



City of Encinitas

Development Services Department

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

June 6, 2018

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

RE: PUBLIC COMMENTS RECEIVED ON THE CITY OF ENCINITAS DRAFT HOUSING SUBMITTALS

Dear Ms. Huntley:

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

Emails from:

Donna Westbrook (May 29, 2018; May 31, 2018; June 1, 2018; June 5, 2018; June 6, 2018)
Janet Weinstein (May 31, 2018)

Letter from:

Jim McMenamin (May 31, 2018)

Armstrong Parcels (Site 06)

The May 29, 2018 email from Donna Westbrook raises concerns that environmental constraints and existing uses on Site 06 would keep it from being developed for housing during the planning period. The City understands that HCD also believes that Site 06 is unlikely to develop during the planning period, and HCD likely will not count the projected units for this site in its analysis of the draft Housing Element Update. However, the City intends to rezone Site 06 and keep the site in the inventory shown in Appendix C of the Housing Element Update, because the City believes the site is well-suited for housing development. This would allow development to occur on the site without subsequent General Plan changes or rezoning efforts, although the City acknowledges that until additional evidence demonstrating that development is likely to occur on this site, these actions will not affect the City's efforts to accommodate its RHNA.

Environmental Assessment

The May 31, 2018 email from Donna Westbrook summarizes the significant and unavoidable transportation and traffic effects disclosed in the Environmental Assessment that was prepared to analyze the Housing Element Update and associated implementing actions. As discussed in Section 4.11 of the Environmental Assessment, the analysis conservatively assumed a maximum buildout that was higher than the anticipated development yield that HCD will credit in

the Housing Element. In addition, the effects identified in the comment are for the "Project," which includes more candidate sites than ultimately were included in the draft Housing Element Update.

The impacts most closely associated with implementation of the draft Housing Element Update are analyzed as an alternative to the Project in Section 9.4.2 of the Environmental Assessment. The draft Housing Element Update alternative is projected to result in a 12% reduction in trips as compared to the Project, and its impacts would be reduced accordingly. However, the impacts would remain significant and unavoidable. This does not prevent the City from adopting the Housing Element Update or affect the ability to implement future development accommodated therein.

To address Donna Westbrook's email dated, June 6, 2018, other than projects approved "by-right", all projects shall undergo environmental review, regardless of their location.

Seismic Safety

The June 1, 2018 email from Donna Westbrook comments on the safety features of new development and the ability of housing on "cut and fill" sites to withstand an earthquake. The City of Encinitas has adopted the 2016 California Building Code. The Building Code provides building standards that specifically and explicitly address seismic and other related life/safety considerations.

Buildings, structures, or substantial rehabilitation of existing structures must comply with the requirements of the 2016 Building Code prior to the approval of construction and prior to approval of any certificates of occupancy. Housing development of any type will require strict compliance with Building Code standard prior to building permit approval and occupancy.

Inclusionary Housing

The June 5, 2018 email from Donna Westbrook referenced the City's existing inclusionary housing ordinance as requiring "only ten percent of the subdivision to be low income" and that developers "have a choice of building the house in the subdivision or paying an in-lieu fee to the city, which leaves the developer with only market rate houses." While these statements are correct, it is important to note that on June 13, 2018, the City Council will consider increasing the inclusionary requirement to 15 percent and directing staff to develop an economic feasibility study to determine whether the percentage can be increased for up-zoned sites, or sites citywide.

Unit Size

The June 6, 2018 email from Donna Westbrook discusses the limiting the size of units. The development standards drafted for the lower income sites in the Housing Element provide for a maximum average unit size based upon tenure type. Unit size averages are smaller for rental product. For sale units have a slightly higher average unit size. The maximum average unit size standards seek to reduce the occurrence of larger size units on a site exclusively.

Quail Gardens

The May 31, 2018 email from Janet Weinstein claims the distribution of Housing Element sites is not fair and unduly burdens existing residents along Quail Gardens Drive.

These comments have been substantively responded to in the City's letters to HCD dated May 8, 2018, May 14, 2018, May 24, 2018, and May 25, 2018, and those responses are incorporated by this reference. As previously discussed, sites have been selected based on their suitability for development, vacant or underutilized status, and the interests of the owners in redeveloping the properties during the planning period.

Alternative Sites

The May 31, 2018 letter from Jim McMenamain describes an additional site that Mr. McMenamain would like to include in the Housing Element inventory. The site described in the comment was submitted too late for consideration in this update cycle because it was not included in the Environmental Assessment, but the City will continue to work with the property owner and the owner's representatives to encourage them to pursue future rezoning and housing development opportunities for the City's next housing cycle.

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

Sincerely,

A handwritten signature in blue ink that reads "Brenda Wisneski". The signature is written in a cursive style with a large initial "B".

Brenda Wisneski, AICP
Development Services Director