

## I. Discussion Draft: Proposed Housing Element Programs (21)

Program	Recommendation	Comments	Ongoing (3) Updated (7) New (11)
<b>1. Adequate Sites</b>			
Program 1A: Accommodate the City's Regional Housing Needs Assessment allocation	Required	<ul style="list-style-type: none"> <li>Identify adequate sites to accommodate the RHNA allocation</li> <li>Rezone and/or amend development standards to accommodate the density for both residential only and mixed use sites</li> <li>Create new zoning districts that allow existing rights to remain while implementing adequate sites inventory; may be done as new, consolidated zones or as an overlay</li> </ul>	Updated
Program 1B: Create new design standards and guidelines as part of adoption of new zoning districts	Recommended	<ul style="list-style-type: none"> <li>Applicable to the single family attached, multifamily and mixed use projects to ensure high quality development on rezoned sites</li> <li>This is important because a residential use with a minimum of 20 dwelling units per acre and maximum of 30 would be a permitted use; no discretionary permit would be required for the use; a discretionary permit is only needed for design review and most subdivision actions</li> </ul>	New
Program 1C: Promote the development of accessory housing units	Recommended	<ul style="list-style-type: none"> <li>Modify development standards that act as a barrier to development of accessory housing units</li> </ul>	Updated

**Comment [A1]:** Replace "must" or "may" with "shall" if committing to a specific action.

**Comment [A2]:** Use mandatory/directive language only when a program is mandated by State law (i.e., will, shall, must); strive to achieve all other programs (i.e., evaluate, investigate, consider, etc.).

**Comment [A3]:** Present case to HCD for a maximum of 25 dwelling units per acre instead of 30 (default density).

**Comment [A4]:** Early check-in with City Council (and Planning Commission) on options with analysis and recommendation.

**Comment [A5]:** Comprehensively update design review findings such that they are relevant and specific to these new design standards (see also Program 3C).

**Comment [A7]:** Do not remove fire sprinkler requirement.

**Comment [A6]:** Add Junior Second Units.

Program	Recommendation	Comments	Ongoing (3) Updated (7) New (11)
Program 1D: Ensure that adequate sites remain available throughout the planning period	Required	<ul style="list-style-type: none"> <li>State law requires findings when a site on the inventory is not developed with the number of housing units shown in the inventory to ensure that adequate sites remain to accommodate the City's RHNA; City must rezone another site(s) if inadequate sites remain</li> <li>Continually update the adequate sites inventory as projects are approved</li> </ul>	New
Program 1E: Promote and streamline lot consolidation	Recommended	<ul style="list-style-type: none"> <li>Help identify potential lots with consolidation potential to create viable development projects</li> <li>For sites that are a part of the inventory, make as many types of subdivision actions as administrative decisions as allowed under the Subdivision Map Act</li> </ul>	New
Program 1F: Energy conservation and energy efficiency opportunities	Required	<ul style="list-style-type: none"> <li>Actions the City is going to take to facilitate energy conservation</li> <li>Apply appropriate policies from the City's Climate Action Plan</li> </ul>	New

**Comment [A1]:** Replace "must" or "may" with "shall" if committing to a specific action.

**Comment [A2]:** Use mandatory/directive language only when a program is mandated by State law (i.e., will, shall, must); strive to achieve all other programs (i.e., evaluate, investigate, consider, etc.).

**Comment [A8]:** Include limitations on where lot consolidation would be encouraged (i.e., on rezone sites along the 101 corridor)

Also, clarify what is meant by "encourage".

**Comment [A10]:** Want to ensure that CAP allows housing project feasibility. Coordinate with upcoming exploration of potential strengthening of existing green building codes.

**Comment [A9]:** Provide a timeline rather than ongoing.

2. Affordable Housing			
Program 2A: Continue and broaden inclusionary housing policies	Recommended	<ul style="list-style-type: none"> <li>• Prepare a nexus study to determine the maximum supportable inclusionary housing requirement and supportable housing impact fees for rental and for-sale housing, and increase the inclusionary housing requirement, if justified</li> <li>• Consider options to on-site development of housing units, which could include payment of an in-lieu fee, donation of land, converting existing market rate housing to affordable housing for a period of at least 30 years, extending the term of affordability for existing affordable units for at least 40 years, or provision of alternative housing types</li> </ul>	Updated
Program 2B: Facilitate affordable housing	Required	<ul style="list-style-type: none"> <li>• Proactively support housing for extremely low income, and persons with disabilities (including developmental disabilities) as required by State law</li> <li>• Streamline the permitting process by conducting comprehensive CEQA review and clearance using a Program EIR for the Housing Element and related regulatory amendments set forth in these programs</li> <li>• Seek out funding sources, such as regional, state and federal grant programs</li> <li>• Utilize existing funding sources, such as CDBG</li> <li>• Subsidize off-site public improvement costs</li> <li>• Reduce or waive development fees</li> <li>• Write down land costs on City-owned land</li> <li>• Expedite entitling projects with affordable housing</li> <li>• Position projects competitively for future grant applications</li> </ul>	Updated

**Comment [A11]:** Complete this by November 2016 concurrently with election.

**Comment [A12]:** Add references to senior housing, small lot/cottage housing and co-housing.

**Comment [A13]:** Include commitment to working with the Senior Commission on options to create attainable senior housing options.

Program 2C: Utilize Section 8 housing choice vouchers	Recommended	<ul style="list-style-type: none"> <li>• Section 8 program supports housing for extremely low income households; City Housing Authority has allocation of Section 8 vouchers for use in the City</li> <li>• Encourage property owners to accept vouchers</li> </ul>	Ongoing
Program 2D: Maximize housing affordability through market- based approaches	Consider	<ul style="list-style-type: none"> <li>• Establish a maximum average unit size to ensure provision of some smaller units along with larger units to promote market-rate affordability; results in mixed income housing</li> <li>• Unbundle parking from the housing unit in areas near transit, allowing housing to be sold separately of parking</li> <li>• Set a mandatory minimum density on inventory sites to ensure sufficient housing units are built</li> </ul>	New
Program 2E: Establish infrastructure and public amenities financing tools	Consider	<ul style="list-style-type: none"> <li>• These tools promote the feasibility of new development and can accelerate the provision of public infrastructure and amenities</li> <li>• Example financing tools include: <ul style="list-style-type: none"> <li>○ Enhanced infrastructure financing district (EIFD)</li> <li>○ Community facilities district (CFD)</li> <li>○ Parking district</li> <li>○ Property-based improvement district (PBID)</li> <li>○ Maintenance assessment district (MAD)</li> <li>○ Value capture/commercial development impact fee/linkage fee that captures a portion of the property valuation increase associated with proximity to new transportation infrastructure and upzoning; may be used for pay-as-you-go or bond financing; consider undertaking a commercial linkage fee study</li> </ul> </li> </ul>	New

3. Mitigation of Constraints			
Program 3A: Update the density bonus ordinance	Required	<ul style="list-style-type: none"> <li>Amend the Zoning Code to adopt density bonus regulations consistent with State law</li> <li>May adopt a density bonus program that is more generous than State law to encourage achievement of City's goals, policies and programs but must at a minimum implement State Density Bonus law</li> <li><i>[CONSIDER: Explore allowing developers to transfer density bonus units that would exceed three stories/maximum 30 dwelling units per acre density to another site as an alternative to providing the units on the site; City cannot require this, but it could be a voluntary option, since density bonus can be provided in excess of those permitted by State law]</i></li> <li>City cannot assume a certain percentage of projects will invoke density bonus and get RHNA credit for those units</li> <li>City cannot prohibit density bonus in areas upzoned</li> <li>Inclusionary housing units are satisfied with density bonus affordable units if criteria for both programs are met</li> <li>City cannot pick and choose allowable waivers and incentives, but developer must demonstrate financial need for incentives and "physical infeasibility" for waivers</li> </ul>	Updated
Program 3B: Establish parking standards appropriate for different kinds of housing	Required	<ul style="list-style-type: none"> <li>Amend the Zoning Code with parking standards appropriate for affordable, mixed use and transit-oriented housing projects and to ensure that the parking standards do not constrain achieving the allowable housing density</li> </ul>	New

**Comment [A14]:** Complete this by November 2016 concurrently with election.

**Comment [A15]:** Reluctant to consider. Affordable housing units need to be integrated into and distributed throughout the city.

**Comment [A16]:** Need consultant to re-review this for clarity/accuracy.

<p>Program 3C: Modify regulations that constrain the development of housing</p>	<p>Required</p>	<ul style="list-style-type: none"> <li>• For mixed use projects, require ground floor commercial uses <u>only at key locations</u> based on context or planning objectives rather than as a blanket requirement to ensure projects are feasible and the desired community character are both achieved</li> <li>• To achieve a diversity of housing, allow for a variety of building and subdivision types; remove the separate lot or airspace ownership requirements in the North Highway 101 Specific Plan</li> <li>• <u>Revise the design review findings to remove references to value depreciation</u></li> </ul>	<p>New</p>
<p>Program 3D: Accommodate specialized housing types</p>	<p>Required</p>	<ul style="list-style-type: none"> <li>• Must identify one zone where emergency shelter housing will be permitted by right</li> <li>• Transitional and supportive housing meeting Government Code definitions must be treated as a residential use to be permitted in buildings of the type permitted in the zoning district (in single family homes in single family zoning districts, etc.)</li> <li>• Amend the Zoning Code to allow for single room occupancy housing (SROs) through a major use permit in the General Commercial zoning district</li> <li>• Employee housing for six or fewer employees must be treated as a single-family structure</li> <li>• Farmworker housing for 12 units or 36 beds must be considered an agricultural use to be similarly permitted in zones that permit (or conditionally permit) agricultural use</li> </ul>	<p>Updated</p>

**Comment [A17]:** Provide examples and clarify that City Council will decide these locations.

**Comment [A18]:** Comprehensively update design review findings such that they are relevant and specific to these new design standards (see also Program 1B).

<b>4. Conservation of Existing Housing Stock</b>			
Program 4A: Pursue opportunities to create safe and healthy housing	Recommended	<ul style="list-style-type: none"> <li>Continue the Affordable Unit Policy whereby unpermitted housing units may be legalized if deed restricted to lower income residents, along with meeting life safety and building codes</li> <li>For unpermitted housing units not eligible or not opting into the AUP, fully bring up to land use and uniform codes</li> </ul>	Updated
Program 4B: Assist in rehabilitating rental housing	Recommended	<ul style="list-style-type: none"> <li>Assist property owners in bringing substandard housing units up to codes</li> <li>There is no requirement to provide a rental rehabilitation program but if the need is there and the City has funding available, this is an effective approach to provide decent and affordable housing</li> </ul>	Ongoing
<b>5. Equal Housing Opportunities</b>			
Program 5A: Provide flexibility in reasonably accommodating housing for the disabled	Required	<ul style="list-style-type: none"> <li>Must adopt a reasonable accommodation ordinance or formal policy for housing occupied by persons with disabilities, allowing modifications from standard zoning requirements when necessary and reasonable (e.g., wheelchair ramp within front yard setback)</li> </ul>	New
Program 5B: Promote fair housing	Required	<ul style="list-style-type: none"> <li>The City is required to further fair housing through outreach and education; now, as a CDBG entitlement jurisdiction, the City offers fair housing services through a contractor</li> </ul>	Ongoing

<b>6. At-Risk Housing</b>			
Program 6A: Monitor publicly assisted housing projects	Required	<ul style="list-style-type: none"> <li>• The Housing Element is required to include a program to monitor and work to preserve affordable housing units that are at risk of converting to market rate housing</li> <li>• The City is required to address the at-risk status of Su Casa Apartments (expiring 2025) and Regal Road Apartments (expiring 2024), which are funded by bonds and CDBG</li> </ul>	New
Program 6B: Extend term of affordability with in-lieu programs	Recommended	<ul style="list-style-type: none"> <li>• Allow inclusionary housing requirement to be met by purchasing and restricting at-risk housing units</li> </ul>	New



## IMPLEMENTATION PROGRAM

This entire Implementation Program is new text to Section 2. To not interfere or detract from readability, the text is not underlined.

The programs contained in this section of the Housing Element describe the actions/programs the City of Encinitas will carry out over the 2013-2021 Housing Element cycle to satisfy the community's housing needs and meet the requirements of state law.

The section aligns each of the housing actions/programs with one of the six basic requirements per Housing Element law.

1. Adequate Sites Inventory
2. Affordable Housing Opportunities
3. Mitigation of Constraints
4. Conservation of Existing Housing Stock
5. Equal Housing Opportunities
6. At-Risk Housing

The City's objectives for the Housing Element planning period follow the program descriptions. A key concept underlying the Housing Element is that the provision of affordable housing is an important action that the City needs to encourage. The following programs cover a broad array of housing issues and include actions designed to enable the City to meet its affordable housing goals.

### 1. ADEQUATE SITES

The programs below identify the actions that will be taken to make sites available during the planning period with appropriate General Plan, Specific Plan, zoning and development standards and with services/facilities to accommodate the City's share of regional housing need for each income level.

#### **PROGRAM 1A: Accommodate the City's Regional Housing Needs Assessment allocation**

The City of Encinitas has been assigned a total Regional Housing Needs Allocation (RHNA) of 2,603 for the 2013-2021 Housing Element, along with carryover RHNA allocations from prior planning periods. The breakdown of the RHNA is as follows:

INCOME CATEGORY	RHNA	RHNA Carryover
Low/Very Low	1,033	236
Moderate	413	
Above Moderate	907	
<b>TOTAL</b>	<b>2,353</b>	<b>1,283</b>

Pursuant to the City's current General Plan, the City has capacity to accommodate the RHNA allocations for the moderate and above moderate income levels without the need for rezoning. With units constructed, under construction and approved at the time of writing this Housing Element, the City has met a portion of its RHNA allocation for the low/very low income units as reflected below.

RHNA ADJUSTMENTS	RHNA (L/VL)
Low/Very Low	1,283
R-25 Zone Capacity <sup>1</sup>	< 124 >
Accessory Unit Production <sup>2</sup>	< 146 >
New Construction	< 51 >
<b>REMAINING RHNA</b>	<b>962</b>

The City is committed to providing adequate sites with appropriate zoning to accommodate the remaining RHNA. To accomplish this mandate of the State, the City shall rezone those sites identified on the final housing strategy map provided in Attachment X.<sup>3</sup>

The voters will be presented with the Housing Element, rezonings and Zoning Code amendments, currently scheduled for November 2016. This approach will be taken because voter approval is required when major amendments are made to certain

<sup>1</sup> Assumes that development can achieve a minimum density of 20 dwelling units per acre.

<sup>2</sup> Assumes that the City will issue an estimated 271 permits total for second dwelling units (of which half will be counted as units that accommodate lower income households) and 25 permits for conversion of unpermitted accessory dwelling units over the planning period (refer to Program 1C and 4A)

<sup>3</sup> The exact sites and number of maps that will be included in the Housing Element will be finalized following environmental review, Council decision, and voter approval.

land use planning policy documents causing major increases in zoning density or intensity of land use, pursuant to Encinitas General Plan Land Use Policies and Municipal Code Chapter 30. Since accommodating the RHNA necessitates changes to the General Plan Land Use Element, Zoning Map, Encinitas Zoning Code and certain specific plans, a vote of the people is required. Presenting both the Housing Element, along with rezonings and Zoning Code amendments concurrently provides maximum transparency and comprehensive consideration by the voters.

A fundamental principle in accommodating the City's very low/low RHNA income category of housing units is that no property owner whose site is a part of the inventory (Housing Strategy Map) would lose their existing zoning rights. Therefore, a property which is on the Housing Strategy Map to accommodate very low/low RHNA income category of housing units will retain its existing zoning rights and receive additional rights to build either standalone residential or housing as part of a mixed use project, as reflected on the Map. To implement this approach, either new zoning districts will be created that consolidate existing zoning rights with accommodating housing as a standalone or mixed use project, or a new zoning overlay (i.e., supplemental zoning rights) will be utilized over the existing zoning designation. The City will carefully review the designated sites to ensure that it complies with the State law requirement to receive RHNA credit that either 50 percent of the sites be designated for residential use only, or that all of the housing units may be accommodated on sites allowing mixed use where 50 percent of the floor area must be used for housing. Density will range from a minimum of 20 dwelling units per acre to a maximum of 30 as a permitted use. Since the City has adequate capacity to accommodate the moderate and higher income RHNA categories of housing units, no zoning changes associated with this Housing Element update will occur on properties that are already zoned for those types of housing units.

**Comment [A19]:** Present case to HCD for a maximum of 25 dwelling units per acre instead of 30 (default density).

Changes to development standards will be necessary to accommodate the very low/low income RHNA category of housing units. These changes include increasing the allowable building height to three stories at up to 33 feet in height and allowing for building pad certification. If a property owner does not develop a project to accommodate the very low/low income RHNA category of housing units, instead choosing to continue with their existing zoning rights, the maximum two-story/30-foot building height and existing height determination method will remain as per Encinitas Municipal Code Chapter 30.00, or as otherwise may be further restrictive as set forth in Encinitas Municipal Code Title 30.

Environmental review will also still apply to future development projects on the Housing Strategy Map regarding design review and most subdivision map actions. Subsequent projects may tier from the Housing Element's Program EIR or a finding made that sufficient environmental clearance occurred with the Program EIR for the Housing Element (CEQA Guidelines Sections 15152, 15162 and 15168). The purposes in using a Program EIR are to comprehensively consider a series of related projects and to streamline subsequent review of development projects involving the very low/low income RHNA category of housing units.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> <li>• City Clerk Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Voters of Encinitas</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Pursue the above described amendments</li> <li>• Establish appropriate development standards to permit residential developments to occur at the allowable maximum densities for the respective zones</li> <li>• Provide appropriate land use and zoning designations to fulfill the City's share of regional housing needs additional housing units; designations shall conform to the neighborhood prototypes in Appendix X</li> <li>• Maintain an inventory of vacant and underutilized sites and monitor development trends to ensure the continued adequacy of the sites inventory in meeting the RHNA</li> <li>• Make available the sites inventory to interested developers</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2016 General Election</li> <li>• January 2018 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**PROGRAM 1B: Create new design standards and guidelines as part of adoption of new zoning districts**

Design review will still apply to projects on the Housing Strategy Map involving the very low/low income RHNA category of housing units. To ensure quality projects that reflect the community's design character contexts, new design standards and guidelines will be prepared. All projects must have a mix of two- and three- story buildings or two- and three-story elements. Five neighborhood prototypes were conceptually identified, connecting land use with a community design character context. These prototypes, which are also related to the land use changes described in Program 1A, form the foundation for design standards and guidelines.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• California Coastal Commission</li> </ul>

<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Establish design standards and guidelines for the five neighborhood prototypes</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2016 General Election</li> <li>• January 2018 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**PROGRAM 1C: Promote the development of accessory housing units**

The City will continue to apply Zoning Code regulations that allow accessory units (also known as second units or granny flats) by right in all single-family residential zones, in accordance with State law. Implementation of the City’s regulations permitted the construction of at least 19 new units per year during the last Housing Element review period. Assuming permit trends continue to increase, there should be an increase in all housing starts, including accessory unit production. Relaxing development standards may also encourage additional production of accessory housing units.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Relax development standards to encourage accessory housing unit production</li> <li>• Continue to administer the accessory unit regulations</li> <li>• Develop informational packets to market accessory unit production</li> <li>• Achieve an average of 30 accessory units annually</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2016 General Election for Zoning Code amendments</li> <li>• December 2017 availability of promotional materials for accessory housing units</li> <li>• January 2018 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**PROGRAM 1D: Ensure that adequate sites remain available throughout the planning period**

The City will monitor the consumption of residential acreage to ensure an adequate inventory is available to meet the City’s RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863 and will make findings if a site is proposed for development with fewer units than shown in the Housing Element. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for

lower income households, the City will identify and if necessary rezone sufficient sites to accommodate the shortfall and ensure “no net loss” in capacity to accommodate the RHNA.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agency:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• City Council</li> </ul>
<b>Objective:</b>	<ul style="list-style-type: none"> <li>• Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863</li> <li>• Monitor and report through the HCD annual report process</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• April 2017 for a formal evaluation procedure</li> <li>• Every April report to HCD and SANDAG</li> </ul>

**PROGRAM 1E: Promote and streamline lot consolidation**

For some sites in the inventory to be viable for development, particularly for sites located on or near Coast Highway 101, the City will encourage the consolidation of smaller parcels to facilitate well-designed, modern projects that provide housing options for households of all income levels. For sites that are a part of the inventory, as many types of subdivision actions will occur as administrative decisions as allowed under the Subdivision Map Act, subject to appeal as provided for by law.

The City will periodically review development standards and incentives that would encourage mixed-use or infill developments on small parcels. The City will also meet with developers to discuss potential project sites and identify areas and properties with potential for redevelopment and provide information to interested developers.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Departmental budgets</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Public Works Department</li> <li>• Fire Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Subdivision maps and lot consolidations involving the very low/low income RHNA category of housing units will be made an administrative decision to the extent allowable under the Map Act</li> <li>• Inventory of potential lot consolidations</li> </ul>

<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2016 General Election for Subdivision and Zoning Code amendments</li> <li>• January 2018 Coastal Commission certification of Local Coastal Program Amendments</li> <li>• December 2017 availability of potential lot consolidation inventory</li> </ul>
-------------------	---

**PROGRAM 1F: Energy conservation and energy efficiency opportunities**

Continue to promote regional water conservation incentive programs and encourage broader participation in the City's Green Building Incentive Program. To further advance community energy and water conservation goals, the City will implement the strategies listed in its Climate Action Plan to achieve residential-focused greenhouse gas emission reductions.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agency:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>
<b>Objective:</b>	<ul style="list-style-type: none"> <li>• Implement existing City's sustainability programs</li> <li>• Adopt and implement the residential strategy measures listed in the City of Encinitas Climate Action Plan</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

**2. AFFORDABLE HOUSING**

The programs below identify the actions that will be taken to promote affordable housing.

**PROGRAM 2A: Continue and broaden inclusionary housing policies**

The City's inclusionary housing program requires that subdivisions of at least 10 units set aside or pay fee in lieu equivalent to one in 10 units for low income households. As a condition of approval of any tentative subdivision map for residential dwellings, community apartments, stock cooperatives or conversions of 10 units or more, the subdivider is required to reserve the unit(s) for very low income households. All required affordable units must be phased-in with market rate units to ensure completion. Because of the 2009 court decision in *Palmer v. City of Los Angeles*, the City can no longer require rental affordable units.

The City intends to update its current Inclusionary Housing Ordinance to more effectively meet the City's affordable housing goals and grant developers greater flexibility in how they fulfill their inclusionary housing requirement. The City will conduct a nexus

study to determine the maximum supportable inclusionary housing requirement and affordable housing impact fee for rental and for-sale housing.

Alternatives to on-site development of affordable housing will also be considered and include payment of an in-lieu fee, donation of land, converting existing market rate housing to affordable housing for a period of at least 30 years, extending the term of affordability for existing affordable units for at least 40 years, or provision of alternative housing types.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• City Council</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Continue the inclusionary housing program</li> <li>• Conduct a nexus study to determine the maximum supportable inclusionary requirement and fees</li> <li>• Update the City's Inclusionary Housing Ordinance to be more effective and provide greater flexibility in meeting the inclusionary housing requirements</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• December 2017 updated inclusionary housing program</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**Comment [A20]:** Complete this by November 2016 concurrently with election and revise Coastal Commission date accordingly.

**PROGRAM 2B: Facilitate affordable housing**

The City will proactively support housing for low income, extremely low income, and persons with disabilities (including developmental disabilities) as required by State law.

New funding sources will be sought from available non-profit, state and federal programs. The City will also utilize its existing CDBG and other appropriate funding sources. Planning and entitlements should consider how to position a project for future grant applications. The City will attempt to subsidize off-site public improvement costs by coordinating its CIP with affordable housing sites and will consider the waiver or reduction of development fees on a case-by-case basis. For City-owned housing sites, land cost write-downs may be used to promote affordable housing.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower income households and households with special needs (such as seniors and disabled). The City will also ensure a portion of the affordable housing units created will be available to extremely low income households.



The City continues to improve the efficiency of the development review process. Recently, the City improved its permitting process by placing more information on the City’s website; implemented a Internet-based case management system, which is accessible to the public, that tracks permit review and status; and established an interdepartmental team (Project Issue Resolution) that quickly resolves problems and issues as they arise. The City will continue to find opportunities to streamline the permitting process that remove unnecessary barriers, without compromising public health, safety and community character. The City will emphasize working with non-profit and for-profit housing developers to better utilize an expedited process, which would include priority plan review and inspection services. Streamlining includes the Program EIR for this Housing Element to address as many environmental issues as possible now to focus future environmental review on project-specific issues.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget, Affordable Housing Fund, LIHTC, Multifamily Housing Revenue Bonds, Cap and Trade Affordable Housing Program, National Housing Trust Fund and other resources, as available</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Streamline the permitting and environmental review processes</li> <li>• Annually allocate designated Affordable Housing Funds to increase the supply of affordable housing for lower income households, including seniors, disabled, homeless and those at risk of homelessness</li> <li>• Annually pursue funding opportunities for affordable housing</li> <li>• Expand the City’s affordable housing inventory</li> <li>• Consider City-owned sites with land cost write-down for affordable housing</li> <li>• Consider reducing development fees and coordinating the CIP with affordable housing development sites</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

**PROGRAM 2C: Utilize Section 8 housing choice vouchers**

This program provides rental assistance to eligible very low income households (with incomes not exceeding 50 percent of the area median). The subsidy represents the difference between the rent that exceeds 30 percent of a household’s monthly income and the actual rent charged. To cover the cost of the program, U.S. Department of Housing and Urban Development (HUD) provides funds to allow the City’s Housing Authority to make housing assistance payments on behalf of the families. HUD also

pays the Housing Authority a fee for the costs of administering the program. HUD has not issued any new vouchers to the City of Encinitas for the past five years.

In January 2004 and January 2005, HUD capped the Section 8 budget, which required the City to reduce program operating costs. The City responded in part by increasing the payment standards and enhancing occupancy standards which provides for more rental unit opportunity. On March 1, 2013, around \$85 billion in federal budget cuts, known as sequestration, took effect. The cuts are part of a 10-year plan of catastrophic funding reductions to our nation’s discretionary domestic programs, including the HUD and the military. The impact of sequestration on the City’s Housing Authority has resulted in the loss of annual funding for rental subsidy payments.

Although the City will continue to administer its 136 housing vouchers, it currently has funding to subsidize only 111 households. The City’s ability to expand or even maintain this program at its current level is derived from the annual Federal budget process. Recent indications from HUD are that Federal support for Section 8 will not be expanded. However, when additional funds become available to assist new families, the City will provide additional housing vouchers.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• HUD Section 8 Housing Choice Voucher Allocations</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Encinitas Housing Authority</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Continue to administer and fund the housing choices vouchers based on HUD funding availability</li> <li>• Promote the Housing Choice Voucher program to rental property owners</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

**PROGRAM 2D: Maximize housing affordability through market-based approaches**

The City will evaluate and pursue the following series of zoning and design standards that regulate building form to promote the construction of housing that is more attainable. The Zoning Code will be amended to set a maximum average unit size to ensure small units are created along with larger units. A minimum density will be required on inventory sites to ensure sufficient housing units are built. For projects near transit, the City will amend its regulations to allow for unbundling of parking options to sell or rent parking spaces separately or to give residents options about having an assigned space or an unassigned space. The City will also evaluate other innovative development standards as necessary to facilitate more efficient uses of land, thereby lowering the per unit cost.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department Budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>

	<ul style="list-style-type: none"> <li>• Planning Commission</li> <li>• City Council</li> <li>• Voters of Encinitas</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Pursue the above described amendments</li> <li>• Promote affordability through design</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2016 General Election</li> <li>• January 2018 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**PROGRAM 2E: Establish infrastructure and public amenities financing tools**

As is typical in urban California, most of the sites on the Housing Strategy Map for the lower income category of housing units are located in infill areas or require redevelopment and are on relatively small sites. Infrastructure and public amenity improvements associated with these future housing and mixed use projects can be very high as a part of the overall project delivery cost. Additionally, infrastructure and public amenities are needed sooner than would otherwise occur waiting for individual projects to develop incrementally. Various financing tools exist to accelerate infrastructure and public amenity improvements, while also promoting the feasibility of new housing development. Example financing tools include:

- Enhanced infrastructure financing district (EIFD)
- Community facilities district (CFD)
- Parking district
- Property-based improvement district (PBID)
- Maintenance assessment district (MAD)
- Value capture/commercial development impact fee/linkage fee that captures a portion of the property valuation increase associated with proximity to new transportation infrastructure and upzoning; may be used for pay-as-you-go or bond financing

The City will explore establishing appropriate financing tools in different areas based on need and potential for beneficial impact.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Departmental budgets</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Public Works Department</li> <li>• Finance Department</li> </ul>

	<ul style="list-style-type: none"> <li>• City Council</li> <li>• Property owners</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Consider establishing financing districts in areas of the City generally aligned with the Housing Strategy Map</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• January 2018 initiate feasibility study</li> </ul>

### 3. MITIGATION OF CONSTRAINTS

The City reviews and updates development standards and processing procedures that constrain housing development, particularly for lower and moderate-income households and for persons with special needs. Below identifies how the City will address improving the City's housing stock - and where appropriate and legally possible, remove governmental constraints that limit the ability to maintain, improve, and develop housing for all income levels.

#### PROGRAM 3A: Update the density bonus ordinance

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. The state law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. State law caps the maximum density bonus at 35 percent and allows the developer to request up to three incentives or concessions, if required to provide the affordable units. The law also provides a process for waivers of development standards such as reductions in parking requirements, height limits and setback requirements, if those requirements make it “physically infeasible” for the development to be built with the density bonus and incentives must be justified based on financial need.

**Comment [A21]:** Need consultant to re-review this for clarity/accuracy.

The City's implementing ordinance is inconsistent with the current Government Code. As such, the City will amend its local ordinance to comply with State law and evaluate how the density bonus ordinance may be applied in conjunction with the City's Inclusionary Housing Program to maximize housing opportunities. The City will explore opportunities to address project-related design issues and seek out ways to minimize adverse impacts of future projects on established neighborhoods. Through subsequent implementation of the adopted ordinance, the City will use density bonuses to help achieve State and City housing goals while attempting to mitigate potential impacts to the extent consistent with State law.

Future consideration should be given to allowing the transfer of density bonus units that would exceed the maximum density to another site (or fee in-lieu). A developer would have the option to use this approach instead, which would be an alternative to invoking State Density Bonus Law. Consistent with State law, the developer could still choose Density Bonus Law, but would have the option to use the alternative City regulations.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Update the City's density bonus regulations</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• December 2017 updated density bonus ordinance</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**Comment [A22]:** Complete this by November 2016 concurrently with election and revise Coastal Commission date accordingly.

**PROGRAM 3B: Establish parking standards appropriate for different kinds of housing**

Basic construction costs for residential developments have rapidly increased, and together with land prices, have increased the cost of housing. This has made homeownership unattainable for many households. Parking is more expensive to supply in some places, so parking requirements add a cost to development and a developer might build fewer housing units or may not develop at all.

The Downtown Encinitas and the North 101 Corridor Specific Plans contain modified parking standards to encourage mixed-use and affordable housing development. In designated zones of the Specific Plan areas, the City requires no more than two off-street parking spaces for a residential unit in a mixed-use development. Mixed-use units that are guaranteed to be affordable to low or very low income households are allowed a reduced, one-space-per-unit parking requirement.

However, the City's parking standards have not been comprehensively updated since incorporation (1986). How people travel has changed since then, and continues to change as more focus is being placed on alternative modes of transportation such as bikes and rideshares. The City looks to update its housing policies and standards to reflect current and anticipated parking needs and to adopt parking standards appropriate for affordable, senior-aged, mixed-use, and transit-oriented housing projects.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Departmental budgets</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>

	<ul style="list-style-type: none"> <li>• Public Works Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Update the City's parking regulations</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• January 2018 update of parking regulations</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

### **PROGRAM 3C: Modify regulations that constrain the development of housing**

Governmental constraints are policies, standards, requirements or actions imposed by the various levels of government upon land, housing ownership and development. Although federal and state agencies play a role, the City cannot modify the policies of these agencies and they are therefore not addressed in this program section.

#### Ground-Floor Commercial Uses Only

Portions of the North 101 Corridor Specific Plan and Downtown Encinitas Specific Plan have non-residential zones where residential densities are permitted or allowed. However, the zoning requires ground floor uses 1) in a storefront location are limited to retail-serving uses only; or 2) residential uses are permitted only above or behind a primary use. However, it may be difficult to market and develop a property with these blanket ground floor commercial requirements because there is a finite economic market available to support providing additional commercial services. Mixed use thrives when it is focused in a compact area, not over lengthy corridors, as is currently mandated in these specific plans.

For mixed-use projects, the City will amend zoning regulations to require ground floor commercial uses only at key locations or preference areas based on context or planning objectives rather than as a blanket requirement to ensure future projects are feasible and the desired community character are both achieved.

#### Design Review Findings for Residential Projects

The City requires design review approval for most proposed developments. Unless exempt, residential projects need to be consistent with the City's design guidelines and comply with certain findings before they may be constructed. Among these findings is the requirement that the project "would not tend to cause the surrounding neighborhood to depreciate materially in appearance or value (EMC 23.08.080)." In response to concerns that such a finding could pose a constraint to housing, the City

will evaluate this design review finding for its potential to be subjectively applied to deny a residential development. As noted in the Constraints Analysis, there is no history that a residential project was denied solely on the basis of this finding. Its effectiveness in assuring high quality development is minimal as compared to meeting the other three findings, namely, that a project: 1) is consistent with the General Plan, a Specific Plan or the Municipal Code; 2) is substantially consistent with the Design Review Guidelines; and 3) would not adversely affect the health, safety, or general welfare of the community. As such, the City will amend the language for residential projects as part of the Zoning Code amendments.

Separate Lot or Airspace Ownership Requirements in North Highway 101 Specific Plan

Section 3.1.1(A)(4) of the North 101 Corridor Specific Plan requires that “all [new] residential detached and attached dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.” While this requirement is appropriate for single-family homeownership projects, it may pose a disincentive to the provision of duplex and multi-family housing by imposing additional cost, processing and development requirements. As such, the City will amend the North 101 Corridor Specific Plan to eliminate the airspace requirement for multi-family housing.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Department budgets</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Public Works Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Remove constraints to housing production from the Subdivision Code, Zoning Code and Specific Plans</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• January 2018 update regulations</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**PROGRAM 3D: Accommodate specialized housing types**

Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific circumstances. The development of affordable and accessible homes is critical to expand opportunities for persons with special needs.

### Agricultural Worker Housing

Pursuant to the State Employee Housing Act (Section 17000 *et seq.* of the Health and Safety Code), employee housing for agricultural workers consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is permitted by right in a zoning district that permits agricultural uses by right. Therefore, for properties that permit agricultural uses by right, a local jurisdiction may not treat employee housing that meets the above criteria any differently than an agricultural use. Furthermore, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation, according to the Employee Housing Act. Employee housing for six or fewer persons is permitted where a single-family residence is permitted. No conditional or special use permit or variance may be required. The City will amend its Zoning Code to be consistent with State law regarding agricultural worker housing and employee housing.

### Emergency Shelter

Senate Bill 2 requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for the homeless) without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. Pursuant to State law, the City may establish standards such as:

- Maximum number of beds;
- Proximity to other shelters;
- Length of stay;
- Security and lighting;
- Counseling services; and
- Provision of on-site management.

The City will amend the Zoning Code to permit emergency shelters by right without a discretionary review process in the Light Industrial (LI) and Business Park (BP) zones. To the extent that funds are available, the City will continue to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies. The City will also continue to provide financial assistance to the extent feasible to nonprofit service agencies such as the Community Resource Center, YMCA-Oz North Coast, Fraternity House, and North County Solutions for Change to provide supportive services for the homeless and continue to provide winter homeless assistance, either through motel voucher funding or a temporary winter shelter (for example, Interfaith Shelter network and the Scout Center).



Transitional and Supportive Housing

State Housing Element Law mandates that local jurisdictions must address zoning for transitional and supportive housing. Transitional housing is included in the Encinitas Zoning Code as a residential care facility. Supportive housing is not specifically addressed in the Zoning Code. The City will amend its Zoning Code to identify transitional/supportive housing meeting the Government Code Section 65582 (f, g, h) definitions as a residential use of a property in a dwelling to be permitted, conditionally permitted or prohibited as similar uses in the same zones.

Single-Room Occupancy (SRO) Housing

SRO units are typically one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. State law requires that the City accommodate this housing type. The City will amend the General Commercial Zoning District to conditionally permit SRO housing.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Amend the Zoning Code to accommodate special needs housing consistent with State law</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• January 2018 update regulations</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**4. CONSERVATION OF EXISTING HOUSING STOCK**

The programs below demonstrate how the City shall conserve and improve the condition of the existing affordable housing stock.

**PROGRAM 4A: Pursue opportunities to create safe and healthy housing**

The City has a number of accessory units that were constructed or converted illegally (without the benefit of building permits) prior to the City’s incorporation and might not meet City codes. Recognizing that many of these units provide affordable housing

that may not otherwise be available, the City adopted an Affordable Unit Policy (AUP) in 1993 to allow dwelling units built or converted without required permits to apply for legalization. However, participation in the program has only averaged two units per year.

The City Council in November 2014 revised the compliance program with less restrictive, more preferential terms, which are valid through 2015. Here are the key changes:

- The unit must have existed prior to January 1, 2004. *This is a change from the current policy that requires the unit to be in existence prior to incorporation in 1986.*
- The unit must be reserved as affordable housing for “low” income households for a period of twenty (20) years. *This is a change from the current policy that requires the affordability restriction in perpetuity.*
- The standard AUP application fee (\$900) may be waived for property owners that qualify as low/very-low income.

The units must still be brought into compliance with current building and fire codes and must conform to zoning development standards (i.e., parking requirements) to the extent practicable. The City will continue to monitor the program and adjust the policy as needed to maximize participation, while ensuring the protection of public health and safety. The City will also periodically market the program to homeowners via City newsletter, website, and/or flyers at public counters.

For unpermitted housing units not eligible or not opting into the AUP, fully bring those units up to land use and uniform codes.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• City Council</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Healthy and safe housing</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Implement the less restrictive Affordable Unit Policy through December 2015</li> <li>• Implement the underlying 1993 Affordable Unit Policy – January 2016 and beyond</li> </ul>

#### **PROGRAM 4B: Assist in rehabilitating rental housing**

The City’s current Residential Rehabilitation Program provides grants and/or low-interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs and upgrades of major component systems (for example, electrical, plumbing, roofing, heating), and general improvements (for example, exterior finishes). The assistance is available to [low-income homeowners and to](#) owners of rental units that will rent to low income households.

The key funding source available for the rehabilitation program comes from Community Development Block Grants (CDBG). The City anticipates that funding allocated over an eight-year period, from 2013 to 2021, will help administer assistance to about 40 households. The estimated funding amounts are not known until federal appropriations for each fiscal year are finalized and HUD notifies the City of the yearly grant amount. Subject to federal funding, the City will look to assist an average of five households annually (ranging from single-family, multi-family, and mobile homes).

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Community Development Block Grants</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• City Council</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Healthy and safe housing</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

## **5. EQUAL HOUSING OPPORTUNITIES**

Below identifies the programs that promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.

### **PROGRAM 5A: Provide flexibility in reasonably accommodating housing for the disabled**

State law requires jurisdictions to analyze potential and actual governmental constraints on the development, maintenance and improvement of housing for persons with disabilities and demonstrate local efforts to remove or mitigate those constraints. Housing elements must include programs that remove constraints or provide reasonable accommodation of housing for persons with disabilities. Through its building permit authority, the City enforces State Title 24 accessibility regulations. As needed on a case-by-case basis, the City has made reasonable accommodations with respect to accessibility in its application of zoning/development standards. To ensure full compliance with reasonable accommodation procedures of the Fair Housing Act, the City will adopt a Reasonable Accommodation Ordinance to establish procedures for the review and approval of requests to modify zoning and development standards to reasonably accommodate persons with disabilities.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>

<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Adopt reasonable accommodations ordinance for persons with disabilities</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• November 2019 adopt new reasonable accommodations regulations</li> </ul>

**PROGRAM 5B: Promote fair housing**

The City of Encinitas receives Community Development Block Grant (CDBG) funds from HUD. As a recipient of these funds, the City certifies that it will engage in fair housing planning and work to mitigate impediments to fair housing choice. The goal of the City's Fair Housing Plan is to affirmatively further fair housing through specific education outreach and monitoring activities. The City currently contracts with the North County Lifeline (NCL) to provide fair housing and landlord/tenant services to residents and landlords in Encinitas. NCL will help mediate and/or assist with filing fair housing complaints. As needed, NCL can arrange testing when unfair practices are suspected.

In 2010, the City partnered with all jurisdictions in the County to conduct a Regional Analysis (AI) of Impediments to Fair Housing Choice. The AI identifies specific improvements to the City's Zoning Code to expand fair housing choices for all. These improvements have been incorporated into this Implementation Plan, as follows:

- Continue to contract with a fair housing agency to provide outreach, education and assistance to residents of Encinitas;
- Continue to disseminate information on fair housing in the City's housing brochure (distributed at libraries, grocery stores, community centers, and other public places) and on the City website; and,
- Update the Analysis of Impediments to Fair Housing Choice in 2014 for the 2015-2020 period.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Community Development Block Grants</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Reduce impediments to fair housing choice</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

**6. AT-RISK HOUSING**

There are some government-assisted projects or units that are or may be at-risk of conversion to market rate. At-risk units are occupied by seniors or lower income families who cannot afford to pay market rate rents and who could be displaced if the project or

unit converts. A large percentage of these units typically convert to market rate as subsidy contracts or regulatory agreements expire. The City encourages the development of resources to help “at-risk” seniors and lower income households. The programs reflected herein identify how the City shall preserve assisted housing developments that are at risk of becoming homeless.

**PROGRAM 6A: Monitor publicly assisted housing projects**

The Housing Element is required to include a program to monitor and work to preserve affordable housing units that are eligible to convert to non-low-income housing uses. All inventoried units eligible to prepay, opt-out, or terminate long-term use/affordability restrictions during the next 10-years are considered by HCD as “at-risk”. Thus, this Housing Element’s “at-risk” housing analysis covers the period from November 2016 through November 2026.

Consistent with State law, this Housing Element has identified two publicly assisted housing projects in Encinitas that are “at-risk”. Regal Road Apartments (10 units) and Su Casa Apartments (30 units) will convert in the years 2024 and 2025. The City should analyze their potential to convert to market rate housing uses and analyze the cost to preserve or replace those units.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Monitor the status of any Notices of Intent and Plans of Action filed by property owners to convert to market rate units</li> <li>• Identify non-profit organizations as potential purchasers/managers of at-risk housing units</li> <li>• Explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or non-profit agencies, purchase existing buildings to replaces at-risk units or construct replacement units</li> <li>• Ensure the tenants are properly noticed and informed of their rights that they are eligible to obtain special Section 8 vouchers reserved for tenants of converted properties</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>

**PROGRAM 6B: Extend term of affordability with in-lieu programs**

The City will evaluate ways to allow more inclusionary alternatives for below-market-rate unit construction (as described in Program 2A). When the City updates its affordable housing policies (e.g., Inclusionary Housing), additional options should be added to include converting existing market rate housing to affordable housing for a period of at least 30 years, or extending the term of affordability for existing affordable units for at least 55 years.

<b>Funding:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department budget</li> </ul>
<b>Responsible Agencies:</b>	<ul style="list-style-type: none"> <li>• Planning and Building Department</li> <li>• City Council</li> <li>• California Coastal Commission</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Allow developers to meet inclusionary requirements by preserving at-risk housing units</li> </ul>
<b>Timeframe:</b>	<ul style="list-style-type: none"> <li>• December 2017 updated inclusionary housing program</li> <li>• May 2019 Coastal Commission certification of Local Coastal Program Amendments</li> </ul>

**Table 3-3: Quantified Objectives (2013-2021)**

	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate Income</b>	<b>Totals</b>
New Construction (RHNA)	275	312	446	413	907	2,353
Rehabilitation						
Residential Rehab			40	---	---	40
Conservation						
Section 8	55	56	---	---	---	111
“At Risk” Units	---	---	---	---	---	---