



DECEMBER 2005

Do you want more?

- TRAFFIC
- PARKS & OPEN SPACE
- VOICE IN PLANNING ISSUES
- OFFICE SPACE/COMMERCIAL IN RESIDENTIAL NEIGHBORHOODS
- TRUST IN OUR CITY REPRESENTATIVES

ORANGE ENCINITAS

If you believe the City of Encinitas is doing a good job controlling development in the City, a look at the Barratt project located at Sheridan and Andrew, just off La Costa could be instructive. These proposed homes will have over double the square footage of the average Leucadia home and all will have a second story element (except the one affordable unit—more on this next issue).

These homes will tower over the existing homes and dwarf them in size. This is partially due to raising the pad heights to provide better views under the guise of providing the correct sewer fall. The opponents of the project say their study of the sewer fall indicates only one of the lots might have had to be raised slightly to allow correct drainage. It was not necessary for all lots to be raised 2 to 5 feet above existing grade. A simple walk by of the project is all it takes to see the impressive amount of fill going into this project—way more than indicated in the original plan.

At the Planning Commission meeting, the attorney for Barratt indicated that Barratt received no special favors from the City. This is factually incorrect. City staff indicated in a previous City Council meeting that Barratt started grading prior to their permit being in effect—a violation of City code, the penalty for which is the imposition of double fees. No fees were imposed.

Because of the massive amount of fill needed for the project, Barratt and the City agreed to let Barratt take fill from the mud slide area of La Costa at no cost to Barratt, with no records, and with no soils testing, even though this run off from higher ground had never been tested.

We also know that the City's soils expert required additional soils testing at the project site due to the inadequate testing done by Barratt. To date this testing has not been done nor have fines been leveled against Barratt.

An underground fuel tank was found on the properties being developed. The City says this is not their problem—it now is a matter for the County Health Department. It is unknown what mitigation is necessary because of this find.

This is just a partial list of the problems with this development. There are other issues that will be commented on in the next Hoodlink, such as the roadway changes because of this development and how you can get a low income housing density bonus when you don't own the land and will not be building the unit!

Please take the time to go by this project and take a look. If you have green houses in your neighborhood,

you will be facing the same problem in the future. You can educate yourselves now or pay for the attorney and educate yourself later. It is up to you to prevent Leucadia from becoming another Orange County.

LATE BREAKING NEWS: City says final soils tests done (the remaining undone test required by their expert and the fill soil test), but details are not available at press time. This writer will update next Hoodlink.

Herb Patterson <lindpat@cox.net>

PROJECT UPDATES

1. Sheridan & Andrew, eastern portion: the Planning Commission delayed taking additional action on this controversial housing project of Barratt America until Thursday December 15, 2005 as two commissioners were absent and numerous issues and concerns were raised by both citizens and commissioners. Please attend if you can.

Issues raised included but were not limited to:

1. Are these houses custom or track
2. Final building height on raised pads
3. Massive sizes of homes (3,800 to over 5,000 sq. ft. of livable space)
4. The bonus density unit that is included in the application of this project but is neither owned by nor to be built by Barratt
5. Final lot sizes that do not encroach onto nor are a part of the public ROW (right of way)

Designated ROW of Sheridan & Andrew are 54 feet and 50 feet respectfully. Measurements from the recently completed project on the east (California Cove) to the proposed Barratt project on the west side of Sheridan are as follows:

- EAST TO WEST
- 5.5 feet gravel/paved
- 4.5 feet decomposed granite
- 0.5 (6") inch east curb
- 17 feet northbound pavement: curb to center line
- 12 feet southbound pavement: to west dg path
- 5 feet decomposed granite walking path
- 5 feet drainage swale
- 4.5 feet planting strip
- 54 feet total—each side 27 feet to center line.*

Therefore the Barratt construction fence on Sheridan appears to be sitting about where the west edge of the dg walking path will be, and the public ROW extends another 9.5 feet to the west of this temporary fence.

During construction it is acceptable to work in the fenced-off public ROW. All yard setbacks are to be measured from property/ROW line.

It will be a City inspector's responsibility to verify that these plans are followed and it will be citizen responsibility to report to the inspector if this does not occur.

* All measurements came from plans on file with the engineering department as of 12/5/05 and were checked on-site with a City inspector 12/08/05.

City contact is Kerry Kusiack at: kkusiack@ci.encinitas.ca.us 760/633.2719

2. Shea Homes CDP#05-238 Coral Cove: a proposed project for a new residential subdivision on 10 acres (currently operating as greenhouses) on Vulcan at Ashbury to contain 30 townhouses and 39 single family detached homes. After all ROW are taken the resulting buildable acreage is about 7.5 acres. This project is zoned R8. The builder will be working within the zoning with a bonus density. 12 of the 30 townhomes will be inclusionary units for sale to qualified low income buyers. Shea Homes has held a series of workshops with the neighbors regarding this project. The next workshop will be Thursday, January 5, 2006, at City Hall in the Poinsettia Room.

The EIR report is currently available for viewing as of 12/5/05 at the Planning & Building Dept or online at the city's website:

www.cityofencinitas.org

3. Chevron expansion & request for alcohol beverage sale at La Costa and I-5 freeway

No action will be taken on the license until their pending land use application has been processed. Chevron is currently doing a traffic study for the proposed expansion.

ENCINITAS MAYOR & COUNCIL MEMBERS

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*Coming Next Issue... Blood on the Tracks: Should we continue to waste big money simply managing our community's problems or is it about time we send the message to our representatives that we want them to start **fixing** problems at a lower cost?*

IS DEVELOPMENT REALLY INEVITABLE?

Inevitable, according to the Oxford English Dictionary, means—"that can not be avoided; not admitting of escape or evasion; unavoidable." I wonder if the citizens of Encinitas who supported Prop A felt it was inevitable that Prop A would pass? I wonder if the citizens of Encinitas who supported Prop A felt that with all the money spent on the Yes on Prop A campaign it had no chance of losing? I wonder how many citizens of Encinitas who supported Prop A thought their neighbor would go out and vote so they didn't need to?

It is truly amazing what a dedicated, concerned group of citizens can do when they are focused on an end goal. The efforts of a number of people, focused on educating the people of Encinitas via flyers, e-mail, a grass roots campaign of walking neighborhoods and actually talking to people resulted in a 2 to 1 defeat of Prop A.

It's not inevitable that developers will win every fight. The majority of the citizens of this city have spoken: this city does not need more wholesale development. We the people are making a difference. With the visible Prop A campaign and resulting outcome, the City Council and Planning Commission now understand what the people of this city are concerned about.

Let this recent victory be a reminder that the effort of the community is important. Every concerned individual needs to be encouraged to *want* to be informed and to *want* to get involved. We are experiencing some victories and we can not have the attitude that "it's inevitable" so why bother.

IT IS NOT INEVITABLE!!! Stay involved—there are more issues facing the community that need to be addressed, we've proven we can make a difference. We will continue to provide information via this publication, but attendance at Council and Planning meetings does send a message so please attend if you can.

Gail Lane
stoprezoning@yahoo.com

RE: ZONING

In light of the new bonus density law that became effective last January, Encinitas has effectively been re-zoned higher by the state of California.

Maggie Houlihan has been giving talks, which I urge you to attend, on this complex law. For the purposes of this discussion, the net result of this law is that **with a smaller amount of affordable housing a developer can get more regular units than before, as well as other concessions regarding code (as negotiated).**

It would seem to be time for the City of Encinitas to freeze the current existing zoning and make emergency up-zoning exceptions only on the vote of 4 to 1 on both the Planning Commission and the City Council. The issue of run away development, essentially unregulated by the City, is apparent all around us and the specter of unrepairable traffic problems is simply a freeway enlargement away—maybe sooner.

Would not this be a good time to reduce the number of available building permits on a staggered

scale into the future? Would it not be a good idea to offer home owners willing to DOWN zone a speeded up permitting process to encourage such actions?

After the Freeway project, we could then reevaluate the existing infrastructure needs and the ability of Encinitas to absorb further building. It appears we are currently driving full ahead into the abyss.

Let's put on some judicious brakes!

Herb Patterson <lindpat@cox.net>

NEIGHBORS BEWARE

A twinhome is under construction at the corner of Liverpool and Cambridge in Cardiff. It is another example of how Planning and Engineering are creating negative impacts on adjacent property for the benefit of the developers and the detriment of all neighbors.

The devious technique is a lot line to lot line excavation for a garage (it's really a basement but they don't call it that because that would limit the building finished height) even though the approved plans have set backs of 5-10 feet.

This is being allowed because the first floor of the house will be within the set back and that is all that is required.

Nowhere in the application or at the CPP was this information shared with the public. So no one knew to ask about the potential impacts to surrounding property when the natural flow of underground water is diverted by these "walls."

Photos which you can view on the web at <<http://civics-101.com/h1/2005-12>> show the construction fence is on the property line and that construction debris is on the neighbors property. Not only do neighbors have to put up with the actual construction noise but also with the physical encroachment on their property. Complaints by neighbors are ignored or stonewalled by the City.

Another similar City-approved excavation by a developer on Chesterfield created a slippage approximately 5 feet into the neighbors property.

So beware of any construction on slopes—ask if the project will require this type of excavation with I-beams and lagging for support.

The planner on this project was Kerry Kusiak.

Teresa Barth

THE ENCINITAS TAXPAYERS ASSOCIATION

The Encinitas Taxpayers Association is a growing local community watchdog group. They work closely with the Leucadia, Cardiff, and Olivenhain Town Councils on serious issues that affect our daily lives. The group was instrumental in stopping the Bullet Train. They fought, but lost, the Double Tracking issue.

They are NOT a no-growth group; they supported the original plan for Encinitas Ranch and the Home Depot, with the understanding that all monies be reinvested to modernize the Ecke Ranch agriculture operations. Just recently they helped fight the battle against Proposition A. They are now involved in fighting the Clean Water Act fee the City is trying to impose. The group likes to keep an eye on the actions of our City Council members.

ETA currently has about 120 members. President Bill Rodewald, says he would love for their membership to grow to over 300. The more members they have the louder their voice is heard.

The group periodically sends out e-mail notices and conducts a couple of meetings a year at the Cardiff School House. The next meeting is scheduled for sometime in January.

If you want to stay involved in issues concerning our City, I strongly urge everyone to become a member. Fill out the form, send in the \$10 fee, and join this group as I have. By becoming a member you will be assured that, even if you are too busy to deal with every issue, they will be on the watch for you. You will feel connected to your community and confident that your voice will be heard on important issues facing our City.

Know that your actions will be making our City a better place for all.

Julie Sanderson



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2005/2006 MEMBERSHIP

Name _____
Street _____ City/State/Zip _____
Phone (H) _____ Phone (W) _____ E-mail _____
Occupation/Employer _____ / _____
Business Address _____ City/State/Zip _____
Contributions _____ Date _____
Activities _____

You may use my name publicly _____
Signature