



**AUGUST 2007**

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## DEJA VU

Once again, the owners of 945 Orpheus are attempting to change the existing zoning from Open Space/Park to Office/Professional. As ill advised as the last attempt, this request to the City Council should be rejected as a waste of everybody's time and money. The property in question is the triangular lot just north of the now gone Texaco station at Leucadia and Orpheus. The property has a steep falloff from the roadway to the bulk of the property which would complicate any required roadway improvement, the required sidewalk and the proposed City trail. With those improvements, it probably does not meet the net depth of a legal lot (100 ft). Furthermore, this property sits on the I-5 View corridor and is in sight of the Leucadia View corridor. The City's General Plan encourages open areas such as this as a freeway buffer and clearly protects the sight lines from the view corridors from being blocked. The last attempt to build on this property proposed buildings sixteen feet above the crown of Orpheus—clearly not within the boundaries of the General Plan.

With the Texaco gone on the corner, it is unknown what type of development is going to occupy the corner or how much traffic will be generated from the property which is zoned as Visitor Serving Commercial. The previous traffic generated from the Texaco was enough to snarl the Orpheus/Leucadia intersection on the north end, so what would two commercial properties do?

945 Orpheus was acquired from the City in a land trade with a sophisticated buyer. He was aware of the existing zoning when the trade

was made. Our City Attorney has indicated that the City of Encinitas does not "owe" a rezoning of the property. Why should the entire community give up open space mandated by the General Plan and put up with increased traffic for the benefit of one developer?

There are many other problems associated with this property. The last proposed development would have been on a septic system and would have required multiple variances to make it "work" for the developer. Parking and access are problematic, as is the noise from the freeway. The neighborhood is opposed to any commercial development on this lot and fear that making all the exceptions necessary to make this a viable commercial property will lead to another flood of short-sighted "exceptions" across the city.

Lastly, to finally approve any development on this property, the City Council must vote 4:1 in favor based on "significant public benefit." What "significant public benefit" would be appropriate for the City Council to vote to change Open Space/Park zoned property to Commercial and defy the General Plan? Wouldn't they pay a political price for the rest of their career here in Encinitas? What are the odds that four Council members will do that? This is a waste of time and money and should be stopped now.

The City Council will vote, one way or another on this application to pursue a zoning change on Wed, 22 August. Please be sure you have let the Council know what you think prior to that.

*Herb Patterson <lindpat@cox.net>*

## Toward a transparent...



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It should be noted that there are laws which specifically cover tax payer funded publication of the opinions and PR spin of elected officials.

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## AUGUST 2007

### PROJECT UPDATES

#### 1. 516 La Costa Ave:

(05-186GPA/LCPA/ZA/EIA) came before the City Council on Wednesday, August 15, 2007. Stan Dotts, acting as an agent for the property owner was pursuing a General Plan amendment requesting the 1.1 acre parcel, currently zoned Visitor Serving Commercial, be rezoned to R20. This property is directly west of the Chevron Gas Station at La Costa and I-5. The planning staff and the Planning Commission concurred on July 12, 2007 to recommend denial of the request as the City needs all of its VSC. The Council concurred and denied the request with a 5:0 vote.

Even though this request is considered a decrease in land use intensity, this decrease could result in an overall large scale density increase on La Costa as all of the greenhouses west of this location to Sheridan and north to the lagoon have an underlying R3 zoning.

#### 2. 945 Orpheus Ave: (APN 254-270-22-00)

Anthony Cassolato, believed to be acting as an agent for property owners, Robert and Margaret Barelmann, has submitted a letter of request to apply for a General Plan Amendment Rezone to go from Ecological Resource/Open Space/Park to Office/Professional.

The deadline for this request was June 30, 2007. The City received this request on July 12, 2007. In addition, Mr. Cassolato did not submit a letter from Mr. Barelmann confirming that he is acting as Mr. Barelmann's agent. Only the property owner or their authorized agent can request a zone change.

On Wednesday the council will have three choices:

1. Extend the deadline for this application so that it will be included this year.
2. Decline the extension and require him to wait until next year and submit it in a timely manner.
3. Decline to accept the application at all.

This request has no more merit now than it did in 2005! Please attend the meeting and let your Council representatives know your thoughts on this request.

\*Other important quality of life issues are on Wednesday's agenda.

#### 3. Scripps Hospital Expansion:

The TEMPORARY parking lot located at Sante Fe Drive (where St. Mark's Church was located) has been completed. Please be aware that this parking lot is

only temporary. If the Scripps' Master Plan as submitted to the City is approved, two buildings, one with a helipad on its rooftop (Acute Care & Critical Care), both 59' tall, will stand in the current temporary parking lot location. Additionally, a 48' tall parking structure and a 55' tall medical office building (MOB) are planned for the campus. The EIR has not yet been completed, but is due to be done in within the next six months (per the Planning Dept). Scripps claims, and we agree, that the Emergency Department is in need of an expansion. Why then is it not in Phase I of their Master Plan?

Instead, Scripps plans to build the parking structure and MOB first—two "for profit" ventures, as they will charge for parking. This is not the right location for a MOB. It is too close to homes. These buildings will tower over the residences along Devonshire Drive. Two existing driveways on Devonshire are planned to remain open for access to the campus (with a manned toll booth). The extra traffic created by the MOB alone will negatively impact the Encinitas Highlands community. Scripps' traffic, along with increased traffic from other proposed developments in this area (especially the Hall Property), will cause significant delays on Santa Fe Drive and access to and from the I-5. Please plan to read the EIR when it is completed and attend the many important meetings that will follow.

The Neighbors of Scripps Encinitas ask for your support in studying the impacts this proposed expansion will have on our community.

For more information contact [neighborsofscrippsendinitas@cox.net](mailto:neighborsofscrippsendinitas@cox.net).

**3. Cardiff Specific Plan:** Earlier this year, the first draft of the Cardiff Specific Plan was presented to the City Council. The public made it quite clear that the draft was unacceptable.

The ill-conceived plan was written by an outside consulting firm, presumably under the guidance of the City Staff. Other than mentioning the public input at the workshops, the draft plan presented by the consultant completely ignored the desires and direction of the community. Rather than accepting the draft, the City Council redirected the draft Specific Plan process back through the appropriate channels: the Planning Commission. Council appointed a thirteen person committee to edit the Cardiff Specific Plan before it will be considered by the Commission.

Committee members are residents and/or business owners in Cardiff.

The committee has been hard at work. As of this

writing, there have been four public meetings on Tuesday evenings. The committee and the public are looking carefully at scale, density, zoning, infrastructure, and the pros/cons of mixed use.

The public meetings have been well attended.

Neighbors are scared, concerned, and somewhat skeptical of the process. Their fears are rooted in the contents and direction of the first draft plan. That draft was completely non-responsive to the input of the community. Adding fuel to their concerns was Council's admonition that there was no need to worry, that it is only a draft. But since the planning consultant's position, as referenced in his report to the Council, is that the draft plan is the result of the extensive efforts undertaken at the workshops, the public is left wondering where along the way their input was perverted. Not knowing where the trouble is, makes it difficult to know how to prevent it from happening again.

At last Tuesday's meeting, the Committee announced that they needed more information to understand the pros and cons of mixed use as it would apply to Cardiff.

After the Committee is finished editing the document, it will go to community meetings for review and comment. It will then go to the Planning Commission for their edits, public review and comments. After the Planning Commission it will go to the City Council for their edits, again with public review and comments. Finally, it will go before the Coastal Commission for their edits and public comments.

Public scrutiny and input is important at all levels. Public interest and comments will be important at both the Planning Commission and the City Council.

The specific plan affects more than just the few specified blocks of Cardiff. Proper consideration of what is going on elsewhere in the City and region is necessary for any plan to be achievable. Each community in our City faces many of the same issues and what goes on in one community affects all.

If you are interested in attending, the committee meets Tuesday evenings 6-8 pm in the Poinsettia Room, City Hall. Share your views and concerns with the Committee and give them a fair chance to do their job. But don't stop there. Follow-up on your input. Save some of your outrage over the first draft plan for the presentation of the edited plan to the Planning Commission. Make sure that the Commission fully understands that all of the efforts of yet another round of public input on the Cardiff Specific Plan will not be perverted, again.