City of Escondido
Sixth Cycle Housing Element –
Response to Comments
2021-2029

February 2023

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Introduction

The Escondido City Council adopted Resolution No. 2021-110, approving the 6th cycle Housing Element of the General Plan on August 11, 2021. On August 10, 2021, City staff received a letter from the Department of Housing and Community Development (HCD) with comments outlining outstanding items the City needed to address in order to certify the City's draft adopted housing element. In addition to the comments issued by HCD, the City received written public comment associated with the adoption of the draft housing element.

City staff reviewed the received comment letters, including those submitted from the San Diego Housing Federation (SDHF), Escondido Community Housing Coalition (ECHC), Sierra Club North County Group (SCNCG), Erik Felix and Lauren Harper, Patricia Borchmann, Scott Graves, as well as from HCD. After the August 2021 City Council adoption, City staff met with the SDHF, ECHC, SCNCG, Erik Felix and Lauren Harper, and HCD to discuss how their comments may be integrated into the revised housing element document. City staff met with several of the public commenters, as outlined in Table 1 below. City staff reviewed comments from Patricia Borchmann and Scott Graves and provide responses in this document. In February and May of 2022, the City received additional public comment letters from the Escondido Community Housing Coalition (ECHC). The City also received a comment letter from the Southwest Regional Council of Carpenters (SWRCC) in May 2022 and then received the same letter with an updated date in August 2022. City staff reviewed these comment letters and provide response to those comments in this document.

On June 2, 2022, City submitted draft revisions and required materials to HCD for subsequent review. On August 2, 2022, City staff received a subsequent letter from HCD with comments outlining outstanding items the City needed to address in order to certify the City's draft adopted housing element. Again, the City made draft revisions to the adopted 2021-2029 Housing Element and resubmitted the proposed modifications to HCD on October 17, 2022. On December 8, 2022, the City received a letter from HCD stating the draft revisions to the housing element meet the statutory requirements needed for certification, with exception of the City's rezoning efforts in compliance with AB 1398.

On December 27, 2022, the City received an additional public comment letter from the San Diego Legal Aid Society (LASSD). On January 26, 2023, City staff met with LASSD staff to discuss their comments, concerns, and issues. On January 5, 2023, the City received a public comment from an individual, Bob Conifer, and staff responded via email. That response is provided in this document.

Response to comments are subsequently provided in this document, and City staff posted a previous version of this document with the revised draft housing element on the City's Housing and Community Investment Study (HCIS) webpage: https://www.escondido.org/hcis. For commenters that provided multiple letters, they are combined into one document, in chronological order. Where revisions to the draft housing element were in response to public comment, that modification is noted in the response to the comment letter.

Table 1 Comment Roster

Letter ID	Commenting Organization, Person, or Public Agency	Public Comment Date(s)	Meeting Date
A	Patricia Borchmann	March 23, 2021	--
B	Sierra Club North County Group (SCNCG)	March 23, 2021 March 24, 2021 April 19, 2021 April 25, 2021 May 9, 2022	November 11, 2021
C	Scott Graves	March 24, 2021	--
D	Lauren Harper and Erik Felix	June 11, 2021	December 29, 2021
E	San Diego Housing Federation (SDHF)	July 7, 2021	January 27, 2022
F	Escondido Community Housing Coalition (ECHC)	July 26, 2021 February 10, 2022 May 25, 2022	November 11, 2021 January 25, 2022 February 22, 2022
G	Department of Housing and Community Development (HCD)	May 20, 2021 August 10, 2021 August 2, 2022 December 8, 2022	April 30, 2021 December 15, 2021 March 21, 2022 May 5, 2022 August 29, 2022 September 29, 2022
H	Southwest Regional Council of Carpenters (SWRCC)	May 10, 2022 August 22, 2022	--
I	Legal Aid Society of San Diego (LASSD)	December 27, 2022	January 26, 2023
J	Bob Conifer	January 5, 2023	--

Comment Letter A – Patricia Borchmann

From: patricia borchmann
To: Mike Strong; Adam Finestone
Subject: [EXT] Re: Agenda #H1 , Escondido Planning Commission, Housing and Community Investment Study (Please Read Aloud)
Date: Tuesday, March 23, 2021 10:03:46 PM

Mike Strong and Adam Finestone,

Fyi, after the Planning Commission meeting was adjourned, I looked again at the online website regarding Planning Commission information. I found the online portal system address, that I should have used, instead of the email that I sent earlier this afternoon. Even though my submittal was too late, at least I learned the proper method for submittal of public comments to the Planning Commission for future Agenda items. So no response is needed to respond to that question in my recent email.

Although it was submitted too late, I just sent my public comment for the Planning Commission on that portal for the purpose of making a personal effort to see if it could be included in the public record on Agenda item H-1. for the "Housing and Community Investment Study".

I was glad to hear Chairman Weiller request that the Sector Feasibility Study be scheduled for future consideration by the Planning Commission, once the study is completed, and that it be released online for public review. And I was encouraged to see that the requests by Commissioner Barba would be Agendized for April 13, 2021, which are also items of great interest to the public.

Thank you.

On Tue, Mar 23, 2021 at 9:18 PM patricia borchmann <pborchmann9@gmail.com> wrote:

> Mike Strong and Adam Finestone -
>
> I was disappointed that the Public Comment that I submitted earlier this afternoon (at 4:01 pm) for Planning Commission Agenda #H-1 for the Housing and Community Investment Study were not shared, or read into the public record for this item.
> So I would appreciate it if you could inform me why not, or what alternative method is necessary to submit formal public comments to Planning Commission in the future ? As far as I know, the public is not expected to send emails directly to Planning Commissioners, and that Agenda-related emails from the public to the Commission are controlled by Director Mike Strong. .
>
> If possible, even though my public comment was excluded during Planning Commission meeting tonight, please advise if it is possible to enter my email into the public record ?
>
> For your convenience, I cut/pasted the earlier email I sent this afternoon, so it appears below.

Thank you.
.....
Dear Planning Commissioners,

Generally I support the intent of the **Housing and Community Investment Study,** and I previewed the Staff Report which describes HCIS plan, that will cover: 1) Housing Element Update, 2) Sector Feasibility Study, and 3) East Valley Specific Plan, however I have a personal concern that the rushed process applied to this Agenda item compromised an adequate public review process, especially for a topic of this scope, scale and importance.
. .
I observed that the last four (4) Planning Commission meetings were canceled, but it now seems unfortunate, and unfair that there was no opportunity for earlier public exposure and comment on this important item. Now there is an overly rushed schedule for this same item which will also be considered tomorrow night by Escondido City Council, as Agenda #9 on March 24, 2021.

Some stakeholders consider it inappropriate to take up the slack by scheduling back to back public hearings on consecutive days between the Planning Commission and City Council meetings. It is not conducive to thorough public review, and I suggest it reflects a presumption that no action by the Planning Commission tonight will require adjustments, or potential changes that can possibly be reflected at Escondido City Council tomorrow night in a meaningful way. Expediency in streamlined processing is one thing, but **this** compressed schedule does not indicate that the City of Escondido values either public comment, or potential comments by the Planning Commission, that could make a difference. I cannot help thinking that it is an undeserved insult to be blunt, to both the Planning Commission, and the public. This concern is further emphasized by the fact that this Planning Commission Agenda item was only released to the public five days ago, which is too brief a period for most stakeholders to realistically have time to preview, analyze the complex Staff Report, and prepare meaningful public comment.

While more extensive time to preview Agenda material in the future is encouraged, please consider a few personal comments, based on a quick preview which was not as thorough as many would prefer : . First, make sure Inclusionary Housing is fully integrated into the Housing Plan update, without allowances for waivers or exceptions.

Next, on page 12, I observed the Staff Report indicates: *"If a local government has adopted, through regulations or ordinance, **minimum density requirements that explicitly prohibit development below the minimum density,** the Housing Element may establish the housing unit capacity based on the established minimum density".* Since you have the authority, I urge the Planning Commission to recommend to the City Council that this specific minimum density requirement be applied to the Housing Element Update, to prohibit development below the minimum density, to avoid irrevocable land use decisions that are a mistake.

Based on the recent approval of Palomar Heights project, for only 510 dwelling units and a reduced square footage for mixed use, it was only a small fraction of the maximum allowable density, and ground floor retail space in a project that was not publicly supported, especially where there were no affordable housing dwellings proposed with deed restricted units. . Approval of that project, with exemption from Community Facilities District (CFD) was a major disappointment to many stakeholders, taxpayers and organizations with

expertise in Affordable Housing.

Unfortunately stakeholders learned the hard way what can go wrong with careless proposals, especially for those projects that are 'in the pipeline'. As a result, public stakeholders want to take every opportunity to prepare and submit meaningful public comments whenever opportunities arise. You can be sure that many stakeholders plan to do so, to ensure a balanced mix of housing types, and affordability categories will be constructed in Escondido, to provide home-ownership opportunities to stakeholders in all income categories, for sustainable projects that will contribute to the quality of life for all.

Thank you for thoughtful consideration.

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On Tue, Mar 23, 2021 at 4:01 PM patricia borchmann <pborchmann9@gmail.com> wrote:

> Dear Planning Commissioners,
>
> Generally I support the intent of the **Housing and Community Investment Study,** and I previewed the Staff Report which describes HCIS plan, that will cover: 1) Housing Element Update, 2) Sector Feasibility Study, and 3) East Valley Specific Plan, however I have a personal concern that the rushed process applied to this Agenda item compromised an adequate public review process, especially for a topic of this scope, scale and importance.
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Next, on page 12, I observed the Staff Report indicates: "*If a local government has adopted, through regulations or ordinance,* ***minimum density requirements that explicitly prohibit development below the minimum density,*** *the Housing Element may establish the housing unit capacity based on the established minimum density".* Since you have the authority, I urge the Planning Commission to recommend to the City Council that this specific minimum density requirement be applied to the Housing Element Update, to prohibit development below the minimum density, to avoid irrevocable land use decisions that are a mistake.

Based on the recent approval of Palomar Heights project, for only 510 dwelling units and a reduced square footage for mixed use, it was only a small fraction of the maximum allowable density, and ground floor retail space in a project that was not publicly supported, especially where there were no affordable housing dwellings proposed with deed restricted units. . Approval of that project, with exemption from Community Facilities District (CFD) was a major disappointment to many stakeholders, taxpayers and organizations with expertise in Affordable Housing.

Unfortunately stakeholders learned the hard way what can go wrong with careless proposals, especially for those projects that are 'in the pipeline'. As a result, public stakeholders want to take every opportunity to prepare and submit meaningful public comments whenever opportunities arise. You can be sure that many stakeholders plan to do so, to ensure a balanced mix of housing types, and affordability categories will be constructed in Escondido, to provide home-ownership opportunities to stakeholders in all income categories, for sustainable projects that will contribute to the quality of life for all.

Thank you for thoughtful consideration.

Response to Comments

Ms. Patricia Borchmann's comment letter includes concerns regarding public participation in the Housing and Community Investment Study (HCIS) process, specifically concern regarding the number of initial community outreach and engagement opportunities and the timeline at which public meetings were held. Ms. Borchmann also comments on the need for inclusionary housing in the City, for a minimum density threshold for development, and concerns regarding the approval of the Palomar Heights development.

- **Inclusionary Housing**: The City conducted a residential sector feasibility study (study) as a part of the HCIS process. The study presents an economic analysis to evaluate the financial feasibility of various new construction residential product types and densities, and the cost for developers to comply with an onsite affordable housing obligation through application of an inclusionary housing ordinance. The study concludes that an inclusionary mechanism 10% low, or 5% low and 5% very low would be economically infeasible for all but one housing product type (for-sale townhomes) analyzed. City staff included revisions to the draft housing element to address further study and research on inclusionary mechanisms, including land value recapture (Program 2.9 – Inclusionary Housing Assessment).
- **Minimum Density:** Minimum density requirements exist within certain zoning designations. Table 33-98b of Article 6 - Residential Zones states, "No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site." Further, the draft East Valley Specific Plan includes minimum density requirements for residential development (Section 3.2, Table 3-1, pp. 19-20).
- **Review Periods/Public Participation**: Subsequent to the August 2021 adoption, and in response to concerns regarding review periods of revised drafts and the need for additional public participation, the City provided a voluntary 30-day review period on the initial revised draft of the housing element in May 2022, and held a public meeting on May 10th at the regularly scheduled planning commission to inform the planning commission and general public of revisions included in the draft housing element. Subsequent revisions to the May 2022 draft included additional refinement to meet HCD's concerns regarding AFFH programs. The City provided a voluntary 14-day review period for the revisions submitted to HCD in October 2022; the October revisions are the changes proposed for adoption.

Comment Letter B - Sierra Club North County Group (SCNCG)

From: earthlover@sbcglobal.net
To: Mike Strong
Subject: [EXT] Sierra Club NCG comments on item H.1 Housing Element for tonight"s meeting bcc Commissioners
Date: Tuesday, March 23, 2021 1:53:47 PM

Dear Planning Commissioners,

Sierra Club NCG has been very active in this issue, but given the very short timeline we have not been able to fully review all the drafts. While we plan to engage in the public review process, **we request that the city not begin the environmental analysis or submit the draft plan to the state** until there is a longer review period on these documents and there has been at least one public workshop where the public can provide comments on the newly released drafts.

In spite of the short timeline, we would like to make the following points and request that the Planning Commission make the following recommendations to Council:

1. First, we disagree with the statement on page 5 of the staff report which states, "*The City has historically met, and plans to continue meeting, the need for low- and very low-income housing through designation of appropriately zoned land.*" This is incorrect. The City has **not met** its requirements or the real need for very-low and low income housing at all. That is why we have a significant housing problem for low-income families in Escondido.

   To address this problem, the Housing Element and city policies should:

   a. Require a minimum density for development where needed especially near transportation corridors;
   b. Adopt an inclusionary housing ordinance or other requirement which will result in construction of actual affordable housing like many other cities require;
   c. Commit to using some of its American Rescue Plan funding to create a city sponsored Affordable Housing Fund or Land Trust in order to ensure development of housing we need; and,
   d. Develop a multi-action Affordable Housing Program comprising of multiple commitments to address this issue.

2. We request major revision to the strategy that the city seems to be pursuing that affordable units and market rate units are, primarily, planned to be segregated into separate projects. The strategy should be revised to include a mix of housing for residents in more economic ranges to create a more inclusive community.

3. The 90 units from the Palomar Heights listed under affordable housing in Table A-2 is incorrect. These units are not deed-restricted and, merely by the fact they are designated for 'seniors', does not mean they will house low-income residents. While many seniors live on very limited means, many others do not. The city should require

these to be deed-restricted to stay on the list—or remove them here.

4. In assessing the environmental health impacts on Table 58 the State CalEnviroScreen should also be incorporated as a data source.

5. New housing should not be located within 500 feet of a freeway per the California Air Resources Board Land Use Guidance on locating vulnerable communities close to significant pollution sources.

6. There is a significant disconnect in policies the city plans to pursue and the RHNA status Table 56. Although the city has significant 'Identified' sites for Very Low income, there are **zero** approved, undergoing entitlement, or under construction. Further, we know that 'planned' units may fail to materialize such as occurred with the Palomar Heights decision where 1350 units were reduce to 510 –**significantly under density and including no affordable housing.** All of this demonstrates the dire need for some kind of **guaranteed** affordable housing requirement that travels with project approvals for Above Moderate units. If there had even been a very modest 10% requirement for affordable units in a project built to the density it was planned, the current total would have yielded 135 additional affordable units. What the city is currently doing to provide for affordable housing is not working. This Housing Element update is the perfect opportunity to change that.

In closing, it is worth noting that the last four Planning Commission meetings were cancelled. One or more of those meetings would have been a perfect opportunity to bring these lengthy and complicated drafts forward for more in-depth and less rushed discussion as they will have not. Something this important should not be this rushed.

Thank you for your consideration.

Laura Hunter, Chair

Sierra Club NCG Conservation Committee

North County Group
Sierra Club San Diego
P.O. Box 2141
Escondido, CA 92033

March 24, 2021

Mayor McNamara and City Council
City of Escondido
Via Email

RE: Sierra Club NCG initial Comments on Draft 2021 Escondido Housing Element

Dear Mayor and City Council Members:

Sierra Club North County Group (NCG) has previously submitted extensive comments in the planning stages on both the proposed Housing Element and the East Valley Specific Plan Update.

NCG plans to engage in the public review process but **we request that the city not begin the environmental analysis or submit the draft plan to the state** until you have had some (longer than a few days) review period on the Housing Element and the East Valley Specific Plan, and there has been at least one public workshop in which the Council can consider amending actions to the draft. Our experience with the Climate Action Plan is that once the draft went in for the environmental analysis it was far more difficult to make significant changes to the goals, approach, or other aspects that may be needed.

Overall comment

NCG supports the housing and development strategy outlined in the Quality of Life Coalition letter dated November 18, 2019 which read, in part,

As more development projects come before you, to focus and maximize resources now and to realize a successful transit-oriented future, projects adopted by the city should meet clear objectives. Projects that the city supports should reduce (not increase) VMT; avoid high-risk fire areas; ensure safe evacuation routes for all residents; add to affordable housing stock; qualify as infill developments; contribute to the support of transit; preserve and protect core habitat and open space areas; are on or near transportation corridors; require the job quality and workforce standards…; address climate impacts in the near and long-term; and, implement land use patterns consistent with tenets of good planning. Projects that do not meet these objectives, should not be pursued.

The Housing Element Update should reflect and incorporate all of these factors and detail how they will be achieved to maximize production of needed housing, support job quality, ensure effective climate action, and implement good planning.

Specific Comments

1. First, we disagree with the statement in the staff report which states, "*The City has historically met, and plans to continue meeting, the need for low- and very low-income housing through designation of appropriately zoned land.*" This is incorrect. The City has **not met** its requirements for very-low and low income housing at all. That is why we have a significant housing problem in Escondido.
   The most recent example of Palomar Heights decision highlights the issue. The site was zoned for dense development but permitted for much less. Over and over in urban Escondido, the planned designation of units does not turn into the promised density.

   To address this problem, we recommend the city:
   a. Require a minimum density for development where needed and
   b. Adopt an inclusionary housing ordinance or other requirement which will result in construction of actual affordable housing like many other cities require;
   c. Commit to using some of its American Rescue Plan funding to create a city sponsored Affordable Housing Fund or Land Trust in order to ensure development of actual housing we need; and,
   d. Develop a multi-action Affordable Housing Program comprising of multiple commitments to address this issue.

2. We request revision to the strategy where the city seems to be pursuing where affordable units and market rate units are, primarily, planned to be segregated. A quick look at Table A-3 Projects under review reinforces that economic segregation. An ordinance of some kind must be adopted to require that, as project go in, affordable units must be included in the project itself to build a more inclusive community.

C. Projects Under Review

Table A-3: Projects Under Review

Project	Description	Market Rate Units	Affordable Units
SUB 09-0005 – 1221 N. Gamble St.	3 SFR lots on 0.64 ac.	3	0
SUB 15-0019 – Safari Highlands	Specific Plan for 550 SFR lots on 1,100 ac.	550	0
Touchstone – Ivy	4 story, 95 new units. Purchased by affordable housing developer (MAAC).	0	95
SUB 15-0025, 701 San Pasqual Valley Road	18-lot TM and PD on 7 acres	18	0
ADM 19-0092, 1860 S. Escondido Vermont Apts.	44 apartments	40	4
ADM 20-0085, 322 S. Escondido	172 units	0	172
ADM 20-0011, 118 S. Orange	3 units	3	0
PHG 20-0036, 829 S. Escondido Blvd.	70 residential units	35	35
ADM 20-0070, 337 E. Valley Pkwy	50 unit affordable housing	0	50
ADM 20-0136 664 N. Fig Street	15 affordable apartment units	0	15

Source: Escondido Major Development Project Processing List, August, 2020.

3. The 90 units from the Palomar Heights project listed under affordable housing in Table A-2 are incorrectly noted there. These units are not deed-restricted and, merely by the fact they are designated for 'seniors', does not mean they will be affordable. While many seniors live on very limited means, many others do not. Either the city should deed-restrict these units or take them off the guaranteed affordable housing list.

4. There is a significant disconnect in policies the city plans to pursue and the RHNA status Table 56. Although the city has significant 'Identified' sites for Very Low income, there are **zero** approved, undergoing entitlement, or under construction. Further, we know that 'planned' units may fail to materialize such as occurred with the Palomar Heights decision where 1350 units were reduce to 510 –**significantly under density and including no affordable housing.** All of this demonstrates the dire need for some kind of **guaranteed** affordable housing requirement that travels with project approvals for Above Moderate units. If there had even been a very modest 10% requirement for affordable units in a project built to the density it was planned, the current total would have yielded 135 additional affordable units.

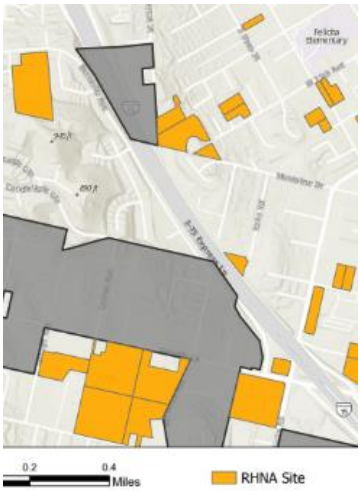
Table 56: Summary of RHNA Status

Site Category	Above Moderate	Moderate	Low	Very Low	Total
RHNA	4,967	1,527	1,249	1,864	9,607
Units on Identified Sites	1,005	388	0	7,268	8,661
Approved and Under Construction Projects	1,357	0	245	0	1,602
Projects Undergoing Entitlement	649	0	371	0	1,020
Accessory Dwelling Units	153	262	99	126	640
Total Identified Capacity	3,164	650	715	7,394	11,923

What the city is currently doing to provide adequate affordable housing is not working. This Housing Element update is the perfect opportunity to change that.

5. In assessing the environmental health impacts on Table 58 the State CalEnviroScreen should also be incorporated as a data source.

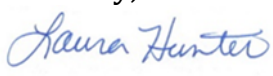
6. RNHA sites should be selected to respect ARB guidance on air quality buffers from freeways. In both the North and South City land use designations for RHNA site show a significant number of areas that are within the 500-foot buffer that the Air Resources Board states in it Land Use Guidance document is unhealthful. Locations within 500 feet of a major freeway or heavily trafficked road should be used for commercial or other uses and not to house vulnerable residents in an area known to have a major negative impact on their health.



7. Expressed commitment to avoiding conversion of ridgetops and building on steep slopes and in high hazard areas are yet more reason that Harvest Hills should be abandoned by the city. Wasting time, energy, money, and goodwill on the pursuit of a land speculators fantasy is not appropriate.

We expect to have additional comments during the public comment period. Please contact us at conservation@sierraclubncg.org with any questions or for more information.

Sincerely,



Laura Hunter, Chair
NCG Conservation Committee
cc. Planning Commission

North County Group
Sierra Club San Diego
P.O. Box 2141
Escondido, CA 92033

April 19, 2021

Ad-Hoc Council Housing Subcommittee
Planning Commission
City of Escondido
Via Email

RE: NCG recommendations for Draft 2021 Escondido Housing Element

Dear Councilmembers Garcia and Martinez and Commissioners:

Sierra Club North County Group (NCG) appreciates the creation of the Ad-Hoc City Council Housing Committee and the interest of the Planning Commission to take a deeper review of housing issues in Escondido and the Draft Housing Element. NCG has previously submitted extensive comments in the planning stages on both the proposed Housing Element and the East Valley Specific Plan Update and a letter late last month when the new draft was discussed. We intend to submit additional comments on a variety of topics related to the Housing Element.

Now that there is time to focus on some key changes that should be made to the draft and strategies of the city. We would like to focus in this first letter on two important actions in this letter. To summarize, we support the following actions:

a. Adopt an inclusionary housing ordinance or other requirement which will result in a requirement to construct 10-20% affordable units with market rate housing like many other cities require;
b. Policy to prohibit housing be built within 500 feet of a freeway. Housing within 1,000 feet should be required to include mitigation measures outlined in the CARB Technical Advisory.

Rationale

There are a couple realities that should be acknowledged so that strategies can be based on resolving these challenges.

1. **Escondido has not produced adequate affordable housing with its 'voluntary, developer-driven' approach. We need an affordable housing requirement.**

While the city may have **designated** adequate land for very-low and low income housing, what matters is the **production** of it. This failure of actual production of affordable and workforce housing is why we have a significant housing problem in Escondido.

The practice of designation alone or market-driven voluntary strategy has not worked and must be strengthened.

The example of Palomar Heights demonstrates the failure of our current system. A site zoned for over 1,300 units, perfectly located on a transportation corridor, perfect for density, was built far under-density and with no guaranteed (deed-restricted) affordable housing.[1] If there had been even a very modest 10% requirement for affordable units in a project built to the density it was planned, the current total would have yielded 135 additional affordable units. Another example is from the April 14, 2021 Planning Commission meeting where a housing development for 120 market-rate rentals in an area zoned for 230 was approved. No deed-restricted affordable and barely 50% of the planned density for an area on a major transportation corridor.

Another issue that would be improved by requiring a percentage of housing to be affordable would be more inclusion and economic integration of residents. Without it, we are concerned that economic separation of affordable units and market rate units will continue.

Inclusionary housing policies are a critically important means to increase actually built affordable units in an economically inclusive manner.

A good working definition of inclusionary zoning is,

> Local requirement[s] and/or incentive[s] for developers to create below-market rental apartments or for-sale homes in connection with the local zoning approval of a proposed market-rate development project. Often accompanied by 'density bonus' to offset the cost of providing the below market-rate units.[2]

Inclusionary housing is used in hundreds of communities across the country to create units that are affordable to lower-income households in new market-rate residential developments. More than 170 cities and counties in California[3] and 900 country-wide[4], have inclusionary-housing policies to help address affordable-housing needs while advancing equitable-development goals.[5]

The Local Government Commission lists some benefits of an Inclusionary Ordinance,

A well-designed ordinance can generate numerous benefits for communities seeking to increase housing affordability and develop diverse, inclusive neighborhoods. These include:

- *More choices for lower-income households about where to live.*

[1] The senior units should not be qualified as affordable units. They are not deed-restricted and, merely by the fact they are designated for 'seniors', does not mean they will be affordable. While many seniors live on very limited means, many others do not.
[2] Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill
[3] Local Government Commission, Meeting California's Housing Needs: Best Practices for Inclusionary Housing Website https://www.lgc.org/advancing-inclusionary-housing-policy/
[4] Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill
[5] [5]Local Government Commission, Meeting California's Housing Needs: Best Practices for Inclusionary Housing Website https://www.lgc.org/advancing-inclusionary-housing-policy/

- *Reduced opposition to affordable housing by producing affordable units within communities as they develop, not after.*

- *Support for compact infill development, reduced sprawl and achievement of local Regional Housing Needs Assessment (RHNA) targets for all income levels.*

- *Reduced vehicle miles traveled (VMT) and greenhouse gas emissions by providing people at all income levels more opportunities to live closer to work and in transit-rich areas.*

- *Ensuring that the entire community benefits from a growing economy. Public and private investments help create economic growth that raises property values. Inclusionary housing helps capture some of the value created by these investments to ensure that the benefits do not accrue solely to property owners and helps buffer against displacement pressures by ensuring that lower-income residents can remain in the community.*

- *Reduced segregation and concentration of poverty.* [6]

Several cities in the County, including San Marcos, already have inclusionary ordinances. The County is developing one now. While Escondido has encouraged affordable housing on a voluntary basis, the voluntary, market-drive strategy has not met the need.

Further, the last two projects that have come before the Planning Commission have not proposed any affordable housing in spite of the fact that, at least one location, was designated as a RHNA location suitable for affordable housing. To understand the reason for this, we can just look to the March 23, 2021 meeting of the Planning Commission. A 60-unit infill project was proposed for South Escondido. A Commissioner asked why it didn't include any affordable housing (e.g. all market-rate), the answer was that 'it wasn't required.' This is exactly the problem. It would be nice if the voluntary effort worked, but it doesn't.

We need an affordable housing development **requirement**, such as an inclusionary ordinance or other such measure to effectively address this issue.

2. Location of housing within 500 feet of a freeway is known to be hazardous to human health and should be avoided.

Development locations within 500 feet of a major freeway or heavily trafficked road are hazardous for human health and should not be used to house vulnerable residents. The California Air Resources Board (CARB) did a Land Use Guidance document in 2005 and its guidance is clear,

> *Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.* [7]

[6]Meeting California's Housing Needs: Best Practices for Inclusionary Housing https://www.lgc.org/wordpress/wp-content/uploads/2018/11/inclusionary-factsheet_v2.pdf

[7]AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE, April, 2005 https://ww3.arb.ca.gov/ch/handbook.pdf, page 4

While not a regulation, this guidance is heavily based on extensive science that underpins the recommendation and should be adopted as part of good planning. In fact, the hazard area is 1,000 feet from a freeway, which would be a more healthful buffer to adopt.

Then, in 2017, a CalEPA and CARB Technical Advisory was issued which cited evidence that the risks were actually higher than the 2005 report found. It states,

> *In spite of past successes and ongoing efforts to improve near roadway air quality in California, exposure to traffic pollution is still a concern because pollution concentrations and exposure levels near high-volume roadways continue to indicate that there is a lingering public health concern. In addition, the Office of Environmental Health Hazard Assessment (OEHHA) recently revised its methodology for risk assessment in order to estimate more accurately the health impacts of exposure.* ***This reanalysis has resulted in a revision of cancer risks from exposure to toxic air contaminants, including those emitted by transportation-related sources, to significantly higher levels***… (emphasis added)
>
> *These recent studies highlight the importance of protecting at-risk populations/communities from traffic emissions and indicate that exposure reduction strategies may be needed to protect* ***people that live and spend time in environments that are more than 500 feet from high volume roadways****.*[8] (emphasis added)

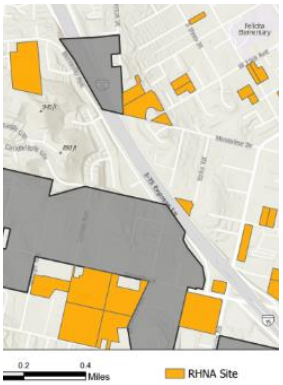
Further, they found that the air quality concerns will persist even with changes to regulations and technology.[9]

The Advisory does discuss the kind of development and measures that may be appropriate for these locations.

> *. … In fact, planners and developers may want to consider siting non-sensitive uses and developments that will be primarily used and occupied during the daytime—such as commercial uses and offices. … commercial and office buildings are often equipped with indoor filtration systems that can remove particulates from the air inhaled by building occupants, and these buildings are more likely to have permanently closed or sealed windows. This means that, when these buildings are sited close to roads, people that spend time in them are less likely to breathe harmful pollutants and experience negative health impacts.*[10]

[8] Technical Advisory, Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf, page 14
[9] Ibid
[10] Ibid

As you can see from these excerpts of housing locations in both the North and South City land use designations for RHNA site show a significant number of areas that are within the 500-foot buffer that the Air Resources Board states in its Land Use Guidance document is unhealthful. RNHA sites should be selected to respect ARB guidance on air quality buffers from freeways.



In closing, these are two areas that could use significant improvement in the draft 2021 Housing Element. We request that the Ad-Hoc and Planning Commission investigate and recommend the following actions.

NCG Recommendations for addressing healthful and affordable housing.

To address the issues discussed above, we request the draft Housing Element be revised to include the following:

a. Adopt an inclusionary housing ordinance or other requirement which will result in a requirement to construct 10-20% affordable units with market rate housing like many other cities require;
b. Policy to prohibit housing be built within 500 feet of a freeway. Housing within 1,000 feet should be required to include mitigation measures outlined in the CARB Technical Advisory.

In the future, we plan to provide additional comments and information on land value recapture policies, protection policies for renters, design and implementation of Eco-Planning Districts including urban greening, minimum densities, the danger of locating any housing in very-high fire risk zones, and other housing related policies.

Please contact us at conservation@sierraclubncg.org with any questions or for more information.

Sincerely,

Laura Hunter

Laura Hunter, Chair
NCG Conservation Committee

cc. City Manager

North County Group
Sierra Club San Diego
P.O. Box 2141
Escondido, CA 92033

April 25, 2021

Ad-Hoc Housing Committee Members Garcia and Martinez
Planning Commissioners
Via Email

RE: Additional policy and program recommendations for Escondido Housing Element

Dear Ad-Hoc members Garcia and Martinez and Planning Commissioners,

Sierra Club North County Group (NCG) is submitting this second comment letter on policy and program recommendations for the Housing Element for your discussion and consideration. NCG is still developing more specific recommendations on these topics, but hope to offer these ideas into the important discussion the city is having so that, perhaps, we can build a community consensus around how to approach our need for housing development and community investment in Escondido.

As you evaluate and discuss amendments/revisions to the Draft 2021 Escondido Housing Element, we hope you will consider further evaluation of these policies and programs.

NCG Housing Element Recommendations (Second set)

1. Establishing 'minimum density requirements' in key areas linked to development of the Regional Transportation Plan.
2. Strengthen programs a focus on low-income home ownership such as creation of a Community Land Trust and innovative programs**.**
3. Land Value Recapture and America Rescue Funds as means for producing additional affordable housing

Rationale

1. **Establishing 'minimum density requirements' in key areas linked to development of the Regional Transportation Plan.**

As we see regularly, Escondido is failing to build to planned density in areas where density is appropriate and needed. Palomar Heights was a little over one third and the proposed Mercado project is just half of the planned density. We acknowledge that there are many areas where higher densities are not appropriate. However, being as we are in a climate emergency, we need to seriously plan for a carbon reduced or neutral future if our communities are to survive.

Urban infill and higher densities near transportation corridors are part of what we must do to plan for a survivable future. City plans always set 'maximum' allowable densities, so why not 'minimum required' densities in areas where we need higher density. Setting a maximum and hoping developers will build to it, isn't working. Minimum density requirements in key transit focused areas are needed to meet the fullness and effectiveness of our urban planning efforts.

There are other benefits of these requirements as well. According to Puget Sound Regional Council Housing Innovations Committee:

> *Adopting minimum densities can also support other community goals such as maximizing transit investments, expanding housing choices, protecting open space, and reducing greenhouse gas emissions.*[1]

In 2014, Seattle adopted a minimum density program for specific areas with the purpose to:

> *…limit new low-density, suburban-style development that conflicts with the desired urban design and pedestrian-orientation goals of these areas. It achieved this by:*
> - *Preventing new development from substantially under-developing sites*
> - *Preserving activity adjacent to the sidewalk*
> - *Discouraging substantial parking*
> - *Protecting development opportunities on sites near transit and services*[2]

We think these are good criteria for Escondido to consider and include in our urban planning.

Establishing minimum densities will be increasingly important and we may wish to begin with the new East Valley Specific Plan. In addition, the city could do an additional analysis to evaluate transportation corridors in existing plans and recommend minimum densities.

We recommend that Escondido tie minimum densities and up-zoning for land value recapture (see #3 below) to the plan for improved public transit currently under development at SANDAG for the new regional transportation plan.

We really can't wait. With each urban infill project built below density, we are losing opportunities that won't come again for a generation to provide housing and reduce our overall GHG emissions needed for a sustainable future.

2. **Strengthen programs that focus on low-income home ownership such as creation of a Community Land Trust and innovative programs.**

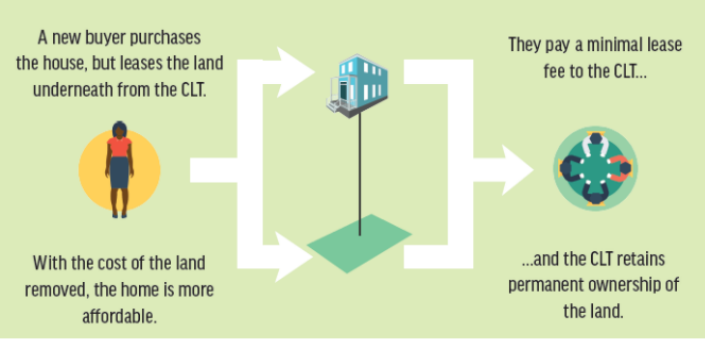
While most dedicated affordable housing are rentals, in the name of housing justice and equity, we should be working toward programs that help low-income families enter the home ownership market.

[1] Fact Sheet on Minimum Densities https://www.psrc.org/sites/default/files/hip-min-density.pdf
[2] https://www.seattle.gov/sdci/vault/minimum-density

Equity in a home is a major factor in creation of wealth for current and future generations of residents. Such opportunities for low and moderate income families for home ownership is something the Housing Element should address and find ways to facilitate.

One way that this can be supported is through Community Land Trusts (CLT). The model of CLTs is over 50 years old and can be adapted to meet community housing needs, including permanently affordable homeownership. CLTs are being used to support housing equity and reduce displacement. It is also an innovative way to provide affordable housing.

There are many ways a CLT can be created. Here is one model, [3]



How a Community Land Trust works (Source: Church Hill People's News)

One option that might be applicable for Escondido is for the city to retain ownership of the public property it currently sells to developers (e.g. Mercado, proposed Aspire) and lease it to them instead. This could significantly lower the cost of the development (reduced land cost) and the value could be re-captured in the form of affordable housing unit-- rental and for sale.

We are sure this is more complex idea than it sounds, but we hope we will have a chance to look 'with new eyes' on this idea. Land in the urban area owned by the public (city, hospital etc…) is an important and highly valuable asset. We should develop programs that leverage and maximize that asset for the public.

An innovative organization called Grounded Solutions Network is offering a free one hour webinar on May 5, 2021 on how CLTs can be used to provide community control over important land assets. We hope that our decision-makers and staff will take an opportunity to learn more about this tactic to build homeownership in our community.

The Urban Institute reported on a non-profit organization approach that supports lower income homeownership. The New Mexico Homewise model,

> *… issues two mortgages—the first is for 80 percent of the home's value, and the second is for 18 percent. The first mortgage is resold on the secondary market to raise capital for additional clients, and Homewise holds on to the riskier second mortgage so that the client pays only a 2 percent down payment while still eliminating the need for mortgage*

[3] https://www.strongtowns.org/journal/2018/4/4/organizing-and-the-community-land-trust-model?gclid=Cj0KCQjwvYSEBhDjARIsAJMn0lgMZShrqmwUG_3vzd4U6KX3_E25Gob9S8tVehdNygkjyPH-tXO2EvoaAvtyEALw_wcB

insurance. Homewise services both loans so that they can monitor loan performance on each and intervene early if there is a problem.

Homewise also offers a suite of other services including financial counseling, homebuyer education, real estate development, real estate sales, mortgage origination, and loan servicing, as well as an in-house incentivized savings program.[4] [5]

This model addresses one of the most significant barriers to home ownership-- the initial savings for a down payment. We hope that this can be evaluated as a supplement or in addition to the current city Homebuyer Entry Loan Program.[6]

Another option is to give a preference in your affordable housing RFPs/NOFAs to Low-Income Housing Tax Credit (LIHTC) projects which will ultimately sell the apartments to the low-income residents. California Tax Credit Allocation Committee Regulations dated December 21, 2020 Section 10326(j)(4) allows for apartments financed with LIHTC to be sold to low-income residents after the initial 15-year IRS regulatory period. This can be an option for the City to leverage its funding at a low ratio for the benefit of low-income buyers.

These are only three options for innovative ways to help low and moderate income residents become homeowners. We request that these, and other innovative strategies, are examined for applicability in Escondido.

3. Zoning for Land Value Recapture and America Rescue Funds as means for funding additional affordable housing

It should be remembered that, with (in our case) the punch of three buttons by the City Council, in a zoning decision can created 1,000s or millions of dollar of additional value for property to which the decision applies. Since there are strict rules about governmental decisions not eliminating property value to landowners, it seems fair that when property values are significantly increased through new zoning, the public retain some of that benefit. A great way to 'recapture value' is through requirements for affordable housing—a desperate need for the public.

In their article, *Inclusionary Housing, Incentives, and Land Value Recapture Local Housing* and planning experts Nico Calavita (San Diego State University) and Alan Mallach (Brookings Institution) discuss how many 'incentives' for inclusionary housing often just transfer costs to the public.[7] In fact, they note that incentives and cost offsets provided to development may carry potentially high public costs.[8] This cost to the public while the landowner accrues the increased value of the governmental action. The authors list several means by which the public ends up paying for the benefits.

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[4] https://www.urban.org/urban-wire/innovative-model-reducing-gaps-homeownership
[5] https://www.sciencedirect.com/science/article/abs/pii/S1051137717301729
[6] https://www.escondido.org/Data/Sites/1/media/pdfs/Housing/FirstTimeHomebuyerProgramEnglish.pdf?v=8
[7] Calavita and Mallach,*Inclusionary Housing, Incentives, and Land Value Recapture Local Housing*, January, 2009, Lincoln Institute of Land Policy, p 18
[8] Ibid

A better idea is to recapture some of the land value increases that come about through new zoning for the public good.

Calavita and Mallach make the case that the better way to achieve integrated, inclusionary housing is *to better integrate inclusionary housing into good planning practices that begin to recapture for the public good some part of the unearned increment in land values resulting from the exercise of public land use regulatory powers.*[9]

A second funding area that we hope can be investigated is the potential use of American Rescue Funds the city will receive for the development of affordable housing. Since many people lost their jobs and some their housing, the provision of new affordable housing we think may be an acceptable and compliance use of some of the funds.

We look forward to the discussion of the Planning Commission on these topics at your April 27th meeting and hope to attend any Ad-Hoc meeting held by the Ad-Hoc Housing Committee.

Thank you for the opportunity to comment on this important planning effort. Please contact us at conservation@sierraclubncg.org with any questions or for more information.

Sincerely,

Laura Hunter, Chair
NCG Conservation Committee

cc.
Jeff Epp, City Manager
Mike Strong, Community Development Director
Karen Youel, Housing and Community Investment Director
Karla Ortega, First Time Homebuyers program manager

[9] Ibid, p 21

From: Laura Hunter
To: Adam Finestone; Veronica Morones; Jessica Engel; Zachary Beck
Cc: sohab.mehmood@hcd.ca.gov
Subject: [EXT] May 10, Planning Commission meeting, item H1-NCG Comment on updated Draft Housing Element
Date: Monday, May 9, 2022 5:16:40 PM
Attachments: Inclusionary Housing, Incentives and Land Value Recapture-1.pdf

Please Forward to commissioners prior to the meeting. Thank you

+++++++

Dear Planning Commissioners,

NCG Sierra Club is a member of the Escondido Community Housing Coalition and has written several comment letters on this topic.

While improvements have been made in the new iteration, there are still two areas of **major** concern.

First, we still do not believe the amended language on inclusionary housing (IH)is enough to make a difference. Without inclusionary requirements in place, land values--the most important issue when trying to build affordable housing (AH)- will continue to increase. It will then follow that building AH will never 'pencil out'.

The inclusionary ordinance must come first. Economists generally agree that an inclusionary housing ordinance would lead to a decline in land values because of the increased cost for the developer- over a period of three to five years, the time that it would take for the land market to adjust to the new requirements. The IH Ordinance, then, could be phased in as well.

We suggest a dual approach, one based on IH applied to existing zoning, as in the case of typical IH ordinances, and the other based on plan changes or up-zonings in areas slated for development (see attached article: "Inclusionary Housing, Incentives and Land Value Recapture"). IH requirements would be higher in the second case because land values would increase as a result of up-zonings, plan changes or updates.

In this case the IH requirements should be based on the public benefit received by the landowner (to be established on the basis of an economic analysis). This approach is preferable to density bonuses. The County seems to be moving in this direction.

How land value changes up (up-zonings) or down (IH) should be an integral part of an IH study, including the desirability of a phasing approach to allow for land markets to adjust to plan changes and regulations.

Second, the element is still deficient in community participation and engagement around the important issue of housing. The Escondido Community Housing Coalition has repeatedly requested a re-start of the Housing Commission or a Housing Working Group as a place where housing issues can be addressed and improved. A Council Subcommittee, which meets during work hours, and has not (until recently) been

accessible to the public is not adequate. In fact, the stated purpose of the Subcommittee is *"to discuss pertinent housing issues within the City and convey information to City staff on such matters."* Without any acknowledgement or commitment to engaging the public.

Thank you for your consideration of our comments

Laura Hunter, Chair, Conservation Committee

Sierra Club North County Group

Response to Comments

The SCNCG's letters outline support for transit-oriented development, climate resiliency and adaptation, adoption of citywide inclusionary housing requirements as well as minimum density thresholds, strengthening homeownership opportunities for low income households, increasing affordable housing production within the City, and development of affordable housing programs such as an affordable housing fund and/or community land trust.

The SCNCG highlights concerns regarding longer review periods for draft revisions of the 6th cycle housing element, the City's historic trend of meeting very low and low income housing needs and the strategies drafted to address this need (i.e., fair housing concerns), air quality impacts to sites identified within the site inventory that are located within 500-feet of a freeway or major roadway, conversion of ridgetops and development within high and very high fire hazard severity zones, and the need for additional public participation in the 6th cycle housing element process.

- **Inclusionary Housing**: The City conducted a residential sector feasibility study (study) as a part of the Housing and Community Investment Study (HCIS) process. The study presents an economic analysis to evaluate the financial feasibility of various new construction residential product types and densities, and the cost for developers to comply with an onsite affordable housing obligation through application of an inclusionary housing ordinance. The study concludes that an inclusionary mechanism 10% low, or 5% low and 5% very low would be economically infeasible for all but one housing product type (for-sale townhomes) analyzed. The City staff included revisions to the draft housing element to address further study and research on inclusionary mechanisms, including land value recapture (Program 2.9 – Inclusionary Housing Assessment).
- **Minimum Density:** Minimum density requirements exist within certain zoning designations. Table 33-98b of Article 6 - Residential Zones states, "No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site." Further, the draft East Valley Specific Plan includes minimum density requirements for residential development (Section 3.2, Table 3-1, pp. 19-20).
- **Affordable Housing Trust Fund**: The draft East Valley Specific Plan would include development of an Affordable Housing Trust Fund to assist in the delivery of affordable housing within the Plan Area. Likewise, an in-lieu fee for development proposed below minimum density thresholds would be used by the trust fund to develop moderate- and low-income housing developments.
- **Review Periods/Public Participation**: Subsequent to the August 2021 adoption, and in response to concerns regarding review periods of revised drafts and the need for additional public participation, the City provided a voluntary 30-day review period on the initial revised draft of the housing element in May 2022, and held a public meeting on May 10th at the regularly scheduled planning commission to inform the planning commission and general public of revisions included in the draft housing element. Subsequent revisions to the May 2022 draft included additional

refinement to meet HCD's concerns regarding AFFH programs. The City provided a voluntary 14-day review period for the revisions submitted to HCD in October 2022; the October revisions are the changes proposed for adoption.

- **Air Quality and Fire Hazards**: The City is currently working on an update to the City's Safety Element, known as the Community Protection chapter of the General Plan and creation of a new environmental justice element—both of which are required as a direct result of the 6th Cycle Housing Element Update. Specifically, SB 1035 requires the General Plan Safety Element to be reviewed and revised to include any new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies with each revision of the housing element. These elements will discuss fire hazards surrounding development within the City and air quality concerns as they relate to safe and sanitary housing and pollution burden for communities.
- **Fair Housing**: The City seeks to contain a majority of future residential development within the urban core of the City, where proximity to existing transit such as the NCTD Sprinter are located. Concentrations of low-income units and incentivization of development have the potential to reinforce economic segregation and cause displacement of at-risk populations, such as low-income residents and communities of color. Therefore, the City includes Programs 2.1 - Accessory Dwelling Units, 2.9 - Inclusionary Housing Assessment, 2.10 - SB 9 Ordinance, and Program 3.4 - Fair Housing. These programs seek to increase affordable housing types, such as ADUs and urban lot splits and duplexes, within low density areas which are typically higher resourced than higher density areas; evaluate other forms of inclusionary housing than those assessed under the 2021 Housing Sector Feasibility Study; and, explore education and adoption of anti-displacement regulations, facilitating community organizing and advocacy, and an environmental justice element with prioritization of improvements in disadvantaged communities.
- **Table A-2 and 58 of the draft element**: Additional language was added to these tables for clarification.

Comment Letter C – Scott Graves

From: Scott Graves
To: Zachary Beck; Mike Strong
Subject: [EXT] Today"s Housing Element Comment
Date: Wednesday, March 24, 2021 6:14:53 PM

Greetings Zack,

My public comment that I submitted through the website was not read aloud on the live feed. Here is my comment.

Greetings Mayor and City Council Members.

My comments are in reference to page 81, Environmental and Infrastructure Constraints section.
Pages 81-83 goes into detail regarding the following environmental and infrastructure constraints to the feasibility and cost of developing housing: soil, steep slopes, seismic safety, flood hazards, hazardous materials, ridgeline and hillside conservation, water supply, and wastewater capacity.

The document has separate paragraphs addressing each one of these issues except wildfire. Not elaborating on wildfire and its effects on the Housing Element, and potential housing projects in the Wildlife Urban Interface (WUI) demonstrates a glaring omission. The last several years have shown the increasing frequency, widespread devastation, economic damage, and most importantly, loss of life, due to wildfire. In my opinion, failing to address whatsoever, the largest environmental and infrastructure constraint, wildfire, renders Escondido's Housing Element incomplete.

It should also be noted that on page 97,

> "Ability to Meet RHNA, Based on the City's currently available residential and mixed-use sites, adequate residential capacity is available to meet the City's RHNA for all income groups."

It is not necessary to develop the high fire risk backcountry to comply with RHNA requirements.

Thanks for your time and consideration.
Escondido Resident,
Scott Graves

Response to Comments

Mr. Scott Graves' comment letter addresses concerns regarding the draft housing element's Environmental and Infrastructure Constraints section and contends that utilizing sites within the City located in areas of high fire risk for residential development are not necessary for RHNA compliance.

- **Fire Hazards**: The City is currently working on an update to the City's Safety Element, known as the Community Protection chapter of the General Plan and creation of a new environmental justice element—both of which are required as a direct result of the 6th Cycle Housing Element Update. Specifically, SB 1035 requires the General Plan Safety Element to be reviewed and revised to include any new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies with each revision of the housing element.

Comment Letter D - Lauren Harper and Erik Felix

M E M O R A N D U M

TO: **Members of the Escondido City Council and Escondido Planning Commission**

FROM: **Erik Felix and Lauren Harper**

DATE: **06/11/2021**

SUBJECT: **Recommendations for Escondido's 6th Cycle Housing Element**

Dear members of the Escondido City Council and Planning Commission,

Upon reviewing your 6th Cycle Housing Element, we would like to share some thoughts and observations that we feel are critical to consider to meet the housing needs of Escondido residents. The city has experienced a demographic shift over the past ten years, with a growing Hispanic population and decreasing white population. Escondido's total Regional Housing Needs Allocation (RHNA) is 230% more than the previous cycle. Despite these demographic changes and large expectations, Escondido's Housing Element is riddled with vague and aspirational language and estimates that go against the standards set forth by the California Department of Housing and Community Development (HCD).[1] As urban planning graduate students, we find it imperative that the state grow in an equitable and inclusive manner. Escondido's growing Hispanic and low-income population gives the City Council and Planning Commission an integral role in achieving that goal. We've organized our comments under the following topics: updating programs for Escondido's growing low-income population, improving siting and tenant protections to Affirmatively Further Fair Housing (AFFH), mitigating development fee burdens, invalidating Proposition S, and designing a mid-cycle Accessory Dwelling Unit (ADU) development trigger.

Updating programs for Escondido's growing low-income population

Escondido's growing population of cost-burdened and low-income households is a signal to the City Council and Planning Commission that it must proactively address its stagnant housing production. Between 2010-2020, population growth increased 6.3%, yet housing units only grew 2.4%. This difference partly explains the growing rent burden your residents are experiencing. When compared to other jurisdictions in North San Diego, Escondido reported the most cost burdened residents, with 44.8% of all households paying more than 30% of their income on housing. Cost-burdened

[1] "Affirmatively Furthering Fair Housing - California Department of ...." 27 Apr. 2021, https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf. Accessed 26 May. 2021.

households are forced to spend less on basic necessities like healthcare and food.[2] Not actively meeting the housing needs of your residents will place them in increasing precarity. This is extremely important considering Escondido has a majority low-income community (53%) and the lowest median household income in North San Diego. Escondido has identified sites for a total capacity of 8,109 low-income units. Yet, Escondido's quantified objectives only plan to meet 45% of their low-income RHNA goal.[3] This is unacceptable. Worse, it appears that even this unaspiring estimation is inflated. Sixteen of your 21 programs from last cycle were not met and carried over into this housing element, and you have fewer programs this cycle, 18. Your last cycle yielded approximately 11% of its low-income RHNA goal, or 200 units.[4] For your 6th cycle, you estimate 795 low-income units will be built. How do you expect to build almost four times more low-income housing with essentially the same programs? Escondido should reconsider the design of its programs and incorporate mid-cycle triggers that facilitate by-right, multifamily development to house its growing cost-burdened and low-income residents.

Improving siting and tenant protections to Affirmatively Further Fair Housing

AB 686 requires that housing elements include affirmatively furthering fair housing (AFFH) as part of their planning process. The goal of AFFH is to "combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians[5]." More specifically, this includes a spatial analysis to ensure that low-income units are distributed across neighborhoods of all income levels, as well as ensuring investment in low-income neighborhoods.

We conducted an AFFH site score analysis to calculate the spatial distribution of low-income RHNA units by block group median household income. This analysis results in a value from 1 to -1, where 1 is perfectly distributed and -1 is perfectly segregated. Escondido scored a -0.69, indicating that a majority of low-income units are sited in low-income areas. The goal of AFFH is to break-up areas of concentrated poverty and affluence by siting low-income housing in higher income neighborhoods.

The Housing Element addresses this shortcoming, noting "many RHNA units are located in lower resource census tracts. However, through specific planning, the City is

[2] National Low Income Housing Coalition. 2020. *The Gap: A Shortage of Affordable Homes*. National Low Income Housing Coalition. https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2020.pdf
[3] City of Escondido 6th Cycle Housing Element - Draft." Page 123. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[4] "5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG." https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf. Accessed 27 May. 2021.
[5] "Affirmatively Furthering Fair Housing in California." California Department of Housing and Community Development. https://www.hcd.ca.gov/community-development/affh/index.shtml Accessed 28 May. 2021.

actively pursuing improvements on neighborhoods with low resources[6].” Indeed, the Downtown, East Valley, and South Centre City Parkway Specific plans do indicate future investment in neighborhood infrastructure in those areas. However, if greater investment makes these neighborhoods more attractive areas to live, how will the City ensure that low-income units are built and remain affordable? The Housing Element does not provide specific funding or incentive plans to develop low-income housing in these areas, beyond high-density zoning.

Additionally, the AFFH site score analysis may be skewed due to how the site inventory categorizes sites by income. A table titled “Summary of RHNA Status” shows how the City anticipates meeting the RHNA goals based on the site inventory[7]. However, the City lumps nearly all identified sites into the “very low” income category due to zoning density greater than 30 du/acre. This leaves other income categories well below the RHNA requirement. The City recognizes this shortfall and argues that “excess capacity on lower income sites can accommodate the remaining balance[8]”. Because this designation is based only on zoning density and not other programs directly incentivizing housing at certain income-levels, there is functionally no plan to ensure housing will be produced at lower income levels, and will likely skew toward above moderate market rate development. Escondido must design tenant protections and land use policies that will facilitate the development of affordable housing and maintain its accessibility for low-income households.

Table 56: Summary of RHNA Status

Site Category	Above Moderate	Moderate	Low	Very Low	Total
RHNA	4,967	1,527	1,249	1,864	9,607
Units on Identified Sites	1,005	388	0	7,268	8,661
Approved and Under Construction Projects	1,357	0	245	0	1,602
Projects Undergoing Entitlement	649	0	371	0	1,020
Accessory Dwelling Units	153	262	99	126	640
Total Identified Capacity	3,164	650	715	7,394	11,923

Source: Draft City of Escondido 6th Cycle Housing Element 2021-2029

In a further blow to AFFH goals, the housing element states that “the City retains certain amount of large-lot zoning to accommodate the housing needs and preferences of moderate and higher income households[7]”. Reserving large lots for high-income households while anticipating low-income development in low-resourced neighborhoods is antithetical to AFFH goals.

[6] “City of Escondido 6th Cycle Housing Element - Draft.” Page 105. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[7] City of Escondido 6th Cycle Housing Element - Draft.” Table 56. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[8] City of Escondido 6th Cycle Housing Element - Draft.” Page 97. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.

Mitigating development fee burdens

The Escondido Housing Element correctly recognizes that development fees can be a barrier to building housing, but its portrayal of its development fees being low to moderately priced compared to the region is misleading. The Housing Element compares Escondido to coastal cities in North San Diego like Carlsbad and Oceanside. Relative to these cities, Escondido generally has lower fees and total per unit costs. But these cities are twenty miles away from Escondido. Between them is San Marcos, a jurisdiction that is directly adjacent to Escondido. When compared to its direct neighbor, Escondido's planning fees are 33% to 400% higher than San Marcos.[9] Escondido's per unit permit and impact fees are also higher than San Marcos and another nearby city, Vista. For all four housing types – from single family homes to apartments - Escondido's total fees were $5,500 - $15,170 more expensive than San Marcos and Vista. Yet, Escondido claims that "these fees have not been found to act as a constraint" to development[10]. This appears to be false. When excluding above moderate housing, your last cycle yielded approximately 7% of its remaining RHNA goals.[11] Multi-family developments require grading exemptions (for grading exceeding requirements), precise development plans and variances. None of their costs are given in the Housing Element. Escondido should evaluate these and all their development and impact fees to ensure they are not deterring developers from contributing to its lower income housing stock.

Invalidating Proposition S

Escondido's Proposition S is a potential barrier to development, but the City does not actually have to abide by it. Proposition S is an ordinance passed in 1998 that requires voter approval for changes made to the General Plan that alters or increases residential density and land use categories. To Escondido's credit, the Housing Element includes a program to monitor the effects Proposition S has on reaching the City's RHNA goals and will explore potential mitigation measures, if needed. But the City does not have to abide by Proposition S. According to SB-330, growth management ordinances, like Proposition S, are only valid if the county where the city is located consists of more than 550,000 acres of agricultural land or is at least one-half agricultural land.[12] San Diego

[9] "Draft Housing Element — San Marcos General Plan Update." 12 Mar. 2021, https://sanmarcos.generalplan.org/draft-housing-element. Accessed 27 May. 2021.
[10] City of Escondido 6th Cycle Housing Element - Draft." Page 72. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[11] "5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG." https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf. Accessed 27 May. 2021.
[12] Housing Crisis Act of 2019, SB-330, Senate (California 2019). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

County consists of 250,000 acres of agricultural land, making it 9% agricultural.[13] [14] Proposition S is no longer valid as a smart growth ordinance in Escondido. The city should analyze where Proposition S has been restricting development and leverage developable parcels to reach more than its stated goal of achieving 45% of its low-income RHNA.[15]

Designing a mid-cycle ADU development trigger

The housing element estimates that 80 ADU units per year will be constructed in the 6th cycle, for a total of 640 units.[16] Based on ADU permitting data from the previous three years (25, 40, and 74 permitted), the Safe Harbour calculation provided by the Housing Element estimates 45 units per year, for a total of 365 units. The Housing Element describes 80 ADUs per year as a "conservative production rate" and anticipates a growing trend in ADUs permitted. However, substantial evidence is not provided, beyond stating "City is considering adopting other incentives to encourage and promote ADUs, including allowing ADUs on religious properties." The City needs more concrete evidence that ADU permitting will continue to increase and significantly exceed the Safe Harbour calculation. An automatic mid-cycle trigger should be considered to address any shortfalls in production.

Additionally, the City should consider a recent study by UCLA Ziman Center for Real Estate which found that up to 20% of ADUs permitted were not used as housing.[17] The City should not assume that all permitted ADUs will contribute toward housing production for the RHNA goals.

Conclusion

Over the past few years, legislation has given the state more tools to make sure each jurisdiction is doing their part in upholding the goals of AFFH through their housing elements. HCD is already reviewing housing element drafts for cities in San Diego County and, thus far, have found all of them deficient in AFFH. This cycle has already proven to be different from past cycles, and we encourage you to consider our recommendations to design a housing element that will guide Escondido in providing housing security to its residents.

[13] "San Diego Agriculture – The San Diego County Farm Bureau." https://www.sdfarmbureau.org/san-diego-agriculture/. Accessed 26 May. 2021.
[14] "U.S. Census Bureau QuickFacts: San Diego County, California ...." https://www.census.gov/quickfacts/fact/table/sandiegocountycalifornia,CA/PST045219. Accessed 26 May. 2021.
[15] City of Escondido 6th Cycle Housing Element - Draft." Page 123. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[16] City of Escondido 6th Cycle Housing Element - Draft." Page 95. March 2021. https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf Accessed 28 May. 2021.
[17] "How are ADUs Used? The Impact of Accessory Dwelling Units in Los Angeles." May 2021. https://www.anderson.ucla.edu/documents/areas/ctr/ziman/2021/UCLA_Economic_Letter_Crane_052521v3.pdf

Response to Comments

Mr. Erik Felix and Ms. Lauren Harper comment on the following topics, updating programs for Escondido's growing low-income population, improving siting and tenant protections to Affirmatively Further Fair Housing (AFFH), mitigating development fee burdens, invalidating Proposition S, and designing a mid-cycle Accessory Dwelling Unit (ADU) development trigger.

Specifically, Mr. Felix and Ms. Lauren express concern regarding the City's ability to construct a targeted number of low-income residential units with housing programs similar in nature to the previous cycle, and the impacts lack of low-income housing construction will cause in the City when there is a large portion of the population experiencing low income and high financial burdens. Additional concerns pertain to concentration of low- and very-low income allocations within the City and the need to design tenant protections and land use policies that will facilitate the development of affordable housing and its accessibility. Their comment letter contends that the City's draft housing element should address affirmatively furthering fair housing goals and policies more effectively.

Further public comment targets the City's fee schedule comparison noted under Table 45 of the draft housing element, which compared the City's fees against City of Carlsbad and Oceanside only, as well as direction that the City need not abide by Proposition S due to Senate Bill 330 (SB 330). Mr. Felix and Ms. Harper also address the need for a mid-cycle accessory dwelling unit (ADU) development trigger to address potential shortfalls in ADU development, which the City sites as a means for fulfilling a portion of RHNA requirements.

- **Fair Housing**: The City seeks to contain a majority of future residential development within the urban core of the City, where proximity to existing transit such as the NCTD Sprinter are located. Concentrations of low-income units and incentivization of development have the potential to reinforce economic segregation and cause displacement of at-risk populations, such as low-income residents and communities of color. Therefore, the City includes Programs 2.1 - Accessory Dwelling Units, 2.9 - Inclusionary Housing Assessment, 2.10 - SB 9 Ordinance, and Program 3.4 - Fair Housing. These programs seek to increase affordable housing types, such as ADUs and urban lot splits and duplexes, within low density areas which are typically higher resourced than higher density areas; evaluate other forms of inclusionary housing than those assessed under the 2021 Housing Sector Feasibility Study; and, explore education and adoption of anti-displacement regulations, facilitating community organizing and advocacy, and an environmental justice element with prioritization of improvements in disadvantaged communities.
- **ADU Development Trigger:** The revised draft includes language added to Program 2.1 – Accessory Dwelling Units that would require exploring a density bonus on ADUs if development falls short of projections. The City tracks all ADU development in the City, including affordability rates. Data on affordability is provided by the applicant/developer and accessed annually as a part of the housing element's annual reporting.
- **Proposition S**: Program 1.8 has been modified to include a requirement to assess Proposition S' impact (if any) on housing production and fair housing within the City.
- **Table 45 of the draft element**: The initial cities within Table 45 represented the "full service" cities located in North County San Diego. However, in response, the City revised Table 45-*Planning and Development Fees Regional Comparison* to include all cities along the Highway 78 corridor (i.e., San Marco and Vista fees are now included). The City of Vista fees are based on the July 2021 Fee

Schedule and the City of San Marcos fees are based on their adopted sixth cycle housing element. Based on these added cities for comparison, planning fees from the City of Vista are comparable to that of Escondido, while City of San Marcos maintains fees costs relatively low compared to all other Highway 78 corridor cities. For impact/capacity fees, the City of Vista is higher than Escondido when it comes to parks fees, and traffic impact fees. City of San Marcos also has higher traffic impact fees, and substantially higher drainage fees than Escondido. Based on the City of Vista's fee schedule and City of San Marcos' adopted housing element, certain fees vary and so providing a total per unit fee cost based on the independently listed fees cannot be determined.

Public Comments
PHG 20-0030

July 7, 2021

Ms. Kristina Owens
Associate Planner
City of Escondido
201 North Broadway
Escondido, CA 92025
Submitted via email: kowens@escondido.org

Re: Draft 6th Cycle Housing Element

Dear Ms. Owens:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6th Cycle Housing Element for the City of Escondido.

The draft Housing Element contains several actionable items that will help Escondido make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

Implementing State Legislation
The San Diego Housing Federation was a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will help the city make progress toward the need for 3,113 low- and very-low income units for the Regional Housing Needs Allocation for the 2021-2029 cycle (p. 84). Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing. We encourage Program 1.4 regarding City-owned land (p. 114) to include a provision to update city policies to comply with the Surplus Land Act.

We are pleased to see Program 1.6 to amend the City's zoning ordinance to comply with state law (p. 115). We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also work to implement AB 2345, a bill we supported that builds on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "Equity and Climate for Homes," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing.

Local funding for affordable housing
The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families and that federal and state funding is a critical piece to the resources puzzle. We strongly support Program 2.7 to pursue funding sources for the construction, acquisition and rehabilitation, and preservation of affordable housing (p. 119). We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act (SB 2, 2017), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. As local gap financing is critical, we also strongly support the City including recycled RDA funds as a local financing source.

Affirmatively furthering fair housing and equity
As noted in the housing element, there are two areas of poverty and racial concentration in Escondido (p. 99). As we know, housing development policies – how much and where new housing can be built – play a role in patterns of segregation within a community.

While Housing Policy 1.1 to expand the stock of all housing (p. 116) is laudable, the constraints created by the City's Proposition S, which requires voter approval of specified future changes to the Escondido General Plan, can hinder the goals of those policies and can play a role in creating exclusion. We recommend that Program 1.7, Monitoring of Growth Management Measure (p. 115) be updated to fully examine the impact of Proposition S on housing production and fair housing goals.

We further recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Housing and Climate Change
Our September 2016 report, "Location Matters: Affordable Housing and VMT Reduction in San Diego County," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. The City's Climate Action Plan calls for pursuing state grants such as the Affordable Housing and Sustainable Communities (AHSC) Grant to support affordable housing near transit (Climate Action Plan, March 2021, p. 3-14). However, the mentions of addressing climate change in the Housing Element are in relation to climate resilient homes and make no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool nor pursuing AHSC funds. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that staff have dedicated to the draft Housing Element document and look forward to supporting Escondido in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,

Laura Nunn

Laura Nunn
Chief of Policy & Education

Response to Comments

The SDHF's letter outlines support for the implementation of recently approved state legislation in a timely manner. The City currently has programs within the draft housing element that outline the City's effort to comply with any updates to state legislation, such as density bonus law and the Surplus Land Act. SDHF comments on their support of the City's draft Program 1.6 – Density Bonus and recommends the City include language in Program 1.4 – City-Owned Sites that requires the City comply with state law. The SDHF's letter includes additional comments on local funding for affordable housing, including the prioritization of Permanent Local Housing Allocation (PLHA) funds for affordable housing development, as well as affirmatively furthering fair housing (AFFH) and equity and how Proposition S may impact AFFH, and including context in the draft document on how affordable housing can help the City meet its RHNA obligation and Climate Action Plan (CAP) goals.

- **Fair Housing**: The City seeks to contain a majority of future residential development within the urban core of the City, where proximity to existing transit such as the NCTD Sprinter are located. Concentrations of low-income units and incentivization of development have the potential to reinforce economic segregation and cause displacement of at-risk populations, such as low-income residents and communities of color. Therefore, the City includes Programs 2.1 - Accessory Dwelling Units, 2.9 - Inclusionary Housing Assessment, 2.10 - SB 9 Ordinance, and Program 3.4 - Fair Housing. These programs seek to increase affordable housing types, such as ADUs and urban lot splits and duplexes, within low density areas which are typically higher resourced than higher density areas; evaluate other forms of inclusionary housing than those assessed under the 2021 Housing Sector Feasibility Study; and, explore education and adoption of anti-displacement regulations, facilitating community organizing and advocacy, and an environmental justice element with prioritization of improvements in disadvantaged communities.
- **Proposition S**: Program 1.8 has been modified to include a requirement to assess Proposition S' impact (if any) on housing production and fair housing within the City.
- **Implementing State Legislation**: The City recently updated the City's Density Bonus Ordinance to comply with AB 1763 in October 2021. Additionally, staff revised Program 1.4 to include language requiring review of the City's policies to ensure compliance with the Surplus Land Act.
- **Local Funding and Climate Change**: The City added Housing Policy 1.11 to the draft document which outlines the City pursue funding, including the Affordable Housing and Sustainable Communities Grant and PLHA, for funding to support affordable housing projects. Additionally, Program 2.8 – Affordable Housing Development details the funding sources the City will pursue or continue to pursue for affordable housing for development within the City.

Comment Letter F – Escondido Community Housing Coalition (ECHC)

Escondido Community Housing Coalition

July 26, 2021

Mayor and City Council
Planning Commissioners
City of Escondido
Via Email – Corrected version sent July 30, 2021

RE: Escondido Community Housing Coalition Recommendations for Amendments to Escondido Revised Draft Housing Element

Dear Mayor and City Council and Planning Commissioners:

The Escondido Community Housing Coalition (ECHC) is composed of social and environmental justice organizations within San Diego County that have united in advocating for the creation of inclusive, thriving communities, where every resident in the City of Escondido has access to affordable, safe, housing near job and transit centers.

We urge the Planning Commission and City Council to make the following revisions to the Draft Revised Escondido Housing Element (HE):

1. Create an Escondido Housing Commission.

Escondido has not had a Housing Commission for over 10 years. However, it is clear that such a commission is now timely and could be helpful to further housing goals in our city. We recommend that the EHE re-establish an Escondido Housing Commission. There seem to be many programs dispersed throughout the city that can be unified under a centralized Housing Commission. The Housing Commission in Oceanside is a successful model of community involvement and oversight of a city's housing programs and initiatives. The mandatory public involvement requirement for the housing element could be achieved through a commitment to a Housing Commission. Housing is an important issue, especially now as the California Eviction Moratorium ends on September 30, 2021. Escondido needs to establish an advisory Housing Commission.

2. Require development of an Inclusionary Housing Ordinance for Escondido.

Ten of the 18 cities in San Diego County already have inclusionary housing ordinances (IHO). The County has directed its staff to create an IHO for the unincorporated area. The incentives-only strategy has thus far failed to serve the residents of Escondido with the affordable housing that is needed. We request that the Council direct staff to investigate and propose an IHO for Escondido with an ultimate goal of 25%, on-site, deed restricted, affordable housing requirement for nearly all new housing projects. If in-lieu fees are to be attached to a future IHO, we request that they be significant enough to result in actual affordable housing project construction. We recommend that Escondido require developers to pay an in-lieu fee of $25/sf such as is required by the City of San Diego. Last, other cities also include an in-lieu fee for projects between 2-10 units. This would be another aspect to include in the analysis.

3. Create a two-tiered approach to inclusionary housing.

As part of an IHO, we recommend the city establish a two-tiered inclusionary program. The first tier based on the existing zoning framework and the second associated with city actions that increase land values, such as plan updates, density bonuses, specific plans, and up-zonings. Those public actions can significantly increase land values and it is only fair and inclusive policy to recapture some of those increases for public benefit through higher inclusionary requirements.

4. Remove proposed housing locations within 500 feet of a freeway or routes heavily trafficked by diesel trucks.

Housing development within 500 feet of a major freeway or heavily trafficked road is extremely hazardous for human health and should not be used to house vulnerable residents. The California Air Resources Board (CARB) did a Land Use Guidance document in 2005 and its guidance is clear, avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. Any targeted location for affordable housing development under the RHNA delegation should be removed and relocated to a more healthful location.

5. Remove proposed housing from locations in Very High Fire Severity Zones and concentrate in area served by transit and other existing infrastructure.

Sprawl development in high-VMT and high fire hazard areas is one of our region's greatest sources of air emissions. Development in these areas threatens the health of all residents, especially those unable to protect themselves during fires. Directing infrastructure and maintenance resources away from the city core to support sprawl is an injustice and does represent equitable development. Further, it does not comport with the city's General Plan commitment to sustainable development. The EHE should prohibit development of housing in hazardous fire areas far from existing infrastructure and should focus resources, time, and attention on funding and improving Escondido's urban core

6. Urban Greening should be an integral part of improving housing in Escondido.

The recent heat waves are a direct threat to the health and well-being of residents in Escondido. Adequate tree canopies are known to lower heat in impacted areas as much as 10 degrees. The Priority Investment Neighborhoods designated in the Climate Action Plan should receive early planning and funding for increased tree canopy, parks, and green spaces where they are supported by the residents. Further, studies have shown that access to green spaces is

important for children and healthy families. We recommend that the EHE specifically commit to early focus on tree canopy and other green infrastructure improvement as described in the Escondido Climate Action Plan noted below.

> "*Develop an urban heat island reduction program that includes an urban forest program or plan for priority investment neighborhoods ("PINs") that achieves a tree planting coverage of at least 35 percent. Expand and focus tree plantings in low canopy neighborhoods and neighborhoods at a higher risk of adverse outcomes of urban heat island effects and to encourage urban agriculture through edible landscapes within some publicly accessible areas."* (ECAP at 3-23)

7. EHE should include actions to specifically ensure Rent Forgiveness programs are accessed by residents and a Tenant Protection Ordinance and Rent Registry System should be adopted.

We recommend the EHE commit the city to create a Tenant Protection Board which would be responsible for providing legal, mediation, and arbitration services to tenants in Escondido to protect them from illegal evictions and homelessness. In addition, a Rent Registry System should be created where landlords can register their units with the city.

8. New Home buying programs should set higher performance goals and be expanded to include city-initiated/supported community land trusts.

Facilitating home ownership by low-income residents is an important means to create wealth that can lift people out of poverty. The current EHE stated goal for the First-Time Homebuyer Assistance proposed is to assist one family a year, which is extremely insufficient. We request that this target be set higher for this important effort. A proven program nationwide that can offer opportunities for ownership/wealth creation for low-income families is through Community Land Trusts (CLTs). We request that the EHE commit to collaborating with CLTs and developing programs for affordable housing development.

The member organizations of the Escondido Community Housing Coalition are committed to working with you and your staff to achieve housing goals for the city. Our coalition will continue to reach out to other organizations with an interest and expertise in housing. We understand that these issues are complex and need discussion and analysis and we look forward to an on-going process. We appreciate your consideration of these recommendations.

Sincerely,

Natasha Howell, Chair Housing Committee
Rob Jenkins, First Vice-President
North San Diego County NAACP

Yusef Miller, Director
North County Equity and Justice Coalition

Estela De Los Rios, Executive Director
CSA San Diego Fair Housing

Madison Coleman, Policy Advocate
Climate Action Campaign

Laura Hunter, Chair Conservation Committee
Sierra Club North County Group

Evelyn Langston, President
Escondido Mobile Home Positive Action Committee (EMPAC)

Escondido Community Housing Coalition
Requests for Amendments to Escondido Housing Element 2022
February 10, 2022

1. Include an **Escondido Housing Public Advisory Committee.**

Meaningful public participation is an asset and will improve city programs and policies. Our key recommendation is that the Housing Element require the establishment of an appointed, scheduled, participatory public advisory committee to provide input and assist with outreach on housing related topics. This committee should be collaborative and not just informational. It should have a work plan, regular meetings, and serve as a hub where all residents feel invited and comfortable to participate. Spanish language interpretations should be provided. Other languages as needed.

2. **Strengthen and Broaden the Affordable Housing Program**:

The Affordable Housing Program should consist of the following strategies:
a. Requirement for all new housing development to have a percentage of deed-restricted, on-site affordable housing.
b. Reference the County's Innovative Housing Trust Fund when creating Escondido's Affordable Housing Trust Fund (AHTF). The AHTF must prioritize the development of low to middle income (30%-80% AMI), deed restricted housing in underserved communities near transit priority areas. All in-lieu fees should go into the AHTF.
c. To improve the quality of life of Escondido residents the Housing Element must commit to the development of green spaces and tree shade canopies for urban dwellers. Escondido should commit $5 million to prioritizing the development of green spaces in underserved communities first.
d. Prioritize infill development, up-zoning, and missing middle income housing such the development of small/tiny housing villages, duplexes, triplexes, ADUs, the creation of 'small lot ordinance, etc.
e. Create a rent registry to collect data and resources that will support legal services that give tenants more accessible and affordable housing opportunities. At a minimum, information collected through the Rent Registry will include:

1. Address of rental unit, type of unit, and rental payment
2. Name and address of property owner and landlord
3. Whether the landlord lives on-site or not
4. Declaration that all information required by the Tenant Protection Board is provided to each unit

3. **Require Safe Housing Locations**

a. All proposed and future housing development locations must be at least 500 feet away from the nearest freeway.

b. Stop current sprawl development and prevent all future sprawl development. Sprawl development in high VMT, high fire hazard areas is one of our region's greatest sources of emissions. Approval of further sprawl projects, such as Harvest Hills, will only exacerbate the climate crisis. We urge the Council to pass a Housing Element that requires all new housing developments to align with SB 743 and are near existing and future mobility hubs.

4. **Understand our history and require projects to meaningfully embed equity by conducting Racial Equity Impact Assessments (REIA).**
A Racial Equity Impact Assessment (REIA) is one way to conduct a systematic examination of how different racial and ethnic groups—with attention to the full spectrum of intersecting marginalized identities—will be affected by a proposal. We request the city follow the guidelines contained in NAACP's Guidelines for Equitable Community Involvement in Building & Development Projects and Policies

5. **Amend policies in key East Valley Specific Plan adopted policies as follows (changes in underline) LU-2.2:** Support a flexible range of housing types – such as smaller unit sizes, compact housing types, live-work, ancillary dwelling units, **tiny or studio home villages,** or other innovative housing formats and design techniques.

LU-2.3: Develop or identify new incentives for affordable housing within the Plan Area, such as innovative funding sources like tax credit programs, **community land trusts, coops, re-villaging efforts, small lot zoning,** and public-private partnerships.

LU-2.4: Offer a range of options for development of ordinances which establish a clear plan to meet and fulfill affordable housing requirements.

LU-2.7: Improve the quality and availability of housing by addressing declining homeownership, neighborhood stability and overcrowding **by establishing an ambitious program to support homeownership in priority areas.**

LU-2.8: Establish an Affordable Housing Trust Fund (AHTF) to assist in the delivery of affordable housing within the Plan Area. The AHTF should be used to provide affordable housing for lower and middle income households. The AHTF can be used to augment State and Federal programs to expand affordable housing opportunities for these underserved groups **and to meet the requirements of an affordable housing development program.**

May 25, 2022

Ms. Sohab Mehmood, Department of California Housing and Community Development
Ms. Veronica Morones, City of Escondido
Via Email Sohab.Mehmood@hcd.ca.gov, VMorones@escondido.org

RE: Escondido Community Housing Coalition request for revisions to Escondido Draft Housing Element

Dear Ms. Mehmood and Ms. Morones:

The undersigned members of the Escondido Community Housing Coalition (ECHC) are writing today regarding the new draft of the Escondido Housing Element. Since we have limited resources, we ask that this letter serve as our comment letter to the city on the new draft and our comment letter to Housing and Community Development (HCD) if no changes to it are made by the city.

As drafted, the ECHC urges the city to make the following revisions and urges HCD to deny certification until three major amendments are made.

1. **Housing Element should require development of an inclusionary housing ordinance.**

Requirements for affordable housing in development is an **urgent** need for Escondido. There is no need to 'wait and see' if future projects yield adequate affordable housing. The failure of the 5th Housing Cycle is evidence enough that requirements are needed in this 6th cycle plan. The results of the 5th Housing cycle report showed Escondido has developed only 13.5% of requirements for very-low income, 17% for low income, and 15% of the goal for moderate, but 119% for above moderate market rate housing.

The development of Palomar Heights is also prime and recent example of Escondido's failure to secure affordable housing. This project was located on an old hospital site, a perfect location in the center of the urban core and on transit corridors. The final project was significantly under density (by 500 units) with no deed restricted affordable housing. By now we know the future of affordable housing development in Escondido if an inclusionary housing (IH) ordinance is not in place.

ECHC has been advised by Mr. Nico Calavitas, Professor Emeritus of Land Use Planning at San Diego State University regarding appropriate means to phase in inclusionary requirements. He suggests a reasonable dual approach, one based on IH applied to existing zoning, as in the case of typical IH ordinances, and the other based on plan changes or up-

zonings in areas slated for development (see attached article: "Inclusionary Housing, Incentives and Land Value Recapture"). IH requirements would be higher in the second case because land values would increase as a result of up-zonings, plan changes or updates.

In this case the IH requirements should be based on the public benefit received by the landowner (to be established on the basis of an economic analysis). This approach is preferable to density bonuses. The County seems to be moving in this direction.
How land value changes up (up-zonings) or down should be an integral part of an IH study, including the desirability of a phasing approach to allow for land markets to adjust to plan changes and regulations.

2. **Housing Element should include a true public engagement committee or commission.**

Second, the element is still deficient in community participation and engagement around the important issue of housing. The Escondido Community Housing Coalition has repeatedly requested a re-start of the Housing Commission or a Housing Working Group as a place where housing issues can be studied, addressed, and improved. The cited Council Subcommittee, which meets during work hours, and has not (until recently) been noticed to the public is inadequate. In fact, the stated purpose of the Subcommittee in the new draft is *"to discuss pertinent housing issues within the City and convey information to City staff on such matters."* Without any acknowledgement or commitment to engaging the public.

3. **Please remove RHNA housing sites from areas adjacent to the freeway, a known high health hazard area.**

Repeated commenters requested that housing be moved at least 500 feet away from freeways per Air Resources Board Guidance. The response of the city to move that issue to the Community Safety Element (CSE) update is not responsive. The risks are known now and we are concerned that these unsafe sites may be considered, 'grandfathered' in as it will be too hard to change the Housing Element once certified. This is a long known, existing problem and housing should not be located there. Please remove these locations.

In conclusion, ECHC strongly requests that the city amend or HCD reject this draft until these important aspects are improved.

Thank you for the consideration of our comments. Please communicate with us the results of your actions. We can be reached at escohousingcoalition@gmail.com.

Sincerely,

Robert Jenkins, North San Diego County NAACP
Yusef Miller, North County Equity and Justice Coalition, Clean Earth4Kids
Estela De Los Rios, CSA San Diego County
Madison Coleman, Climate Action Campaign
Yazmin Doroteo, North County Resident
Xochitl Castillo, Escondido Resident
Emilia Ruiz Venegas, Escondido Resident
Barbara Valle, Escondido Resident
Estela Chamu, Escondido Resident
Estela De Los Rios, CSA San Diego County
Laura Hunter, Sierra Club North County Group
Christine Nava, Escondido Resident
Joanne Tenney, Escondido Resident
Patricia Borchmann, Escondido Resident
Joan DeVries, Escondido Mobile Home Positive Action Committee
Nico Calavita, Professor Emeritus, San Diego State University

Response to Comments

The ECHC's letters outline support for a housing public advisory committee and housing commission, an inclusionary housing ordinance, affordable housing trust fund, and other affordable housing programs, the removal of RHNA sites from within 500-feet of a freeway and truck routes, removal of RHNA sites from very high fire hazard severity zones, urban greening, tenant protections, and new home buying programs.

The ECHC discusses concerns regarding the potential environmental justice concerns that may result from RHNA sites located within 500-feet of freeways and truck routes, as well as those associated with RHNA sites located in the very high fire hazard severity zones. The ECHC requests the City conduct a racial equity impact assessment for the City to examine how different racial and ethnic groups will be affected by the 6th cycle draft housing element.

Lastly, the ECHC highlights several recommended text changes to the draft East Valley Specific Plan, which is a project under the Housing and Community Investment Study (HCIS) process.

- **Inclusionary Housing**: The City conducted a residential sector feasibility study (study) as a part of the Housing and Community Investment Study (HCIS) process. The study presents an economic analysis to evaluate the financial feasibility of various new construction residential product types and densities, and the cost for developers to comply with an onsite affordable housing obligation through application of an inclusionary housing ordinance. The study concludes that an inclusionary mechanism 10% low, or 5% low and 5% very low would be economically infeasible for all but one housing product type (for-sale townhomes) analyzed. The City staff included revisions to the draft housing element to address further study and research on inclusionary mechanisms, including land value recapture (Program 2.9 – Inclusionary Housing Assessment).
- **Housing Commission/Advisory Committee:** The City of Escondido discontinued its Housing Commission due to lack of funding (primarily a result of the dissolution of redevelopment). The Housing Commission's responsibility included outreach and coordination of housing programs. In 2021, the City Council established the Housing Subcommittee, an ad hoc committee comprised of two councilmembers, a representative from the City Manager's Office, the City Clerk, counsel from the City Attorney's Office, and the Director of Community Development. The Housing Subcommittee's purpose is to discuss pertinent housing issues within the City and convey information to City staff on such matters. At the most recent housing subcommittee meeting, held on April 21, 2022, the topics discussed included an update on the 6th cycle housing element process, and presentation by the City's qualified fair housing provider, the Legal Aid Society of San Diego.
- **Affordable Housing Trust Fund**: The draft East Valley Specific Plan would include development of an Affordable Housing Trust Fund to assist in the delivery of affordable housing within the Plan Area. Likewise, an in-lieu fee for development proposed below minimum density thresholds would be used by the trust fund to develop moderate- and low-income housing developments.
- **Review Periods/Public Participation**: Subsequent to the August 2021 adoption, and in response to concerns regarding review periods of revised drafts and the need for additional public participation, the City provided a voluntary 30-day review period on the initial revised draft of the housing element in May 2022, and held a public meeting on May 10th at the regularly scheduled planning commission to inform the planning commission and general public of revisions included in the draft housing element. Subsequent revisions to the May 2022 draft included additional

refinement to meet HCD's concerns regarding AFFH programs. The City provided a voluntary 14-day review period for the revisions submitted to HCD in October 2022; the October revisions are the changes proposed for adoption.

- **Air Quality and Fire Hazards**: The City is currently working on an update to the City's Safety Element, known as the Community Protection chapter of the General Plan and creation of a new environmental justice element—both of which are required as a direct result of the 6th Cycle Housing Element Update. Specifically, SB 1035 requires the General Plan Safety Element to be reviewed and revised to include any new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies with each revision of the housing element. These elements will discuss fire hazards surrounding development within the City and air quality concerns as they relate to safe and sanitary housing and pollution burden for communities.
- **Sites within Fire Zones**: The current suitable sites inventory for the draft housing element includes 18 sites, with a potential for 149 new dwelling units, out of a total 888 sites with a potential for 9,463 units, that contain a portion of their area designated as very high fire hazard severity zone area. Of those 18 sites, 7 are wholly located within the very high fire hazard severity zone, meaning the total area of the site is designated as such. These 18 sites account for approximately 2% of the total sites inventory and the potential for 149 new units account for approximately 1.5% of the total new dwelling unit potential.
- **Fair Housing**: The City seeks to contain a majority of future residential development within the urban core of the City, where proximity to existing transit such as the NCTD Sprinter are located. Concentrations of low-income units and incentivization of development have the potential to reinforce economic segregation and cause displacement of at-risk populations, such as low-income residents and communities of color. Therefore, the City includes Programs 2.1 - Accessory Dwelling Units, 2.9 - Inclusionary Housing Assessment, 2.10 - SB 9 Ordinance, and Program 3.4 - Fair Housing. These programs seek to increase affordable housing types, such as ADUs and urban lot splits and duplexes, within low density areas which are typically higher resourced than higher density areas; evaluate other forms of inclusionary housing than those assessed under the 2021 Housing Sector Feasibility Study; and, explore education and adoption of anti-displacement regulations, facilitating community organizing and advocacy, and an environmental justice element with prioritization of improvements in disadvantaged communities.
- **East Valley Specific Plan**: The City's draft East Valley Specific Plan is a part of the HCIS work effort; however, it is at a different stage in development than the City's draft housing element. At this time, staff is working on the draft document and the recommended text changes by the ECHC are under consideration by staff.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

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August 10, 2021

Mike Strong, Director
Community Development Department
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Mike Strong:

RE: Review of Escondido's 6th Cycle (2021-2029) Revised Draft Housing Element Update

Thank you for submitting the City of Escondido's (City) revised draft housing element received for review on June 17, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Lauren Harper, Erik Felix, and Escondido Community Housing Coalition, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code):

1. *Affirmatively further[ing] fair housing (AFFH) in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

   The element includes some data and information regarding AFFH but must still add data and analysis to address this statutory requirement, as follows:

Local Data and Knowledge: Local data and knowledge is information obtained through community participation, consultation with stakeholders, and peoples lived experiences in your City and captures unique aspects about your community that is not usually reflective in state or federal data. For example, the City should review comments and feedback received from the public while updating the housing element and through other planning processes, including formal comment letters, such as those from Lauren Harper, Erik Felix, and Escondido Community Housing Coalition, regarding AFFH strategies.

Other Relevant Factors: The element must include information on other relevant factors. Other relevant factors include past changes in zoning and land use rules that have impacted segregation patterns, known past redlining activities, restrictive covenants or any other discriminatory practices such as community opposition, lack of investment in certain communities, historical context and relevant demographics.

Strategies and Actions:

Housing Mobility – Housing mobility strategies consist of removing barriers and enhancing access to areas of opportunity. The City has census tracts that could be considered racially concentrated areas of affluence (RCAA). These tracts also have access to better schools, higher environmental quality, and are considered moderate resourced areas. While the element does include some mobility strategies, such as allowing accessory dwelling units (ADU) on places of worships, given the fair housing conditions in the City, the element must include stronger programs to truly overcome existing patterns of segregation and enhance access to areas of opportunity.

Place-Based Strategies – The City has concentrated a large portion of its lower-income Regional Housing Needs Allotment (RHNA) in census tracts that are also considered as racially/ethnically concentrated areas of poverty (R/ECAP) and have several fair housing issues including a concentration of households experiencing disproportionate housing needs, low resources, and significantly lower education domain scores compared to other neighborhoods with largely white populations. The element includes adopting the EVSP, “focusing planning and intervention programs in areas currently experiencing social or environmental injustice,” and the City will “consider” establishing equity considerations for planning projects. These actions do not adequately encourage community revitalization and conservation, replace segregated living patterns, and transform these census tracts into areas of opportunity. Programs and actions must clearly list milestones, metrics, deliverables and implementations dates with clear commitments to the actions. For example, the element could utilize place-based strategies in the EVSP.

Displacement Risks – The element must add or modify programs to address the risk of displacement. Programs included requiring by-right approval for sites are being reused from the last planning period and rezoned, pursuing one affordable housing project and prioritizing funding for rehabilitation in the downtown (p.139). The City has several communities located in the central part of the City that are vulnerable to displacement (p.E-45). These census tracts also have several overlapping fair housing issues noted above. The element must be revised to include programs and strategies targeted to specific census tracts and seek to minimize displacement risks.

For technical assistance and further guidance, including sample policies and strategies, please visit HCD's AFFH Memo at: https://www.hcd.ca.gov/community-development/affh/index.shtml.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Suitability of Nonvacant Sites: The element includes some analysis to address the potential for redevelopment on nonvacant sites using three factors: improvement to land value, age of structures, and number of additional units that could be added to a property (new net unit ratio). The analysis states that sites with existing uses were only considered if the building age was at least 31 years or older. The sites inventory includes a column titled "year built." After further follow-up with the City, HCD has found that the inventory included several sites where the existing structures was built from 2000-2020, making that existing structure anywhere from 1-20 years old. This appears inconsistent with the methodology listed in the element or is not adequately supported by analysis. Additionally, several sites in the element with existing uses such as neighborhood shopping centers, garage parking lots, used car lots, generic commercial, etc., are listed as "unknown" under building age. The inventory should be revised to only include sites with a known building age and where the existing uses are at least 31 years or older as supported by the analysis.

The element stated that sites that could add a minimum of five times the existing units were included in the inventory. However, the inventory includes several sites that have new net unit ratio of 1-4. For example, several sites identified to accommodate above moderate-income households list a new net unit ratio at two. The element should be revised to remove these sites. Additionally, the element includes past projects that achieved a new net ratio ranging from 15-40 additional units per site. These examples do not support the assumption of using a new net ratio of five. Rather, the examples demonstrate that the new net ratio should be at a higher threshold than five. The element should be revised to

remove sites with a new net unit ratio of five or provide examples that support this assumption.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). While the element includes an analysis discussing how small sites are appropriate to accommodate lower-income housing, given the strong reliance on utilizing small sites for the lower-income RHNA, the element must be revised to include commensurate programs with incentives that facilitate development on small sites. Additionally, the element must include a program that monitors development on small sites and commits to alternative actions as appropriate by a date certain.

The element will meet the statutory requirements of State Housing Element Law once it has been revised to comply with the above requirements.

As a reminder, the City's 6th cycle housing element was due April 15, 2021. As of today,the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to make revisions to the element as described above, adopt, and submit to HCD to regain housing element compliance.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of April 15, 2021 for San Diego Association of Governments (SANDAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's websiteat: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments as noted in the above findings.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and responsiveness City staff Jessica Relucio, you, and the City's consultants Veronica Tam, Jamie Power, Aaron Barrall, and Dan Wery provided during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at Sohab.Mehmood@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

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August 2, 2022

Mike Strong, Director
Community Development Department
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Mike Strong:

RE: Escondido's 6th Cycle (2021-2029) Revised Draft Housing Element Update

Thank you for submitting the City of Escondido's (City) revised draft housing element received for review on June 2, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Escondido Community Housing Coalition and Sierra Club North County Group (NCG), pursuant to Government Code section 65585, subdivision (c).

The revised draft element addresses many statutory requirements; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code):

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

   Strategies, Actions, Metrics, and Milestones: HCD's prior review found that the element must include stronger actions to address housing mobility, displacement risks, and place-based strategies. Additionally, prior reviews found that the element must include metrics or numeric objectives to target meaningful affirmatively furthering fair housing (AFFH) outcomes in the planning period. While the element included revisions, it still should be revised with significant programs to enhance housing mobility and include quantifiable metrics or numerical objectives to target beneficial impacts for people, households, and

neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed). HCD will be following up under a separate cover with additional information and specific guidance.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level... (Gov. Code, § 65583, subd. (a)(3).)*

   Suitability of Nonvacant Sites: While the element now clearly details the methodology and criteria used when identifying sites, it should support the assumptions and criteria utilized as part of the methodology. For example, the element included project examples in Appendix B and anecdotally discussed projects throughout the analysis. However, several of the projects discussed did not align with the criteria utilized. The examples listed in Appendix B only highlighted existing uses and occasionally referenced the land to improvement ratio (LIR) while the methodology considered, at minimum two out of three factors including building age, LIR, and new net ratios. To clearly relate project examples to the methodology, the element could include a table listing out project examples with the same characteristics utilized in the methodology. The examples should also include information about existing uses, location and affordability.

   As a reminder, since the element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, absent of findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and nonvacant sites will not be utilized toward demonstrating adequate sites to accommodate the RHNA. The City's resolution for the adopted housing element (adopted August 11, 2021) did not include the required findings. Any future re-adoption of the housing element must include the appropriate finding as part of the adoption resolution.

The element will meet statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until all required rezones of sites pursuant to Government Code section 65583, subdivision (c),paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As the year has

passed and Program 1.1 (Sites Inventory and No Net Loss…) and Program 1.3 (By-right Approvals on Reuse Sites…) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed.

For your information: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory (for all income-levels). Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml for a copy of the form and instructions. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and responsiveness of City staff Adam Finestone and Veronica Morones during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at Sohab.Mehmood@hcd.ca.gov.

Sincerely,

Paul McDougall
Senior Program Manager

Response to Comments

The Department of Housing and Community Development (HCD) provided comments outlining items for revisions that are necessary to comply with State Housing Element Law. Specifically, HCD details the City's need to provide further data and information regarding local data and knowledge, other relevant factors, and strategies and actions as they all relate to affirmatively furthering fair housing (AFFH). HCD also noted the City's need to clarify the suitable sites inventory methodology and utilization of small sites. Direction from HCD included additional public participation during the housing element adoption process.

August 2, 2022

- **Strategies, Actions, Metrics, and Milestones:** City staff revised a number of existing housing element programs to include metrics, milestones, and actions that work to address affirmatively furthering fair housing concerns. Changes made include the following
    - Program 3.2 – Focus on Neighborhoods: Language added quantifying number of families and individuals the City seeks to aid with tenant rental assistance, as well as a timeline metric.
    - Program 3.4 – Fair Housing: Language added to numerous sections that include quantifying number of outreach/public participation meetings associated with the fair housing program and their timeline; quantifying of individuals/families/units for achievement throughout the program; and identification of place-based strategies with milestone metrics.
- **Suitability of Nonvacant Sites:** City staff provided additional language to Appendix B clarifying whether identified example projects support the assumptions and criteria utilized as part of the revised methodology.

August 10, 2021

- **Public Participation**: Subsequent to the August 2021 adoption, and in response to concerns regarding review periods of revised drafts and the need for additional public participation, the City provided a voluntary 30-day review period on the initial revised draft of the housing element in May 2022, and held a public meeting on May 10th at the regularly scheduled planning commission to inform the planning commission and general public of revisions included in the draft housing element. Subsequent revisions to the May 2022 draft included additional refinement to meet HCD's concerns regarding AFFH programs. The City provided a voluntary 14-day review period for the revisions submitted to HCD in October 2022; the October revisions are the changes proposed for adoption.
- **Local Data Knowledge**: The revised draft document includes summarized comments received at City Council meeting and potential programs to explore in the future. City staff reviewed public comments and staff met with commenting parties (i.e., SCNCG, Erik Felix and Lauren Harper, SDHF, and ECHC). Changes to the draft housing element as a result of local knowledge integration are noted beginning page E-43 through E-44. Additional information added/revised regarding public comment can be found under Section 1(D): Public Participation, on page 6.
- **Other Relevant Factors**: City staff added language regarding past practices, such as redlining, and specific City ordinances regarding impediments to housing of protected classes, on page E-44. An

inclusionary strategy has been added under Program 2.9. Additional revisions have been made to Programs 3.2, 3.3., and 3.4 regarding housing strategies.

- **Suitability of Nonvacant Sites:** Additional discussion on how providing additional opportunities in the EVSP and Downtown will help rejuvenate stagnant or declining neighborhoods in the absence of redevelopment has been added on page E-58.
    - Building age data was not available for over 300 buildings/sites. The City's consultant team manually identified and verified building age using assessor parcel data and aerial imagery. All 888 RHNA sites now include a verified age. This enabled the use of building age as one of several selection criteria for underutilized land. All of the buildings on the RHNA sites list are at least 30 years old or older, with many much older. Approximately 130 sites were confirmed to not include any buildings other than a small storage shed.
    - The inventory is conservative in that many sites are excluded due to a series of restrictive filters based on land use, ownership, lot size, environmental constraints, etc. Remaining eligible sites were then selected and prioritized as the best and most suitable and likely sites to be developed within the next 8 years based on additional criteria including: underutilization, development potential, and strong profit motive. All 888 RHNA sites now meet at least 2 of the 3 primary selection and prioritization criteria of: Land-to-Improvement Ratio >1.0; Building Age > 30 Years; and/or Net New Unit Ratio 5.0 or greater. This revision resulted in the following:
        - Eliminated approximately 18 sites that only met one of the three primary criteria. This resulted in a loss of 58 units (25 lower, 15 moderate, 18 above moderate).
        - The inventory was amended to include additional site eligibility, substantiation and prioritization criteria including:
            a. Sites within ½ mile of transit stops (800, 90%)
            b. Sites within ¼ mile of services, employment, community facilities (600, 68%)
            c. Sites in Specific Plans with infrastructure, improvement plans, incentives (600, 68%)
            d. Sites in areas exhibiting redevelopment and affordable housing (727, 82%)
            e. Low-moderate density lots with capacity to add moderate to above-mod income units without displacing existing units (317, 36%)
    - The narrative was revised to compare and justify the extremely conservative Net New Unit Ratio of 5.0+ relative to the 0.25 and 1.0 ratios used by other cities in the San Diego region.
    - The total RHNA site inventory has increased by 800 units from 8,663 to 9,346. Part of this increase was a result of an adjustment of the assumed project yield for very high-density zoned sites from 50% to 62.5% as supported by the documented yield trend analysis (refer to pages 52 – 54).
    - Increased the project yield from 50% to 62.5% for sites in the Downtown Specific Plan zoned for 75-100 du/ac.
- **Small Sites**: The narrative on page 89 was revised to note that lot consolidation is not a significant impediment to housing development in the region or Escondido. It occurs as part of the normal course of the land development process and is common to a large percentage of development

projects. It occurs as part of the market conditions without incentive or subsidy as demonstrated by the projects described in the chapter. Program 1.5 - Lot Consolidation has been modified to implement incentives for lot consolidation no later than end of 2023. Additionally, a mechanism for review of lot consolidation and development has been added so ensure monitoring of lot consolidation trends.

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VIA E-MAIL

August 22, 2022

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Veronica Morones, Senior Planner
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Em: vmorones@escondido.org

RE: City of Escondido's Housing and Community Investment Study and 2021-2029 Housing Element Update

Dear Zack Beck and Veronica Morones

On behalf of the Southwest Regional Council of Carpenters ("**Southwest Carpenter**" or "**SWRCC**"), my Office is submitting these comments for the City of Escondido's ("City") August 23, 2022, Planning Commission Hearing for the 2021-2029 Housing Element Update ("**Project**").

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

SWRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

SWRCC incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the

> reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

Locating jobs closer to residential areas can have significant environmental benefits. . As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[7] Some municipalities have tied local hire and skilled and

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[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Sincerely,

Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

Response to Comments

The Southwest Regional Council of Carpenters (SWRCC) provided written comment to the City regarding the draft adopted Housing Element. Specifically, SWRCC requests the City require the use of local skilled and trained workforce for development within the City for the benefit of economic development, and reduction in vehicle miles traveled (VMT) and greenhouse gas emissions. The SWRCC submitted the above letter in both May and August 2022, which includes an approximately 257-page greenhouse gas modeling exhibit. Since the two letters provide the same content, an excerpt of the August 22, 2022 cover letter is provided. For the May 10, 2022 letter and 257-page greenhouse gas modeling exhibit, please follow the below link:

https://www.escondido.org/Data/Sites/1/media/Planning/HCIS/publiccommentletters/20220510_SWRCC_EscondidoHousing_Comment_Complete.pdf

- **Local Skilled and Trained Workforce:** The City has received the comment letters from the SWRCC requesting policy language requiring the use of local skilled and trained workforce for development. The City does not build housing; however, the Housing Element does create a plan and regulatory framework that provides opportunities for the private sector to do so where market conditions determine when and where housing is built. As a result, the City is not pursuing policy inclusion mandating the use of local skilled and trained workforce as it pertains to residential construction.

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December 27, 2022

RE: Legal Aid Society of San Diego's Review of the City of Escondido's Housing Element of the General Plan for Compliance with the Statutory Obligation to Affirmatively Further Fair Housing

Dear City of Escondido:

Thank you for your commitment to promoting equal housing opportunities in the City of Escondido ("the City"). The U.S. Department of Housing and Urban Development has tasked the Fair Housing team at the Legal Aid Society of San Diego to educate public housing authorities, subsidized housing providers, and entitlement jurisdictions on their fair housing responsibilities. As such, we have reviewed the City of Escondido's General Plan Housing Element and Consolidated Plan. We trust that the City will strongly consider the following recommendations in order to remain in compliance with the current statutory obligation to affirmatively further fair housing ("AFFH").

Housing Element

The AFFH obligation, codified in the federal Fair Housing Act of 1968, mandates that all federal agencies, including HUD and its funding recipients, take steps to proactively address segregation associated with programs and activities related to housing and community development. 42 USC 3608, et seq. In 2015, HUD issued a rule to strengthen the analysis and reporting required by AFFH. However, in 2018, this rule was suspended. Currently, the definitions contained in the 2015 rule have been reinstated, but there is no obligation under federal fair housing law to conduct an analysis under the 2015 rule. Nevertheless, the City, like all public agencies in California, must abide by state law and perform an analysis under the strengthened 2015 rule. *See* Cal. Gov. § 8899.50, et seq.

Generally, AFFH obligates a public agency to:

> …Tak[e] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful

> actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.
>
> Gov. § 8899.50(a)(1).

Within the AFFH obligation is a requirement that Housing Elements contain an AFFH analysis which includes:

> (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
> (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.
> (iii) An assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).
> (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
> (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.
>
> Gov. § 65583(c)(10)(A).

Given this statutory framework, we issue the following recommendations. As a preliminary matter, we note that our analysis is based on the City's most recent publicly available Housing Element, whether in draft or final form.

1. **Perform an Analysis of Impediments to Fair Housing Choice specific to the City of Escondido.**

The Housing Element is informed by an Analysis of Impediments report ("AI") which analyzes fair housing choice throughout the County of San Diego. While the AI contains tables with data specific to each jurisdiction, much of the analysis considers this data in the aggregate, for the County as a whole. We recommend issuing an AI which focuses its discussion of historical residential settlement patterns, analysis of demographic data, and proposed fair housing action plan on the City of Escondido, rather than the San Diego region.

We recommend the jurisdiction identify specific action items and implement timeframes for completing them. Accountability measure should be implemented to ensure completion of these action items by their deadlines. For example, agency departments and specific staff should be designated as responsible parties for completing action items and should be responsible for reporting on progress or lack thereof to supervisors and/or city council. This approach should be applied to those housing programs which contain specific milestones, timeframes, and/or deadlines. See *Housing Element*, at p. 112 et seq.

Additionally, the City should designate a specific staff member to serve as the single point of contact for members of the public to inquire about information on the jurisdiction's housing element.

2. **Adopt robust policies and programs to encourage the creation and preservation of housing affordable to low and very low-income households.**

A shortage of low and very low affordable housing disparately impacts protected classes, such as those with disabilities, since many have specialized housing needs which are unable to be met by market rate housing. Thus, we recommend implementing an inclusionary housing ordinance which requires new housing projects to dedicate between 10 and 20 percent of their market rate units for deed-restricted affordable housing. *See:* https://voiceofsandiego.org/2022/12/05/the-need-for-inclusionary-housing-the-case-of-la-mesa/

3. **Conduct a more thorough and holistic analysis of the intersection between segregated housing patterns and disparate exposure to detrimental environmental factors which lead to unfair employment and educational opportunities for protected groups.**

The City of Escondido deserves to have a substantive discussion of environmental justice issues, yet this term appears nowhere in the Housing Element. We recommend that the Housing Element contain a specific section devoted to environmental justice, with analysis of the particular environmental justice issues resulting from the City's unique development history.

4. **Commit early in the process to a dynamic public outreach plan to elicit participation from a broad and diverse cross-section of the community when drafting and/or updating the Housing Element.**

Public input is critical to the planning process. To ensure the plan's credibility and legitimacy, all segments of the community must feel welcome to provide comment on the plan. We recommend that the City budget for and work with a public communications expert to form and execute a public outreach plan with the goal of obtaining input from as many varied stakeholders as possible. The public outreach plan should be subject to public comment and include partnerships with trusted community ambassadors who will conduct outreach and education on the Housing Element draft process.

Recognizing that many individuals from underrepresented and marginalized groups work during business hours and may feel unwelcome in certain settings, such as police stations, consideration must be given to the time and place of public meetings which seek public input. We recommend holding community workshops after business hours and in venues familiar to these groups, such as community centers, churches, or schools. Especially for the immunocompromised, attendees should have the option of joining the meeting either in person or through a remote option.

The City has a significant number of individuals with Limited English Proficiency. Accordingly, we recommend that, at a minimum, the Housing Element be made publicly available in the threshold languages recognized by the San Diego County Registrar of Voters, namely Spanish, Filipino, Vietnamese, and Chinese (traditional). Translated public documents are critical to allow for public participation from a wide and diverse cross section of the community in the planning process. We also recommend conducting outreach and education meetings specifically targeted to these language populations, and other languages as well, should the community express a desire for additional language services.

5. **Improve and expand reasonable accommodations policies.**

The Housing Element should address reasonable accommodations as they relate to requests from persons with disabilities to modify zoning and development standards. Federal and state housing laws regarding reasonable accommodations for persons with disabilities are expansive. We recommend providing the federal and state definition of "reasonable accommodations", the definition of "disability", and a description of the procedural requirements to make a request for accommodations.

Consolidated Plan

1. **Create AFFH indicators in programmatic reports.**

Legal Aid Society of San Diego (LASSD) recommends including AFFH milestones or indicators in monthly or quarterly programmatic reports from CDBG subrecipients. This will assist the City with AFFH obligations and will allow subrecipients to monitor progress toward meeting this goal. For example, a subrecipient could report on any Section 504 Complaints received and their disposition.

As a reminder, Section 504 of the Rehabilitation Act does not allow funding to organizations who use discriminatory practices. *See* Section 504 of the Rehabilitation Act of 1973 (24 CFR § 8.4(b)(1)(v)) found at https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol1/xml/CFR-2018-title24-vol1-part8.xml.

2. **List and include all protected classes.**

   We recommend adding a section that provides a general background on state and federal fair housing rights, including a list of all existing state and federal protected classes, respectively.

3. **Include HUD and CRD contact information.**

   We recommend that the City provide contact information for the U.S. Department of Housing and Urban Development and the California Civil Rights Department. We recommend listing this information to encourage constituents to take action as a result of suspected housing discrimination.

The Fair Housing team at the Legal Aid Society of San Diego recognizes that the process to draft and update both the General Plan Housing Element and the Consolidated Plan requires a great investment of both time and capital. For that reason, we greatly appreciate your commitment to this effort. By adopting the recommendations contained here, we can ensure that this process yields planning documents which affirmatively further fair housing, to benefit of all who live and work in the City of Escondido. We look forward to continuing to work with you to strengthen the communities we serve.

Sincerely,

Fair Housing
Legal Aid Society San Diego

This letter is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant FEOI1210026. Any opinion, findings, conclusions, or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of HUD.

Response to Comments

The Legal Aid Society of San Diego (LASSD) provided written comment to the City regarding the draft adopted Housing Element. Specifically, LASSD focuses on the topic of compliance with statutory obligations to affirmatively further fair housing. The comment letter recommends the following changes to the City's draft adopted Housing Element: perform an analysis of impediments to fair housing choice specific to the City of Escondido; adoption of an inclusionary housing ordinance; conduct more environmental justice analyses as a part of the housing element; conduct robust outreach and engagement; and, improve and expand upon reasonable accommodations within the document. City staff met with representatives of LASSD in January 2023, approximately one-month after receiving LASSD's comment letter and discussed the following information regarding the comments.

- **City-specific Analysis of Impediments:** For the purposes of the draft adopted 2021-2029 Housing Element, the City utilized the countywide 2020 Regional Analysis of Impediments to Fair Housing Choice. This document provides an analysis specific to Escondido; however, the findings of this regional analysis are not specific to Escondido. As a part of the Housing Element Update, the City provides a summary of the regional impediments to fair housing choice and provides discussion on their applicability to Escondido.
- **Inclusionary Housing**: The City conducted a residential sector feasibility study (study) as a part of the Housing and Community Investment Study (HCIS) process. The study presents an economic analysis to evaluate the financial feasibility of various new construction residential product types and densities, and the cost for developers to comply with an onsite affordable housing obligation through application of an inclusionary housing ordinance. The study concludes that an inclusionary mechanism 10% low, or 5% low and 5% very low would be economically infeasible for all but one housing product type (for-sale townhomes) analyzed. The City staff included revisions to the draft housing element to address further study and research on inclusionary mechanisms, including land value recapture (Program 2.9 – Inclusionary Housing Assessment). In addition, the draft East Valley Specific Plan would include development of an Affordable Housing Trust Fund to assist in the delivery of affordable housing within the Plan Area. Likewise, an in-lieu fee for development proposed below minimum density thresholds would be used by the trust fund to develop moderate- and low-income housing developments.
- **Segregated Housing Patterns and Environmental Justice:** The draft adopted 2021-2029 Housing Element contains an Affirmative Furthering Fair Housing appendix (Appendix E) that discusses segregation and integration based on race. In addition, the City initiated a separate work effort for the update to the Safety Element and creation of a new environmental justice chapter of the City's General Plan in December 2021. In an effort to provide adequate engagement and analysis to create a stand-alone environmental justice element, the City separated this work effort from the Housing Element Update. Topics related to safe and sanitary housing, including background information on development patterns within the City, as well as a number of additional environmental justice topics will be discussed under the forthcoming environmental justice chapter.
- **Reasonable Accommodations:** Page 72 of the draft adopted 2021-2029 Housing Element provides discussion on reasonable accommodations. It provides an overview of what reasonable accommodations are under Federal and State laws, the findings the City established for assessing reasonable accommodation requests, and the permit process for such a request.

- **Public Participation**: The City undertook a public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans, consolidated under a single work program, called the Housing and Community Investment Study ("HCIS"). On June 10, 2020, the City Council considered and endorsed a Public Participation Plan ("Outreach Plan") and associated timeline to involve the community. Among other things, the work plan and schedule proposed a series of meetings with the Planning Commission to discuss different aspects and components related to the HCIS. The Outreach Plan can be accessed through this link. The City also developed a periodic review page that can be accessed online at the link below to help the public access key documents. Informational reports and data generated during the review will be available for the public to view online, found at this link.

  Public participation played an important role in the formulation and refinement of the City's housing goals and policies and in the development of the Housing Element. City residents had several opportunities to recommend strategies, review, and comment on the adopted 2021-2029 Housing Element. During the first and second phase of outreach, as part of the HCIS, which includes the development of an updated Housing Element, Residential Sector Feasibility Study (Sector Feasibility Study, 2021), and an East Valley Specific Plan (current draft), the City worked with development experts, community-based interest groups, stakeholders, and the community at-large. When a draft of the Housing Element was available for review and comment, in summer 2021, public meetings to review the draft goals, policies, and programs were conducted in-person and virtually. Following review by HCD, the July 27, 2021, public hearing was scheduled with the Planning Commission to review and consider the adopted 2021-2029 Housing Element.

  Subsequent to the August 2021 adoption, and in response to concerns regarding review periods of revised drafts and the need for additional public participation, the City provided a voluntary 30-day review period on the initial revised draft of the housing element in May 2022, and held a public meeting on May 10th at the regularly scheduled planning commission to inform the planning commission and general public of revisions included in the draft housing element. Subsequent revisions to the May 2022 draft included additional refinement to meet HCD's concerns regarding AFFH programs. The City provided a voluntary 14-day review period for the revisions submitted to HCD in October 2022; the October revisions are the changes proposed for adoption.

From: Holly Nelson
To: Veronica Morones; Adam Finestone
Subject: FW: Your Comment Matters - Housing Department: 6 Cycle Housing Plan 2021 to 2029
Date: Wednesday, January 4, 2023 5:43:04 PM
Attachments: image001.jpg

Hi Veronica and Adam,

I received a public comment related to the Housing Element from an Escondido resident. Please see below.

Thanks,
Holly

Holly Nelson, LCSW
Housing & Neighborhood Services Manager
City Manager's Office | City of Escondido
Direct: 760-839-4518
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From: RJconifer@Yahoo.com <RJconifer@Yahoo.com>
Sent: Wednesday, January 4, 2023 4:30 AM
To: Holly Nelson <hnelson@escondido.org>
Subject: Your Comment Matters - Housing Department: 6 Cycle Housing Plan 2021 to 2029

Bob
RJconifer@Yahoo.com

On page 29 for the 6TH Cycle Housing Element 2021 to 2029 on Table 14.

for the ***"SPECIAL NEEDS GROUPS" :***

>>>>>>> 54.7% of THAT TABLE for the population of Escondido California are ***: "Seniors"***

Is the City of Escondido giving these "Seniors" a 55% PRIORITY for funding

-OR- at least some Administrative attention & understanding ? ? ?

Response to Comments

Mr. Bob Conifer's comment focuses on a concern for special needs groups within the City. Specifically, Mr. Conifer references Table 14 within the adopted 2021-2029 Housing Element, which shows that of the special needs population within the City, over 50% of that population are seniors. Mr. Conifer asked for clarification on what actions the City takes to support the senior population.

- **Special Needs Groups:** The City works with housing developers to fund senior housing development, with the most recent of project being the 50-unit Valley Senior Village housing development currently under construction at the corner of Ivy and Valley Parkway. The City also operates a monthly subsidy program for low-income seniors within Escondido. This program is currently very small, serving approximately 30 individuals. The draft revisions to the adopted 2021-2029 Housing Element would continue to support housing opportunities for special needs groups, as described in Programs 1.4 – City-Owned Sites, 2.7 – Special Needs Housing, 2.8 – Affordable Housing Development, and Program 3.4 – Fair Housing.