policy 2.2)</li> <li>iii. Encourage street planting and landscaping (Policy 2.5)</li> <li>iv. Undergrounding utilities (Policy 2.5)</li> <li>v. Encourage high standards of design, materials, and workmanship in construction and development (Policy 2.6)</li> <li>vi. Discourage development of steep slopes, canyons, floodplains (Policy 2.7)</li> <li>vii. Continue to develop and promote energy efficiency conservation measures (Policy 2.8)</li> <li>viii. Additional required expenses include installation of solar photovoltaic systems and solar water heaters in new housing, along with residential electric charging stations.</li> <li>ix. Any replacement units must be compatible in design with the surrounding residential neighborhood (Policy 1.3)</li> </ol> </li> <li>b. This makes development of all housing more expensive and unlikelier to occur</li> </ol> </li> <li>4. The costs of each additional exaction and expense affects housing supply               <ol style="list-style-type: none"> <li>a. The Housing Element and City policies do not articulate that each of these entries could be the marginal expense</li> </ol> </li> </ol>	

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	<p>that prohibits the contemplated housing development project.</p> <p>b. Building on many of the Schedule C sites requires economies of scale to enable economically viable development, and sites with only a few additional units have costs exceeding benefits.</p> <p>i. Many development costs are fixed, whether the project is 1 home or 100.</p> <p>ii. Small subdivisions often are cost-prohibitive because an insufficient number of lots are created, and market costs of lots do not bear these costs.</p> <p>iii. Developers rely on economies of scale to provide homes at market prices.</p> <p>iv. Land development is a very risky business and California land prices have historically been extremely volatile.</p> <p>v. Profit margin is required to mitigate risks and justify the significant time and effort to develop.</p> <p>vi. Marginal cost of solar photovoltaic systems, solar water heaters, electric</p> <p>vii. vehicle stations or the requirement that 10-15 percent of homes must be very low or low income may each be the expense that causes costs to outweigh benefits.</p> <p>5. Each of Encinitas' actions and policies increasing housing costs described in this comment need to be addressed in this Housing Element.</p>	
1j	<p>1. Schedule C's Above Moderate Sites Inventory Chart column of "Parcel Specific Comments" are not consistent. Many entries use different, and sometimes pejorative, language to describe the same situation. For example, all of the following should be revised to a uniform designation: "Single family home on large lot", "one existing single family building", "single family home with large lot", "Vacant lot with 1 existing unit", "vacant lot single family home."</p>	<p>These comments will be considered with other comments received from the public. Please see updated Exhibit C. This has been corrected or clarified where appropriate.</p>

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	<p>a. Note further that this is a misuse of the term “vacant” pursuant to California HCD guidance: “underutilized sites are not vacant sites.”</p> <p>2. Contrary to HCD requirements, Exhibit C does not reflect project densities successfully developed within the City.</p> <p>3. Textual Inconsistency within Housing Element and Exhibits</p> <p>a. Exhibit B and Exhibit C are inconsistent and appear to describe different standards.</p> <p>b. This document is misleading and unclear, with contradictory language.</p> <p>c. Schedule C chart headings are unclear, and may not reflect actual contents.</p> <p>d. Staff declined to explain the specific application of this language, despite written request.</p> <p>4. The document editing and posting of the Housing Element to the City website is extremely misleading and likely to cause public misunderstanding.</p> <p>a. Schedule C was divided into two sections posted to the City website and fails to clearly describe its contents and pagination.</p> <p>i. The first section begins with a description and listing of the Very Low and Low Sites Inventory.</p> <p>ii. The second section is the first page of a chart listing the Above Moderate Sites Inventory.</p> <p>iii. A description of the Above Moderate Sites Inventory was tacked onto the end of the first section, hidden behind the Very Low and Low Sites Inventory.</p> <p>b. The hidden Above Moderate Sites Inventory description contains the only reference to Exhibit B relating to the Above Moderate Sites Inventory, which as described above, contains a different standard than the one described in the Above Moderate Sites Inventory description.</p>	

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	<p>c. The City’s misleading editing and inconsistent language will cause many residents and property owners to misunderstand this document. There must be an additional public comment period and review when this document is clearly drafted, edited and published.</p> <p>d. I note that the public Encinitas Dog Park is being considered to provide 14 Above-Moderate housing units in Schedule C. Inclusion of the Dog Park in the Housing Element appears to be hidden and without adequate discussion or public notice.</p> <p>5. Staff has not provided timely responses to citizen requests for further information, and have not met their own time estimates for responses. This has hindered and prevented me from fully and meaningfully commenting on the Housing Element.</p> <p>6. The Housing Element’s discussion regarding reducing parking standards in affordable housing do not make sense for proposed low-income housing in Olivenhain. In this sub-suburban area, there is no public street/alternative parking available and mass transit and transit connectivity is very poor. The vast majority (or all) adults living at this site will have a car. A parking space must be provided for each adult, along with spots for guests. Otherwise, this site will provide inadequate parking to serve its residents, and pose safety issues to residents and the larger community. Failure to accommodate actual vehicles will cause further transit problems along Rancho Santa Fe Road and Encinitas Boulevard.</p>	
1k	<p>7. Infrastructure</p> <p>a. Encinitas has never maintained existing levels of service, nor has accommodated regional growth and use of Encinitas roadways.</p>	<p>These comments will be considered with other comments received from the public. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.</p>

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	<p>b. Despite increased traffic, Encinitas continues to narrow roadways and impede vehicular traffic, where transit times to get to the grocery store or other side of town have increased 2-5x.</p> <p>c. Rancho Santa Fe Road is inadequate to serve additional traffic for the proposed high density, low income housing near Four Corners. Similar problems will affect Coast Highway 101.</p> <p>i. Rancho Santa Fe Road serves as a major traffic corridor, contains many stop signs and often can take 15-25 minutes to traverse a mile or two, a fairly recent deterioration. This road is the only route in and out of Olivenhain. This is before the proposed high density projects. The City did not accommodate increased traffic from adjacent growth and residents continue to receive lower levels of street access and service. This is also a safety issue. These traffic issues must be resolved prior to any R-30 development in the area.</p> <p>ii. The City has recently narrowed Coast Highway 101. This is causing further traffic problems within the City and fails to accommodate new housing traffic.</p> <p>iii. I believe the City has undertaken actions regarding City roadways in violation of state transit and road requirements. Additional housing will exacerbate these issues and cause further failures of the Housing Element language concerning roadways.</p>	
11	<p>8. Program 3G: Monitor Adequacy of Development Standards must also include above-moderate housing in its Monitoring Program, as required by Goal 58 and Policy 5.1.9 The City's development standards constrain the development of above-moderate income housing and the language of Goal 5 and Policy 5.1 apply to housing at all income levels. As drafted, this Housing Element</p>	<p>These comments will be considered with other comments received from the public.</p>

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Comment Letter	Questions/Comments	City Response
	is misleading, fails to meet its goals/policies, and will overstate the numbers of Above-Moderate housing units to be created.	
1m	<p>9. Appendix B states that the average per square-foot cost for good-quality housing in the San Diego region is \$129 for single-family homes. This number is not reflective of Encinitas costs. Every recent home in Olivenhain has been \$400/square foot or more, a very significant discrepancy.</p> <p>a. It is only economically feasible to construct very high end, very large houses in Encinitas given the zoning, exactions and other barriers to development/subdivision.</p>	This comment will be considered with other comments received from the public.
1n	<p>10. Appendix B states slope areas within Olivenhain and the Sphere of Influence are greater than 25% and characterized by the presence of biological habitat.</p> <p>a. This statement should be removed as it is misleading and irrelevant, speculative, and unrelated to the Housing Element.</p> <p>i. It is mostly applicable to County land (outside the City) already set-aside or being developed</p> <p>ii. Further, this is not a statement that can be relied upon, but is only a supposition or projection and not based on on-the-ground studies.</p> <p>iii. If this language is not removed, analogous statements must be included about all other areas with &gt;25% slope in the City.</p> <p>b. The City cannot make a formal determination of the slope characteristics or habitat, or impacts to housing, until specific sites are proposed for use based on on-the-ground studies.</p>	This statement is provided as an example of environmental hazard and resource that potentially constrains development. These comments will be considered with other comments received from the public.
1o	11. The City continues to fail to understand Olivenhain and its Character.	These comments will be considered with other comments received from



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	<p>a. A .45 acre lot in Olivenhain is not a large lot, as described. Most of Olivenhain is zoned 1 and 2-acre zoning. The Land Use Element describes the highest densities as 2 units per acre. The General Plan Land Use Element Land Policy states, e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”</p> <p>b. The Housing Element fails to comprehend the issues facing property owners in Olivenhain. Housing Element language is not correct for Olivenhain owners being considered in this plan</p> <p>c. The only growth contemplated for Olivenhain is by allowing very intensive R8 development of very small lots, something that conflicts with the description on LU-74 of the Land Use Element of the General Plan.</p> <p>d. Olivenhain is not a beach community and has no characteristics of a beach community. Comparison tables of nearby cities are meaningless. They do not include adjacent and nearby cities (San Marcos and Escondido) yet include cities that are not adjacent (e.g., Oceanside and Del Mar), do not have similar population levels (e.g., Del Mar and Solana Beach) and do not have significant numbers of larger rural lots (e.g., Del Mar and Solana Beach). This is very misleading.</p> <p>a. No nearby city reduces density as Encinitas does.</p> <p>b. San Marcos and Escondido have allowed, and continue to allow, extensive development in areas similar to Olivenhain.</p>	<p>the public. The 6<sup>th</sup> Cycle Housing Element does not propose to rezone any additional sites. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C. The zoning district classification and density has been reviewed and corrected as needed.</p>

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1p	12. I do not believe that Section 9.9, Local Permits and Processing Times are correct in all cases, including relating to properties listed on Schedule C. This is misleading because it does not reflect actual processing times and requirements. Permit and Processing Time information must be updated to include when EIRs are required, along with any other situations that would require additional processing times.	Please see response 1h.
1q	13. The Development and Planning Fees (Exhibit B, Section 9.5) regional comparison chart should have included the County given the possibility that sphere of influence lands could annex from the County and provide City of Encinitas housing.	This comment will be considered with other comments received from the public.
1r	1. APN 264-020-13 a. Why did the City refuse to provide requested calculations and methodologies and explanations relating to parcels listed on Schedule C when asked about significant discrepancies between (a) Schedule C listed lot size and actual lot size and (b) Schedule C listed zoning and actual zoning density? b. What projects in the City of Encinitas have a historic housing yield similar to one dwelling per 12.4 acres as listed? c. Please explain how the City is upholding its obligations under Goal 5 and Policy 5.1 stating that 1 dwelling per 12.4 acres is the housing yield given the applicable zoning is 1 dwelling unit per 2 acres?	Please see response 1a.
1s	2. Encinitas Housing Element Goal 5, and Policy 5.1, contemplate implementation of policies to reduce/eliminate governmental and non-governmental constraints for all housing within the City. a. Housing Element Program 3G: Monitor Adequacy of Development Standards	The City has not had difficulty in meeting the RHNA need for above moderate-income households. Most constraints to develop housing occur for lower income households, moderate income level and below. Any constraints identified and

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	<p>states “In the course of reviewing new projects on the sites shown on the site inventory in Appendix C, the City of Encinitas will evaluate the development standards contained in Title 30 of the Encinitas Municipal Code and Specific Plans to determine if any standards create undue burdens, or limit the ability for housing to be developed at the density designated in the site inventory.” Why does program 3G: Monitor Adequacy of Development Standards not specifically include above-moderate housing as required by Goal 5 and Policy 5.1?</p>	<p>addressed will benefit all income levels.</p>
1t	<p>3. Program 3B, Modify Regulations that Constrain the Development of Housing  a. The Housing Element states: “In 2019, the City of Encinitas identified potential constraints to the development of housing, including ground-floor commercial only uses, findings for residential projects related to density and design, and airspace ownership requirements.” What specific document or program is this referring to? Who was invited to participate? Who participated?  b. Given that Program 3B, Modify Regulations that Constrain the Development of Housing, is represented as an ongoing program within the Housing Element, how can I be included as a stakeholder in this program and be able to provide feedback and information?  i. I request to be included in this program.  c. What are the City’s plans, timeline and next steps to implement Program 3B?  d. Who specifically is the “development community” that the City is referring to in Program 3B of the Housing Element?</p>	<p>Register for city updates on the Housing Element and implementation of specific Programs on the City’s website at: <a href="https://encinitasca.gov/Home/City-Updates">https://encinitasca.gov/Home/City-Updates</a>. Check “Housing Element”</p>
1u	<p>4. Housing Element Program 3D, Improving the Efficiency of the Development Review Process for Housing Projects states that</p>	<p>The Environmental Assessment for the 5<sup>th</sup> Cycle took into consideration the change in density for potential housing projects based on the new</p>

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	<p>“Streamlining includes the environmental review already completed for this Housing Element to address as many environmental issues as possible to focus future environmental review on project-specific issues and to apply the objective standards included in the Environmental Assessment.” Please could you confirm that this statement applies to all housing units created in the City, not just the sites/units described in Schedule C?</p>	<p>proposed residential densities for those sites. Environmental Review is required for all sites in the City to address project-specific issues based on the proposed project and any additional review required by changes in State CEQA Guidelines, unless by-right approval is required.</p>
1v	<p>5. Olivenhain Community Character</p> <p>a. Please explain why the City of Encinitas considers .45 acres a large lot in Olivenhain, when most of Olivenhain is zoned 1-2-4 acre zoning and the General Plan’s Land Use policy on page LU-74 describes the highest densities as 2 dwellings per acre?</p> <p>b. How is subdivision of a .45 acre lot permitted where the Land Use Policy states the highest densities are 2 dwellings per acre in Olivenhain?</p> <p>c. How does development of the proposed sites in Olivenhain meet the Land Use Policies applicable to Olivenhain? (e.g., “Olivenhain has the largest land area of the five Land Use communities while at the same time, has the lowest residential densities. Land use policy for Olivenhain will be effective in preserving the rural “feeling of country” character that is typical of the community.”)</p> <p>i. How does the proposed 30 dwelling units per acre contribute to preserving Olivenhain’s rural character?</p> <p>ii. How has the City determined that the 30 dwelling units per acre projects in Olivenhain is consistent with the Land Use Element of the General Plan?</p> <p>d. Why is the Schedule C Description and Parcel Specific Comments for similarly sized lots the same for Olivenhain as for the other communities</p>	<p>Community Character is subjective and not enforceable by the City according to HCD guidelines. Development Standards are objective and are the set with each zone district which determines the maximum density a minimum lot area with each zoning district. No zoning changes are proposed at this time. The zoning district classification and densities identified in Appendix C have been reviewed and corrected as needed. All previous zoning amendments were found consistent with Land Use Element and aspects of the Land Use Element were amendment with the adoption of the Housing Element in 2019. Northern Coastal Communities were included for comparison purposes as they are most similar to all of the City of Encinitas in the variety of residential typology.</p>

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	<p>that have different community characters and standards?                      e. Why were the cities of San Marcos and Escondido not included in local comparison tables, when they are much closer in location and character to Olivenhain than Oceanside?</p>	
1w	<p>6. Why has the City not reached out to property owners of properties listed in Schedule C to determine if (1) they are interested in developing the planned home sites on their properties within the Housing Element period or (2) City allocated yield numbers are feasible, including economically feasible?</p>	<p>Please see response 1b - 1d.</p>
1x	<p>7. Economic Feasibility                      a. Has the City determined economic feasibility for development of each property listed in Schedule C, including Moderate and Above-Moderate sites? How? Please explain analysis in detail.</p>	<p>Please see response 1d.</p>
1y	<p>8. ADU/JADU                      a. Across Encinitas, how many parcels are eligible to build (1) ADUs and (2) JADUs? If 75 ADUs/JADUs per year are constructed as assumed by the Housing Element, what is the percentage utilization rate of the ADU/JADU program across the City?                      b. Exhibit B Section 9.3.2 states: “The City is currently in the process of updating the existing ADU and JADU ordinance to be consistent with state laws adopted in 2019. See additional discussion in Section 11.1 of this Appendix.” Section 11.1 of the Appendix does not mention ADU/JADUs but instead states “Appendix C contains a detailed list of vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and discuss the City’s experience with the redevelopment</p>	<p>Please see response 1e. The referenced section has been corrected to 12.1 of Appendix B.</p>

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	of non-vacant sites.” What is the City referring to in Section 9.3.2?	
1z	<p>9. Schedule C</p> <p>a. Please provide the City’s methodologies for Schedule C site selection and unit yield.</p> <p>i. Note that the descriptions in Schedule B and Schedule C are conflicting and there is insufficient information to replicate the City’s calculations.</p> <p>b. Are all vacant parcels in the City included in Schedule C? If not, why not?</p> <p>c. Are underutilized or vacant parcels on private roads included in Schedule C?</p> <p>d. Given the relatively low percentage utilization of JADU and ADU entitlements as a percentage of City homes/available parcels, and a significant percentage of housing unit yield will be coming from redevelopment projects on parcels with existing uses, on what basis has the City determined that a sufficient number of units on moderate/above-moderate sites identified on the Schedule C Sites Inventory will be constructed within the next 10 years to meet State requirements? Please explain the rationale. On what statistics or facts is this determination being made?</p>	Please see responses 1a-1e.
1aa	<p>10. The City provided estimates for the number of ADUs/JADUs anticipated to be created under the plan in Section 12.1 of Schedule B based on the historical average numbers of permits granted by the City. No similar analysis appears to have been undertaken for the sites listed on Schedule C for moderate and above-moderate housing—despite the fact that most of these sites require subdivision and/or already have existing uses.</p> <p>a. Why has the City not undertaken a consistent approach/methodology to estimate housing yields, and based its analysis on historical yield numbers?</p>	Please see responses 1a-1f.

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	<p>b. Please provide statistics for historical housing yield for each income bracket equivalent to the ADU/JADU numbers.</p> <p>i. On average, how many homes is Encinitas permitting per year at each income bracket?</p> <p>ii. What are the City’s projections of the number of homes that will be permitted each year of the Housing Element at each income bracket?</p> <p>c. On average,</p> <p>i. How many subdivisions is Encinitas processing per year?</p> <p>ii. What is the average number of parcels created?</p> <p>iii. How many 4 lot or fewer subdivisions are being processed each year?</p> <p>iv. On average, how long does it take to record a subdivision map?</p> <p>v. On average, how long from the time a subdivision map is recorded until building permits are issued?</p> <p>vi. As vacant and underutilized land inventory declines over time as land is developed, how has the City addressed this in its projections?</p> <p>d. Does the City expect all homes (excepting ADUs/JADUs) to be built on Schedule C sites? If not, what percentage are projected from Schedule C sites, and what percentage from non-Schedule C sites?</p>	
1bb	<p>11. Section 11.3 of Exhibit B, including Table B-51, provides “samples” of development of nonvacant sites being converted to higher utilization residential use.</p> <p>a. How were these samples selected? How are these “samples” representative of projects in the City of Encinitas? Please explain methodology and calculations, assumptions, etc.</p> <p>b. Do these projects yield moderate or above-moderate units? How many of each?</p>	<p>Table B-51 include recent infill projects in a variety of districts. These are all above moderate residential developments. The description column provides the number of units.</p>

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1cc	<p>12. Processing Times, Section 9.9 of Schedule B</p> <p>a. Table B-51</p> <p>i. Please explain how the City can justify the development time periods listed in Section 9.9, when the Housing Element shows that actual projects take far longer (e.g., see Table B-51 showing a sample of 10 “existing applications under review or approved” since July 2019, including 1 project submitted in 2014, 1 in 2016, 5 in 2017, 1 in 2018 and 2 that are undated).</p> <p>ii. Which of these sample projects were approved and which were under review at time of inclusion?</p> <p>iii. When will the City update the Housing Element with correct information regarding processing times and sample project details? Please explain.</p> <p>b. EIRs are required for properties listed on the site inventory.</p> <p>i. What are processing time frames when EIRs are required?</p> <p>ii. Why did the City not include this information in Schedule B?</p> <p>iii. Will the City update the Housing Element with more accurate and complete processing times and estimates?</p> <p>c. Are there any other factors that would delay subdivision and development projects, and related housing, not listed in Schedule B? What are these factors? When will the Housing Element be updated with this information?</p>	<p>Please see response 1h. The processing times are based on all project types not just one type based on input from City Planner who has been working with the City for over 20 years. Exact processing times are based on a number of factors involving each project applicant from environmental review, completion of required technical studies, time between resubmittals and Coastal Commission approval if required.</p>
1dd	<p>13. The Housing Element contains statements that residents do not want hillsides developed.</p> <p>a. Which communities include homes built on slopes, including slopes greater than 25%? Wouldn't this include portions of Cardiff and Leucadia?</p> <p>b. How and when was this information gathered?</p>	<p>Community comments and concerns regarding development has been provided with specific projects and during the Housing Element updates. These comments will be considered with other comments received from the public.</p>



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	<p>c. Do residents complain about existing housing stock built on hills and steep slopes?</p> <p>d. Is there evidence that the community would prefer to develop public parks for above-moderate income homesites rather than allow development on hillsides?</p>	
1ee	<p>14. Encinitas Dog Park is listed on the Schedule C Above-Moderate Sites Inventory.</p> <p>a. Does the City plan to vacate the Encinitas Dog Park to provide 14 above-moderate homes?</p> <p>b. Under what circumstances would development of the 14 above-moderate homes occur on the Encinitas Dog Park?</p> <p>c. Does the City believe that building housing on the Dog Park is more important than changing zoning to simple standards (e.g., 2 acre zoning without removal of densities for overlays, easements, slope, etc.). Explain.</p>	<p>Encinitas Dog Park has been removed from the above moderate sites list.</p>
1ff	<p>15. Infrastructure</p> <p>a. The Housing Element states that Encinitas “must also plan to provide the infrastructure needed to maintain existing levels of service” along with many other references. How specifically are City policies and practices changing with respect to the following:</p> <p>i. Continuing actions that block and impede through traffic on City thoroughfares through road narrowing, traffic calming, stop signs, etc.</p> <p>ii. Failure to maintain existing levels of service from the time of incorporation (transit times have increased 2-5x)</p> <p>iii. Failure to accommodate traffic caused by growth in neighboring cities</p> <p>b. Many references within the Housing Element relate to minimizing constraints to development. How specifically are City policies and practices changing with respect to the following?</p>	<p>Please see response 1k. The City is beginning the Circulation Element update process in 2021 where many of these comments could be discussed. The Environmental Assessment for the 5<sup>th</sup> Cycle looked at some of these topics as they relate to the Housing Element sites in 20-21. Each project’s specific constraints and required improvements are project specific and are analyzed at the time a development is proposed.</p>

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	i. Requiring developers/subdividers to provide onsite and offsite improvements to public streets ii. Failing to accept public road IODs, so that subdivision/development roadways are private iii. History of vacating public roads and/or IODs c. Has the City's failure to accept public road IODs decreased the number of parcels available for inclusion in Schedule C?	
1gg	16. What prevents the Moderate income sites identified in Schedule C from being developed and offered to the market as Above-Moderate units?	Nothing.
1hh	17. Please explain how Exhibit C Sites Inventory designates lots as "vacant" when also noting they have existing homes and/or other improvements, given that this conflicts with the HCD definition of "vacant" and goes against HCD guidance?	Please see updated Exhibit C. This has been corrected or clarified where appropriate.
1ii	18. Given that the City appears to contemplate further revisions, corrections and alterations to Schedule C, and given that the City has not been forthcoming about information included in this Schedule C, what opportunity will landowners and the general public be given to comment on revisions?	The public has opportunity to provide comments throughout the process through adoption. Register for city updates on the Housing Element on the City's website at: <a href="https://encinitasca.gov/Home/City-Updates">https://encinitasca.gov/Home/City-Updates</a> . Check "Housing Element"
1jj	19. Given that (a) figures and information contained in the Housing Element, including Schedule C, are erroneous, drafted in violation of State HCD guidelines or are potentially economically infeasible, and (2) the City failed to provide requested information concerning calculations and methodology, what is the City's plan to ensure that the public is able to meaningfully and fully understand this plan and provide public comment based on complete and accurate information?	See response 1ii.

**Letter 2. G. Miller**

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2a	I am strongly opposed to the multi-story apartment complex scheme targeted for construction behind the 7-11 at the corner of RSF road & Encinitas Blvd. I attended the zoom meeting hosted by Randy Goodson and came away with nothing but questions and doubts about the project. The proposed building is totally out of place for the community and surrounding area and will lead to traffic nightmares on a regular basis, never mind the real problems caused should emergency evacuations be required along RSF road southbound.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
2b	I also attended a zoom meeting regarding the proposed “density bonus” 14 home development right across RSF road in the “balloon field “. As described, the development seems overly congested for the sub 5 acre plot. With only one home designated for a lower income household, I fail to see how this planning approach meaningfully helps the city toward meeting its housing goal for lower income residents.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
2c	I have a very cynical view of “density bonus “ projects, particularly if part of the stated reason is to increase the city inventory of affordable housing. I live near the “Loden at Olivenhain “ project area and I believe those homes are being offered at \$1.4 -\$1.7 million at the low end. That is not affordable housing for lower income families in my book. I believe only one of the “Lodenite” homes is earmarked for this type of buyer profile.	This comment will be considered with other comments received from the public.
<b>Letter 3. J Maxim</b>		
3a	At a minimum, the agency (HCD) should give the same amount of careful consideration to citizens’ voices as it does to the BIA.	This comment will be considered with other comments received from the public.
3b	Housing policy should require developers who benefit from R30 upzoning and density bonus to count as affordable only	The State defined income categories are 0-50% of Area Median Income (AMI) for very low-income qualifying

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	those units for families at 50% AMI or below.	households and 51 – 80% of AMI for low income qualifying households. The City does not set or control these income categories as they are defined by statute.
3c	The language of Program 1E is unnecessarily coy. The HE should honestly acknowledge the implications of its “compliance with state law.” This should include openly addressing the net loss of affordable units. This should also include required updates to the Climate Action Plan, Mobility Plan, and Safety and Maintenance Plan to account for the negative effects associated with these projects and the increase in the city’s infrastructural needs.	This comment will be considered with other comments received from the public.
3d	The HE should account for the units that sit vacant in Encinitas. The city should institute a luxury housing tax, a foreclosure tax, and a tax on empty buildings.	This comment will be considered with other comments received from the public.
3e	The HE should objectively compare the costs and benefits of profit-driven development with those, for instance, of public housing systems, in achieving truly affordable housing.	This comment will be considered with other comments received from the public.
3f	Rather than rely on unimaginative planning consultants, support a wide public discussion of alternative housing systems, such as public, cooperative, limited-equity co-ownership, communal, and other forms of tenure.	The City has conducted numerous public outreach workshops and surveys relating to its housing element update. All feedback received was considered in drafting the housing element update.
3g	Ask the Board to Supervisors to divert some of the sheriff’s generous budget to address social needs such as housing.	This comment will be considered with other comments received from the public.
3h	Democratize housing policy: downsize the power of experts and consultants and put instead the voices and perspectives of poor households at the center of planning and policy discussion.	The City has conducted numerous public outreach workshops and surveys relating to its housing element update. All feedback received was considered in drafting the housing element update.

**Letter 4. V. Perkins**

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	<p>1. Is a subdivision map required to create parcels/lots for 3 additional housing units?</p> <p>2. List all agencies involved in processing a subdivision map for the 49.67 acres.</p> <p>3. What steps are required to get a map recorded for the 49.67 acres?</p> <p>a. What is the estimated time?</p> <p>b. What is the estimated cost?</p> <p>4. What onsite and offsite improvements would be required in order to obtain a building permit for each of the 3 units allocated to APN 264-020-13?</p> <p>a. What is the estimated time?</p> <p>b. What is the estimated cost?</p> <p>5. What conditions and exactions would be required for the 49.67 acre subdivision map of 3 additional units to be recorded?</p>	<p>These comments/questions relate to a potential project and is outside of the purview Housing Element. Each timing, costs, reviewing entities, required improvements, etc. are all determined by the specific variables of the project including environmental constraints, location, access, density, etc. The City recommends a separate conversation to discuss a potential project on this site.</p>
	<p>6. How is density determined on the 49.67 acres? What specifically may reduce the density from the stated 2-acre zoning? Explain 0.125 as Minimum or Average Density per the Schedule C, Above-Moderate Sites Inventory.</p>	<p>Please see response 1a.</p>
	<p>7. Do all current lots and housing units in the City of Encinitas comply with and meet all current slope requirements? If not, please explain.</p>	<p>Restrictions on lots with steep slopes and hillside inland bluffs are applied when projects are proposed. Some development within the City predates the City's zoning standards.</p>
	<p>8. Is it economically feasible to build 3 housing units on APN 264-020-13, 1 dwelling unit per 12.4 acres, considering the requirements necessary to obtain a subdivision and building permit? Or Is Encinitas allocating bogus numbers?</p>	<p>Please see response 1d.</p>
	<p>9. Where else in the City do densities average 1 dwelling unit per 12.4 acres or more than 1 dwelling unit per 4 acres?</p>	<p>Maximum permitted densities and minimum net lot area for development is provided in the Zoning Code based on the zoning district.</p>
	<p>10. How does the City of Encinitas explain and justify the allocation of the 3 units on 49.67 acres to the California</p>	<p>Please see response 1a.</p>

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	Department of Housing and Community Development?	
	11. Since today's motto is "We're all in this together", explain how the burdens of open space (along with habitat endowments which can be hundreds of thousands of dollars per lot) are solely borne by those who have preserved habitat/open space. Could the open space exaction potentially reduce density? Please explain. Also, could this be considered PUNISHMENT FOR PRESERVATION?	This comment will be considered with other comments received from the public.
	12. Correct incorrect facts in Schedule C Above-Moderate Site Inventory regarding 264-020-13, including street name, parcel size, max density, minimum or average density, unit capacity or fully explain why not changed.	This parcel information has been updated.
<b>Letter 5. L. Julig</b>		
5.a	Look at housing through a racial equity lens. Where is this located within the housing element?	Appendix B contains the required analysis of fair housing within the City, including areas of opportunity, racial and ethnic analysis of the location of sites, and policies from the Regional Analysis of Impediments (AI). Section 1.3.4 further describes the Programs and actions the City will undertake to affirmatively further fair housing (AFFH).
5.b	"Excluding single-family areas near transit ... exacerbates the problems of single-family zoning – especially low-density neighborhoods in high-income areas. The collective benefit of allowing more people to live near transit should outweigh the concerns of people who live in those neighborhoods and don't want them to change." - Voice of San Diego	This comment will be considered with other comments received from the public, please see response 5.a.

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	<p>"Exclusionary zoning, like single-family zoning, is used as a planning tool by local cities around the nation to segregate Black, Brown and poor residents from wealthier and whiter neighborhoods," [This is from a letter from a coalition of seven anti-poverty groups to Councilwomen Monica Montgomery, Vivian Moreno, and Georgette Gomez.]</p>	<p>This comment will be considered with other comments received from the public, please see response 5.a.</p>
<p><b>Letter 6. D. Vaughn</b></p>		
6.a	<p>Goal 1 should explicitly state compatible with neighborhood and/or community. For example, "THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY THAT EMBRACES THE DISTINCT CHARACTER OF THE FIVE COMMUNITIES."</p>	<p>Community Character is subjective and not enforceable by the City according to HCD guidelines. This comment is noted.</p>
6.b	<p>Policy 1.3: Most residential neighborhoods and all 5 communities were not planned by the city. Please revise to "When existing single-family residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood and embrace the distinct character of the five communities."</p>	<p>Per State law, the City can only consider objective design standards when reviewing proposed housing developments. This comment is noted.</p>
6.c	<p>There should be a program introduced to define objective standards for preserving community character for all new residential development.</p>	<p>Program 3B includes the development of objective standards. "Preserving community character" is a subjective requirement that the City is unable to enforce.</p>
6.d	<p>Goal #2 should be updated to include infrastructure planning and environmental analysis. For example, "SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS WITH</p>	<p>This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.</p>

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	ADEQUATE INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS AND MITIGATION.”	
6.e	policy 2.2 should be expanded to include environmental analysis. So, “Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing based on adequate environmental impact analyses and mitigation.”	This comment will be considered with other comments received from the public.
6.f	policy 2.8 should be expanded to require VMT traffic analyses and GHG studies for all large projects.	Depending on the type, location, and amount of affordable housing provided by a project, the City is statutorily limited in the environmental review it can require of development projects.
6.g	The city also needs to review and update its antiquated circulation element to adequately plan for the necessary infrastructure needs and environmental protections.	This comment will be considered with other comments received from the public.
6.h	There should be a program introduced to conduct the Environmental Impact and mitigation, and to provide the infrastructure planning. This should remedy the mismatch between the EA done with up-zoning when several properties were ineligible for by right development and the current situation where they are. This should update the city’s antiquated circulation element.	Depending on the type, location, and amount of affordable housing provided by a project, the City is statutorily limited in the environmental review it can require of development projects. This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.
6.i	Program 1A, Page 1-13: “As discussed under Program 1B, the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households.” This is untrue, please correct as the use by right was introduced in September 2019 for all properties requiring lot consolidation.	By-right development for sites in the R-30 overlay zone was established with the adoption of the City’s 5 <sup>th</sup> Cycle Housing Element and Ordinance 19-04 creating the R-30 Overlay.



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6.j	<p>Program 2B: The use of R-30 zoning and its preposterous assumption of affordability is not meaningfully contributing to the affordable housing stock beyond the deed-restricted units, typically &lt; 15%. Most of the R-30 projects that have been submitted are designed with luxury features and are not likely to provide even moderate-income affordable housing. The Goodson project for example, proposes a luxury roof-top 70' above grade with a clubhouse, pool and deck, and exercise spa. Similarly, limiting the average unit size has failed, as the developers are shrinking the deed-restricted units' size to build large penthouse apartments for premium rent.</p>	<p>The methodology developed in Appendix C is formed to meet the statutory requirements.</p>
6.k	<p>The city needs to partner with the non-profit development community to build housing that is affordable to all income levels on properties where the city has site control (either by ownership or covenant).</p>	<p>PROGRAM 2B: Facilitate Affordable Housing for All Income Levels includes objectives to explore opportunities with developers, including non-profit developers.</p>
6.l	<p>The extremely long wait list has discouraged eligible residents from applying. Any outreach should extent to all Section 8 eligible residents, and not just those on the wait list many of whom have no connection to Encinitas. The inserted text on page 1-23 states 25 percent are low income, is this meant to be very-low income?</p>	<p>Thank you for your comments. Page 1-23 has been updated to reflect "very-low" income.</p>
6.m	<p>Program 2D: Please break out the 62 "lower income units" by income level.</p>	<p>Staff has updated Section 1. The density bonus projects are listed in Table B-40 in Appendix B with the affordability levels.</p>
6.n	<p>Program 3: The phrase "community character" has been systematically removed. Rather than wordsmithing the document, the city needs to prioritize putting in place objective standards by a combination of Environment Impact</p>	<p>Program 3B includes the development of objective standards. "Community character" is a subjective requirement that the City is unable to enforce. Program 3F includes an objective to identify</p>

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	mitigations associated with the housing element and through EMC.	infrastructure needs and modify the capital improvement program.
6.o	Program 3C: Any future Housing Element should both comply with state law and be embraced by the citizens. Rather than lawsuits, the city should focus on identifying projects that build the housing desperately needed by our families making median area income and below.	This comment will be considered with other comments received from the public.
6.p	Program 3D: An objective should be added to identify subjective design standards and to replace them with appropriate objective standards.	Program 3B includes the development of objective standards.
<b>Letter 7. L. Cassis</b>		
7.a	Program 2B - Thank you for establishing a numerical goal of 250 lower-income units annually. We encourage changing this goal to at least 250 lower-income units annually.	Incorporated.
7.b	We applaud the goal of preparing an inventory of City surplus land that is no longer required for the City's use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing. We support the City of Encinitas' dedication to partner with agencies that own property in the City, such as the County of San Diego and the North County Transit District (NCTD). Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state's Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City's effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees. For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering	Thank you for the suggestions, this comment will be considered with other comments received from the public.

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	funds that must be spent on public improvements.	
7.c	We feel it's critical that the City of Encinitas focuses on increasing the percentage of affordable units build in the Very Low 50% AMI tranche, the Very Very Low tranche, as well as housing for the "missing middle." The reason for this inclusivity is to create housing opportunities across the income spectrum. This will serve the growing demographic in the City of seniors living on fixed incomes, our essential workers earning \$15-\$20/hour, and for young professionals. The City should strive to make standards more challenging to meet. These standards should include a designation of a number of the units for serving citizens in the Very Low and the Very Very Low AMI tranches.	The current plan is consistent with the State's anticipated growth of affordable housing units within the City. Additionally, the methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.
7.d	To track the City's progress in producing housing for all income levels, please create a housing "dashboard" to be shared with the public. This dashboard will summarize the housing built by income category throughout the planning cycle. We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City's affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.	Thank you for the suggestions, this comment will be considered with other comments received from the public. Every year the City completes an annual report on housing development for HCD that is available to the public.
7.e	Program 2C - We support the City's commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend	The City will continue to increase the number of funded vouchers as increased funding becomes available.

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	creating a targeted increase of at least 10% from the current level of ninety-six to 106, with a goal of fully restoring the program to 136 vouchers by 2022.	
7.f	Program 2C - The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.	Appendix B contains the required analysis of fair housing within the City, including areas of opportunity, racial and ethnic analysis of the location of sites, and policies from the Regional Analysis of Impediments (AI). Section 1.3.4 further describes the Programs and actions the City will undertake to affirmatively further fair housing (AFFH).
7.g	We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.	The City uses data available and up to date which is specific to Encinitas and additional data completed as part of the 2020 Regional Analysis of Impediments to Fair Housing Choice for the San Diego Region. The City works with HCD to develop a robust and extensive AFFH analysis in Appendix B and Programs have been amended in Section 1.
7.h	We encourage you to continue funding homelessness prevention through rent payments, utility payments, and other financial assistance for residents of Encinitas, ensuring that residents can remain in their homes during these difficult times. It is disruptive and costly to find housing for a person or family experiencing homelessness, as opposed to providing financial support in keeping these residents housed. To this effect, please extend the residential eviction moratorium, as necessary, which is another form of homelessness prevention.	See Program 2F. Thank you for your suggestions and comments, they will be considered with other comments received from the public. The residential eviction moratorium is in response to the Covid-19 Epidemic which is not within the purview of the Housing Element.
7.i	We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit.	These suggestions are noted.

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	<p>In the September 2016 report, “ Location Matters: Affordable Housing and VMT Reduction in San Diego County,” it was found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger buildings and smaller units: all factors that make affordable housing near transit a key greenhouse gas reduction strategy.</p>	
7.j	<p>Program 3H - E4E believes that this, if done conscientiously and with relevant input, can go a long way to identifying and pointing to potential remedies for current racial inequities. We would ask that the City give substantial consideration to how it will involve and gather input from diverse voices within the community; and whether there might be scope to create a public sub-group of the body with responsibility for this Program that provides for longer-term, more integral involvement of community voices in this process.</p>	<p>The City emphasizes and continues to engage the community through a variety of means including public announcements, mailers, emails, flyers, etc. the City will continue to engage a variety of stakeholders and all members of the community. This comment will be considered with other comments received from the public.</p>
7.k	<p>Program 5 - We appreciate this type of ‘global’ picture of the actions that might be taken to promote fair housing and access in the City of Encinitas, based on AI review. E4E recognizes the value in all of these potential actions, but wishes to state that the recognition that Latinxs and Blacks continue to be under-represented in the homebuyer market and continue to experience large disparities in loan approval rates is particularly important and meaningful in acknowledging the real history of racist discrimination as relates particularly to housing in Encinitas. We believe that the City, armed with this understanding, can incorporate it into planning and outreach efforts, and ultimately make a difference in building the diversity of Encinitas through the encouragement and support of members of these populations to become residents of Encinitas.</p>	<p>See Program 3H. This comment will be considered with other comments received from the public.</p>

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Comment Letter	Questions/Comments	City Response
7.l	In summary, we support the City’s efforts adopting a Housing Element Plan which will be a catalyst for building affordable homes for our senior citizens and our millennial and family residents. We stand with the City of Encinitas in the focus on innovation and identifying solutions for providing much-needed affordable housing in our beloved community.	This comment will be considered with other comments received from the public.
<b>Letter 8. E. Lukacz</b>		
8.a	The balloon launch site off of Peppertree/RSF road proposal is far more palatable than the proposed Goodson apartment complex on Encinitas Blvd and Rancho Santa Fe Road; which is a radical departure from the rural residential designation of this community and a major liability to the residents of this community. There is simply not enough room for 300+ cars anticipated with a 283 unit apartment structure.	This comment relates to a proposed project and is outside of the purview Housing Element. The City recommends a separate conversation to discuss the proposed project on this site.
8.b	I do not understand why the Goodson project can’t be more in line with the Olivenhain Trust project across the street with single family homes or even condo units to accommodate low income housing. In addition to safety concerns, the aesthetics of a 7 seven story building in an area surrounded by large acreage lots, horses and farm land, the proposed project will be an eye sore to those living in that vicinity.	Please see repose 8.a. This comment will be considered with other comments received from the public.
8.c	There is NOTHING affordable about the Goodson project. I hope that the rezoning of the Peppertree lot to 14 units on 2.5 acres would effectively STOP and permanently prevent a monstrosity like the Goodson project. If that is the case I	Please see repose 8.a. This comment will be considered with other comments received from the public.

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	am fully supportive. But, if there is ANY chance that you will continue to destroy this community with apartment complexes on that site I am vehemently opposed.	
8.d	If the goal is to provide “affordable housing” neither project comes close to serving the community. On the outskirts of Rancho Santa Fe (one of the most expensive places in the country) the services and stores are more than twice the price of any other places in Encinitas closer to I5. Harvest Ranch is probably the most expensive grocery store in San Diego. The stores and services on Encinitas Blvd and El Camino are too far to walk for the “low income” tenants that this building is supposedly being constructed for.	Please see repose 8.a. This comment will be considered with other comments received from the public.
8.e	While I acknowledge that we have a “housing crisis” in California, the plans to solve this should be based on developing affordable housing close to mass transit, walking distance to schools and shopping facilities. There are plenty of locations closer to I5 that would meet the needs of the community and the demands of the state that do not require rezoning or destroying a community’s character and placing its residence at risk. How the land behind Vons off of I5 was decided to be developed as a “dog park” and recreation area and not affordable housing across from the hospital is beyond me. There are also locations by D street in downtown Encinitas that would meet these requirements and actually boost the local economy.	Specific site identification for low and very low-income housing is identified in Appendix C. The methodology developed with the Housing Element to address is to provide the opportunity for development, in compliance with state legislation. This comment will be considered with other comments received from the public.
8.f	The fact that only 42 of the 283 (15%) proposed units are designated for “low income” is a JOKE. The housing crisis we	Please see repose 8.a. This comment will be considered with other comments received from the public.

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<b>Comment Letter</b>	<b>Questions/Comments</b>	<b>City Response</b>
	have will not be solved by building a luxury apartment high rise in this small, rural residential community.	
8.g	Needless to say, I am ADAMANTLY opposed to re-zoning of our rural residential real estate in Olivenhain into high density housing. ONLY if there is a guarantee that the up zoning of the peppertree lot is permanent and could NEVER be changed to high density apartments would I support such action.	The 6 <sup>th</sup> Cycle Housing Element does not propose to rezone any additional areas. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C.
<b>Letter 9. J. Gunderson</b>		
9.a	Comments opposing the “Balloon Lot”. I'm surprised and disappointed that the "Balloon Lot" is being considered for a zoning increase and I am requesting that this property stay at R-2 zoning.	The 6 <sup>th</sup> Cycle Housing Element does not propose to rezone any additional areas beyond the current zoning. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C.
<b>Letter 10. B. Kent</b>		
10.a	Policy 1.7 – Please include coordination with local faith-based organizations, since many of these organizations are currently providing support services (i.e. such as addressing food insecurity) to our residents who are experiencing homelessness, along with seniors and working families who are spending far too much of their income on rent—sometimes with little or no funds available for medical...	The City’s coordination and plan to collaborate with a variety of faith-based organizations is currently addressed in Appendix B, Housing Resources Section 9 as well as Program 2F.
10.b	Program 1C - We are in favor of the City’s promotion of ADUs. To continue this effort, we encourage the City to adopt a “Tiny House” ordinance, if it’s deemed this type of ordinance will promote the development of smaller and more affordable housing in Encinitas. If this is the case, this ordinance should include the waiving of Development Fees and the “Permit Ready” element of the ADU program to expedite the process and reduce costs to applicants. We feel it is important to have ADUs have deed restriction, to ensure affordability and not	This comment will be considered with other comments received from the public.



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	only serve to add density. Mobile homes should also be considered when designing parcels within appropriate zones.	
10.c	Program 1C - Thank you for establishing a numerical goal of seventy-five ADUs annually. We encourage changing this goal to at least seventy-five ADUs annually.	The City has revised the annual ADU assumption to be 100 ADUs per year over the planning period.
10.e	Program 1E - We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ( SB 2, 2017 ), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for Extremely Low, Very Low, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called "boomerang funds," as a local source of funding for affordable housing.	This comment will be considered with other comments received from the public.
10.f	Program 1E - Please commit to identifying replacement sites which will serve to maximize the number of actual Very Low and Low income affordable housing units built. This can be achieved by identifying available funding, donated land, and below market cost land, such as faith-based owned land, underutilized land, or government entity owned land.	Pursuant SB 166, No Net Loss, the City will be required to find replacement sites when identified sites are not developed with housing or not developed at the identified lower income category (i.e. Low, very low, and moderate).
10.g	Program 2A – We support the City’s efforts to increase the percentage of affordable housing units required for residential development. What is the status of the economic feasibility study, which will be the justification to increase the %?	The draft economic study is available on the City’s website: <a href="https://encinitasca.gov/Residents/Housing-Resources/Inclusionary-Housing">https://encinitasca.gov/Residents/Housing-Resources/Inclusionary-Housing</a>

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10.h	<p>Program 2B – We support the City’s commitment to partner with other agencies that own property in Encinitas, including the County of San Diego and North County Transit District. With respect to NCTD, we support this type of partnership to build lower income multi-family housing near transit hubs. Since the privately owned sites on the current list will most likely produce affordable units at the “Low” 80% AMI tranche, it’s critically important that the City focus on increasing the % of affordable units built in the “Very Low” 50% AMI tranche along with housing for the “missing middle,” so there are housing opportunities across the income spectrum, for our seniors on a fixed income (a growing demographic population in Encinitas), our essential workers earning between \$15-\$20/hour and for young professionals. To track the City’s progress in producing housing for all income levels (i.e. very low, low, moderate, aka “missing middle”) please create a housing “dashboard” to be shared with the public, which summarizes the housing built by income category during the planning cycle. Also, please see Program 1E comment above.</p>	<p>The current plan is consistent with the State’s anticipated growth of affordable housing units within the City. Additionally, the methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.</p>
10.i	<p>Program 2B – continued - Thank you for establishing a numerical goal of building 250 lower income units. We support changing the goal to “at least” 250 lower income units.</p>	<p>Please see response 7.a.</p>
10.j	<p>Program 2C – We support the City’s commitment to the Section 8 Housing Voucher program and the stated efforts to identify additional funding sources to increase the availability of this type of rental assistance. We recommend creating a targeted increase of at least 10% from the current level of 96 to</p>	<p>Please see response 7.e.</p>

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	106, with a goal of fully restoring the program to 136 vouchers by 2022.	
10.k	Program 2F – Please continue to dedicate funding for Homelessness Prevention: rent payments, utility payments and other financial assistance for Encinitas residents, so they can stay in their homes during these difficult times. It’s disruptive and much more costly to find housing for a person or family experiencing homelessness versus providing financial support to keep a resident/family in their home. Also, please extend the residential eviction moratorium, as necessary, which is another form of Homelessness Prevention.	Please see response 7.h.
10.l	Please have a continued focus on innovation and identifying success stories in other locations that could work in Encinitas, to help move the needle and provide much needed affordable housing in our community.	This comment will be considered with other comments received from the public.
<b>Letter 11. J. Flanigan Haack</b>		
11.a	I oppose: Up-zoning without citizen participation	The 6 <sup>th</sup> Cycle Housing Element does not propose to rezone any additional areas.
11.b	Plans to build too much market-rate, high-density housing	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law.
11.c	Any high-density housing that is not near jobs and public transit	Please see response 11.b.
11.d	Not planning for necessary infrastructure to support high-density housing	On and Off-site infrastructure is addressed in Appendix B Section 9.6 and Section 1 Program 3F.
11.e	Density bonus laws that grant developers waivers and concessions so they don’t have to mitigate negative impacts	“Density Bonus” is addressed in Appendix B Sections 9.1.9, the City of Encinitas adheres to state law regarding Density Bonus.
11.f	Housing that fails to preserve the surrounding neighborhood’s community character	Community Character is subjective and not enforceable by the City according to HCD guidelines

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11.g	Plans to build too much market-rate, high-density housing	Please see response 11.b.
11.h	I support: High-density housing which is located in an appropriate place along major thoroughfares and close to jobs, shopping, public transit and freeway access	This comment will be considered with other comments received from the public.
11.i	Utilizing existing structures such as empty shopping centers or big-box stores that are no longer in use and can be transformed into suitable and appropriate housing.	Thank you for your suggestions and comments. They have been noted.
11.j	Requiring that developers comply with all environmental and safety standards currently in place.	Encinitas will continue to adhere to state law regarding environmental regulations.
11.k	Maintaining the unique character of each neighborhood in Encinitas. As a resident of Olivenhain, I am particularly supportive of keeping this part of Encinitas rural.	Community Character is subjective, and therefore, not enforceable by the City.
<b>Letter 12. J. Strang</b>		
12.a	SDA would respectfully suggest that the Housing Element Plan should include language that - any and all multi unit complexes which are encouraged or underwritten or come before the City Staff and/or the City Council be required to be smoke-free and vape-free.	This comment will be considered with other comments received from the public.
11.b	We are attaching the POLICY PAPER from ASHRAE, the highly regarded - American Society of Heating, Refrigerating and Air-Conditioning Engineers. <b>They state on P.5:</b> “While indoor smoking has become less common in recent years, exposure to Environmental Tobacco Smoke (ETS) continues to have significant health and cost impacts. ASHRAE’s role in providing engineering technology, standards and design guidance in support of healthful and comfortable indoor environments supports the need for this position	Thank you for your suggestions, comments, and supporting documents. This comment will be considered with other comments received from the public.

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	<p>document. ASHRAE’s position is that all smoking activity inside and near buildings should be eliminated, which is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects.</p> <p>ASHRAE recommends that building design practitioners educate and inform their clients, where smoking is still permitted, of the limits of engineering controls of ETS exposure, that multifamily buildings have smoking bans inside and near them, and that further research be conducted on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs and electronic nicotine delivery devices (ENDS ), and engaging in other activities commonly referred to as e-cigarettes or vaping.”</p> <p><b>And on P. 10:</b></p> <p>ASHRAE recommends that multifamily buildings have complete and enforced smoking bans inside and near them in order to protect nonsmoking adults and children.</p>	
<p><b>Letter 12. L. Nunn</b></p>		
12.a	<p>The draft Housing Element contains several actionable items that will help Encinitas make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan’s impact on achieving housing goals.</p>	<p>This comment will be considered with other comments received from the public.</p>
12.b	<p>The San Diego Housing Federation is a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state’s Surplus Land Act. City implementation of this bill will advance Housing Element Policy 1.4 (HE 1-6) to provide opportunities for low and moderate</p>	<p>This comment will be considered with other comments received from the public.</p>

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	income housing throughout the city. We applaud the city’s goal in Program 2B to prepare an inventory of City surplus land no longer required for the City’s use by December of each year. This will ensure the City is compliant with the State Surplus Land Act and help support the development of affordable housing.	
12.c	We were also proud to support AB 1763, which provides a density bonus for developments that are 100 percent affordable. We recommend that the City move quickly to implement this legislation to serve as a tool for building affordable housing.	The density bonus ordinance reflects current state law density bonus allowances.
12.d	The City should also closely monitor AB 2345, a bill we are supporting that would build on the success of the City of San Diego’s Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, “Equity and Climate for Homes,” found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program’s role in affirmatively furthering fair housing. Should AB 2345 pass and be signed by the Governor this fall, this could serve as a valuable tool to achieve the City’s housing goals.	This comment will be considered with other comments received from the public.
12.e	We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds,	This comment will be considered with other comments received from the public.

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	sometimes called “boomerang funds,” as a local source of funding for affordable housing.	
12.f	We would like to express our strong support for Program 2B (HE 1-19-20), which calls for partnering with agencies like North County Transit. Such partnerships can help with the creation of affordable housing near transit and facilitate competitive applications for the state’s Affordable Housing and Sustainable Communities (AHSC) grant program. We also applaud the City’s effort to subsidize off-site public improvement costs by waiving, deferring, or reducing development fees (HE 1-20). For affordable housing developments, such subsidies can increase the number of units that can be produced by lowering funds that must be spent on public improvements.	This comment will be considered with other comments received from the public.
12.g	<b>Affordable housing preservation</b> The draft Housing Element states a goal to ensure the continued affordability of deed-restricted affordable units (Goal 4, HE 1-8). We recommend that the City dedicate staff time or hire a coordinator or consultant to perform a thorough analysis of the City’s affordable housing stock. Such an analysis should examine both deed-restricted and naturally-occurring affordable housing in order to understand the stock of availability and affordability of the existing housing stock in the City. With a clear picture from such an analysis, the City can identify actions and resources that will be needed to preserve affordable housing in Encinitas.	Thank you for your suggestion, this has been noted. The City plans to incorporate annual monitoring of these units and make annual updates as appropriate.
12.h	<b>Affirmatively furthering fair housing and equity</b> As noted in the housing element, all census tracts in the City are shown on the 2019 Tax Credit Allocation Committee’s Opportunity Map as areas	Please see response 7.f.

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	<p>of highest or high resource and the city is predominantly white with the white population comprising 88.7 percent of the City’s population (HE 1-13). It is also noted that patterns of racial and ethnic concentration exist in the region (HE 1-35). The City of Encinitas should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, the Right to Vote Amendment has contributed to exclusionary zoning and is among the most onerous policies contributing to inadequate housing supply in the state.</p>	
12.i	<p>We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.</p>	Please see response 7.g.
12.j	<p><b>Housing and Climate Change</b>            The City’s Climate Action Plan calls on the City’s Housing Element to implement and enforce existing specific plans to reduce Vehicle Miles Traveled and encourage dense, infill development (Table 3-6 Strategy 4: Clean and Efficient Transportation). However, the Housing Element only makes mention of these plans as they relate to parking standards and ground floor commercial. We recommend that the City act on the strategy in the Climate Action Plan to facilitate dense, infill housing near transit. Our September 2016 report, “Location Matters: Affordable Housing and VMT Reduction</p>	These suggestions are noted.



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	<p>in San Diego County,” found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy.</p>	
<p><b>Letter 13. D. Vaughn</b></p>		
<p>13.a</p>	<p>The draft HE correctly identifies the importance of new housing being compatible with the surrounding neighborhood and community (section 2.1), and embraces the distinct identity and character of its five communities (section 1.2). It also correctly points out the importance of planning infrastructure needs and protecting the environment (section 1.2). However, it fails to cascade these critical priorities into the goals, programs and policies, and therefore fails to adequately plan for the necessary infrastructure, analyze or mitigate the adverse environmental impacts, and hands over "By-Right" development to developers to propose gross monstrosities that destroy our neighborhoods and communities.</p>	<p>Community Character is an objective standard that the City of Encinitas cannot enforce, per HCD guidelines. Additionally, included in the Housing Element are Program 3F and policy 2.2 which address the appropriate infrastructure objectives to maintaining adequate service for the community.</p>
<p>13.b</p>	<p>I note with some alarm, that in response to state Housing and Community Development (HCD) feedback last week, the revised draft HE released this Monday has struck community character from the document. This is a mistake! In Goodson's proposed CPP, which the city correctly rejected last week, he repeatedly rejected valid concerns about the project's bulk, mass, and height as illegal subjective assessments community character incompatibility. You must protect our five communities as prioritized in our general plan, and if this</p>	<p>Community Character is not an objective standard, it is subjective and therefore not enforceable by the City of Encinitas.</p>

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	requires adoption of additional objective standards, that needs to be a priority.	
13.c	The draft HE fails to provide for the desperately needed low income housing and instead leads to over-development throughout the city with unwanted high-density market rate units. The central program, which identifies adequate sites affordable to low and very low-income households to meet our RHNA allotment, provides too little affordable housing.	Appendix C of the City's Housing Element identifies a methodology and sites for accommodating the City's RHNA allocation to be in compliance with state legislation.
13.d	<p>There are now 7 submissions of sites upzoned to R-30 in the 5th cycle, and they are providing only minimal deed-restricted affordable units (typically 15%), and mostly market rate units. Including the 4 additional sites that have had staff advisory consultations, they account for ~95% of the recognized inventory.</p> <p>Encinitas is poorly suited for this glut of expensive market rate high density units. None of the developments are near qualifying transit, and Encinitas doesn't have the jobs to support these rents.</p> <p>Encinitas doesn't have the infrastructure to support these developments, and because the vast majority are using both "by-right" development and 35% density bonus, the environmental effects are generally neither being adequately assessed nor mitigated.</p>	These comments relate to proposed projects and are outside of the purview Housing Element. The City recommends a separate conversation to discuss proposed projects.
13.e	High density market rate development belongs near jobs and transit centers, and there are plenty of neighborhoods in the region for which this kind of development is appropriate, but Encinitas is not one of them.	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law.
13.f	Even the city's highly regarded accessory dwelling unit (ADU) program is falling short of providing the much-needed low income housing. Based on surveys, the city estimates that just under a quarter are affordable to low income	The City addresses the development of ADUs in the Housing Plan, programs 1C and 1D. This comment will be considered with other comments received from the public.

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	<p>families while the majority are only affordable to above moderate-income families, and only 38 are deed restricted. Taken together with the R-30 zoning, they produce only a trickle of units affordable to households with two full time low wage earners (50% MFI), and none for families below the poverty line or dependent on disability income.</p>	
13.g	<p>Encinitas has no emergency shelter beds, no permanent supportive housing, and less than 10% of the needed Section 8 housing. As a city, we are failing our most vulnerable citizens, and this draft HE does next to nothing to help them.</p>	<p>This comment will be considered with other comments received from the public.</p> <p>Emergency shelters and Supportive Housing are addressed in Appendix B Section 9.3 and Program 2E. In February 2019, the City of Encinitas adopted Ordinance 2019-01 which permitted emergency shelters within the Light Industrial (LI) and Business Park (BP) zones as required by California Government Code Section 65583(a)(4) (A-D). In November 2019 the City Council adopted amendments to the Zoning Code and Specific Plans to accommodate employee housing, agricultural employee housing, supportive housing, and transitional housing in compliance with State Law.</p> <p>Section 8 is discussed in Appendix B Section 13.2 and Program 2C. The City will continue to increase the number of funded vouchers as increased funding becomes available.</p>
13.h	<p>The draft HE states, "the City in March 2019 rezoned each of these sites to permit 30 units per acre and to allow residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower income households" (page 1-13). This is untrue! When the HE was</p>	<p>By-right development for sites in the R-30 overlay zone was established with the adoption of the City's 5<sup>th</sup> Cycle Housing Element and Ordinance 19-04 creating the R-30 Overlay. Depending on the type, location, and amount of affordable housing provided by a project, the</p>

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	<p>adopted several sites that required consolidation of multiple lots were not eligible for by right development as they were subdivisions under then current Encinitas Municipal Code (EMC). The EA adopted at that time explicitly promised CEQA review of those sites requiring a subdivision. As Monday's revision correctly inserts, the city subsequently amended the EMC to allow lot consolidations that are not subdivisions (page 1-33), but in doing so, it never studied the environmental impact of this change nor disclosed the association with the Goodson project.</p>	<p>City is statutorily limited in the environmental review it can require of development projects. This comment is noted.</p>
13.i	<p>Traffic is one glaring area where adverse environmental impacts are not being adequately studied or mitigated. Currently, the city allows Goodson, and other R-30 sites, to tier from the Measure T Environmental Impact Report (EIR). However this EIR neither adequately planned for by-right development nor for his use of the density bonus law to propose 102 units beyond the 181 maximum yield in the Environmental Assessment (EA).</p>	<p>Please see response 13.d.</p>
13.j	<p>Goodson declared in his recent CPP meeting, that the city has extensively studied the traffic and there is no impact on RSF Rd. That EIR never studied the 1700+ new average daily trips (ADTs) this project would add. Rather it promised that "future projects that would generate over 1,000 ADT or 100 peak-hour trips would be required to prepare a traffic impact study regardless of consistency with the HEU to identify their direct project impacts and appropriate mitigation" (Section 4.13.4.2.). That EIR determined that if the total city-wide upzoning added even additional 500 ADTs on RSF Rd, that would result in</p>	<p>Please see response 13.d.</p>

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	significant adverse impacts along three RSF Rd segments (Table 4.13.20).	
13.k	The Goodson project proposes 283 families who would have to drive their children from one end of RSF Rd to the other to take their children to school in the morning, exceeding the 100 peak hour trip threshold with just that action.	Please see response 13.d.
13.l	Monday's new draft insertion (page B-109) needs to be revised to clarify that by-right developments that significantly exceed the traffic volume studied in the referenced environmental documents, will still need to prepare a traffic impact study to identify their direct project impacts and appropriate mitigation.	This comment will be considered with other comments received from the public.
13.m	Program 1E, details the need to provide additional sites within 180 days of project approvals that would deplete the adequate RHNA sites. The buffer once the 6th cycle is approved, would increase to 661 units, however the first 7 projects submitted that were up zoned to R-30 in the 5th cycle HE will already deplete 620 units once approved. Triggering "no net loss" is not a matter of if it will happen in the 6th cycle, but just a matter of how fast.	This comment will be considered with other comments received from the public.
13.m	Newly inserted into Monday's draft HE, "The City recognizes that at some point in the planning period it is likely that "no net loss" requirements will mandate that additional sites be designated for lower income housing."  Well before this happens, the city needs to identify sites that can accommodate the desperately needed 430 very low and extremely low income units, plan for the necessary infrastructure and environmental analysis, obtain site control (either by ownership or covenant), and build city-wide consensus to ensure passage of the upzoning measure consistent with Prop A.	The adequate sites analysis and methodology developed in Appendix C and Appendix B, Housing Resources, is created to meet the current legislative requirements.

<b>CITY OF ENCINITAS: 6<sup>TH</sup> CYCLE HOUSING ELEMENT RESPONSE TO PUBLIC COMMENTS RECEIVED JUNE THROUGH AUGUST</b>		
<b>Comment Letter</b>	<b>Questions/Comments</b>	<b>City Response</b>
<b>Letter 14. A. McCord</b>		
14.a	I am writing in support of Dan Vaughn's submission of comments regarding the Housing Element.	This comment will be considered with other comments received from the public.
14.b	The draft HE correctly identified the importance of new housing being compatible with the surrounding neighborhood and community. This premise was an instrumental part of the platform that was responsible for electing the Mayor of Encinitas as well as other City Council members. Maintaining the character of each of the five communities has always been part of the fabric of Encinitas and frankly, citizens continue to demand that going forward.	Community Character is a subjective standard, which is not enforceable through objective design standards by the City, per HCD guidelines. This comment will be considered with other comments received from the public.
14.c	Overturing Prop A, side-stepping a voter approved measure, and upzoning parcels all over Encinitas without considering what this would lead to has put the City of Encinitas into a state of upheaval. Our beloved community is about to be over-run with high-density housing that does not accomplish the goal of providing affordable housing. - high density developments belong in areas with qualifying public transit and jobs.	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law. This comment will be considered with other comments received from the public.
14.d	Allowing developers (like Goodson) to completely ignore the overwhelmingly negative impacts their projects will have on the surrounding communities will destroy Encinitas.	This comment relates to proposed projects and are outside of the purview Housing Element. The City recommends a separate conversation to discuss proposed projects.
14.e	If our need is affordable housing, we must find a way to build those required units in concentrated numbers and eliminate plans for market rate housing we do not need.	See response 14.c and Program 2B of the Housing Element.
14.f	Please do not proceed with projects that fail to plan for infrastructure, ignore community character, and do not mitigate adverse environmental impacts.	This comment is noted. Program 3F includes an objective to identify infrastructure needs and modify the capital improvement program.

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Comment Letter	Questions/Comments	City Response
<b>Letter 15. J. Stiven</b>		
15.a	First, we are impressed with the scope and detail of the material presented in the Draft and are generally supportive of the Policies and Programs outlined therein. We express our support specifically to those portions of the draft which embrace expansion of mobile home units, ADU's, 'tiny homes', SRO's, and housing rehabilitation – as these all can help increase the supply of affordable housing. We likewise applaud your support of Sec 8 Housing Vouchers (while noting there are nearly 1000 applicants on the waiting list), as well as the need for Emergency Shelters. That said, we have the following additional comments about specific portions of the Draft.	This comment will be considered with other comments received from the public.
15.b	As to Policy 1.7, we urge expanded contact/coordination with Faith-Based organizations in the community, and support for continuation of the County's Project HOPE.	The City's coordination and plan to collaborate with a variety of faith-based organizations is currently addressed in Appendix B, Housing Resources Section 9 as well as Program 2F.
15.c	As to Policy 5.1, what evaluation/action is being done or considered to ease the restrictive requirements imposed by Prop A?	See Program 3C.
15.d	As to Program 1A, we recognize that SANDAG assigned an RNHA to Encinitas of 1554 units for this Housing Element. However, we believe that that # will be inadequate to meet the actual needs for housing during the period covered by the Sixth Cycle. Moreover, we believe that the Sites identified in this draft (with no changes in existing zoning), although projected to produce excess capacity, will prove to yield far less than the projected # of units – when and if development is actually approved. This is applying a realistic 'No Net Loss' policy. This, we believe, is especially true	Specific site identification for low and very low-income housing is identified in Appendix C. The methodology developed with the Housing Element to address is to provide the opportunity for development, in compliance with state legislation. This comment will be considered with other comments received from the public.

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	in the Low and Very Low Income categories.	
15.e	As to Program 1E, if what is stated above should prove to be true (the final approval process yields less than what is required under RHNA), how does the City plan to “rezone sufficient sites within 180 days” in light of Prop A?	Program 3C proposes to commence review of sites that may be suitable for upzoning immediately after housing element adoption and complete any environmental review required for upzoning. Further, Program 3C provides that if a vote continues to be required, the City would monitor the possible need for sites due to ‘no net loss’ and schedule any required election substantially in advance of any actual need to upzone.
15.f	As to Program 2A, what is the status and objective of the City’s plan for “amending Zoning Code 2020 to increase the percentage of affordable housing required - - “ ?	<p>Objectives for this program include:</p> <ul style="list-style-type: none"> <li>- Adopt recommended amendments to inclusionary housing ordinance.</li> <li>- Continue to implement the inclusionary housing program.</li> <li>- Evaluate program effectiveness and impact on housing production.</li> </ul> <p>The City’s current timeline is to adopt recommended changes to inclusionary ordinance by Spring 2021, as well as, complete an annual analysis of the results of the program.</p>
15.g	As to Program 2B, as suggested in the Draft, we strongly urge the City to partner with other agencies owning property in Encinitas, such as the County and NCTD, to add to the inventory of available sites for development of affordable housing. Likewise, as noted, it should also look to City owned property not presently needed for other purposes. ‘Site Control’ is a key factor in actually producing the #s of units needed.	Thank you for the suggestions, this comment will be considered with other comments received from the public.



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<b>Comment Letter</b>	<b>Questions/Comments</b>	<b>City Response</b>
15.h	As to Program 2D, what is the status and objective of the City’s plan for “an amendment” to the City’s implementing ordinances to comply with the state’s Density Bonus Law?	The City’s current object is to ensure the Density Bonus ordinance in Encinitas is compliant with current state law. The City has an ongoing timeframe to incorporate updates and changes within one year after amendments are passed, applicable to State Density Bonus Law.
15.i	As to Program 2F, we suggest you add Interfaith Community Services to the various social service organizations you have listed. Further, on a related issue, we urge the City to quickly pass an ordinance extending the moratorium on evictions, and some form of rent relief/forgiveness for those adversely affected by the COVID-19 crisis.	Thank you for your suggestions and comments, they will be considered with other comments received from the public. The residential eviction moratorium is in response to the Covid-19 Epidemic which is not within the purview of the Housing Element.
<b>Letter 16. S. Sherod</b>		
16.a	As a broadly experienced architect, I understand how challenging your job is. I'd like to help, but do not understand why the city is trying to provide an RHNA housing element for 1,554 housing units.	Appendix C of the City’s Housing Element identifies a methodology and sites for accommodating the City’s RHNA allocation to be in compliance with state legislation.
16.b	Based on demographics and the RKA report from 2018 that the City of Encinitas had completed, I believe growth needed could be far less, and that Encinitas is fully within its rights to demonstrate that to the State of California. The past growth of housing was only 4.4% from 2000, to 2010. The RA projection of a need for affordable housing appeared to be at most by 29% of residents, and RKA projected growth of housing to increase 8.6% by 2050. If 29% of that 8.6% growth would need to be affordable housing, it does not indicate a need of 1,554 units of affordable housing.	SANDAG allocated Encinitas a share of the regional housing need. In order to obtain certification and to adopt a compliant Housing Element, the City must plan to accommodate the allocated need.
16.c	It is more comfortable for a city to allow market demand to dictate how new housing is created. As a large part of development cost is land, it should result in more affordable housing if we	The Housing Element identifies opportunities to develop housing for all income levels as identified by the RHNA and required by state law. See Appendix C for site identification methodology. This comment will be

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	<p>gradually build 2, 3 or 4 dwelling units on one lot instead of one home per lot. It could be required, that residential lots situated near public transit would build an additional affordable unit for each single family home they build or remodel over 50% with incentives per typical practices. This type of building doesn't result in sprawl, since the added dwelling units may be done on lots that already have a single home and that are already served by infrastructure such as water, power and roads. Plus, when dwelling units are located in areas near desirable amenities, such as shopping and beaches or other entertainment, traffic is greatly reduced, as the neighborhood may already be walk or bike friendly. Zoning such development near transit to be car-free, is a best practice strategy.</p>	<p>considered with other comments received from the public.</p>
16.d	<p>In addition, Encinitas zoning currently does not include much open space, so we need to preserve whatever larger tracts that we can, particularly near the ecologically sensitive lagoon &amp; ocean areas.</p>	<p>The current zoning code requirements provides for open space requirements as well as provides exactions and fees for acquiring and maintaining open space within the City.</p>
16.e	<p>R30 Zones are not necessary, and reduce open space, plus put density where we do not have adequate public transportation infrastructure, resulting in traffic congestion. They give huge developer incentives but little affordable housing and upset many Encinitas citizens.</p>	<p>This comment will be considered with other comments received from the public.</p>
16.f	<p>If we <b>tackle this math another way</b>, and we consider how many AFFORDABLE homes that are needed, based on the KHA report, just under one-third (29 percent) of Encinitas households earned low, very low or extremely low incomes. SO. If we were to say that (23,996</p>	<p>The 6<sup>th</sup> Cycle Housing Element does not propose to rezone any additional areas beyond the current zoning. The current zoning is being used as identified in the methodology for the Adequate Sites Analysis located in Appendix C. The methodology to accommodate future growth in</p>

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	<p>existing homes)*(29%)=, we need 6,958.84 affordable homes and would theoretically require 8.6% more by 2050 totaling to 7,557.30024, which is 7557-6959=598.3 and dividing by 30 years that is still 20 affordable homes per year out of the 69 new homes per year to achieve 8.6% by 2050, so upzoning single family detached homes SOLVES THE PROBLEM immediately, and for the foreseeable projection into 2050 and far beyond it as 57% of the homes are detached single family dwellings, and many do not currently have even an ADU or JADU.</p>	<p>Appendix C was developed to be compliant with state law.</p>