April 13, 2018                                                                    HAND DELIVERED


Ms. Robin Huntley
Housing Policy Manager
Housing Policy Division
Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Dear Robin:

**RE: City of Encinitas 2013-2021 Housing Element Update**

The City of Encinitas is pleased to submit the draft 2013-2021 Housing Element Update for review by the State Department of Housing and Community Development (HCD).

The submittal documents contained herein provide the requisite analysis to achieve certification of our 2013-2021 Housing Element. This includes:

- **Section 1: Housing Element Policy Program** – contains the policy program for the Housing Element
- **Appendix A: Community Engagement Summary** – provides a summary of community engagement activities conducted and community comments.
- **Appendix B: Housing Profile Report** – provides the requisite analysis of housing need, constraints and resources pursuant to housing element law
- **Appendix C: Adequate Sites Analysis** – provides the requisite analysis for the provision of adequate sites to accommodate the City's RHNA need.

This Element proposes sites that can accommodate 1,621 units at densities up to 30 units per acre to meet the City's remaining RHNA lower income goal of 1,170 units. The sites have been selected to meet the new standards set by AB 1397. Our end goal is to have a Housing Element in substantial compliance with this new state law. We would hope to be able to address HCD and third-party comments during the review period to accomplish this.

As HCD is aware, the City is currently subject to two judgments of the San Diego Superior Court requiring the City to adopt an adequate housing element. Government Code Section 65754 prescribes a 45-day review period for cities subject to a court judgment, as described in the letter of March 14, 2018 from Goldfarb & Lipman LLP on our behalf (attached). We would appreciate your confirmation that HCD will review the Element within the 45-day period.

We have provided a hard copy and an electronic version of the document for your review and a checklist showing where each element required by state law can be found. If you have any questions or concerns regarding the 2013-2021 Housing Element, please feel free to contact

me at (760) 633-2712 or Diane Langager, Principal Planner at (760) 633-2714. We appreciate your assistance throughout the certification process.

Sincerely,

Brenda Wisneski
Development Services Director

Attachments:

1. One hard copy of the draft City of Encinitas 2013-2021 Housing Element
2. One CD with an electronic PDF copy of the City of Encinitas 2013-2021 Housing Element
3. Checklist of Required Sections
4. Letter from Goldfarb & Lipman LLP, dated March 14, 2018, Regarding 45-Day Review Period

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**March 14, 2018**

Via email

Robin Huntley
Paul McDougall
Housing Policy Development
California Department of Housing and Community Development
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833

Re: **City of Encinitas – Response to Letter from Public Interest Law Project**

Dear Robin and Paul:

This letter responds to the March 1, 2018 correspondence from the Public Interest Law Project (PILP) regarding the review period for the City of Encinitas Draft Housing Element.

The issue raised in the PILP correspondence is whether the 45-day review period contained in Government Code Section 65754 will apply to the Department's review of the Draft Encinitas Housing Element, or whether the usual 60-day review period in Government Code 65585(c) will apply.

As the PILP letter notes, Section 65754 applies when **a court has entered judgment** against a city or county. The City of Encinitas is currently subject to two court **judgments** (in addition to the three pending lawsuits) entered by the San Diego Superior Court, both of which require the City to adopt an Updated Housing Element. The two judgments are attached. In both cases the Superior Court retains continuing jurisdiction over the City to ensure that the City complies with the terms of the judgments. Because *a court has entered judgment*, contrary to the statements in the PILP letter, the 45-day review period applies.

The City respects the need for third-party review and comment regarding its Draft Housing Element, particularly given the recent adoption of changes to state Housing Element law. For that reason, the City has adopted an exceptionally open public process to solicit public comments on the Draft Housing Element, particularly regarding the selection of sites suitable for lower income housing, the subject of the most substantive changes in the Housing Element law. The City hopes that PILP will provide comments to the City regarding its Draft Housing Element in advance of its submittal to HCD and will not withhold its comments in an effort to discredit the Draft Element.

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The City does acknowledge that "pre-review" of the Housing Element is not authorized in Housing Element law and that any statements regarding compliance or non-compliance with State law are premature until the entire Draft Element is submitted. Nonetheless, because of the many changes in State law, the City desires to obtain technical assistance from HCD to the extent possible while drafting the Element and appreciates any guidance it may receive.

Please feel free to contact me if you have any questions.

Sincerely,

BARBARA E. KAUTZ