

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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April 25, 2019

Karen P. Brust, City Manager
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Dear Karen Brust:

RE: Encinitas' 5th Cycle (2013-2021) Adopted Housing Element

Thank you for submitting the City of Encinitas housing element adopted March 13, 2019 and received for review on March 15, 2019. On March 27, 2019, The Department of Housing and Community Development (HCD) also received Ordinance 2019-01, adopted February 13, 2019, to demonstrate compliance with Government Code section 65583, subdivision (a)(4)(A). HCD considered comments from the Building Industry Association of San Diego County and Donna Westbrook pursuant to Gov. Code section 65585, subdivision (c). Pursuant to Gov. Code section 65585, subdivision HCD is reporting the results of its review.

As stated in HCD's February 4, 2019 review, all approvals necessary to implement appropriate zoning and development standards, including California Coastal Commission approval of a Local Coastal Plan Amendment (LCPA), are required for HCD to find Encinitas' housing element compliant with state housing element law (Article 10.6 of the Government Code).

Encinitas adopted zoning and development standards on March 27, 2019. They are effective and available 30 days thereafter for sites outside the coastal zone. HCD acknowledges Encinitas' commitment to work cooperatively with the California Coastal Commission to achieve approval of a LCPA, which would make the zoning and development standards available to sites within the coastal zone. In addition, Encinitas has committed to processing housing development project applications within the coastal zone pending LCPA approval.

HCD withholds housing element compliance until LCPA approval is obtained. The following factors were considered in this decision:

- Encinitas has rezoned sites to accommodate 1,449 homes. Sites within the coastal zone represent 1,300 of the 1,449 homes.

- Zoning and development standards that facilitate the development of housing for lower-income households are not available to sites within the coastal zone without LCPA approval.
- Six of the eight years in the 5th cycle planning period have already passed.

HCD received the California Coastal Commission's correspondence to Encinitas committing to schedule the matter at the June 2019 Coastal Commission hearing contingent upon the city's submission of its LCPA request by the end of March 2019. As LCPA approval is a condition precedent to housing element compliance, HCD will reassess Encinitas' housing element compliance status after the June 2019 Coastal Commission hearings.

Additional Technical Assistance

Government Code section 65583, subdivision (a)(4)(A) requires jurisdictions permit emergency shelters without discretionary action. Ordinance 2019-01 permits emergency shelters in the Business Park (BP) and Light Industrial (LI) zones. Encinitas Municipal Code Chapter 30.36.020 (B) states, "The emergency shelter shall be located a minimum distance of 300 feet from another emergency shelter, with said measurement being defined as the shortest distance between the outside walls of the structures housing such families." Gov. Code, section 65583, subd. (a)(4)(A) states, "a local government may apply written objective standards that include the following... (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart..." Encinitas' municipal code is inconsistent on its face with subdivision (a)(4)(A)(v) and accordingly, HCD advises the city to amend its ordinance for clarity and consistency with state law.

Please note Gov. Code section 65588, subd. (e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its housing element every four years until adopting at least two consecutive revisions by the applicable due dates. Once these actions are complete, Encinitas' housing element will return to an eight-year update schedule. As Encinitas did not adopt a housing element within 120 days of April 30, 2013, it is subject to this requirement. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf

For your information, some general plan element updates are triggered by housing element adoption. For example, a jurisdiction must address environmental justice in its general plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h)) In addition, the safety and

conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management and be revised upon each housing element revision. (Gov. Code, § 65302, subd. (g).) Also, the land-use element must identify and analyze disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities) on, or before, the housing element's adoption due date. (Gov. Code, § 65302.10, subd. (b).) HCD urges Encinitas to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, CalTrans Senate Bill (SB) 1 Sustainable Communities grants; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and the upcoming SB 2 Planning grant as well as ongoing SB 2 funding consider housing element compliance and/or annual reporting requirements pursuant to Gov. Code section 65400. Without a compliant housing element, Encinitas may be ineligible for some funding sources.

If HCD can provide assistance in implementing the housing element, please contact Robin Huntley of our staff, at (916) 263-7422.

Sincerely,



Zachary Olmstead
Deputy Director