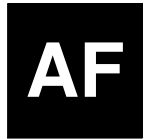


CITY OF ENCINITAS  
**AFFORDABLE UNIT POLICY**  
 PLANNING AND BUILDING DEPARTMENT



505 South Vulcan Avenue  
 Encinitas, California 92024  
 (760) 633-2710

Application No. \_\_\_\_\_  
 Date of Application: \_\_\_\_\_  
 Community Area : \_\_\_\_\_

<input type="checkbox"/>	Affordable Unit Policy	Code PZ	Amount _____
		<b>Total Paid:</b>	_____

Please complete the following:

Project address: \_\_\_\_\_ APN: \_\_\_\_\_  
 Between \_\_\_\_\_ and \_\_\_\_\_ Zoning: \_\_\_\_\_  
 (Street) (Street)

APPLICANT

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

OWNER(S)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Project description: (Describe what you are requesting): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Existing conditions (i.e. Describe topography, road access, vegetation, structures, fencing, easements):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Total number of illegal units: \_\_\_\_\_ Dates units were constructed: \_\_\_\_\_  
 Square footage of each unit: \_\_\_\_\_ Floor area ratio: \_\_\_\_\_  
 Lot size (square footage): \_\_\_\_\_ Lot coverage: \_\_\_\_\_  
 Related Code Enforcement, Planning or Building Cases: \_\_\_\_\_  
 \_\_\_\_\_

Code Enforcement sign-off verifying unit was constructed prior to City incorporation, October 1, 1986.

\_\_\_\_\_  
 Code Enforcement Manager Signature Date

**CITY OF ENCINITAS  
AFFORDABLE ACCESSORY UNIT  
VERIFICATION FORM**

ADDRESS OF AFFORDABLE UNIT: \_\_\_\_\_

NAME OF OWNER: \_\_\_\_\_

Please provide the following information regarding the person/s currently occupying the unit.

HOUSING OCCUPANTS

ADULT'S NAMES	AGE	CHILDREN'S NAMES	AGE
1. _____	_____	1. _____	_____
2. _____	_____	2. _____	_____

Same tenant as previous year? Yes \_\_\_\_\_ No \_\_\_\_\_

HOUSEHOLD INCOME : \$ \_\_\_\_\_ per \_\_\_\_\_ (weekly, bi-weekly, monthly, annually)

Household income means the combined gross income of each adult member of the household. It is possible that City may require more than one document be used to verify income. Household income worksheets and instructions are available through the City of Encinitas Planning and Building Department.

(Please attach one or more of the following):

Tax Return		Social Security		Self- Certification		Other	
Pay Stubs		Bank Statements		Letter From Employer		Other	

RENTAL RATE: \$ \_\_\_\_\_ per \_\_\_\_\_ (week, month, year)

UTILITIES paid by tenant (check all that apply):     Gas/Electricity     Water     Sewer     Trash

Please assist us in maintaining accurate demographic information by indicating one or more of the household types below:

Elderly \_\_\_\_\_    Small Family (1-4) \_\_\_\_\_    Single Parent \_\_\_\_\_    Farmworker \_\_\_\_\_  
 Disabled \_\_\_\_\_    Large Family (5+) \_\_\_\_\_    Other \_\_\_\_\_

CERTIFICATION

I/We have read the information submitted above, and certify that the information is accurate and complete to my/our knowledge. I/We acknowledge and understand that a material misstatement fraudulently made in this affidavit or in any other statement made by me/us in connection with the affordability restriction recorded against this property will constitute a federal violation punishable by fine and abatement of use of subject property, which will be in addition to any criminal penalty imposed by law.

**Owner/s**

Signature	Date	Signature	Date
-----------	------	-----------	------

**Tenant/s**

Signature	Date	Signature	Date
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# CITY OF ENCINITAS DISCLOSURE STATEMENT



APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS ON ALL APPLICATIONS WHICH WILL REQUIRE DISCRETIONARY ACTION ON THE PART OF THE CITY COUNCIL, PLANNING COMMISSION, AND ALL OTHER OFFICIAL BODIES.

The following information must be disclosed:

1. List the names of all persons having a financial interest in the application.

_____	_____
_____	_____
_____	_____

List the names of all persons having any ownership interest in the property involved.

_____	_____
_____	_____
_____	_____

2. If any person identified pursuant to (1) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

_____	_____
_____	_____
_____	_____

3. If any person identified pursuant to (1) above is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization as trustee or beneficiary or trustor of the trust.

_____	_____
_____	_____
_____	_____

4. Have you had more that \$250 worth of business transacted with any member of City staff, Boards, Commissions, Committees, and Council within the past twelve months?  **Yes**  **No** If yes, please indicate person(s).

PERSON is defined as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any group or combination acting as a unit."

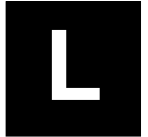
(NOTE: Attach additional pages as necessary.)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or type name of applicant

Please Print or Type Signator's Name



**PLANNING AND BUILDING DEPARTMENT**

**CITY OF ENCINITAS**  
505 South Vulcan Avenue  
Encinitas, California 92024  
(760) 633-2710

**EVIDENCE OF LEGAL PARCEL**

Applicant's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

You are required to supply documentation that this property constitutes a legal parcel before the City can accept for filing any discretionary permits.

This form and associated evidence will be reviewed by the Planning and Building Department upon submittal of your application. A request for a Certificate of Compliance must be filed concurrently with or in advance of this application if the evidence presented is insufficient to determine this parcel as being a legal lot or determination will require substantial time to research.

If determined that the property is not a legal lot, no permit or other approval may be granted until corrective action has been completed.

Fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the request.

Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

# AFFORDABLE (ILLEGAL) UNIT POLICY PROCEDURES AND APPLICATION

The Affordable Unit Policy was adopted by the City Council on September 15, 1993. The purpose of this policy is to allow illegally established dwelling units (built or converted without required permits before October 1, 1986), which have been continuously maintained as dwelling units since the time of conversion, to apply for legalization provided the units are brought into compliance with the California Building Code (CBC) and Uniform Fire Code (UFC). It is recognized that many illegal units which were constructed prior to the incorporation of the City provide affordable housing that may not otherwise be available. Additionally, displacement of the tenants and finding alternate affordable housing may result in a hardship. This policy allows the illegal units to continue to exist in perpetuity provided:

- a. the units comply with health and safety standards,
- b. the units meet the minimum dwelling unit size standards,
- c. the units are maintained as and rented to only "low" income households, and
- d. the property owner agrees and complies with the terms and conditions of the covenant.

**The Fees:** Reference the current Planning Department Fee Schedule for the application fee. Additional building fees, Engineering fees, Sewer Connection fees and Fire Prevention fees may apply. Applications which result from Code Enforcement action are subject to double fees.

## **The Process:**

1. **Verify the Unit Existed Prior to October 1, 1986:** Applicant must first check with the Planning and Building Department to determine if the unit existed prior to City incorporation. Any unit constructed after October 1, 1986, cannot take advantage of this policy, and must be abated unless the unit can meet all development standards required for accessory units.
2. **Application Submittal:** Once it has been determined the unit existed prior to incorporation, the attached application, a copy of the grant deed, a copy of the residential building record, a floor plan and site plan of the unit must be submitted to the Planning and Building Department for review. The site plan must include the following:
  - a. All property lines and setbacks from property lines, correctly scaled and dimensioned.
  - b. Location of all existing buildings and structures relative to each other and to the site boundaries. Indicate extensions of roof lines beyond building walls.
  - c. Location, dimensions, surface materials and percent of slope of driveways, access roads, curb cuts, and off-street parking areas.
  - d. Location, height, and material type of all walls and fences on the project site.

- e. Location, dimension and type of all known easements.
3. **Planning and Building Review:** The Planning and Building Department shall conduct an initial review of the application for compliance with development standards (setbacks, lot coverage, parking, etc). The unit(s) shall be required to meet parking and other development standards to the extent practicable. The number of illegal units that may be legalized per lot will be reviewed on a case-by-case basis and depend upon the extent to which they comply with existing development standards as determined by the Planning and Building Director.
4. **Income Restrictions**
- a. **Units restricted to “Low” income Households - Covenant:** Prior to final inspection, a covenant shall be recorded guaranteeing that the units be reserved as affordable housing for “low” income households (80% of the Regional Median Household Income-see attached chart). The Planning and Building Department shall prepare and record the signed covenant at the property owner’s expense. (See Attachment "A" for the covenant restrictions).
  - b. **Tenant Income Verification:** Prior to issuing Certificate of Occupancy, the property owner must submit tenant income verification, by providing either the tenant's last year's income tax form or two to three pay check stubs. (See Tenant Income Verification Form).
5. **Construction Plans Submitted for Building Permit:** Once Planning and Building Department approval is obtained, complete construction drawings and site plans must be submitted to the Building Department for review by the Building and Fire Departments in order to obtain a building permit. The Policy requires that the units comply with the current edition of the UBC and UFC. This may require upgrading the existing units to meet these codes. A registered architect or engineer may be required to verify in writing that field construction conforms to the current edition of the UBC and UFC approved as-built drawings.
6. **Minimum Size of a Dwelling Unit:** Under Section 1208.4 of the CBC (2007), an efficiency dwelling unit shall conform to the requirements of the CBC except as herein provided:
- a. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
  - b. The unit shall be provided with a separate closet.

- c. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to the CBC shall be provided.
  - d. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
7. **Final Inspection:** Final Inspection is granted after inspections are conducted to ensure compliance with the approved plans, and with any other conditions or fees imposed by other City departments.

**Note:** The policy provides a six month period to process your request, obtain permits, and final occupancy. Failure to meet this time frame may result in enforcement action to abate the illegal unit.

## **ATTACHMENT “A”**

### **COVENANT RESTRICTIONS**

1. During the term of this covenant, the OWNER agrees to abide by all ordinances, statutes, and regulations applicable to the PROPERTY, except as allowed herein.
2. The units shall comply with health and safety standards as set out in the California Building Code (CBC) and Uniform Fire Code (UFC), and shall be maintained as per the plans submitted and approved by the Building Division.
3. Owner hereby agrees to maintain the property in a safe and usable condition and agrees not to enlarge, extend, or expand the AFFORDABLE UNIT authorized under the Affordable Dwelling Unit Policy unless otherwise permitted by applicable regulations.
  - a. Should OWNER fail to maintain the PROPERTY in a safe and usable condition, within 30 days notice from the CITY, OWNER shall bring the PROPERTY into full compliance with all of CITY’s land use and building regulations, in effect at that time and applicable to the property, to include without limitation, density.
  - b. Should either the PROPERTY or the AFFORDABLE UNIT be damaged to more than 75% of its value (as determined by the Planning and Building Department), OWNER shall bring the PROPERTY into full compliance with all of CITY’s land use and building regulations, in effect at that time and applicable to the property, to include without limitation, density.
4. The units shall be reserved and rented to an individual or household of “lower” income as defined in Section 50079.5 of the California Health & Safety Code. The property owner is responsible to qualify tenants as to their “low” income status throughout the period of tenancy.
5. The unit rental rates (including utilities) shall be limited to the annualized medians and ceilings set by Federal and State Agencies. No extra charges/fees for facilities or services which normally and appropriately accrue to the unit (e.g. parking, key common facilities, etc.) will be assessed.
6. The City shall verify tenant qualifications annually. Annual submittal to the City of Encinitas of the Tenant Income Verification Form (see page 2 of the application) must be provided by the property owner by June 15th of each year documenting the maximum rent charged for the units during the previous year and demonstrating the qualified income status of the tenants. Income status of the tenant must be verified by submitting either the tenant’s last year’s income tax form, or two to three pay check stubs. This report shall be acknowledged by the City in writing by July 1st, at which

time the City shall also notify the property owner of any adjustments to the maximum unit rent levels.

7. Failure of the property owner to abide by provisions of this agreement shall automatically incur the following penalties: Any charges, fees, etc. to tenants above levels set herein shall be reimbursed to the tenants. In addition, payment of an equal amount shall be made to the City, which the City shall deposit in a separate account to be used exclusively for the creation of subsidy for affordable housing opportunities in the City of Encinitas.

# AFFORDABLE DWELLING UNIT MAXIMUM INCOME and RENT LEVELS 2010

Family Size	Maximum Annual Income	Maximum Monthly Income	Maximum Rent (including allowance for utilities*)	Unit Size
1	\$44,000	\$3,667	\$1,100	(studio)
2	\$50,250	\$4,188	\$1,256	(1 br)
3	\$56,550	\$4,713	\$1,414	(2 br, 1 ba)
4	\$62,800	\$5,233	\$1,570	(2 br, 2 ba)
5	\$67,850	\$5,654	\$1,696	(3 br, < 3 ba)
6	\$72,850	\$6,071	\$1,821	(3 br, 3 ba)
7	\$77,900	\$6,492	\$1,948	(4 br, < 4 ba)
8	\$82,900	\$6,908	\$2,073	(4 br, 4 ba)

\*Maximum monthly rent is reduced by the allowance amounts shown below for tenant-paid utilities.

## UTILITY ALLOWANCES (EFFECTIVE 6/1/2010)

UNIT SIZE	MONTHLY DOLLAR ALLOWANCES				
	0BR	1BR	2BR	3BR	4BR
GAS AND ELECTRIC COMBINED	26	37	47	73	84
WATER	26	36	46	58	64
SEWER	26	28	36	48	54
TRASH	18	18	18	18	18