

Encinitas Taxpayers Association

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March 2, 2015

Mayor Gaspar and Councilpersons
City of Encinitas
Encinitas, CA 92024

Subject: Community Based Housing Map

Dear Mayor and Councilpersons:

You, our elected City representatives, have an obligation to make the needs of all the people of Encinitas your highest priority. It is not good enough to just satisfy HCD's RHNA counts with high density market rate housing, when there are alternative ways available by which your as well as the States goals can be accomplished and low income people's needs really met.

The Plan Staff is proposing is almost exclusively process oriented, please exchange that effort for one that is results driven.

Transmitted herewith is the Encinitas Taxpayers Association's Community Based Housing Map for your consideration. After studying the City Staff's Unaffordable Housing Map and conducting extensive research, our group has accentuated the Staff's positive points, eliminated the negative and created in between an affordable plan that actually provides the low income housing numbers desired.

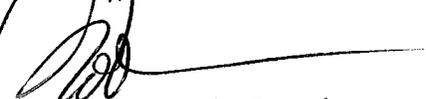
The ETA Plan provides affordable housing locations for low and very low income singles, seniors and families, while sadly the City's Unaffordable Plan is almost exclusively geared toward high density/market rate housing.

The ETA recognizes its Plan has drawbacks, but because Encinitas is over 95% built out and property is so expensive, options are limited. Consequently, sacrifices and compromises have to be made which could have an effect on the taxpaying public, City, Special District, County and State governments in order to provide the desired and required low income housing.

Citizens have worked hard to produce this affordable plan. Hundreds of hours have been invested. We ask that you read it carefully and keep an open mind on its potential before going along with Staff's lopsided Plan.

Thank you.

Sincerely,



Dr. Robert Bonde, President

Encinitas Taxpayer Association

Community Based Affordable Housing Map

March 2, 2015

Introduction

- Encinitas has been directed to provide 1,283 new low/very low income housing unit locations during this California State Housing and Community Development Department RHNA Cycle.
- Instead the City is proposing a plan that will add only 430 low income housing units and all the rest as market rental rate dwelling units.
- ETA believes that the City Staff's Plan is ill conceived, promoted and justified and should be scraped.

City Staff's High Density, Mixed Use, and Unaffordable

Housing Plan

1. Environmental studies are to be conducted on the following sites for market rate housing units:
 - A. High density housing blocks (30 units per acre and up with Density Bonus)
 1. Two on Quail Gardens Drive,
 2. One on the north side of Encinitas Blvd near Quail Drive.
 3. One south of the High School on Santa Fe Drive
 4. Railroad Parking lots in Downtown Historic Encinitas
 5. One on the south east corner of Manchester and El Camino Real
 - B. 1 and 2 stories of apartments above commercial shops and stores (mixed use)
 1. At the South west corner of the intersection of El Camino Real and Leucadia Blvd.
 2. Along both sides of Highway 101 in Historic Downtown Encinitas
 3. Along the west side of Highway 101 from Leucadia Blvd North
 4. The Sprouts shopping center
 5. 99 Cent store Center on south El Camino Real
 6. Three corners of Encinitas Blvd. and Ranch Santa Fe Road in Olivenhain
 7. The Vons center across Santa Fe Drive from Scripps Hospital
 - C. Several small infill developments
2. 30 legalized non-recorded and 2nd accessory dwelling units
3. 55 new low income units constructed during this Cycle
4. 345 low income housing units already in the General Plan
5. Parking structure on City Hall property - to replace the Railroad parking lost to housing developments

- **ETA rejects specific elements/concepts of the City Staff's Plan and is proceeding with a different plan for the following reasons:**
 1. Low income housing is missing from all new high density, mixed-use housing areas.
 2. Staff uses railroad property for development of high density market rate housing and thereby effectively eliminates any possibility of ever lowering the tracks through town.
 3. City Hall parking lot would be not be needed if the railroad development did not take place.
 4. Underground parking in the downtown area would probably not be possible because of ground water (Pacific Station experience was devastating).
 5. Mixed use/high density complexes could hurt businesses and the city income as residents in destination locations (beach areas) typically have a large number of guests who arrive by car. This demand surpasses the amount of residential parking provided and it spills over into business parking. When customers find parking difficult, they shop elsewhere and businesses suffer. There is an indication that mixed use centers have become unpopular with financial institutions because of high failure rates.
 6. Concentrates traffic and causes unnecessary congestion.
 7. Large housing developments have been found to be unworkable and many massive developments have been physically removed from major cities.
 8. Highway 101's 2 and 3 story development forms:
 - A. Parking/traffic nightmares
 - B. Too high a concentration of people
 - C. Wall of shops, stores and apartments would ruin community character.

ETA Citizen Based Housing Group

Low Income Housing Virtual Map

Goal

The Goal of this Map/Plan is to satisfy the City's need to provide 1,283 low/very low income housing for seniors, young people, working poor, singles and families.

853 is the actual number of additional housing units required by HCD to meet the City's obligation according to the following July 2013, City of Encinitas website chart

RHNA Income level	2010-20 HE Cycle	Available Sites (Current GP)	New/Anticipated Const. (2010-13)	Accessory Units (2 nd DU)	Units Remaining
Low/very low	1,283	345	55	30	853
Moderate	413	497	N/A	N/A	RHNA Satisfied
Above Moderate	907	1,300	N/A	N/A	RHNA Satisfied

ETA is providing 1,429 possible low/very low income housing unit sites in its Plan.

The ETA Plan accomplishes this number by employing the following 6 separate and distinct methods:

I. Public/Private Partnerships

- The City recognizes that the exorbitant property values, expensive construction costs and very high city and school fees have made it impossible for any new low/very low income housing to be built.
- To counter this economic reality, ETA proposes that:
 1. The City and its Special Districts eliminate all City building, capacity and hookup fees for low/very low income housing and asks the School Districts to do the same.
 2. The City survey its holdings and make its surplus land available for low income housing.

3. The City asks Special Districts, County and State entities to donate their unneeded properties within the City to Encinitas to Encinitas for low income housing.
4. The City of Encinitas develops public/private partnerships with entities to construct and operate the housing.
5. The City of Encinitas leases these lands at no cost, to private entities under specific rental conditions.
6. The following property locations and acreages be considered along with those located during the proposed property inventory::
 - A. City – Quail Drive. The total site is 7.5 acres. (5 acres)
 - B. County – Cut portion of the old County Land Fill located off of Encinitas Blvd. Total site is 60 acres of which about 10 acres may be cut areas suitable for building (10 Acres)
 - C. County – Property located east of the Sheriff Station off of El Camino Real (13 acres)
 - D. State – Several small lots in the Moonlight Beach Area (? Acres)
 - E. Water District – South east Corner of the intersection of Santa Fe Drive and the I-5 Freeway (3/4ths acre)

Total 28.75 acres
 - F. It is recommended that no more than 20 housing units per acre be constructed on these properties.

Total 569 low income housing sites.

- **569 - Estimated Number of Low Income Housing Units Provided**

II. Density Bonus Projects

- Encinitas has approved 353 Density Bonus units in the past 10 years and provided only 20 low income housing units.
- There is an indication that in a neighboring city Density Bonus developers are required to provide twice the number of low income units as in Encinitas.
- The recession has ended and new homes are again selling.
- **40 - Estimated Number of Low Income Housing Units Provided**

III. Comprehensive Housing Inventory

- City of Encinitas shall conduct a comprehensive citywide housing inventory, identify and count all code compliant dwelling units.
 1. To enhance public safety by working with property owners to ensure that non-permitted units are legally habitable, hazards eliminated and facilities properly recorded.

2. To establish base data on housing types, number of occupants, occupant income levels and rental costs.
 3. To determine the number of low and very low income dwelling units available.
 4. To reduce the overall RHNA count of low and very low income units required.
 5. To provide valuable information for subsequent negotiations with HCD on housing needs.
- HCD accepts legalized formerly non-recorded dwelling units and allows them to be counted against a portion of the RHNA requirement.
 - ETA, for planning purposes, projected the number of possible low/very low income dwelling units based upon the following guesstimates:
 1. 1,000+ illegal dwelling units in Encinitas
 2. 25% of these 1,000 cannot meet City/code requirements
 3. Of the 750 remaining units, 50% are low/very low rent compliant
 - City may wish to restrict all 2nd units to family or low/very low income housing as a means of controlling greed.
 - **375 - Estimated Number Low Income Housing Units Provided**

IV. Accessory Units

- By right, every residential development can have a 2nd unit.
- HCD allows the counting of 2nd units toward the City's RHNA quota number.
- City of Encinitas shall improve the utilization of existing single and multi-family zoned properties by encouraging the creation of 2nd units:
 1. To increase the availability 2nd units and accessory units as low income dwelling units.
- The City of Santa Cruz developed a process and procedure that improved its existing housing stock utilization by 400 %
- Staff recorded 5 Accessory/Second units constructed in 2015.
- If Encinitas followed Santa Cruz's lead, it is estimated Encinitas could generate 20 low/very low dwelling units each year - 80 units during a 4 year RHNA cycle.
- The 80 figure appears low because:
 1. Encinitas has issued 177 major (over \$100,000) residential remodeling/reconstruction permits since 2010 without a 2nd unit incentive program.
 2. The Encinitas area has 3,000 wood framed residential structures that are over 65 years old and most are reaching the end of their useful lives.
 3. Encinitas population is growing older.
 4. Seniors would prefer to remain in their homes.
 5. Second units are valuable economic asset and viable lifestyle alternative for seniors and their family members.

- **100 - Estimated Number of Low Income Housing Units Provided**

V. General Plan Available Sites

- The current General Plan has sites already designated for low income housing.
- **345 Low and Very Low Housing Units Provided.**

VI. Surplus San Diego RHNA District Low Income Units

- Encinitas is the last City to have a housing plan approved by HCD.
- The San Diego District exceeded the RHNA quota of low/very low housing units.
- SANDAG is the agency in charge of distributing the RHNA quotas amongst the District.
- Encinitas City Council has shown an interest in requesting the allocation of some of the district surplus housing numbers to allow the City time to get its plan approved and the low/very low income element working.
- **0 - Estimate Number of Low/Very Low Housing Units Needed**

Advantages of ETA' Plan over the Encinitas Staff's Plan

- The ETA Plan:
 1. Provides the 1.283 real low/very low income housing numbers required by RHNA, whereas Staff's plan only provides 438 low income and the rest market rate rentals.
 2. Eliminates the threat of high density (30 units per acre and above) development by involving only public properties, zoning them for just 20 units per acre and keeping them under the control of the City instead of Staff's 30 units per acre and above with density Bonus Plan.
 3. Protects the City's economic base by eliminating the business unfriendly Mixed-Use developments in the Staff's Plan.
 4. Counts the hundreds of illegal dwelling units that already exist within the city, where as the Staff only counts a handful each year.
 5. Presents a proven 2nd unit plan that improves the utilization of existing facilities and increases the RHNA count potential.
 6. Capitalizes upon the availability of public lands to meet a universal housing need while the Staff involves only 1 additional City property for housing.

7. Does not up zone private lands nor provide a select few property owners an irrevocable economic windfall, while Staff's plan does just the opposite.
8. Distributes the low/very low income units throughout the city according to space availability and the needs of inhabitants, not the unattainable community quotas set forth in the Staff's Plan.
9. Faces the fact that public transportation is limited and only satisfies the needs of a miniscule number of working California residents, while the Staff's Plan bows to HCD, ignores reality and makes public transport a major factor in site selection.

Additional Advantages of the ETA Plan

1. Reduces the concentration of high density projects
2. Reduces the Cost of the EIR
3. Diverses and lessens traffic congestion
4. Eliminates threat of law suits
5. Allows housing update to proceed

Disadvantages of the ETA Plan

- The City:
 1. Accepts the fact that City would be providing monetary support for low income housing if it provided the land at no cost and did not require building fees.
 2. Becomes the lead agency in the effort to acquire surplus property from Special Districts, County and the State for low income housing.
 3. Conducts a comprehensive inventory of all City, Special District, County and State property within the City and its sphere of influence and determine which and to what extent each could be utilized for low income housing.
 4. Becomes involved in overseeing the low income rental program.
 5. Changes its Density Bonus Policy to require developers to include more low income housing.
 6. Conducts a comprehensive housing inventory, identify illegal units, pursue code compliance and track compliance.
 7. Recognizes that there will be political fallout from the counting of illegal units and weighs the advantages of doing so against mandatory high density development.
 8. Reworks its affordable housing policy to make it less punitive and more beneficial to both the homeowner and the City.
 9. Sets up and pursue an active 2nd unit promotion program
 10. Negotiates with SANDAG, County and other cities to obtain surplus RHNA units.
- A few property owners would miss out on massive upzoning and money making opportunities at Encinitas taxpayer's expense.

- City staff would have more work to do.

Conclusions:

- If the City has the will, ETA's has the way.
- ETA's plan meets RHNA numbers and Councils low income housing desires.
- ETA's low density, dispersed low income housing Plan will be easier to sell to the public and pass at the polls than the City staff's unaffordable, high density, mixed-use plan.

Recommendations:

1. That the City council approve the ETA Map/Plan as presented and place it on the 2016 ballot either as the City's official position or as a Community Alternative.
2. That the City place on the 2016 ballot a directive to require that the City conduct a formal housing inventory which includes illegal dwelling units so that future State housing allocation demands can be properly addressed and countered.
3. That the City conduct an inventory of all of its properties to determine if any or parts of some could be utilized as low income housing sites.
4. That the City fight HCD for citizen rights and community character.

EXHIBITS

List of Exhibits

- I. ETA Hypotheses
- II. Santa Cruz ADU Program
- III. ETA questions and Staff answers
 - A. October 21, 2014
 - B. November 2, 2014
 - C. February 4, 2015
 - D. February 7, 2015
 - E. February 16, 2015
- IV. Research Documents (not included)
 - A. Maps of City and ETA sites (Encinitas)
 - B. City Property inventory Map (Encinitas)
 - C. Housing Element Update Guidance (HCD)
 - D. California's Planning laws for affordable Housing (HCD)
 - E. Correspondence amongst City and HCD
 - F. Correspondence amongst City and SANDAG
 - G. Housing Elements: Beware of What you Promise. (League of California Cities)
 - H. Implementation Discussion for Second Unit Law. (GCS 65852.2)
 - I. Housing element Update Restart, July 2013 (Encinitas)
 - J. November 19, 2014 Agenda Report (Encinitas)
 - K. February 3, 2015 Agenda Report (Encinitas)
 - L. Current Real Estate Comparison Reports on multi-family and residential property (Emily Heivieux)
 - M. Second Unit Legislation (HCD)
 - N. U.S. Census Bureau (American Fact Finder)
 - O. Viable Housing Site Summary (Encinitas)

Exhibit I

Hypotheses

The following hypotheses were used to prepare the ETA Map/Plan:

Hypothesis #1

That the high density, mixed use, market rate rental plan proposed by Encinitas Planning Staff will never pass at the ballot box because it negatively affects citizens and community character and basically only benefits the HCD process and a few property owners.

Hypothesis #2

That even though the City is 95% built-out and property values are extremely expensive, there are ways to provide safe and adequate housing for those low income people who have a reason to live within the City of Encinitas.

Hypothesis #3

That a low income housing map that complies to the current General Plan A, relies to a significant degree upon the needs and wishes of individual residential property owners, protects the quality of life of occupants, maintains community character, disburse traffic generation and allows the affordable units to tuck away into existing neighborhoods and become virtually hidden would be a more acceptable alternative to the electorate than the in your face one proposed by Staff.

Hypothesis #4

That while the City Council goal is to disburse the low income housing equally amongst the 5 communities is desirable, it is practically impossible to achieve.

Hypotheses #5

That Encinitas has satisfied all but 853 of the RHNA's 1,283 affordable housing unit quota.

Hypothesis #6

That simple, small 2 story, R25 zoned multi-bedroom apartments could be built and rented at rates that very low and low income families could afford, if the land was provided at no cost and the City/Special districts charged no fees.

Hypothesis #7

That there exists sufficient City, Special District, County and State undeveloped lands within the City to meet of a significant part of the RHNA very low and low income housing quotas.

Hypothesis #8

That because of the recognized need for affordable housing that the City could get Special Districts, County and State to each donate land for a public/private development program.

Hypothesis #9

That there are developers who would be interested in building/operating affordable housing on public property.

Hypothesis #10

That the City will be able to produce at least 575 new low and very low income dwelling units through public/private partnerships.

Hypothesis #11

That if the City conducts a comprehensive housing inventory, a significant number of code compliant low income dwelling units could be found and counted

Hypothesis #12

That because the State has given all residential property owners the right to have a 2nd dwelling unit on their land, a large number of new 2nd dwelling units will be constructed HUD Cycle.

Hypothesis #13

That more and more Encinitas homeowners will elect to modernize existing residences and in the process add granny flats, care giver quarters, maids/grounds person suites, etc.

Hypothesis #14

That the City should be demanding twice the number of low income dwelling units from Density Bonus Developers.

Hypothesis #15

That SANDAG has the authority to and will allow Encinitas to acquire surplus low income housing units from other RHNA compliant cities from within its region.

Hypothesis #16

That private transportation is a necessity for the vast majority of working Californian's because of limited public transportation.

Hypothesis #17

That all low income housing facilities need not be located near public transportation.

Hypothesis #17

That all low income housing facilities need not be located near public transportation.

Exhibit II

Santa Cruz Accessory Dwelling Unit Development Program

The purpose of the City of Santa Cruz Accessory Dwelling Unit (ADU) development Program is to:

- Implement the development of well-designed ADU's in the City of Santa Cruz;
- Help minimize the impact of population growth on the community by providing more rental housing in the developed core of the City;
- Promote infill development to help preserve the surrounding natural greenbelt;
- Foster the use of public transportation within the City.

Santa Cruz ADU Program Components

- Technical Assistance Program to assist homeowners in designing an ADU for their property.
 - An ADU Plan Sets Book containing seven ADU prototype concepts designed by local and regional architects;
 - An ADU Manual containing step-by-step guide on how to plan, design and obtain permits for an ADU;
 - An ADU Video containing highlights from the public workshops; and
 - A Technical Assistance Program to reimburse homeowners for up to \$100 to hire a building professional to help plan and design an ADU.
- A Wage Subsidy and Apprentice Program to provide wage subsidies to licensed contractors employing apprentice workers trained by the Women's Venture Project of the Community Action Board on ADUs built within the City.
- An ADU Program offering loans up to \$100,000 through the Santa Cruz Credit Union.

Santa Cruz ADU Demand Has Risen

2001 – 7 ADUs

2002 – 11 ADUs

ADU Program Goal – 35 ADUs

Reported Achieved - 40 ADUs

Exhibit III

Robert Bonde

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October 21, 2014

Kathy Hollywood, City Clerk
City of Encinitas
Encinitas, CA 92024

Dear Kathy:

I request under the California Public Records Act an e-mail response to the following questions:

1. In the last 10 years how many Density Bonus projects have been constructed within the City of Encinitas? 19 projects have been approved and of the 19, 13 have been constructed, three are under construction, one is approved pending construction permit review, and two are not likely to proceed.
2. How many total dwelling units were included in these Density Bonus developments? 353 total units have been approved, of which 174 have been constructed, 153 are under construction, 16 are pending permit review, and 10 are not likely to proceed.
3. How many very low income rental dwelling units were actually provided to the community because of these Density Bonus projects? 20 very low income units have been constructed, of which, one was an affordable for-sale unit. One very low-income unit is currently under construction, one is currently pending permit review, and one is not likely to proceed.
4. How many low income rental dwelling units were actually provided to the community because of Density Bonus projects? One low income unit has been constructed, and eight low income units are currently under construction, of which all eight will be affordable for-sale units.
5. How many moderate income rental dwelling units were actually provided to the community because of Density Bonus projects? No moderate income units have been built or have been approved.
6. Are there any records that indicate the ethnic mix of the renters for the various income categories? Information not available.
7. What were the top 5 City code concessions in City impact order that the Density Bonus developers requested and were granted? Private road requirement, setbacks, lot area, lot depth, and single-story requirement.
8. How many dollars per month could a family of 4 gross and still remain in the very low income category? Very low income is defined as 50% of Area Median Income and is adjusted annually. For 2014, the maximum annual gross income for a household of four is \$39,450.
9. How many dollar per month could a family of 4 gross and still remain in the low income category? Low income is defined as 80% of Area Median Income and is adjusted annually. For 2014, the maximum annual gross income for a household of four is \$63,100.
10. How many dollars per month could a family of 4 gross and still remain in the moderate income category? Moderate income is defined as 100% - 120% of Area Median Income and is adjusted annually. For 2014 the maximum annual gross income limits for a household of four are \$72,700 to \$87,250.

Sincerely,

Robert Bonde

1620 Haydn Drive, Cardiff-By-The-Sea, CA 92007 760 753 7477 Rbonde007@gmail.com

November 2, 2014

Kathy Hollywood, City Clerk
City of Encinitas
Encinitas, CA 92024

Dear Kathy:

I request under the California Public Records Act an e-mail response to the following questions:

1. Councilperson Barth recently remarked that one density bonus project removed 11 low income dwellings and replaced them with only one new one. In the past 10 years how many low or very low income dwelling units have been lost to Density Bonus projects? Please identify which projects were involved.

There is no record of an approved Density Bonus project in the past 10 years that resulted in the loss of existing low or very low income units.

2. Mayor Gaspar remarked that the City had not been able to apply for certain grants because it did not have an approved housing element in place. What specifically were the grants she was referring to? Who were the grantors? How many dollars did the City possibly lose in each of the past 3 grant cycles?

There are several grant programs. Some, at the state level, have been put on budgetary hold. Others at the regional level continue to be a source of funding to subsidize or fully fund capital and non-capital projects.

In June 2013, SANDAG awarded \$9.6 million in smart growth incentive grants for 13 projects located throughout the region. In the same year, there were \$8.8 million in Active Transportation funding to award in this cycle, with 75% (\$6.6 million) of the funding for capital projects, and 25% (\$2.2 million) plus any rollover from the Capital grant allocation for non-capital projects. Regarding previous grant cycles, please refer to the SANDAG website.

1. Smart Growth Incentive Program guidelines for planning and capital grant programs:

http://www.sandag.org/uploads/projectid/projectid_340_15299.pdf
http://www.sandag.org/uploads/projectid/projectid_340_15300.pdf

2. Active Transportation Program guidelines for capital and non-capital programs:

http://www.sandag.org/uploads/projectid/projectid_418_14267.pdf
http://www.sandag.org/uploads/projectid/projectid_418_14269.pdf

3. SANDAG Board Policy 33 details the Implementation Guidelines for SANDAG Regional Housing Needs Assessment Memorandum (Adopted April 2006; Amended November 2008, January 2012)

http://www.sandag.org/organization/about/pubs/policy_033.pdf

3. Planning Director Murphy has supposedly commented that if the City sites places for 30 or more market rate housing units per acre that the state will consider them low income housing. What guarantees does the city have that the State will keep its word over time? How many such units does the city already have in its inventory? Has the City received credit for these units?

State Government Code Section 65583.2 stipulates the default density requirements for low income housing. In order for the State to change the density default, a change to state law would be required. The City currently does not have any land zoned at 30 dwelling units per acre.

4. We have been told that the State will not accept mobile homes as a part of the City's quota of low income housing because they are not "permanent" structures". Since the City is only required to locate sites for dwelling units, why not count the spaces upon which the mobiles sit?

Existing units (with a permanent foundation or not) provide housing to existing residents. State law requires local agencies to provide an adequate inventory of land to accommodate future housing opportunities for future housing needs.

5. As I recall there are 124 mobile homes located within parks in the city. Is this the official number?

There are a total of eleven mobilehome parks in Encinitas, including trailer parks. The total number of spaces permitted for all of these parks is 754.

6. Because the state allows developers of Density Bonus projects to pick and choose which of the City's codes it wishes to violate, Mayor Gaspar has been concerned about building heights. Could the City require two stair exits for fire safety purposes and handicapped access for all buildings over 2 stories in height?

There is no public record that responds to this question. This question would have to be research should the Council wish to modify the Fire Code.

7. Adequate street parking is a problem with most Density Bonus projects because they have substandard private roads. Could this problem be addressed by requiring more off street parking for all developments? What about basing the number of off street parking spaces on the number of bedrooms or potential bedrooms?

There is no public record that responds to this question. However, it should be noted that parking is a development standard that an applicant can modify under the waiver or incentive process under the Density Bonus Law.

8. Density Bonuses are allowed on developments of 5 units or more, by State Law. Why doesn't the City pass an ordinance that limits tract maps to no more than 4 units? If the parcel is sufficiently large, more than one tract/parcel map could be employed.

There is no public record that responds to this question. However, the General Plan sets forth the density and intensity of housing in the City. The City cannot adopt laws/regulations that contradict or are inconsistent with the General Plan.

9. Do low income Density Bonus projects have the same annual reporting requirements that the City requires for Affordable Housing? That is the submission of pay stubs to prove that the persons who occupy the structure are truly low income.

Any affordable unit produced through Density Bonus is subject to annual compliance monitoring. Staff works very closely with property owners and managers to ensure that the tenants are income qualified and the appropriate rent is charged. Source documentation is always collected to verify household income.

10. In the response to my October 21, 2014 request, it was stated that there 9 low income housing units either constructed or under construction for-sale. What will be the price range for these dwelling units? Are these units granny flats or something else? In what projects are these units located?

A total of eight low-income housing units are currently under construction. These homes are new construction (attached single-family), located in the Coral Cove development by Shea Homes. The sales pricing of the homes range from \$147,400 to \$279,100.

11. What was the sales price of the single very low income unit?

One very-low income unit has been built and sold. The home was sold to a qualifying very low-income household at approximately \$110,500.

12. With 17 Density Bonus projects and 343 units and only 19 very low income and 9 low income units added to our inventory and at least 11 units deducted, how does Encinitas rank amongst other California Cities of similar size so far as Density Bonus impact vrs. advantages is concerned? Has the State been requested to include this impact in its low income housing quotas?

There is no public record that responds to this question. The City does not maintain records of how Encinitas ranks amongst other cities nor any requests to the State regarding quotas.

13. When does the City expect to complete its counting of illegal dwelling units and housing inventory?

There is no public record that responds to this question. Staff can say that we anticipate a Council discussion on the topic of the Accessory Dwelling Unit policy later in November.

14. What is the City's plan to get the illegal units counted?

See 13 above.

Sincerely,

Encinitas Taxpayers Association

1620 Haydn Drive, Cardiff-by-the-Sea, CA 92007 7660-753-7477 Rbonde007@gmail.com

February 4, 2015

Kathy Hollywood, Clerk
City of Encinitas
Encinitas, California

Dear Kathy:

It is requested under the California Public Records Act that the City provide electronic copies of the following materials:

1. List of requirements that our CBHM Group must meet.

Please refer to the Agenda Reports for Item 12B on January 21st and Item 2 on February 3rd. Links are provided below.

http://encinitas.granicus.com/MetaViewer.php?view_id=7&clip_id=1105&meta_id=45180

http://encinitas.granicus.com/MetaViewer.php?view_id=7&clip_id=1108&meta_id=45526

2. All HUD Regional Housing Needs Assessment requirements that spell out exactly how, what and when the City is supposed to file.

Of immediate need is that information on:

- A. Mobile home counting
- B. Second unit counting
- C. Illegal unit counting

Regarding second unit and illegal unit counting, please refer to Government Code Sections *Section 65852.2* and *Section 65583.1*, as well as http://www.hcd.ca.gov/hpd/hpd_memo_ab1866.pdf

Refer to Section 65583(C)1 for how cities can identify actions that will make sites available to accommodate that portion of the share of the regional housing need for each income level that could not be accommodated on sites identified in the existing inventory. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for

agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

3. Hud penalties for not complying with its RHNA requirements?

There are no penalties assessed by HUD.

However, Government Code Sections 65589.5(m), 65584.09, and 65583 (h) refer to other types of penalties most commonly referred to when discussing consequences for failing to comply.

SB 375 amendments to Government Code (GC) Sections 65080 and 65588 made changes to some scheduling provisions to improve coordinating regional housing need assessment (RHNA) and local government housing element updates with schedules for adopting regional transportation plans

4. All City correspondence with HUD, Veronica Tam and SANDAG regarding RHNA allocations and implementation during the past 5 years.

See attached.

5. The acreage of the City property located behind the shopping center across Encinitas Blvd. from the Denny's Restaurant next to the I- 5 Freeway?

The City owns the property outlined below, which is 10 acres.



- A. List of all city available land and the acreage of each.

This was not information previously provided to the Council and not readily available. Please clarify request; specifically, what qualifies as "city available land"?

6. The name and number of the State Law which allows By-Right the development of 2nd units on all single family properties?

Govt. Code 65852.2.

7. The number of illegal dwelling units converted to legal units by year over the past 5 years?

Completed (C of O) ¹	2010	2011	2012	2013	2014	2015 ²
AUP Unit	1		1	4	2	4
Std. Acc. Unit		1	1			1
Total	1	1	2	4	2	5

8. The number of inquiries about converting existing illegal units generated by the recent Planning Department city wide mailing?

Since release of the postcard we have logged a total of 28 inquiries, of which 16 were directly related to the AUP program based on the existence of an illegal unit.

9. The number of remodel/reconstruction (lots with existing dwelling units) building permits for single family dwelling unit projects over \$100,000 each year for the past 5 years?

177 permits issued for remodel/reconstruction projects with valuation \$100,000 or more since January 1, 2010.

10. Reason why 2nd unit counting was not included in the Mapping and Reporting process?

2nd dwelling unit development/conversion is allowed under current codes and does not require rezoning.

11. What is a ball park estimate for the additional value owners will receive by having their property upzoned to the potential set forth, in percentage? (guess)

There are no records that meet this records request.

¹ Certificate of Occupancy

² The units reflected in 2015 are in process; the C of O is anticipated to be issued in 2015. In process means the project is either in the AUP application process (1), completed AUP/awaiting submittal of the building permit application (1), in plan check (1), or a building permit has been issued (2).

12. What will be the impacts on the surrounding properties to those being upzoned, in general terms?

There are no records that meet this records request.

13. What are the creative techniques other cities have used to comply with RHNA that Encinitas has not applied?

There are no records that meet this records request.

14. How did SANDAG reach Encinitas's 1,300 allocation number?

A. Information on comparison figures with the other SANGA entities?

The link to the SANDAG webpage for RHNA is below.

<http://www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail>

15. Copy of the General Plan population distribution Chart that Councilperson Kranz displayed at the February 3rd council meeting.

See attached.

Thank you for now,

Bob

Encinitas Taxpayers Association

1620 Haydn Drive, Cardiff-by-the-Sea, CA 92007 7660-753-7477 Rbonde007@gmail.com

February 9, 2015

Kathy Hollywood, Clerk
City of Encinitas
Encinitas, California

Dear Kathy:

It is requested under the California Public Records Act and authorization from City Council that the City provide ETA with electronic copies of the following materials:

1. Is Encinitas committed to providing low and moderate income housing?

In early 2013, the City Council adopted the Encinitas Strategic Plan; a document that identifies major needs and opportunities to help focus the City in effectively aligning resources with specific objectives. One of the eight identified Focus Areas of the Strategic Plan is Community Planning. This Focus Area seeks to maintain safe and livable communities through well-maintained infrastructure and facilities, strong public safety, and significant environmental standards, while achieving diverse and affordable housing for present and future generations. One of the Council-identified goals within this Focus Area is for the City to secure a certified Housing Element. The Housing Element address the housing needs of all income levels.

2. The Sunday Feb. 8, 2015 SD Union paper stated "Local government officials focus on process instead of results" and this seems to fit Encinitas. The Encinitas housing plan appears to be focused on eliminating the threat of fines and legal action rather than meeting low income housing needs. What is the City doing to really meet local low income housing needs?

There are no public records(data available) that respond to this question.

3. Explanation why the city chose to support the HIGH DENSITY route to meeting the HCD requirements rather than the counting of either or both second units or illegal units?

The City is still pursuing credit for the 2nd/illegal units, but we must plan for the "worst case scenario" should the state reject any or all of our arguments.

4. Would the proposed Encinitas Composite Plan best be described as the Encinitas Unaffordable Low Cost Housing Plan since all the housing produced will be market rate?

There are no public records(data available) that respond to this questio

5. Who will benefit from the high density development other than the property owners?

There are no public records (data available) that respond to this question.

6. Why is HCD willing to accept high density development as its RHNA allocation when it knows there will be no low income housing benefit? Why is Encinitas going along?

There are no public records (data available) that respond to this question.

7. An 8 ½" by 11" copy of the composite map showing all the changes to the General Plan proposed (hopefully with the I-5 Freeway and Rancho Santa Fe Road included as reference points) is requested.

Please see attached

8. An 8 ½" by 11" copy of the above map without changes is requested so that we can produce our own proposal.

Please clarify request, are you requesting a map of the City with streets/I-5?

9. Copies of all RHNA reports are requested.

Please contact SANDA for prior Housing Cycle reports.

<http://www.sanda.or.id/index.as?fuseaction=about.home>

10. Date of the last State certified Housing Element?

1992

11. A description of each of the proposed changes to the current General Plan that are included in the Composite Plan (hopefully in chart form) is requested along with:

- A. Location description
- B. Existing zoning
- C. Proposed zoning
- D. Number of floors allowed
- E. Number of low income housing units provided in each of the 5 communities
- F. Existing GP number of dwelling units without Density Bonus and with Density Bonus in each of the 5 communities.
- G. Proposed number of dwelling units without Density Bonus and with Density Bonus in each of the five communities.
- H. Existing GP number of vehicle trips per day to and from each of these sites projected with and without Density Bonus.
- I. Proposed number of vehicle trips per day to and from each of these sites projected with and without Density Bonus.

Refer to Appendix J (Viable Housing Site Summary sheets) of the February 3, 2015 Agenda Report

12. What is the Present General Plan build-out population?

66,146

13. What is the proposed Composite Plan Build-out population with and without Density Bonus?

There are no public records that respond to this question.

14. What is the number of low and moderate income housing units presently credited to Encinitas by HCD? By type and community?

A. Are these units included in the 1,300 allocation or separate? How and where are they recorded?

B. Staff reported that approximately 20 second dwelling units per year were created in Encinitas over the past 8 years. Where do these units appear on any RHNA report? Can they be included as a part of the 1,300 allocation?

HCD has not presently credited the City with any units.

15. How are the low and moderate income levels for Encinitas determined?

Please see attached

16. What are the maximum low and moderate rent figures for Encinitas?

Please see attached

17. How many very low, low and moderate are needed in Encinitas?

The link to the SANDAG webpage for RHNA allocations by jurisdiction is below.
<http://www.sandag.org/index.aspx?projectid=189&fuseaction=projects.detail>

18. What figure is the Planning Department using as the average rental market rate (or range) for the City?

Please see attached

19. How many illegal units exist within the City of Encinitas? What percentage are low income rental units? Where are they located? Are these units included in any RHNA report? (If so how many?)

There are no public records (data available) that respond to this question.

20. Staff mentioned that both single family and multifamily illegal units could be counted. Is this correct? Can illegal units located in commercial zones also be counted?

Refer to the City Council Agenda Report date November 19, 2014 (Item #10A) for information pertaining to illegal units.

21. Has the City ever asked for the right to justify and apply for more 2nd dwelling units than the formulas allowed, based upon local need and high development costs of low income housing? If not why not?

Refer to the City Council Agenda Report date November 19, 2014 (Item #10A) for information pertaining to illegal units.

22. What is the HCD description of a legitimate second unit?
- A. Does it have to be of a particular size?
 - B. Does it have to have its own kitchen? Can there be a common kitchen to serve several dwelling units?
 - C. What amenities must it have?
 - D. Can it be included within the primary unit as well as being free standing?
 - E. Specifically which of these categories are acceptable:
 - 1. Granny flats?
 - 2. Caregiver quarters?
 - 3. Guest house?
 - 4. Pool house?
 - 5. Care taker - Watch person quarters?
 - 6. Maid's quarters?
 - 7. Stable person's quarters?
 - 8. Motor home?
 - 9. Mobile home?
 - F. Any other requirements not listed?

There are no public records (data available) that respond to this question --- HCD does not describe second unit.

23. Exactly what did HCD mean when it said second units could be used to meet a portion of the RHNA requirement? (50%, 90% or what?)

Refer to the City Council Agenda Report date November 19, 2014 (Item #10A) for information pertaining to illegal units.

24. ETA presented a concept of meeting the HCD housing requirements by counting 2nd units and/or illegal units. What does staff see as fatal flaws with both of these ideas?

Refer to the City Council Agenda Report date November 19, 2014 (Item #10A) for information pertaining to illegal units.

25. The Encinitas 1,300 low income housing allocation was a segment of the area allocation. Since all other segments of the area already have met their allocation requirements. Is it possible that more area wide low income dwelling units have been identified than necessary and for this one time Encinitas could apply to capture these surplus units and reduce its demand number?

The RHNA report describes the approach and methodology for unit allocation. Link below.

<http://www.sandag.org/index.aspx?projectid=189&fuseaction=projects.detail>

26. How much is it going to cost to do the EIR for the composite plan?

Between \$250 and \$300,000

27. Could a negative declaration suffice for the ETA plan instead of a full EIR?

Possibly; However given the concerns with traffic impacts, an EIR is the better mechanism to assess environmental impacts

28. What is the e-mail address at SANDAG for housing and RHNA data?

<http://www.sandag.org/index.asp?fuseaction=contact.home>

ETA will provide copies of all City responses to its inquiries to the other CBHM Groups to help reduce duplication of efforts.

Thank you,

Encinitas Taxpayers Association

1620 Haydn Drive, Cardiff-by-the-Sea, CA 92007 7660-753-7477 Rbonde007@gmail.com

February 16, 2015

Kathy Hollywood, Clerk
City of Encinitas
Encinitas, California

Dear Kathy:

It is requested under the California Public Records Act that the City provide electronic copies of the following – follow up materials from the February 4 request:

2. All HCD Regional Housing Needs Assessment requirements that spell out exactly how, what and when the City is supposed to file to count mobile homes

Government Code (GC) Section 65583(a) and 65583.2 requires that jurisdictions plan for their share of FUTURE housing units (RHNA). A mobile home park is part of the City's EXISTING inventory of housing units.

5. List of all city owned undeveloped/unused land, the acreage and zoning of each.
 - A 2012 Public Property map (attached). City of Encinitas-owned properties are on the map along with an index that lists APNs (if applicable).
 - Link to Encinitas' E-Zoning application: <http://www.ci.ofencinitas.or.us/index.aspx?ea=361> (also available through 'Quick Links' section on the City's website.)
 - From E-Zoning, an APN from the property map can be searched to get the zoning designation of the parcel.
 - SANGIS/SANDAG Parcel Lookup interactive map: <http://sdgis.sandag.org/> This map also includes an APN (parcel number) search that will return acreage information about the property.
10. It was asked why 2nd unit counting was not included in the Mapping and Reporting process?

The discussion regarding the counting of unpermitted 2nd dwelling units (and the amount we are trying to take credit for) will occur on March 11th when staff will bring forward the policy document. As previously reported, the site selection is a worst case scenario should the state reject part or all of our arguments to take credit for actions such as 2nd dwelling unit production, legalization of unpermitted accessory units, etc.