



City of Encinitas

Office of
The Mayor

April 18, 2016

Honorable Richard Bloom
Member, California State Assembly
State Capitol Building, Room 2003
Sacramento, CA 95814
Via FAX: (916) 319-2150

Kristin Gaspar
Mayor

**RE: AB 2522 (Bloom) Land use: attached housing developments. (4/5/2016)
Notice of Opposition**

Dear Assembly Member Bloom:

Lisa Shaffer
Deputy Mayor

The City of Encinitas is opposed to your AB 2522, which would require an attached housing development to be a permitted "use by right", if it is on property that is part of city's residential inventory of land suitable for residential development and either the rezoning has been completed or three years have passed since the city's housing element was adopted.

Catherine S. Blakespear
Council Member

This bill would not necessarily recognize local ordinances providing that "use by right" does not exempt a project from design review or allow a city to impose certain standards on the housing development; would allow by-right approval for the maximum number of units listed on the housing element rather than affording a city the opportunity to revisit that number by completing a detailed analysis of the site. The allow by-right approval with specific percentages for market- and affordable-rate housing would make it difficult for a city to disapprove of a development. Additionally, the "use by right" would fully exempt certain housing developments from a project-level analysis under CEQA. SB 226 (Statutes of 2011) already addressed standards for CEQA review of urban and infill projects. Although the intent of the of the AB 2522 to supplement SB 226 and encourage affordable housing construction to implement local Housing Elements and advance regional Sustainable Communities Strategies is a good thing, a project-level CEQA clearance without the project-level analysis of construction, development, and operational activities could have unintended consequences. Because a program EIR generally focuses on broad level impacts of a planning document or regulatory framework, a program EIR may not address potential site-specific impacts of the individual projects.

Tony Kranz
Council Member

Mark Muir
Council Member

The City of Encinitas also has concerns about the proposed terms of affordability. Reducing affordability to 30 years rather than the 55 years under current State and local laws, does not sustain affordable housing.

Karen P. Brust
City Manager

For these reasons, the City of Encinitas opposes AB 2522.

Sincerely,

Kristin Gaspar
Mayor

cc: Senator Patricia Bates, FAX: 916-651-4936
Assembly Member Rocky Chavez, FAX: 916-319-2176
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