



JUNE 2005

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945 ORPHEUS NEWS UPDATE!

28 June 2005

Mr. Barelmann has withdrawn the application for a request of zone change for the property located at 945 Orpheus Avenue.

Should the City consider repurchasing the property to preserve as open space as was originally intended?



945 ORPHEUS UPDATE

Despite overwhelming objections from the neighbors, the Planning Commission voted 3 to 2 to recommend to City Council to amend the General Plan and rezone the property from Open Space/Parkland to a yet-to-be-defined special case of Office Professional.

With these results, the rezone issue will now go before the City Council. If the Council approves the rezone by a 4 to 1 margin, the issue will go before the state Coastal Commission. If the vote is 3 to 2 in favor of amending the General Plan, then the issue goes to a city-wide election. Any vote by the City Council with a majority against the issue defeats the rezone.

stoprezoning@yahoo.com

OTHER PROJECTS

825 Orpheus Avenue: Rezone from R3 to Commercial/Retail has been put on hold due to negative public response. Owners are waiting on the 945 Orpheus decision.

Leucadia Redevelopment District: Future hearings are pending.
www.Leucadia.blogspot.com

Ecke Ranch General Plan Amendment: City Council voted a nonbinding advisory vote set for November.

Chevron Station Expansion at I-5 and La Costa Avenue: Expansion to include 24-hour service and the sale of alcohol. This project is in the planning stage. Contact Gene Ybarra 760/633.2698.

Ponto: Carlsbad Redevelopment District threatens to condemn long-held private property and resell it to a resort developer!

ENCINITAS MAYOR & COUNCIL MEMBERS

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NO REZONE

Our General Plan defines the zoning which reflects the needs of our neighborhoods. The Plan is to be used to guide our representatives who are planning the future of our city.

A troubling case in point is our representatives efforts to change the land-use zoning of 945 Orpheus from Ecological/Resource, Open Space/Parkland to Office Professional-Planned Commercial Development.

According to the General Plan, a significant benefit to the City in general must be proved for any zoning change to higher use. In the case of 945 Orpheus, no credible evidence of benefit to the greater good has even been offered.

Our representatives seem intent on changing the zoning in spite of the rules. If they do make the change, then no neighborhood in the City will be safe from such out-of-character rezoning.

stoprezoning@yahoo.com



TRAFFIC

A traffic engineer study on the proposed Orpheus Gardens project found there were 1,700 ADT (average daily trips) on the portion of Orpheus at Leucadia Blvd. This count is without the freeway expansion, the proposed development south of the Shell gas station at 825 Orpheus, normal in-fill, or the Barelmann project at 945 Orpheus.

The Barelmann traffic engineer picked a County roadway designation to base his permissible ADT figures for Orpheus—the roadway designation is a roadway much wider than the existing area of Orpheus in question. If the engineer had picked the County roadway designation most like Orpheus in size, the County would prefer to see ADTs in the less than 1,500 range. The engineer used his “judgment” in deciding which County roadway to use, then buried the explanation in two footnotes.

Herb Patterson <lindpat@cox.net>

For more documented details go to:
www.civics-101/lits/pdfs/traffic2005.pdf

OPEN SPACE & PARKS

Open space, parks and ecological resource areas are benefits to the city. This is true now more than ever as increased traffic congestion and growth from all directions continues to erode our quality of life.

Specifically, according to the General Plan, current open space, slopes, bluffs and lagoons shall be

protected and preserved to maintain a sense of spaciousness and semi-rural living within the I-5 view corridor. The Plan says our city representatives and planners are to encourage and preserve low density residential zoning within the I-5 corridor and to avoid the creation of totally urbanized landscapes.

The Plan has provisions for land to be zoned OS/PK/ER and there is no provision for rezoning this land.

The land targeted for the proposed Barelmann project at 945 Orpheus is now zoned OS/PK/ER. It is in the I-5 view corridor. It is on a residential, low density street.

The City can and should repurchase this land and create a full time dog park with trees and hedges along the eastern (freeway) edge.

Kathleen Lindemann

For more details see the City's General Plan: Land Use

TRUST IN OUR CITY REPRESENTATIVES

It is quite common to hear or read about our representatives asking for our trust. Lately our city representatives seem to be full of such requests when it comes to the power they ask us to grant them, so they can make the hard choices which will determine the future of our city. It would also seem they fail to understand that trust must be earned.

In 1975 the estate of Mildred Macpherson donated the properties located at 945 Orpheus Avenue and 1000 Vulcan Avenue to the County of San Diego with specific instructions for their use.

Mrs. Macpherson instructed that the Vulcan property be used for a park bearing her name. For the Orpheus property, her instructions were to create the James Macpherson Roadside Park in honor of her husband. These parks, in addition to money she left to create a fountain at Quail Gardens was the legacy she chose to leave her community, little pieces of peace.

This park land became the property of the citizens of Encinitas when the City was incorporated and in 1997 members of the Parks and Recreation committee decided the Orpheus property on Orpheus Avenue was not suitable for a park. **Trust:** In exchange for losing the park in James Macpherson's name, it was agreed that the property would be sold with the proceeds going for the Oak Crest Park Foundation. **Trust:** The money would be used to build a room in the senior/community center and it would be named for Mr. Macpherson.

There is no room at the center named for Mr. Macpherson.

Trust: In 1997 Mayor John Davis said this property wouldn't be sold until public workshops were held to gather community input on the best possible use of this land.

Trust: City officials assured affected Leucadia residents that they would still have their say on what happens to this small patch of land in their neighborhood.

Trust: In 2002 Mayor Christy Guerin decided to forgo all neighborhood input but promised in the workshops to use this land as part of the deal to purchase 17 acres of land that city officials had identified as pristine, undisturbed habitat which was ideal for the City's conservation program. The City Council unanimously agreed to the deal.

Two to three acres of the 17 acres in the mouth of the canyon on the property had been graded before being offered to the City. The property, on La Costa Avenue across from the Batiquitos Lagoon just east of the La Costa Farms, was the site of major mud slides which blocked La Costa Avenue this past winter. Pristine, undisturbed habitat is not likely to have supported the slides which the City is now using our tax dollars to repair.

Our city and government officials have been elected by the people to represent we the people. We are supposed to be able to guide them, so that we can trust their actions on our behalf. These officials are the ones who are to use the General Plan to protect our city's character.

So, with the documented and repeated betrayal of the trust we extended them to date, on just this one “deal”, why would we trust them? It should be clear to all that we can not trust the advocates of the 945 Orpheus rezoning issue, on any issue involving the future of Encinitas.

Julie Sanderson

PLEASE ATTEND

City Council Public Hearing
Re: 945 Orpheus Avenue
Wednesday, July 13, 2005 at 6 PM

Encinitas City Hall, Council Chambers
505 Vulcan Avenue, Encinitas, CA 92024

**[Your attendance is vital
to the future of our city.]**

Contact J. Dichoso 760/633.2681