

City of Encinitas

Development Services Department

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

May 14, 2018

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

**Re: Responses to Public Comments Submitted to HCD Regarding the City Of Encinitas
Draft Housing Element Submittal**

Dear Ms. Huntley:

Thank you for forwarding the following comments submitted to you in reference to the City's Draft Housing Element. Attached are responses from the City to the following correspondence:

Emails from:

Steven Gerken, May 1, 2018
Susan Cooper, May 10 and May 11, 2018
Susan Turney, May 11, 2018
Glen Johnson, May 11, 2018
Carmen Nesper, May 11, 2018
Michael McSweeney, BIA San Diego County, May 11, 2018

Letters from:

Cheryl Konn, May 11, 2018
Borre Winckel, BIA San Diego County, two letters dated April 4 and May 11, 2018

Should you have any further questions or comments, please feel free to contact me directly at 760-633-2712 or bwisneski@encinitasca.gov.

Sincerely,

Brenda Wisneski, AICP
Development Services Director

Emails from:

Susan Cooper, May 10 and May 11, 2018
Susan Turney, May 11, 2018
Glen Johnson, May 11, 2018
Carmen Nesor, May 11, 2018
Michael McSweeney, BIA San Diego County, May 11, 2018

Letters from:

Cheryl Konn, May 11, 2018
Borre Winckel, BIA San Diego County, two letters dated April 4 and May 11, 2018

Gerken, dated May 1, 2018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EIR Process. The judgements referenced in the previous response incorporate Government Code Section 65759. This provides that the City's Housing Element is exempt from CEQA but requires the City to prepare an 'environmental assessment' in the form of a Draft EIR, which then becomes part of the General Plan. The City is preparing such an assessment now, which is tiering off the full EIR completed on Measure T.

Susan Cooper Emails: Use of Encinitas Community Park for Affordable Housing. The City responded to this issue in its letter to HCD dated May 8, 2018.

Carmen Nesper Email and Cheryl Konn Letter: Impacts to Quail Garden Drive. The City's letter to HCD dated May 8, 2018 responded to concerns raised by residents related to impacts of upzoning properties along Quail Garden Drive.

Susan Turney Email:

Process and Meetings. Issues regarding the meetings held with stakeholders were addressed on page 2 (under "Process and Meetings") of the City's letter to HCD dated April 26, 2018. To continue the City's efforts to engage all members of the community and interested parties, a community roundtable to discuss development standards was held on May 2, 2018. The meeting was attended by residents and local developers.

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

Addition of Candidate Sites at May 9 City Council Meeting. The City Council selected additional candidate sites that could accommodate lower income housing at its May 9 meeting to create a site inventory containing at least 1,600 units. The Council took this action primarily in response to HCD's informal expressions of concern regarding whether Strawberry Fields could accommodate low income housing. (Please see additional discussion below regarding Strawberry Fields.) The City will be submitting full descriptions of each of these sites to HCD and believes that the sites are appropriate for lower income housing.

Glen Johnson Email: Addition of Candidate Sites at May 9 City Council Meeting. See above response.

Michael McSweeney, BIA San Diego County, Email: 'Manipulation' of Housing Element. Please see response to Borre Winckel.

Borre Winckel, BIA San Diego County, Letters:

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

Strawberry Fields. The Strawberry Fields site would be an excellent site for affordable housing. For that reason, the City desired to include it in its site inventory; there was no intent to 'manipulate' HCD or the Housing Element. Although the owner has submitted an application to develop an assisted living facility at the site, his application is incomplete, and the outcome of the City's discretionary review is not known. However, because the site is used for agriculture, HCD considers it to be 'nonvacant,' and without specific owner support for upzoning it did not

appear that it would be considered an adequate site. This is perhaps an unintended consequence of AB 1397, in that a city cannot designate an excellent candidate site as suitable for affordable housing if the owner prefers a different use.

Measurement of Height. The City is aware that the required methodology for measuring height under Proposition A could act to make three-story buildings infeasible and is considering amendments to eliminate that constraint.

Developed Sites. The City agrees it would be desirable to determine if long-term leases exist, but this information is not publicly available. The City has received letters of support from owners of all the nonvacant sites remaining in the inventory and must rely on their representations regarding whether development is feasible in the planning period. The development on most of these sites consists of marginal structures with minimal improvement value, as described in more detail in Appendix C.

Sites without "Realistic and Demonstrated" Development Potential. The list of sites currently before HCD does not include any of the sites listed in this paragraph. The additional sites to be submitted will include the Armstrong and DeWitt properties and will include evidence regarding why they can be developed within the planning period.

Estimate of Site Capacity. The City has estimated site capacity as 25 units per net acre, not at 25 units per gross acre. We agreed with Mr. Winckel that areas of steep slopes, wetlands, and other constraints should not be included in the estimated capacity of sites.

Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 11, 2018 7:24 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Affordable housing in encinitas

See additional comments below from Ms. Cooper. Please advise whether the City will provide additional response.



Robin Huntley

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



From: Sharon Cooper [mailto:sharon52coop@hotmail.com]
Sent: Thursday, May 10, 2018 8:32 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; council@encinitasca.gov; cblakespear@encinitasca.gov; jmosca@encinitasca.gov; tboerner@encinitasca.gov; tkranz@encinitasca.gov; kgoodsell@encinitasca.gov; mmuir@encinitasca.gov
Subject: Re: Affordable housing in encinitas

i just returned from the open house concerning the housing plan update.

I did not appreciate hearing tonight that some resident had the crazy idea of taking park land and using it for housing development. I questioned whether the individual making this statement was told that the person making the suggestion was in fact suggesting a land swap which would maintain the current amount of parkland. His answer was no. Who ever passed on my suggestion neglected to mention the land swap , so of course , the suggestion was very negatively received.

I was also dismayed to find that none of Encinitas City owned property has been considered for high density housing development. I realize that the city spent lots of money to build the encinitas community park. I realize that some of that money would be considered wasted if some of the parkland was used for high density housing. I realize that building a park on L-7 will cost the city money. I am r still requesting that the city council consider swapping some of the park land in encinitas community park with L-7 parcel and putting some of the high density housing on the present park site.

Spending Encinitas tax dollars to make the park land switch will cost every encinitas resident some money. But that is more fair than having only the people of Quail Gardens Drive carrying 30% of the burden of high density housing. Lucky for the people of Olivenhain that there property is considered too inconvenient for development. Lucky for the people west of highway 5 that their land is not being

considered. I am willing to do my part to make housing available, but asking me and my neighbors to deal with 30% of the new housing on our street is totally unreasonable and very unfair.

Another important point, the city of Encinitas owns the L-7 land. The council has tried on several occasions to use that property. Each time the surrounding residents objected to the planned use. Does the council really believe that they are ever going to find an acceptable use for that parcel of land? Making a land swap and using the L-7 parcel for parkland is a win-win situation. City land would be used in a manner acceptable to surrounding residents and the parkland that was swapped would be good for the residents of the high density housing and the burden of the housing development would be more fairly shared by all the residents of Encinitas.

sharon cooper 1116 Quail Gardens Ct 760-632-0057 sharon52coop@hotmail.com

From: Sharon Cooper <sharon52coop@hotmail.com>

Sent: Wednesday, May 9, 2018 7:20 PM

To: Huntley, Robin@HCD; council@encinitasca.gov; cblakespear@encinitasca.gov; jmosca@encinitasca.gov; tboerner@encinitasca.gov; tkranz@encinitasca.gov; kgoodsell@encinitasca.gov; mmuir@encinitasca.gov

Subject: Re: Affordable housing in encinitas

Thank you for your reply. I do, however, disagree with your conclusion. While it is true that the city would incur additional expenses having to duplicate some of the fields that presently exist at the Encinitas Community Park, the area in L-7 is a perfect place to put the displaced fields. The quality of life of those living in the higher density housing would be far superior being next to a park instead of on an already impacted intersection at Encinitas Blvd and Quail Gardens Dr. They would have quick access to highway 5 without causing traffic issues and potential financial harm for other Encinitas residents.

Everything we do in life requires trade-offs. It is upsetting to me that a short term financial inconvenience to the city immediately causes our city council to ignore the long term effect that the present housing plan will have on Quail Gardens Drive residents. We understand that when the community park was built, there was not a high density housing issue. But there is now. The job of Encinitas City Council is to act in the best interest of the citizens of Encinitas. The decision to place such a large number of high density housing units on Quail Garden Drive is not in the best interest of the Encinitas citizens who already live there and who have worked very hard to be able to afford their houses.

While the city refers to a 20,000 car load on Quail Gardens Dr, I question whether that number is based on a widening of the street. I live in a gated community and if the street is widened to meet traffic demands, our gate will be taken away. That will certainly decrease the value of our homes. Since I am not in a position to evaluate the number of car trips presently on Quail Gardens Dr, I accept the number the city council claims. The only problem with that number is that it does not present a true picture of how very crowded the street is during rush hour. It is both difficult and dangerous for the residents of my development to egress our community during that time.

Also, because Encinitas Blvd is very crowded in the morning, it would not be unreasonable for a resident of the high density development whose destination was to the north, to use Quail Gardens Dr to go to Leucadia Blvd which offers a much friendlier path to highway 5 than the ill timed lights on Encinitas Blvd.

While placing the high density housing on present park land, and moving some of the park to L-7 will definitely cause inconveniences in the short run, relocating the park facilities to the L-7 area will provide an effective long term solution that will show that city council wants to do the best for the people who elected them.

I hope you will reconsider your decision.

sharon cooper 1116 Quail Gardens Ct Encinitas, ca 92024

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Wednesday, May 9, 2018 8:50 AM
To: Sharon Cooper; council@encinitasca.gov; cblakespear@encinitasca.gov; jmosca@encinitasca.gov; tboerner@encinitasca.gov; tkranz@encinitasca.gov; kgoodsell@encinitasca.gov; mmuir@encinitasca.gov
Subject: RE: Affordable housing in encinitas

For your information, I have attached a copy of Encinitas' response to your comment letter on their draft housing 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: Sharon Cooper [<mailto:sharon52coop@hotmail.com>]
Sent: Thursday, April 26, 2018 11:30 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>; council@encinitasca.gov; cblakespear@encinitasca.gov; jmosca@encinitasca.gov; tboerner@encinitasca.gov; tkranz@encinitasca.gov; kgoodsell@encinitasca.gov; mmuir@encinitasca.gov
Subject: Affordable housing in encinitas

Robin and members of Encinitas City Council,

I am a resident of Quail Park , a small community on Quail Gardens Drive . I am very concerned about the placement of the proposed affordable housing on QUail Gardens Drive. I know you have received quite a lot of input from my neighbors sharing with you the concerns we have about the very stressed traffic patterns that already cause our community problems. Adding 350 residential units at the south end of Quail Gardens Drive will exacerbate those conditions and very possibly have a very adverse effect on our property values.

I do understand the state's requirement that Encinitas provide more affordable housing within our borders. I have a suggestion that could be a potential win for the residents living along Quail Garden Drive and help the city provide the needed affordable housing.

I know that L-7 on the north end of Quail Gardens Drive has been removed as a potential site for the housing. I also understand that the city owns the L-7 property .

Is it possible for the city to use some of the Encinitas Community Park land below Santa Fe Drive for affordable housing? A park ,equal to the size of the park land that would be used for affordable housing, could be developed in the L-7 area .

The land near Santa Fe Drive would be ideal for affordable housing because it is near major intersections, bus routes, and shopping. As an added bonus, those residents would have a beautiful park just out their door because there will still be a good amount of park land left. Because Santa Fe Drive is already a major thoroughfare, it can much more easily handle the increased traffic and population density that would occur as a result of the housing development without causing major problems for present Encinitas residents.

I believe that it is important to take care of all of our citizens and make sure that there is adequate housing. However, it is also important to maintain the quality of life that the residents of Quail Gardens Drive have worked very hard to achieve.

Please help us find a win/win solution to this important problem. Thank you for your consideration.'

Sharon Cooper 1116 Quail Gardens Drive Encinitas, Ca 92024 760-632-0057

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 11, 2018 9:31 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Encinitas Housing Element Update Submission

Please see comments below from Ms. Susan Turney. Please provide HCD with the City's response.



Robin Huntley

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



From: Susan Turney [mailto:susankturney@gmail.com]
Sent: Friday, May 11, 2018 8:30 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: Encinitas Housing Element Update Submission

Hello Ms. Huntley,

I'm writing out of concern that the City of Encinitas has once again derived a Housing Element Update that is not in keeping with the spirit of Affordable Housing law and, as a result, will not pass muster with residents. The April 13, 2018 Encinitas Housing Element Update submission to HCD should not be accepted without question. Recent occurrences should warrant HCD's concern.

On February 28, 2018 and again in early March, Encinitas City staff took it upon themselves to hold publicly-unnoticed meetings with developers, and much of what the developers asked for went into the HCD-submitted plan. This content was not reviewed in advance of the submission by the City Council. These secretive meetings have caused much consternation among residents and may threaten a passing vote to approve the Housing Element Update in November (as required by Prop A, the Encinitas Right to Vote Initiative).

Equally troubling was an unexpected Encinitas City Council vote three weeks ago by three of the five sitting Council members to remove a vacant, City-owned parcel from the Affordable Housing map. This parcel could have provided 100% affordability and yielded 191 affordable housing units. The City is now in the position of scrambling to find a sufficient number of units elsewhere in the City to cover this shortfall. While the City's claim is that these parcels had been included in reviews two years ago, it appears the backfill locations have been chosen in haste, and the public is protesting this action, too.

Sincerely,
Susan Turney

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 11, 2018 11:00 AM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: City of Encinitas 2013-2021 Draft Housing Element Plan

Please see additional comments received from Mr. Glen Johnson below. Advise whether or not the City intends to provide additional responses.

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

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

From: Glen Johnson [mailto:Glen@QuailRunSoftware.com]
Sent: Friday, May 11, 2018 10:19 AM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Subject: City of Encinitas 2013-2021 Draft Housing Element Plan

Glen D. Johnon
537 Kristen Court
Encinitas, California 92024
(760)943-8002

May 11, 2018

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

Subject: City of Encinitas 2013-2021 Draft Housing Element Plan

Dear Ms. Robin Huntley,

Again I write to you due to changes in the City's proposal. This week with just 24 hours notice the Encinitas City Council met. They added nine housing sites to the plan and removed one other previously-approved site.

The ten remaining sites plus the nine added seem to identify locations for the 1600 unit target. However, each site has difficulties. Some sites contain going businesses and the loss of jobs and business diversity has not been addressed. Some appropriate remedy must be required.

Other sites are not served by public transportation while others are on 2-lane roads that are already at capacity and cannot be widened without removing homes, businesses, or reducing the size and unit capacity of the sites. The lack of public transportation hinders lower income residents. The expected traffic jams will complicate emergency vehicle response time.

If you wish I could provide details on this but first I need to inquire of your policies.

The few undeveloped sites in Encinitas were not developed because of rough terrain, endangered species, and wetlands. There are no nearby undeveloped areas to annex into the city. It is extremely difficult for this small City to meet the requirements that we are told it must.

Thank you again for your attention to this matter.

Glen D. Johnson
Resident of Encinitas

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*****CR

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 11, 2018 12:54 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Housing Element 2018, Site AD2

Please see comments below from Ms. Carmen Nespor regarding Encinitas' draft housing element. HCD looks forward to receiving your response.



Robin Huntley

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



From: Carmen Nespor [mailto:cnesporova@yahoo.com]
Sent: Friday, May 11, 2018 12:30 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: Mmuir@encinitasca.gov; tkranz@encinitasca.gov; jmosca@encinitasca.gov; cblakespear@encinitasca.gov; tboerner@encinitasca.gov
Subject: Housing Element 2018, Site AD2

Good Morning Mr Huntley,

I strongly object against the proposed 223 housing units -named AD2- on the list on the property of Baldwin & Sons on Quail Gardens Drive.

I cannot wait any longer as I know the City Council is on the verge of finalizing a Draft list for the high density housing units in Encinitas. Therefore I address it now to your urgency to look at this before a final list goes out.

Because:

- 223 units (Baldwin & Sons AD2) + 84 units (Site 12, Sunshine Gardens next to the first one) + 117 (Site 05 Encinitas Blvd/Quail Gardens Drive= 424 units .

424 units, all around the same crossing!! Counting on people having 2 cars per unit= 848 cars extra .

I do not understand that the City Council does not see that on this already increasingly heavy burdened crossing of Encinitas Blvd/Quail Gardens Drive leading to I-5 and downtown, serving as an artery between Leucadia and Enc. Blvd, with the fact that Quail Gardens Drive is just a two-laned road, in between neighborhoods, that this can be seen as a balanced and correct addition of housing development in Encinitas ??????????!

Is it not clear that 848 orso cars and so many extra housing units will create high discomfort, irritations, even longer waiting times and cues in peak hours before the traffic light, traffic congestion and impaired traffic **safety**?At different intersections of Quail Gardens Dr it is already now very difficult to merge in and out the two laned road, how will it become?

People have not been notified with this draft list and people are busy with their lives/work and therefore people living in surrounding neighbourhoods cannot / do not all react, but surely they are completely against this, how can you not?

We will hold the City responsible for injuries and accidents coming forth and resulting out of the knowingly and willingly tolerating and planning of this number of housing units on these 3 locations and its extra burden of traffic with a NOT suitable and ready infrastructiure on this busy location.

Besides, I donot understand how the City Council can have such a bad taste to put 3 of these heavy dense 3 story developments right next to eachother, in a otherwise beautiful Coastal zone of Enc. All to COMPLY WITH STATE LAW? What about the own inner own law of duty and conscience, to stand for what is corrcorrect, according to the goals of Encinitas to a balanced development with preserving its nature and character?? For the duty for a development keeping the City comfortable and safe for its existing citizens and its future first???

And see what fits within that? What law should prevail, choosing with your own conscience? Quickly crunching Numbers of State Law or of a judge who doesnot know this area exactly or your own City's Law and goals of Safety, Balance and Quality in the long run?

There is always a choice. and if this is so crucial: Why not go for a compromise, instead of going over the border with three dense projects here, setting up for failure in different ways, why not to do only two of them in high density, the ones closest to /on Encinitas Blvd, which is probably better in regard to traffic digestion, plus the dense 3-story housing along Encinitas Blvd is more fitting and accepted because of the mixed development on this big Blvd anyway. And keep the AD2 site zoned R5 (as Baldwin & Sons Prop. had planned to build there 10 years ago, I donot know why it was not started??) and be assured, of course everybody or the vast majority living in/ around Quail Gardens Dr. prefers/wants this.

I appreciate your time and ask to reconsider this site urgently to change the AD2 site from the high density list of R25-35, back to a balanced, more fitting, neighbourhoood friendly, traffic safe and better for all (except the developer profits maybe..) R5 zone.

Thank you

Kind regards,
Carmen Nespor

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Barbara Kautz

From: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Sent: Friday, May 11, 2018 2:09 PM
To: Diane Langager; Barquist, Dave; Barbara Kautz
Subject: FW: Letter from BIA San Diego--Encinitas HE
Attachments: SKM_C554e18051112360.pdf; Encinitas-HE ltr-April 4th 2018 (TMH edits).pdf

Attached are comments submitted to HCD from the Building Industry Association of San Diego. HCD looks forward to receiving Encinitas' response to the comments.



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: Mike McSweeney [mailto:MMcSweeney@biasandiego.org]
Sent: Friday, May 11, 2018 1:35 PM
To: Huntley, Robin@HCD <Robin.Huntley@hcd.ca.gov>
Cc: Borre Winckel <Borre@biasandiego.org>
Subject: Letter from BIA San Diego--Encinitas HE

Robin:

Attached you will find two letters. The first one was written today and explains, from our point of view, how the City of Encinitas seems to be manipulating their Housing Element so that your agency will certify it while not actually following through on its intent. The second attachment is our letter to the City of Encinitas on April 4th, 2018 detailing our requests with regard to their Housing Element. While staff at the City has been open to some of our offers to help, including listening to our suggestions on how to make revisions to their Inclusionary Housing ordinance to make it more user friendly while harnessing market forces to help create more affordable housing. Staff, from my vantage point, keeps getting different directions from their Council which makes their jobs more complicated in getting this Housing Element finished.

Please feel free to call if you need further detail or have any questions on either of our letters.

Sincerely,

Michael McSweeney

Sr. Public Policy Advisor
Building Industry Association
9201 Spectrum Center Blvd. #110
San Diego, CA 92123

858-450-1221 x 104
858-514-7004 Direct
858-552-1445 Fax
619-884-5354 Cell
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**BUILDING INDUSTRY
ASSOCIATION OF
SAN DIEGO COUNTY**

May 11, 2018

Robin Huntley

Housing Policy Manager, Housing Policy Division

Housing & Community Development

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Sacramento, CA 95833

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Borre Winckel

AFFILIATES

California Building
Industry Association

National Association
of Home Builders

re: Encinitas Housing Element

Dear Ms. Huntley:

Thank you for returning the call my staff made to you on Tuesday afternoon. I am attaching the letter our Association sent the City of Encinitas on April 4th of this year regarding sites the City is suggesting for the Housing Element.

It appears to our organization that the City is trying to manipulate their sites list with regard to viable, developable sites to accommodate housing construction (especially affordable housing) in their Housing Element. Our members who are civil engineers have shared with me that some sites submitted cannot accommodate the number of dwelling units that the City is assigning to these parcels. Mostly this is a result of either topography or compliance with citizens' local Measure A, which calculates height of a building at pre-grading level. Hence, if you have a low spot or depression and need three feet of fill, you lose three feet of potential height for your structure.

I'll mainly address our comments towards two sites to illustrate the point that the City isn't acting in good faith when putting together their Housing Element Sites list. The two sites are referred to as L-7 and the Strawberry Fields. I will address the L-7 site first. This is a City owned parcel of 7.6 acres which was slated at 190 dwelling units on the Housing Element Sites list. This site has often been discussed as THE site where the City could build a deed restricted, affordable housing rental project. Our BIA chapter has a number of Affordable Housing developer members who were all reviewing the possibilities of this site and creating pro-formas in anticipation of building a large rental project on this City owned parcel.

During Council meetings of April 4th and 18th, citizens advocated against any affordable housing uses on this site. Evidentially, Deputy Mayor Joe Mosca (up for re-election after being appointed to his Council seat after the November 2016 election of Mayor Blakespear) feeling his election prospects would be enhanced, moved to remove the L-7 site from the City Housing Element Sites list. By having this site for a potential project would allow the City to create and collect in-lieu fees from market rate developers which would underwrite the funding needed to build these as affordable units. Additionally, as was stated by advocates and the Mayor, the L-7 site represents the only site on the list which would produce the maximum number of affordable housing units in the proposed Housing Element—more than all the other sites combined!

At the end of the April 18th Council meeting, Deputy Mayor Mosca allowed his political needs to outweigh the needs of low income residents in Encinitas to have a safe, affordable place to live in their City. He made a motion to remove L-7 (quickly seconded) and he was joined by Councilmen Kranz and Muir to remove it from the Housing Element Sites list. This is exactly what the residents who spoke in public at the Housing Element meetings wanted. In every way imaginable the residents tell the Councilmembers that they don't want density, more housing and certainly not a large affordable housing project in their City.

In our letter dated April 4th, 2018 we detail why the Strawberry Fields should be removed from the sites list. In laymen's terms, this site is under contract with a developer of senior housing as this would be a 200 unit senior care facility, so why would, or should it, be counted on to provide housing units to comply with the Housing Element?

As of this writing (May 11th), the Strawberry Fields has been removed from the list of Housing Element Sites by City Council action just two days ago, May 9th, 2018. I would still like to make the point on this site as to how the members of the City Council, knowing that a developer had an active application for a major use permit on this site, tried to manipulate the numbers by keeping it included on the list of Housing Element Sites. Here is the link to the video of the April 4th Council meeting where the developer and the property owners spoke to the Council and asked to be taken off the list because they were under contract to sell the property for this specific use.

http://encinitas.granicus.com/MediaPlayer.php?view_id=7&clip_id=1715

The Major Use Permit the developer has applied for is to build a 200 unit senior care facility, (which requires applying for the Major Use Permit for this type of development) which has been in the works for 2 months.

At 2:32:30 the representative from the developer addresses the Council. At 3:07:00 a resident makes the cogent argument as to why the L-7 city owned property would yield the MOST affordable housing of all the sites listed on the City's Housing Element sited list. Around 3:20 the Council begins discussion of the L-7 site. At 3:45:00 (approx.) Bruce Ehlers opines on why L-7 should be removed. Mr. Ehlers is the author and driving force behind the Citizen's Measure A which limited development in the City requiring a vote of the people on most projects—effectively eliminating any density or building heights necessary

for increasing density in Encinitas. He also led the opposition to the last Housing Element, Measure T, in November 2016. At 4:33:00 (approx.) Ehlers opines that the City needs to "push back" against HCD.

At 4:10:00 the Council discusses the Strawberry Fields and whether it should be taken off the Housing Elements sites list. During the discussion they openly discuss why they want to keep it on the list, knowing full well that they will get NO affordable housing of any kind from this site, but hoping to receive credit in their proposed Housing Element.

As you can see from the comments from residents during the April 4th Council meeting, the citizens of Encinitas do not want affordable housing in their City. While many mouth that affordable housing is needed, no site ever seems right.

We request that you scrutinize the list and the proposed Housing Element to ensure it truly meets your requirements and isn't a "check the box" exercise with regard to meeting the State law. We feel strongly that Encinitas has wasted the better part of two decades avoiding and dodging the requirements of the State's Housing Element mandates. All we desire is for the City to adopt a valid Housing Element.

Sincerely,

A handwritten signature in black ink, appearing to read "Borre Winckel", is enclosed within a hand-drawn oval shape.

Borre Winckel

President & CEO

BIA San Diego County



**BUILDING INDUSTRY
ASSOCIATION OF
SAN DIEGO COUNTY**

April 4, 2018

Via email

CHAIR

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RE: Agenda Item 2 – Housing Element Task Force (HETF)/City Council continued discussion regarding the Housing Plan Update and associated analysis to achieve a State-certified Housing Element

Mayor Blakespear and Council Members,

Since the economic downturn in 2008 the Building Industry Association (BIA) has advocated for increased levels of housing production in our regions as the leading cause of high housing costs is the lack of supply. By SANDAG's internal estimates our region should be creating 12,000 housing units per year to keep pace with internal growth (births over deaths). In the last decade (2008-2017) we have a deficit in housing creation of 52,205 units.

The BIA is focused on ensuring that real housing is built throughout San Diego County (not just rezoning). As you are well aware, we are in the midst of a housing crisis, and housing in communities such as Encinitas has become almost entirely unattainable for middle-income families. The housing situation is even worse for lower income families or individuals. Our primary concern at this time is that you select sites that will actually develop into housing for these families within the City's planning period.

After reviewing the April 4, 2018 staff report (hereafter referred to as "staff report") regarding the City's Housing Element (Agenda Item 2), we would like to note a few concerns and questions for you to consider in advance of your meeting. It should be noted that we have also reviewed all past staff reports pertaining to this Housing Element discussion, particularly those in late 2017. We have highlighted our primary comments in **bold**.

While we continue to believe that the At Home In Encinitas plan approved by the City Council in June 2016 represents a positive step forward for development in the City, and should be implemented immediately while additional efforts are underway, we acknowledge that the current planning process should reflect and incorporate the requirements of AB 1397, including that potential housing element sites should have a "realistic and demonstrated potential" for redevelopment within the planning period for that housing element.

Developed Sites

We have followed the evolution of your Housing Element sites since November 2017. Initially, you included a large number of “developed” sites, and you continue to include several developed sites (now in the “non-vacant” category in your Prioritization Table, page 51 of 149 in the staff report). In order for these sites to be considered as Housing Element sites by the State Department of Housing and Community Development (HCD), you and your staff would need to provide evidence that these sites have a “realistic and demonstrated potential” for redevelopment by 2021 (the end of your Housing Element planning period, which runs from 2013-2021). **As part of providing that evidence, it would be in your City’s best interest to determine what (if any) long-term leases exist on those sites.** Consistent with HCD’s requests (noted in the staff report), all developed sites should show an expressed interest in redevelopment on behalf of the owner. **Based on our review of the staff report, it is not clear that all owners of developed sites being considered as part of the Housing Element Update have expressed such interest.** Finally, **please consider the implications of rezoning certain existing land uses, given their ability (or inability) to materialize into real, affordable housing within the planning period. If that is not likely or possible, HCD will not accept these sites in light of AB 1397.**

Sites Failing to Meet the “Realistic and Demonstrated Potential” Threshold

Several of the sites included in your staff report fail to meet the threshold established by AB 1397. The most obvious of these is the Strawberry Fields site. This site’s owner (Yasuda Family, LLC) has written a letter (included in the staff report, page 135 of 149) supporting Greystar’s Major Use Permit Application for a 200-unit senior care facility (City of Encinitas Project Number 17-273 MUP/DR/EIA/CDP). By submitting that application, the owner and project applicant made it very clear that they fully intend to develop a senior care facility on this site, which cannot be used to meet the City’s Very Low and Low Income RHNA requirements. **For this reason, please remove the Strawberry Fields site from your list of candidate sites – it does not show a realistic and demonstrated potential to redevelop as a Housing Element site, and the City should not use this site to artificially inflate its projected RHNA numbers.**

Other sites that we would like to bring to your attention are the Armstrong Nursery (Site O6B), the Dewitt Property (Site AD7), the Michael’s/Big Lots site (Site AD6), Calle Magdalena (Site AD4), and the NCTD Properties (Site AD5), as well as all of the sites your staff has properly indicated as sites to be “considered for removal” (refer to Prioritization Table, page 51 of 149 in the staff report). The Armstrong Nursery and Dewitt Property are developed sites with existing commercial uses, and there is no indication of owner interest in the staff report. The Michael’s/Big Lots site consists of Michael’s (which is currently in operation) and Big Lots (which recently became vacant). This site, as noted in the staff report, is “landlocked by adjacent commercial and residential uses, with access to El Camino Real through parking drive aisles.” We question the ability of this portion of a commercial center to redevelop as high-density housing. Continuing on, the Calle Magdalena site is currently utilized by the City’s Public Works Department, a use which would need to be relocated. This is not likely to occur within the planning period, and therefore this site (as noted by staff) should be considered as part of a future Housing Element cycle. Finally, the NCTD Properties site is a 5.59 acre “sliver” of land along the NCTD right-of-way, which is not only utilized for mass transit (it includes a transit center), it also contains a substantial amount of parking that supports the NCTD train station in Encinitas. This should never be considered as a Housing Element site, either as part of this cycle or a future cycle.

In summary, please be careful about including sites that cannot show a realistic and demonstrated potential to redevelop in the next several years. None of the above mentioned sites show a

demonstrated ability to redevelop into affordable housing anytime soon, especially during the next planning period.

Assumed Density for Total Unit Calculations

The staff report notes that HCD has indicated a density range is required, and that the total calculated yield would be based on the minimum density of that range. As an example, a range of 20 to 30 units/acre would be calculated based on 20 units/acre for each site. The staff report's analysis has elected to use a range of 25 to 30 units/acre; therefore, the calculated yield is based on 25 units/acre.

Measure T used 20 units/acre to calculate total units. Per the October 31, 2017 memorandum from Barbara Kautz (Goldfarb and Lipman), "Although sites were to be rezoned to allow a maximum of 30 units per acre, the capacity of each site was calculated at only 20 units per acre, the minimum density, as a conservative measure of capacity and to provide some flexibility to the City in approving the number of units on each site."

As you know, developers are not obligated to build to the maximum allowable density, and will likely develop these sites at lower densities than the maximum allowable, based on a number of reasons. Once constraints are taken into account (slopes, wetlands, habitat, setbacks, neighborhood opposition, etc.), it is difficult for a developer to build any of these sites at a gross density of 25 units/acre. Furthermore, parking areas, hydromodification basins, project amenities, and any other outdoor use areas further constrain a site's ability to yield those gross densities. In other words, even if the buildings themselves yield densities of 25 to 30 units/acre at the building footprint level, the overall (gross) density of the site will be much lower.

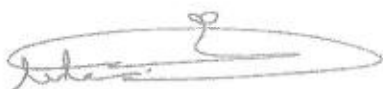
For these reasons, we recommend that you use 20 units/acre in your unit yield accounting (rather than 25 units/acre, which is what the staff report has assumed). Making the more aggressive assumption of 25 units/acre could leave you vulnerable in light of recent State housing law, such as Senate Bill 166, which became effective January 1, 2018.

The inclusion of sites with low chances of redevelopment will negate any gains the City might have realized by incorporating a "buffer," and the City will be exposed to additional legal challenges related to Senate Bill 166, among other things.

We request that the issues identified above are included as part of your City Council discussion on April 4th, 2018. With the housing crisis and lack of affordability affecting our region, Encinitas residents (both current and future) deserve more affordable housing options. We are hopeful that you are looking out for their interests.

Thank you for your time and attention to this matter.

Sincerely,



Borre Winckel
President & CEO

QUAIL FLOWER BARN

gifts from the garden

Re: City of Encinitas 2013-2021 Housing Element Update

MAY 11 2018

Dear Ms. Huntley:

The reason for my letter is in reaction to a facebook posting from Lisa Schaffer showing her letter to you. Lisa is a very fine resident of Encinitas and took time out of her busy life, gave service to her community and is now enjoying her retirement. A retirement well desired.

I am writing a letter to our local newspaper, the Coast News, which does a great job in reporting accurate news. Our City Council has been put in a difficult position with the need to get Encinitas up to speed with our building affordable housing. The lawsuits have concerned about our needing to comply. But we are talking about real homes not just numbers to satisfy the mandate.

.Here is my letter to our newspaper:

"I would like to jump in here and give Joe Mosca, Tony Krantz and Mark Muir the credit they deserve for voting to changing the City owned property on Quail Gardens Dr. (L7) from being rezoned R30 to being zoned R3. Those who fault them for this vote discounts their decision. The critical outcome for the Housing Element will happen at the ballot box. Will the voters pass the measure or not? Including the City owned property (L7) could have sunk the ship. The only reason it came onto the chopping block was....because they own it. If it had been privately owned....no way would it have been considered.

We need to satisfy our State's requirement for a housing plan but not by juggling the numbers.

Not just the NIMBY argument is applicable here. The whole Quail Gardens Dr. Corridor has unresolved traffic issues. Traffic issues need to be addressed first. Also both ends of Quail Gardens Dr. have properties on the map for rezoning to R30. If the initiative passes..... doesn't this add enough affordable housing on Quail Gardens Dr.?"

End of my letter to the newspaper.

We are not NIMBYs. We are YIMBYs when the land improvements fit the land. We as a neighborhood supporting our RR1 being on the map as R3. With added bonuses, granny flats and other opportunities allowed ,,,affordable small homes can be built to address the McMansions effect of especially the coastal community. Keeping L7 off the R30 map will help the initiative at the ballot box.

Sincerely,

Cheryl Konn

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