

Attachment “B”

**Existing LCP-related Portions of the Housing Element
to be Deleted**

Accessory Apartments

Intensification of development in existing residential areas could also occur through the addition of second units on single family lots. Second units, or accessory apartments as they are commonly known, are dwelling units constructed on the same parcel on which the primary single-family unit is located, providing independent living quarters which the homeowner may rent out or provide for a family member or other person(s). Second units provide a cost effective means of serving additional development through use of existing infrastructure, and can provide affordable housing for low and moderate income small households. Second units also have the additional benefit of allowing many older persons to remain in their homes by providing additional income and security.

The City of Encinitas has adopted an ordinance to facilitate and regulate the development of accessory apartments as a means of providing affordable rental housing for seniors, the handicapped and family members; occupancy limited to these households. The City's ordinance permits the development of accessory apartments up to 640 square feet in size subject to a minor use permit. The Housing Element sets forth a program to review the existing parking requirements for accessory apartments to ensure that minimum offstreet parking need is met but does not become excessive. Note that second units may be created accessory to any single-family dwelling, irrespective of site zoning.

The City's records indicate approximately 20 second units have been constructed in Encinitas in the last five years. Using this date to estimate the level of future second unit construction suggests that approximately 20 new units could be expected over the five year period of the Housing Element.

Farm Employee Housing

In addition to accessory apartments, housing for agricultural workers is also accommodated in the City. The City's farm employee housing ordinance allows for such housing as a permitted accessory use in conjunction with an agricultural or horticultural operation. Such housing generally takes the form of mobile homes located on the farm property.

Farm employee housing provides an affordable housing option for the City's agricultural workers and their families. According to the City's records, approximately 35 agricultural worker accessory housing units have been added to the City's housing stock over the past five years. Apply this same rate of growth to the five year period of the Housing Element suggests than an additional 35 agricultural worker units could be anticipated over the next five years.

In response to the significant need for agricultural worker housing in Encinitas, the Housing Element sets forth a program for assisting in the creation of additional agricultural worker units. An additional 35 units are projected to be developed under this program, resulting in a total of 70 units of farm employee housing being created over the next five years.

Residential Development Potential Compared with Regional Share Needs

As indicated in the Housing Element's Summary of Housing Needs, the Regional Housing Needs Statement (RHNS) prepared by SANDAG has identified a future housing need for Encinitas of 1,406 units, (563 for lower income households and 843 for moderate and upper income households) to be developed over the next five years. Combining the expected residential development on vacant and underutilized lands, and that expected in the form of accessory apartments and agricultural worker housing, an estimated 1,090 units will be developed in the City over the next five years (refer to Table 8). In addition to these units, the City will provide incentives for the creation of approximately 320 newly-developed affordable dwellings, plus the creation of additional affordable opportunities affordable to lower income households, through implementation of Housing Element programs (e.g. inclusionary requirements, density bonus, congregate care incentives, etc.). Review of Tables 6 and 7 indicate the City has adequate land zoned at appropriate densities to accommodate its share of lower income housing needs. Housing units affordable to very low and low income households, and in addition agricultural worker housing and accessory units, are exempt from the City's growth management annual building permit allocation system.

limitations. As a result, these programs are not included in the quantitative 5-year objectives, and their implementation is not required to meet 5-year goals. They are listed as "optional programs, in case opportunities for funding and administration arise; they can then be applied to augment other 5-year programs.

I. Zoning Code - Existing Provisions

There is a direct relationship between housing goals and land use planning. The Land Use Element of this General Plan and its implementing zoning regulations is the City's single most important "housing program", in providing for the number, and range of type, of housing units needed. Discussion under the Housing Needs, Housing Constraints and Housing Opportunities sections of the Housing Element establish the relationship between identified housing needs, and the ability to meet those needs through the City's land use planning. The following existing provisions of the City's Zoning Code (as adopted March 29, 1989) are designed to insure that the City achieves its housing objectives as a result of zoning implementation. Note that some of the City's zoning provisions are identified as simply needing to be maintained, while for others, the Element recommends modification or "fine tuning" through Zone Code amendment.

a. Overall Land Use Plan Implementation. Continue to apply zones through the Zoning Code and Zone Map to correspond to the Land Use Element's residential designations, to implement the basic range of residential housing types, the densities, and the overall number of housing units planned. These include the single family residential categories, the multifamily categories (R-11 through R-25 zones), and the specialty category of Mobile Home Park (MHP). Based on historic development activity in Encinitas, the five year goal of this program is for the creation of 1,000 additional dwelling units.

b. Accessory Apartments. Known also as "second units" and "granny flats". Continue to apply zoning code provisions which provide for allowance of accessory apartments under zoning, consistent with provisions of State law. Maintain and implement existing program. Review current parking requirement for accessory apartments to insure that minimum offstreet parking need is met but

does not become excessive. Review the allowed occupancy of accessory apartments (currently limited to elderly, family members and the handicapped). Also review for consideration of allowing the development of accessory apartments simultaneously with the development of principal single-family dwellings. Consistent with the level of second unit development in previous years, the five year goal for this program is for the creation of 20 second units.

c. Agricultural Worker Housing. Continue to provide for allowance of agricultural worker housing accessory to agricultural/horticultural land uses under zoning. Review development standards/limitations now in effect for agricultural worker housing to avoid disincentives, and for flexibility in the type of structure allowed as accessory agricultural worker housing. The goal for this program is for the addition of 35 agricultural worker units to the housing stock.

d. Mobilehome/Trailer Parks. Continue to provide zoning provisions which allow development of new mobilehome/trailer parks, and which recognize and allow expansion of existing parks. Maintain the exclusive mobilehome park zone (MHP) where appropriate; continue to provide for parks as an option under other zones. The five year Housing Element goal through the application of the MHP Zone is for the conservation of 230 mobilehome units.

e. Manufactured Housing. Continue to allow placement of mobilehome/ manufactured housing units or single-family dwellings as per State law.

f. Community Care Facilities. Continue to allow for development of community care, congregate care, or residential care facilities under zoning to meet special housing needs of elderly who need ability assistance and the handicapped. Review code allowance to consider expansion of zones/locations where such development may be appropriate. The five year goal is for the creation of 150 congregate care units for the elderly and/or handicapped based on identified need.

g. Small-Scale Care Facilities. Continue to provide for residential care facilities for six or fewer clients under residential "zone" as specified by State law.

h. Density Bonuses. Continue to provide zoning code provisions to allow density bonuses in return for guarantees of affordable dwelling units in new construction as provided by State law. Review code to insure consistency with requirements of new State law, AB 1863., 1989 statutes. Pursuant to State law, if a developer allocates at least 20% of the units in a housing project to lower income households, 10% of the units for very low income households, or at least 50% available to "qualifying residents" (e.g. elderly, agricultural workers), the City must grant a density bonus of 25% and one other regulatory concession. Developers granted a density bonus enter into an Affordable Housing Agreement with the City to ensure the continued affordability of the units. The City's five year target for affordable units developed through the density bonus program is 50 units.