

City of Encinitas 2021-2029 Housing Element Update

Response to HCD Comments Received February 4, 2021

March 11, 2021

HCD Comment	City Response (Section/Page) with additional comments Edits are in Red Underline Strikethrough Format in the Housing Element Documents
<u>A. Housing Needs, Resources, and Constraints</u>	
A1. Realistic Capacity: Site 09 - Echter Property/Fox Point Farms	<p>The City has updated Program 1A (Pages 1- 13-17) of Section 1, Section 12 of Appendix B (Pages B- 127-134), and Appendix C to reflect the approval of Site 09 – Echter Property. It has been removed from the list of available sites and added to the “approved” list, and the affordability adjusted to that proposed in the project. In addition, City staff has updated the number of projects under construction, issued building permits, or approved since the start of the projection period on June 30, 2020, and updated ADU projections based on the City’s model program and continued high demand. With these updates, the City has concluded that the plan’s capacity for units affordable to lower income households will result in a total buffer of at least 858 units, over 100 percent of the City’s 838-unit RHNA obligation.</p> <p>As acknowledged and identified in Program 1E (Pages 1- 22), the City will comply with No Net Loss requirements if and when a project is approved with less than the identified RHNA for all income levels. Any site rezoned will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City’s obligation to affirmatively further fair housing, which is reflected in the update to this Program in response to HCD’s comments.</p>
<u>B. Housing Needs, Resources, and Constraints</u>	
B1. Adequacy of sites analysis to meet RHNA and Programs to address any need.	<p>As noted above in the response to A1, Program 1A (Pages 1- 13-17) of Section 1, Section 12 of Appendix B (Pages B- 127-134), and Appendix C have been revised to reflect the approval of the Echter site and units under construction, approved, and issued building permits since the start of the projection period on June 30, 2020. The City has provided a new Table 2-3 on Page 1-14 showing the City’s progress in meeting its RHNA obligation in all income categories since the start of the projection period. Based on these updates, the City has concluded that the plan’s capacity for units affordable to lower income households will result in a total buffer of at least 858 units, over 100 percent of the City’s 838-unit RHNA obligation.</p>
B2. Program 3D: Improve the Efficiency of the Development Review Process for Housing Projects	<p>Program 3D (Pages 1- 40-42) has been updated to state that the City will provide more information about the studies identified in the EA on the City’s website within six months of the adoption date of the Housing Element. While mitigation measures are identified in the EA, whether they will be applied to projects will depend upon</p>

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	<p>the impact identified, if any. The EA is currently available on the website.</p> <p>The letter incorrectly states that the EA was adopted with a statement of overriding considerations regarding traffic impacts that could not be mitigated. The EA is not an EIR, and therefore, the City did not adopt a statement of overriding considerations. As required by state law (Government Code Section 65759(a)(3)), the EA was "deemed to be a part of the General Plan," and objective requirements for various studies included in the EA must be completed for a 'by-right' project to be consistent with the General Plan. In regard to traffic studies, the EA states that, "a site-specific study shall be conducted for the purposes of determining whether a fair-share contribution is warranted to mitigate any significant traffic impacts resulting from buildout of the development."</p>
<p>B3. Program 3F: Creating community support for housing through a variety of education and outreach</p>	<p>Planning Commission and City Council agreed to retain the CPP for by-right projects because, in the City's experience, the CPP reduces opposition to projects and so reduces the risk of future third-party litigation, without blocking project approvals or reducing housing density. Staff has incorporated the language requested by HCD into Program 3F (Pages 1- 42-44) and modified the program to include a monitoring program for by-right projects to ensure only objective processes or standards are used and that any required amendments be completed within one year of the identification of a constraint. Staff modified other program objectives as needed to reflect the timeframe.</p>