

Attachment “E”

Resolution 2006-48

**Approving the 2005-2010 Housing Element Update
and Related General Plan and Local Coastal Program Amendments
(Case No. 2006-208 GPA/LCPA/EIA)**

RESOLUTION NO. 2006-48
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ENCINITAS
ADOPTING THE 2005-2010 GENERAL PLAN HOUSING ELEMENT UPDATE
AND APPROVING RELATED GENERAL PLAN
AND LOCAL COASTAL PROGRAM AMENDMENTS
(Case No. 2005-208 GPA/LCPA/EIA)

WHEREAS, state law requires cities and counties to prepare and adopt a General Plan to guide the future development of a city or county; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element which sets forth goals, policies and programs to encourage the development of housing for all income groups and persons with special needs; and

WHEREAS, state law requires that cities and counties comprehensively update their General Plan Housing Elements every five years to ensure their plans can accommodate future demand for housing; and

WHEREAS, on December 15, 2004 the City Council initiated action to prepare an update to the General Plan Housing Element for the 2005-2010 planning period; and

WHEREAS, on December 12, 2005, the City Council authorized release of the draft 2005-2010 Housing Element Update for review and comment by the California Department of Housing and Community Development; responses to said comments have been incorporated into the draft Housing Element; and

WHEREAS, on October 12, 2006, the Encinitas Planning Commission conducted a duly noticed public hearing on the proposed 2005-2010 Housing Element Update, as revised; the Planning Commission considered the staff report, written correspondence and oral testimony; and

WHEREAS, the Planning Commission recommended to the City Council approval of the Housing Element Update as presented; and

WHEREAS, the City conducted an initial environmental analysis on the proposed Housing Element update per the requirements of the California Environmental Quality

Act; said analysis concluded that the proposal would have no significant environmental effects on the environment; a Negative Declaration was prepared and duly noticed for public review and comment between October 13, 2006 and November 13, 2006; no comments were received; and

WHEREAS, on November 29, 2006, the City Council conducted a duly noticed public hearing to consider: the draft 2005-2010 Housing Element Update; Planning Commission recommendation; the initial environmental study and Negative Declaration; the staff report and attachments; written comments and oral testimony; and

WHEREAS, all evidence of records, the updated Housing Element, staff reports, correspondences, the initial environmental study and Negative Declaration are on file in the offices of the City of Encinitas, Case No. 2005-208 GPA/LCPA/EIA; and

WHEREAS, the City Council finds that adoption of the 2005-2010 Housing Element Update is consistent with the Encinitas General Plan; said adoption constitutes the first amendment to the General Plan in calendar year 2006; and

WHEREAS, the 2005-2010 Housing Element Update is consistent with the goals and policies of the California Coastal Act of 1976, as evidenced by the following findings of fact:

See Exhibit "1"

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Encinitas that:

- A. In its independent judgment, having determined that the Negative Declaration for the proposed 2005-2010 Housing Element Update, Case No. 2005-208 GPA/LCPA/EIA is consistent with the provisions of the California Environmental Quality Act, hereby certifies said Negative Declaration
- B. The Encinitas General Plan Housing Element is hereby amended to read as follows:

See Exhibit "2"

PASSED and ADOPTED this 29th day of November, 2006, by the following vote
to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Christy Guerin, Mayor
City of Encinitas

ATTEST:

Deborah Cervone, City Clerk
Secretary

Findings
for Approving Amendments to the
General Plan and Local Coastal Program Land Use Plan
2005-2010 Housing Element Update
(Case No. 2005-208 GPA/LCPA/EIA)

Findings for the General Plan and Local Coastal Program Land Use Plan Amendments:

- A. That the proposed amendments are consistent with the purposes of the Encinitas General Plan and the approved Local Coastal Program Land Use Plan.**

Facts: The proposed amendments would do both of the following:

- 1.) Update the General Plan Housing Element as required by Government Code Section 65583. Cities and counties must update their Housing Elements once every five years to address their share of projected housing need for all income groups and special needs households. The content requirements of the Housing Element are prescribed by state law. Cities and counties are required to submit their Housing Elements to the California Department of Housing and Community Development for review and a determination that the element meets state law requirements. This amendment removes the old General Plan Housing Element in its entirety and replaces it with the shown in Exhibit "2" of this Resolution.
- 2.) Remove obsolete narrative and program language that was part of the Local Coastal Program Land Use Plan, certified by the California Coastal Commission on May 15, 1995.

Discussion: The 2005-2010 Housing Element was updated in accordance with state law (Government Code Section 65583). The goals, policies, and programs of the Housing Element were reviewed for consistency with the other elements of the General Plan. The content of this Housing Element is consistent with, and supported by, the goals and policies of all Elements of the General Plan. Table 3 of the Housing Element identifies the other General Plan Elements that support the major goals addressed in the Housing Element. Through the City's annual General Plan implementation review process, the City will ensure internal consistency among the various elements of the General Plan.

Implementation of some programs identified in the Housing Element may require an amendment to other Elements of the General Plan to ensure internal consistency. For example, creation of an Affordable Housing Overlay Zone (Program 2A) will require an amendment to the Land Use Element and Policy Map. Such amendments will be carried

out concurrently with program implementation in order to maintain consistency with the General Plan.

This amendment removes language that was part of the Local Coastal Program Land Use Plan (LUP). Specifically, the LUP-related text refers to an obsolete description of City regulations of accessory units and farm employee housing. Also included are Housing Programs Ia through Ih, which in effect call for the continued application of existing zoning regulations relative to accessory units, farm employee housing, mobilehome/trailer parks, manufactured housing, community care facilities, and density bonuses. The portions deleted by this action refer to provisions in the City's zoning ordinance, which is an integral part of the Local Coastal Program Implementation Plan. This action has no effect on the referenced sections of the Implementation Plan.

Public Resources Code Section 30500.1 provides that "No local coastal program shall be required to include housing policies and programs." By removing the obsolete LUP language from the Housing Element, the Local Coastal Program will be consistent with this provision of the California Coastal Act, while at the same time preserving the underlying Implementation Plan provisions (Encinitas Municipal Code Title 30, "Zoning Ordinance").

Conclusion: The City Council finds that the proposed amendments are consistent with the purposes of the Encinitas General Plan and the approved Local Coastal Program Land Use Plan.

B. That the proposed amendments conform to the California Coastal Act of 1976.

Facts: The California Coastal Act requires each coastal city to adopt a Local Coastal Program (LCP) to protect coastal resources and to manage coastal development. A Local Coastal Program has two parts: a Land Use Plan (LUP) and an Implementation Plan. The City's LUP is combined with the General Plan and Land Use Policy Map. Those portions of the General Plan that comprise the LUP are indicated by backshaded text, and span across all of the elements but the Noise Element. The Implementation Plan portion of the City's LCP is comprised of various portions of the Municipal Code (Titles 24 and 30, Chapters 23.08 and 23.24), the various Specific Plans (Downtown Encinitas, North 101 Corridor, Encinitas Ranch), and the Zoning Map.

The proposed amendments would update the General Plan Housing Element as required by Government Code Section 65583. In addition, Housing Element-related text and programs would be removed from the City's LUP but leave in place all underlying Implementation Plan provisions.

Discussion: The Housing Element update is required by law to contain housing policies and programs to address the housing needs of current and future residents of Encinitas. The California Coastal Act provides that a city's LCP is not required to contain housing policies or programs (Public Resources Code Section 30500.1). In removing obsolete housing policies and programs from the LUP, the City's LCP would be consistent with PRC 30500.1. All other provisions of the LCP, including the related land use policies and

implementation provisions remain in place. As such, adoption of the updated Housing Element will not conflict with the California Coastal Act. However, some of the programs identified in the Housing Element that, when implemented, may affect certain provisions of the City's LCP. When necessary to maintain consistency with the California Coastal Act, amendments to the LCP will be carried out concurrently with implementation of individual Housing Element programs. Such amendments to the LCP will be carried out according to the procedures prescribed by the California Coastal Act and local ordinance.

Conclusion: The City Council finds that the proposed amendments conform to the California Coastal Act of 1976.

C. That the proposed amendments are consistent with the coastal resource planning and management policies of Chapter 3 of the California Coastal Act of 1976.

Facts: The California Coastal Act requires each city to adopt a Local Coastal Program to protect coastal resources and to manage coastal development. The City of Encinitas Local Coastal Program contains various policies and regulations to protect coastal resources and manage coastal development. These policies and implementing regulations are reflected in land use, resource management, circulation, recreation, and public safety policies in the General Plan/LUP, as well as various sections of the zoning code, design review, subdivision regulations, grading and erosion control ordinance, and the various Specific Plans.

Discussion: Adoption of the Housing Element will have no direct impact on any of the LCP coastal resource protection and management policies. As individual programs are implemented, they will be reviewed for consistency with these policies, and where necessary, the programs will be adjusted to ensure that coastal resources are protected to the maximum extent feasible and that coastal development occurs consistent with applicable coastal management policies. As necessary, amendments to the City's LCP will be processed according to the procedures prescribed by the California Coastal Act.

Conclusion: The Encinitas City Council finds that the proposed amendments are consistent with the coastal resource planning and management policies of Chapter 3 of the California Coastal Act of 1976.