



JUNE 2008

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- PARKS & OPEN SPACE
- VOICE IN PLANNING ISSUES
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UPDATE OF OUR GENERAL PLAN

The Encinitas General Plan consists of an introduction and seven separate elements which together satisfy the content requirements of State general plan law.

Those seven elements are Land Use; Housing; Circulation; Public Safety; Resource Management; Recreation and Noise.

The City of Encinitas is scheduled to begin a General Plan review in Fiscal Year 2008/09 (07/01/08–06/31/09).

The General Plan is a well thought out document that clearly states the importance of preserving our community character. Unfortunately, the municipal code and its interpretation by some staff and council members has not always been in keeping with the spirit of the General Plan.

Two years ago the Governor signed landmark legislation—AB32 the Global Warming Solutions Act of 2006. Cities most now also address the issue of greenhouse gas emissions when they update their General Plans.

AB32 requires the California Air Resources Board (CARB) to develop regulations and market mechanisms to reduce California’s greenhouse gas emissions by 25% by 2020

<http://gov.ca.gov/index.php?/press-release/4111/>

If done correctly, incorporating the requirements of AB32 will strengthen the plan. As an example, the Circulation Element should focus more on walkability, the Housing Element should encourage energy and water efficient building design and the Resource Management Element should include a more complete urban tree management program. Over the next 12–24 months there will be numerous community workshops. Your participation and input will be critical. Electing a council that is community focused will be essential to the success of the process.

A PROJECT UPDATE

Following is an example of a common occurrence, and a prime reason that the infrastructure of our county is seriously over burdened...

After a recent Planning Commission meeting, where a proposed Walgreens (next to the Bank of America at the corner of Encinitas Blvd. and El Camino Real) was approved without resolving the myriad concerns, one Commissioner told me that he had been reassured by both staff and counsel that all aspects of the proposal met code and were legal. Really? I don’t think so.

The Subdivision Code 24.01.180 authorizes a modification of City Standards if special circumstances and a necessity for the modification is clear. Additionally it says, “. . . the modification will not be materially detrimental to the public welfare or injurious to other property in the immediate vicinity.”

These mutually-linked requirements for modifications to City Standards have not been satisfied: the proposed Walgreens project does NOT meet the criteria of being a necessity to the community. Clearly it’s existence would be materially detrimental to the public welfare and injurious to other businesses. Encouraging more traffic to an already impacted area is counter to the General Plan and is obviously “detrimental to the public welfare.” The businesses at the Henry’s market complex, which include a pharmacy, clearly stand as examples of the proposed Walgreens being “injurious to other property in the immediate vicinity.”

Further on in the Subdivision Code, it reiterates the wording of 24.01.180 and goes on to say, in 24.12.030 b2, “Every lot shall contain the minimum lot area and conform to the minimum lot dimensions and design standards specified in Chapter 30. . .” In this neighborhood, the MINIMUM dimensions of a commercial lot must be 100’ by 100’ and be no less than 10,000 square feet. In calculating the minimum area of the lot, roadways and similar uses do not count. The proposal for this building has a drive-through

going completely around the building. Simply put: according to our City Code, this is not a legal lot.

All of these troubles with the project, in context of both City Code and the General Plan, were readily recognizable. Instead, the modifications of City Standards were *advocated* by staff with no reference to any code or plan issues in their official report.

What is the reason for a Planning Department and Planning Commission if it not to identify, discourage, and then stop, if necessary, proposals which would have inappropriate buildings being built in bad places, with the wrong usage, at the material detriment of the existing community, as per code?

The larger question remains: who is directing City Staff to disregard the rules and cram in as much development as possible?

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BLOOD ON THE TRACKS!

Or how we can avoid being both railroaded and hoodwinked...

The extended howls of the diesel's horn create the dissonant base line for the wailing steel wheels as they scratch in vain for traction. These are the distressing sounds of yet another futile effort to stop thousands of tons of train moving at 80 mph from disassembling an unfortunate human body.

Six miles of railroad right-of-way are at the heart of a civics and transportation problem in three communities of Encinitas.

The essence of the problem is this: 1) Railroad engineers and first responders don't want to think about, or have to deal with, the results of trains hitting humans. 2) 100s of people a day need to get to and from destinations on opposite sides of the right-of-way. These citizens would like to do so safely and legally without either driving a car or walking a mile or two when their destination is only 300 feet away. 3) A few tortured souls a year believe there is no better way to end their troubles than to have a train deconstruct their lives. 4) The majority of our elected representatives, City staff, their paid consultants, and a few citizens believe an expensive and seriously-flawed plan is better than the status quo.

City Hall's current proposal is to spend north of five million dollars each to build four or five pedestrian tunnels under the tracks. Advocating the spending of our money for unnecessarily complicated building projects seems to be popular at City Hall. Deceiving or bullying citizens into false binary choices which lead to approval of such projects is another favorite.

It would seem the proponents of the pedestrian tunnels have never wanted to walk to a destination a hundred yards away only to be passive-aggressively coerced, by inconsistently enforced regulations, to drive or walk an unnecessary extra mile or more.

Conversely, most of us who cross the tracks where it is most convenient have not been at the controls of a train rapidly approaching a pedestrian whose foot is tragically caught in the rails.

Other than the section traversing the mouth of San Elijo Lagoon, there is legitimate need to cross the right-of-way all along the tracks. Where there is housing or businesses on one side and the beach or a business on the other, pedestrians and bike riders need to cross. They do, and will continue to, cross.

Within the City limits, it is only "legal" to get from one side of the right-of-way to the other in seven places:

- 1) The bridge at La Costa. 2) The vehicle crossing at Leucadia Blvd. 3) Under the trestle at Encinitas Blvd. 4) The pedestrian crossing at the Coaster Station. 5) The D St. vehicle crossing. 6) The E St. vehicle crossing. 7) The vehicle crossing at Chesterfield in Cardiff.

The longest gap of 1.9 miles is between E St. south to Chesterfield. The other two large gaps are in Leucadia where there are houses and businesses on both sides of the tracks. Each illegal-to-cross stretch in Leucadia is 1.3 miles. The worst case scenario of a long walk would be for someone to get off the bus at the Swamis NCTD stop on 101 en-route to Scripps Hospital. It is a two mile walk north, across the tracks, then back south to legally cover the 50 yards between 101 and Vulcan.

If the current proposal (which is not the will of the people) goes through, the primary beneficiary will be the construction firms which perform the work. The secondary beneficiaries will be those who's efforts made it possible to spend 20 million tax payer dollars to make it legal to cross the track in four more places, primarily in Cardiff. Occasional beneficiaries will be the lucky residents who's shortest path to the other side of the tracks happens to lead through one of the few tunnels. The primary use of the tunnels will be as latrines. Why would anyone expect track crossers to go a mile or two out of their way when it is common to see jaywalkers cross 101 in downtown Encinitas where legal street crossings are spaced only one block apart?

When seeking solutions which address all the issues to the fullest possible extent, there are only two rational choices. The first would be lowering and covering the tracks. Lowering is not enough as it would force the building of expensive bridges with spacing non-conductive to short trips. Doing it right would solve myriad problems beyond the simple pedestrian issues. The downside: it is expensive and disinterested train passengers would be deprived of looking at the scorched earth through Leucadia and the brief glimpse at Swamis and Cardiff Reef as they coast by at 80 mph. The positive is, that with full cooperation of members of the broader community, everyone would get unfettered access to both sides of the right-of-way; a busy rail corridor expanded to three tracks; very little chance for intentional or accidental train-human contact; a huge reduction in dust, diesel exhaust, and noise; and a drainage path for excess storm water.

The second choice is relatively cheap. Contrary to the tunnels which *solve nothing*, it is an effective solution to all but one of the human-train interaction issues: that of the intentional death. The main sticking point is that

the majority of our employees on the City Council advocate against it.

If we do not have the political will to lower and cover the track, then the remaining cost-effective solution is to create multiple pedestrian grade crossings which are no more than one quarter of a mile apart and strategically distributed throughout the five of the six miles of track in Encinitas. This will enable and encourage short and safe walks across the tracks rather than wasteful car rides to stay legal. There should be fifteen to twenty at-grade pedestrian/bike crossings.

We should completely fence the five miles of rail right-of-way between the at-grade crossings to emphatically encourage everyone who needs to get to the other side of the right-of-way that using the at-grade rail crossings is the best way to travel.

We should build a coastal sage esthetic, non-paved, water permeable, rustic, low maintenance, loose DG, native plants and rocks, rail trail along both the east and west sides of the tracks. The low sage scrub would camouflage the fence, allow excellent vision for the train engineers, keep the dust down, and thrive with little care and no massive irrigation demands.

Short of lowering and covering the tracks, a plethora of pedestrian grade crossings is the only solution which actually addresses the issues and does so without *wasting* ridiculous sums of money. A quick project cost comparison: Twenty crossings at \$50K a piece and \$50K per track mile of fence and rustic trail building would cost \$1.5M. For the math-challenged, this is LESS than ONE THIRD THE COST of BUILDING ONE of the problematic tunnels. Even if the average cost of each of the pedestrian grade crossings hit \$250K, twenty of the crossings and five miles of fencing and rustic trail on both sides of the tracks could be built for the cost of one of the tunnels.

There seems to be but three things standing in the way of accomplishing an elegant, cost-effective solution:

- 1) Lack of imagination and/or will of our employees running our government to see the big picture.
- 2) Lack of political will to encourage the evolution of some myopic PUC regulations into rules which are realistic in context of the 21st century.
- 3) Lack of an "easy fix" pork barrel \$20M federally subsidized project to list on the resume of some local government representatives who have aspirations to wield more unilateral power and waste more money in higher elected office.

Let's get realistic. Stop the hoodwinking! Keep the blood off the tracks and the money in our pockets.

~ the editors