



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.<sup>1</sup> 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.<sup>2</sup>

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<sup>3</sup> and 900 country-wide<sup>4</sup>, have inclusionary-housing policies to help address affordable-housing needs while advancing equitable-development goals.<sup>5</sup>

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.*

---

<sup>1</sup> 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.

<sup>2</sup> Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill

<sup>3</sup> Local Government Commission, Meeting California’s Housing Needs: Best Practices for Inclusionary Housing Website <https://www.lgc.org/advancing-inclusionary-housing-policy/>

<sup>4</sup> Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill

<sup>5</sup> 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.* <sup>6</sup>

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.* <sup>7</sup>

---

<sup>6</sup>Meeting California's Housing Needs: Best Practices for Inclusionary Housing [https://www.lgc.org/wordpress/wp-content/uploads/2018/11/inclusionary-factsheet\\_v2.pdf](https://www.lgc.org/wordpress/wp-content/uploads/2018/11/inclusionary-factsheet_v2.pdf)

<sup>7</sup>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.**<sup>8</sup> (emphasis added)*

Further, they found that the air quality concerns will persist even with changes to regulations and technology.<sup>9</sup>

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.<sup>10</sup>*

---

<sup>8</sup> Technical Advisory, Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways [https://ww3.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.pdf](https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf), page 14

<sup>9</sup> Ibid

<sup>10</sup> 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 unhealthy. 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](mailto:conservation@sierraclubncg.org) with any questions or for more information.

Sincerely,

Laura Hunter, Chair  
NCG Conservation Committee

cc. City Manager