



HOUSING ELEMENT ADVISORY COMMITTEE

Agenda

Wednesday, May 13, 2020
Faraday Center, Room 173A
1635 Faraday Avenue Carlsbad, CA 92008
3:00 p.m.

Per State of California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding Housing Element Advisory Committee meetings electronically or by teleconferencing.

The Housing Element Advisory Committee meeting will be accessible electronically to all members of the public seeking to observe and address the committee.

The Housing Element Advisory Committee meeting can be watched via livestream or replayed on the city website at www.carlsbadca.gov.

You can participate in the meeting by e-mailing your comments to the Planning Division at planning@carlsbadca.gov prior to commencement of the agenda item. Your comments will be transmitted to the Housing Element Advisory Committee at the start of the agenda item.

If you desire to have your comment read into the record at the Housing Element Advisory Committee meeting, please indicate so in the first line of your e-mail and limit your e-mail to 500 words or less.

These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

CALL TO ORDER

ROLL CALL

Table with 4 columns: Member, Represents, Member, Represents. Rows include Carolyn Luna, Diane Proulx, David Barnett, Joy Evans, Terri Novak, Brandon Perez, Sheri Sachs, Carl Streicher, Daniel Weis.

APPROVAL OF MINUTES

Minutes of the Housing Element Advisory Committee meeting of April 8, 2020

PUBLIC COMMENT

*If you desire to comment about an item not listed on the agenda, please e-mail your comments to the Planning Division at planning@carlsbadca.gov before the public comment portion of the agenda begins. The city will read comments as requested up to a total of 15 minutes. All other comments requested to be read by the city will trail until the end of the meeting. As a reminder, if you desire to have your comment read into the record, **please indicate so in the first line** of your e-mail and limit your e-mail to 500 words or less.*

In conformance with the Brown Act, no committee action can occur on items presented during Public Comment.

NEW BUSINESS

Item No.		Action
1	Review of Housing Element Goals and Policies (cont'd from 4/8) *	Discussion
2	Status update on Housing Element Programs *	Informational
3	Site Selection Strategies in relation to overall General Plan goals and policies/Carlsbad "smart growth" concept sites *	Informational
4	One-page handout/FAQ*	Discussion
5	State of California letter regarding Growth Management Plan moratorium provision*	Informational

COMMITTEE MEMBER COMMENTS

STAFF/CONSULTANT COMMENTS

CONTINUATION OF PUBLIC COMMENT

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comment section.

NEXT SCHEDULED MEETING

May 27, 2020
Faraday Center
1635 Faraday Avenue
Carlsbad, CA 92008

ADJOURNMENT

*Next to an agenda item indicates an attachment

**Next to an agenda item indicates the item will be provided separately.



HOUSING ELEMENT ADVISORY COMMITTEE

Minutes

April 8, 2020

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Committee member Barnett, Luna, Novak, Perez, Proulx, Evans, Streicher, Weis
Committee members Proulx, Sachs (absent)

Vice Chair Proulx joined the meeting at 6:05 p.m.

APPROVAL OF MINUTES:

Motion by Streicher, seconded by Novak to approve the committee meeting minutes of March 11, 2020. Motion passed 7/0/2 (Proulx, Sachs absent).

PUBLIC COMMENTS:

None.

NEW BUSINESS:

Chair Luna directed everyone's attention to the screen where a PowerPoint presentation for tonight's new business items would be displayed.

1. Considerations for Developing the Housing Element

Consultant Weatherby overviewed the data and statistics to be collected in order to develop an inclusive and well-rounded Housing Element for the City of Carlsbad. Ms. Weatherby discussed data under the current Housing Element including population, employment, household, and housing characteristics.

Ms. Weatherby requested committee members start thinking about which data is important for them to see in the next Housing Element. She responded to committee questions and comments.

Committee member Evans inquired about Carlsbad's median age.

2. Goals and Policies for Site Selection

Consultant Weatherby addressed the second agenda item. Ms. Weatherby discussed the four overarching goals that are under the current Housing Element. Additionally, she discussed each goal's respective policies and programs, going into more specific detail about the programs that are currently in place and mentioning goals and policies regarding site selection.

Ms. Weatherby requested that committee members start to think about goals and policies that are important to them for inclusion in the Housing Element Update. She asked them to consider whether current policies are still appropriate or if other policies are needed. She responded to committee questions and comments.

Committee member Streicher commented on Policy 10-P.12 that encourages adaptive reuse of older non-residential structures for residential uses. He noted COVID-19 may cause reconsideration of commercial space, potentially freeing up room for housing.

Committee members Novak, Evans, Weis and Barnett concurred with Committee member Streicher.

Committee member Barnett also offered that while he believes employees are anxious to return to the office, he's unsure how much space may become available.

Committee member Weis noted density is an obvious aspect that should be part of a discussion on site selection.

Committee member Perez commented the Housing Element Update will impact other plans and city commissions.

Consultant Weatherby suggested this item could be put on the committee's next agenda to allow further discussion.

Consultant Rust clarified committee members are not being asked to write policy but instead comment on what they see as missing, out of date, and the like.

Chair Luna suggested committee members could meet individually with city staff to further discuss this item.

Committee members expressed interest in having some time to go over the information again in order to effectively start thinking about gaps and needed improvement regarding current Housing Element goals and policies. Chair Luna requested that a follow up item be placed on the May 13, 2020 agenda.

3. Site Selection Strategies

Consultant Rust discussed what needs to be effectively analyzed in order to accurately narrow down potential housing sites within the City. Mr. Rust discussed each of the nine reasonable capacity assumptions that are under the current Housing Element, including their strengths and weaknesses. Additionally, Mr. Rust discussed changes in legislation that will affect the applicability of each of these assumptions in the next Housing Element. Mr. Rust gave an update on what he and his consultant team are currently looking at regarding housing numbers, potential sites, and site constraints. Potential sites will be presented during the May 13, 2020 meeting.

Mr. Rust and Senior Planner Donnell responded to committee questions and comments.

Committee member Perez asked about the minimum 30 dwelling units/acre density for low income.

Committee member Barnett inquired about the minimum 0.24 acre lot size needed for a property to be counted in the city's housing sites inventory.

Committee member Novak asked about Housing Element appendix Table B-4 regarding vacant and underutilized sites for above moderate-income households.

Committee member Streicher asked about ADUs considering the nine reasonable capacity assumptions. He also asked if they were a factor in meeting RHNA.

4. Criteria and Considerations of Other Agencies

Senior Planner Donnell presented this agenda item. Mr. Donnell discussed the two layers of agency review; the review of the Housing Element itself, and the review of the outlined actions to implement the Housing Element. Mr. Donnell discussed the main agencies that the Housing Element will need to comply with in addition to City Council. Additionally, he discussed the impacts that other agencies may have on overall site selection for housing.

Mr. Donnell responded to committee questions and comments.

Committee member Barnett asked about California Coastal Commission review.

5. Draft Stakeholder List

Senior Planner Donnell presented this agenda item. This agenda item was a follow up to the previous HEAC meeting regarding relevant stakeholders that will and may want to play a role in the Housing Element process. Mr. Donnell requested that the committee members look over the list of stakeholders that was distributed in their packet and provide feedback on who needs to be added.

Committee member Barnett recommended adding to the list the San Diego North Economic Development Council.

COMMITTEE MEMBER COMMENTS:

Chair Luna requested feedback from the committee members on the brochure and other materials that have been put together for the public.

Committee member Novak recommended the brochure include verbiage about Carlsbad being a livable community as that is an overarching reason for a well-thought-out housing plan.

Committee member Streicher requested a one-page handout to supplement the four-page brochure.

Committee members discussed possible ways to distribute public outreach and engagement materials in light of the COVID-19 pandemic and the limited access that there currently is to the public.

Committee member Barnett suggested we make clear ongoing feedback is invited.

Senior Planner Donnell and Community Development Director Murphy clarified that despite the current situation with COVID-19, the Housing Element deadline still remains the same.

Chair Luna polled committee members on their desire for a one-page handout. Members expressed support.

Community Development Director Murphy suggested a one-page handout would be different than a mailer. If a mailer about the project were sent out to the community, it would be a smaller document.

Chair Luna indicated some residents would appreciate project information on paper versus digitally.

STAFF/CONSULTANT COMMENTS:

Consultant Weatherby clarified that if any committee members have questions, comments, or concerns to share, her contact information is readily available.

CONTINUATION OF PUBLIC COMMENT:

None.

NEXT REGULATORY SCHEDULED MEETING:

May 13, 2020.

ADJOURNMENT:

Motion to adjourn by Proulx, seconded by Evans. Motion passed 8/0/1 (Sachs absent).

8:11 p.m.

Jenna Shaw
Minutes Clerk



HOUSING ELEMENT ADVISORY COMMITTEE

Staff Report

Meeting Date: May 13, 2020

To: Housing Element Advisory Committee Members

From: Scott Donnell, Senior Planner

Staff Contact: Scott Donnell, Senior Planner
Scott.donnell@carlsbadca.gov, 760-602-4618

Subject: Agenda item 1 – Review of Housing Element Goals and Policies (Discussion)

Recommended Action

Provide input on Housing Element goals and policies to be included in the Housing Element Update.

Executive Summary

State housing law (Government Code 65583) requires Housing Elements to “identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.”

To ensure that identified housing sites are in keeping with the General Plan, overarching goals regarding housing preservation and opportunities, among others, can guide the development of the sites inventory. These broad objectives under the current Housing Element establish a policy framework to help guide city decision making with housing. Specific goals as well as policies are outlined to help efficiently execute each overarching goal. Furthermore, housing goals and policies are implemented through a series of housing programs offered by the city.

As discussed at the April 8, 2020 HEAC meeting, staff seeks the committee’s input on goals and policies that are appropriate for this Housing Element Update and that primarily focus on site selection. Staff has received input from some committee members regarding issues that are not currently addressed by goals and policies contained in the Housing Element, including mixed use developments and workforce housing. Following this discussion, these and any other topics raised by the committee can be considered for incorporation into a revised set of goals and policies.

To assist the committee, the following list highlights the goals and policies (and the overarching goals they fall under) that pertain to site selection as contained in Section 10.7 of the current Housing Element. In each statement below, note that “G” indicates a goal and “P” designates a policy.

As a companion piece to this report, agenda item 3 looks more broadly at site selection policies from the General Plan as whole instead of just from the Housing Element.

Preservation

10-P.4 Seek to reduce or eliminate net loss of existing mobile home rental opportunities available to lower and moderate-income households.

10-P.5 Aim to retain and preserve the affordability of mobile home parks.

10-P.9 Provide a reasonable number of rental units acquired by the city or Housing Authority for rehabilitation purposes to be affordable to households in the extremely and/or very low-income range.

Housing Opportunities

10-G.2 New housing developed with diversity of types, prices, tenures, densities, and locations, and in sufficient quantity to meet the demand of anticipated city and regional growth

10-P.10 Ensure the availability of sufficient developable acreage in all residential densities to accommodate varied housing types to meet Carlsbad's 2010-2020 Regional Housing Needs Assessment (RHNA), as discussed in Section 10.3 (Resources Available).

10-P.11 Ensure that housing construction is achieved through the use of modified codes and standards while retaining quality design and architecture.

10-P.12 Provide alternative housing opportunities by encouraging adaptive reuse of older commercial and industrial buildings.

10-P.13 Encourage increased integration of housing with nonresidential development where appropriate.

10-P.14 Encourage the use of innovative techniques and designs to promote energy conservation in residential development.

Housing Implementation

10-G.3 Sufficient new, affordable housing opportunities in all quadrants of the city to meet the needs of current lower and moderate income households and those with special needs, and a fair share proportion of future lower and moderate income households.

10-P.15 Pursuant to the Inclusionary Housing Ordinance, require affordability for lower income households of a minimum of 15 percent of all residential ownership and qualifying rental projects. For projects that are required to include 10 or more units affordable to lower income households, at least 10 percent of the lower income units should have three or more bedrooms (lower income senior housing projects exempt).

10-P.17 Any proposed General Plan Amendment request to increase site densities for purposes of providing affordable housing, will be evaluated relative to the proposal's compatibility with adjacent land uses and proximity to employment opportunities, urban services or major roads, and other policies applicable to higher density sites that are identified in the General Plan Land Use and Community Design Element.

10-P.18 Adhere to City Council Policy Statement 43 when considering allocation of "excess dwelling units" for the purpose of allowing development to exceed the Growth Management Control Point (GMCP) density, as discussed in Section 10.3 (Resources Available). With limited exceptions, the allocation of excess dwelling units will require provision of housing affordable to lower income households.

10-P.21 Ensure that incentive programs, such as density bonus programs and new development programs, such as density bonus programs and new development programs are compatible and consistent with the city's Growth Management Program.

10-P.23 Consistent with state law, establish affordable housing development with priority for receiving water and sewer services when capacity and supply of such services becomes an issue.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was available for viewing at least 72 hours prior to the meeting date.



HOUSING ELEMENT ADVISORY COMMITTEE

Staff Report

Meeting Date: May 13, 2020

To: Housing Element Advisory Committee Members

From: Scott Donnell, Senior Planner

Staff Contact: Scott Donnell, Senior Planner
Scott.donnell@carlsbadca.gov, 760-602-4618

Subject: Agenda item 2 – Status Update on Housing Element Programs (Informational)

Recommended Action

Receive the report on the outcome of the current Housing Element Programs that are in place.

Executive Summary

State housing law (Government Code 65400(a)(2)) requires legislative bodies to provide “an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development.” Providing progress updates on current programs helps identify strengths and weaknesses within each program as well as provides input to help formulate more successful programs in future Housing Element cycles.

The City has prepared the 2019 Housing Element Annual Progress Report detailing the status of the City’s progress towards meeting its regional housing production goals as well as implementing the programs of its Housing Element.

Below is a list of select programs and policies that were identified in the 2019 Annual Progress Report as having made significant progress over the past year towards reaching Housing Element goals. We have also identified programs that have not made as much progress. Limited or no progress does not mean the program is a failure or unnecessary. As an example, the progress reported for Program 3.11, Housing for Persons with Disabilities, notes only one reasonable accommodation request was made. This may simply indicate a lack of demand for such requests in 2019.

The entire annual progress report analyzing all programs is available on the city’s website as part of the March 24, 2020, City Council agenda packet (agenda item 2).

Progress

- **Mixed Use (Program 2.3)** - The City encourages mixed used development that includes a residential component. In recent years, the City has received and reviewed numerous development projects

containing a mix of residential and commercial space. In 2019, the City reviewed 6 mixed-Use projects including four located in the Village area:

- RP 15-16 4 Plus 1 Luxury Living; Four residential units and 1,105 square feet of commercial space. (Approved)
 - SOP 2019-0015 Jefferson Street Apartments; 15 residential units and 2,625 square feet of commercial space (Reviewed)
 - CT 2019-0003 Carlsbad Station; 79 residential units and 9,777 square feet of commercial space. (Reviewed)
 - CT 2018-0008 Grand Jefferson; Six residential units and 1,823 square feet of commercial space. (Approved)
 - EIR 2017-0001 - Marja Acres; 248 town homes, 46 senior affordable apartments, and 10,000 sf of commercial space and community recreation uses. (Reviewed)
 - EIR 2018-0004 North County Plaza; 272 residential units and approx. 40,000 sf of commercial space. (Reviewed)
- **Energy Conservation (Program 2.4)** - The city has established requirements, programs, and actions to improve household energy efficiency, promote sustainability, and lower utility costs. The city shall enforce state requirements for energy conservation, including the latest green building standards, and promote and participate in regional water conservation and recycling programs.

The city continues to implement its 2015-adopted Climate Action Plan (CAP). Recent strides in energy efficiency include:

- In 2018, the California Building Standards Commission approved amendments to the California Energy Code requiring installation of photovoltaic systems in all new low-rise residential construction, beginning in January 2020.
 - In 2019, 1,279 building permits for photovoltaic panels on residential structures were completed.
 - In 2019, the city adopted the 2019 California Building Codes, which incorporates the latest energy efficiency standards as established by the CEC.
- **Inclusionary Housing Ordinance (Program 3.1)** – The City has continued to implement its Inclusionary Housing Ordinance which requires a minimum of 15 percent of all ownership and qualifying rental residential projects of seven or more units be restricted and affordable to lower income households. This program requires an agreement between all residential developers subject to this inclusionary requirement and the City which stipulates:
 - The number of required lower income inclusionary units;
 - The designated sites for the location of the units
 - A phasing schedule for production of the units; and
 - The term of affordability for the units

For all ownership and qualifying rental projects of fewer than seven units, payment of a fee in lieu of inclusionary units is permitted. The fee is based on a detailed study that calculated the difference in cost to produce a market rate rental unit versus a lower income affordable unit. As of 2013, the in-lieu fee per market-rate dwelling unit was \$4,515. The fee amount may be modified by the City Council from time to time and is collected at the time of building permit issuance for the market rate units. The City will continue to utilize inclusionary in-lieu fees collected to assist in the development of affordable units.

The City will apply Inclusionary Housing Ordinance requirements to rental projects if the project developer agrees by contract to limit rent as a consideration for a “direct financial contribution” or other form of assistance specified in density bonus law, or if the project is at a density that exceeds applicable GMCP density, thus requiring the use of “excess dwelling units”.

On Dec. 17, 2019, the City Council introduced Ordinance No. CS-368 to restore the City’s ability to apply inclusionary housing requirements to residential rental units. The City has continued to approve residential projects that have met inclusionary development standards. In 2019, the City issued permits for a total of 47 inclusionary dwelling units (seven projects).

- **Excess Dwelling Units (Program 3.2)** - Pursuant to City Council Policy Statement 43, the city will continue to utilize "excess dwelling units," described in Section 10.3 (Resources Available), for the purpose of enabling density transfers, density increases/bonuses and General Plan amendments to increase allowed density.

Through its continued implementation of the Growth Management Plan, the city tracks development and the Excess Dwelling Unit Bank in its monthly Development Monitoring Report. As of December 2019, the excess unit balance was 533 dwelling units inside the Village and 425 units outside of the Village. These units are available for qualifying projects, which include affordable housing and density bonuses.

- **Density Bonus (Program 3.3)** - Consistent with state law (Government Code sections 65913.4 and 65915), the City continues to offer residential density bonuses as a means of encouraging affordable housing development. In exchange for setting aside a portion of a proposed residential development as affordable to lower and moderate income households, the city will grant a density bonus over the otherwise allowed maximum density, and up to three financial incentives or regulatory concessions. The City has continued to encourage housing affordability in new residential development projects with several large projects being reviewed in the last year. In 2019, the City reviewed six State Density Bonus Law (SDBL) applications. Projects included:
 - Marja Acres
 - Romeria Pointe Apartments;
 - North County Plaza;

- Resort View Apartments;
 - Carlsbad Station; and
 - Jefferson Street Apartments
- **Section 8 Housing Vouchers (Program 3.8)**- The Carlsbad Housing Authority has continued to administer the City's Section 8 Housing Choice Voucher program to provide rental assistance to very low income households. In 2019, the Carlsbad Housing Authority assisted approximately 600 households through the \$6.5 million federally funded program.
 - **Senior Housing (Program 3.10)**- The city will continue to encourage a wide variety of senior housing opportunities, especially for lower-income seniors with special needs, through the provision of financial assistance and regulatory incentives as specified in the city's Housing for Senior Citizens Ordinance (Municipal Code Chapter 21.84). In 2019, progress was made that included the following housing projects:
 - Casa Aldea/Cannon Road Senior Housing (MP 02-03(H)/ SOP 15-19). The project consists of 98-unit senior apartments, of which 20 units will be restricted to low income residents. This project is under construction.
 - Portola Senior Apartments. The project includes 101 units with a mix of one- and two-bedroom units. The project is restricted to 70 percent of AMI and is now open and fully leased.
 - Marja Acres. The city reviewed an application for EIR 2017-0001 which proposes 46 senior affordable apartments as part of a mixed use project.

Limited or No Progress

- **Rehabilitation of Owner-Occupied Housing (Program 1.4)** - As the housing stock ages, the need for rehabilitation assistance may increase. The city will provide assistance to homeowners to rehabilitate deteriorating housing. The city has implemented a Minor Home Repair Grant Program for low-income owner-occupied properties that provides loans of up to \$5,000, which are forgiven after five years. In 2019, the city assisted one household.
- **City-Initiated Development (Program 3.4)** - The City did not report any housing-related projects in the 2019 Annual Progress Report that were identified as City-Initiated Development. The City will work to continue to provide information and work with developments to assist them in creating additional housing opportunities for lower income households.
- **Land Banking (Program 3.6)** - In 2019, no offers to donate land for affordable housing were received. The City continues to implement a land banking program to acquire land suitable for development of housing affordable to lower and moderate income households.

- **Housing Trust Fund (Program 3.7)**- In 2019, the city did not approve any requests for Housing Trust Fund money for affordable housing projects. The city will continue to maintain the Housing Trust Fund for the fiduciary administration of monies dedicated to the development, preservation and rehabilitation of affordable housing in Carlsbad.
- **Housing for Persons with Disabilities (Program 3.11)** - One reasonable accommodation request was received in 2019. The city will continue to consider requests for "reasonable accommodation" in land use, zoning and building regulations on a case by case basis.
- **Military and Student Referrals (Program 3.16)** - No progress was reported in this area of housing for 2019. The city will continue to assure that information on the availability of assisted or below-market housing is provided to all lower-income and special needs groups.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was available for viewing at least 72 hours prior to the meeting date.

Jurisdiction	Carlsbad	
Reporting Year	2019	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1	2								3	4	
Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	912	35			7						44	868
	Non-Deed Restricted							2					
Low	Deed Restricted	693	27	6	9	163	8	4	47			272	421
	Non-Deed Restricted		2	1			2	1	2				
Moderate	Deed Restricted	1062				56						316	746
	Non-Deed Restricted		104	13	20	18	18	28	59				
Above Moderate		2332	1136	235	200	439	624	210	212			3056	0
Total RHNA		4999											
Total Units			1304	255	229	683	652	243	322			3688	2035

Note: units serving extremely low-income households are included in the very low-income permitted units totals
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Carlsbad	
Reporting Year	2019	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
1.1 - Condominium Conversion	The city will continue to discourage and/or restrict condominium conversions when such conversions would reduce the number of low or moderate income housing units available throughout the city. All condominium conversions are subject to the city's Inclusionary Housing Ordinance; the in-lieu fees or actual affordable units required by the ordinance would be used to mitigate the loss of affordable rental units from the city's housing stock.	○	The city considers condominium conversions on a case by case basis. In 2019, there were no condominium conversions approved.
1.2 - Mobile Home Park Preservation	<p>The city will continue to implement the city's Residential Mobile Home Park zoning ordinance (Municipal Code Chapter 21.37) that sets conditions on changes of use or conversions of mobile home parks, consistent with Government Code Section 66427.5.</p> <p>The city will also assist lower income tenants of mobile home parks to research the financial feasibility of purchasing their mobile home parks so as to maintain the rents at levels affordable to its tenants.</p>	○	The city continues to implement the mobile home zoning ordinance. No applications for change in use or conversion of a mobile home park were received in 2019.
1.3 - Acquisition/ Rehabilitation of Rental Housing	<p>The city will continue to provide assistance on a case-by-case basis to preserve the existing stock of lower and moderate income rental housing, including:</p> <ul style="list-style-type: none"> · Provide loans, grants, and/or rebates to owners of rental properties to make needed repairs and rehabilitation. · As financially feasible, acquire and rehabilitate rental housing that is substandard, deteriorating or in danger of being demolished. Set-aside at least 20 percent of the rehabilitated units for extremely- and/or very low income households. 	○	<p>Requests for acquisition/rehabilitation of rental properties are considered on a case by case basis.</p> <p>In Spring of 2019, the City Council approved the CDBG Annual Action Plan to authorize the purchase of existing affordable housing units in Carlsbad. In 2019, the city purchased three units with these funds in the Mulberry community of Bressi Ranch.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<p>As appropriate and determined by City Council, provide deferral or subsidy of planning and building fees, and priority processing. Priority will be given to repair and rehabilitation of housing identified by the city's Building Division as being substandard or deteriorating, and which houses lower income and in some cases moderate income households.</p>		
1.4 - Rehabilitation of Owner-Occupied Housing	<p>As the housing stock ages, the need for rehabilitation assistance may increase. The city will provide assistance to homeowners to rehabilitate deteriorating housing. Eligible activities under this program include such things as repairing faulty plumbing and electrical systems, replacing broken windows, repairing termite and dry-rot damage, and installing home weatherization improvements. Assistance may include financial incentives in the form of low interest and deferred payment loans, and rebates. Households targeted for assistance include lower-income and special needs (disabled, large, and senior) households.</p>	O	<p>The city has implemented a Minor Home Repair Grant Program for low-income owner-occupied properties that provides loans of up to \$5,000, which are forgiven after five years. In 2019, the city assisted one household.</p>
1.5 - Preservation of At-Risk Housing	<p>One project within the city—Santa Fe Ranch Apartments—may be considered as at risk if the owner pays off bonds early. While this is unlikely since the current income at affordable levels is not substantially lower than the potential income at market rates, the city will nonetheless monitor its status. Through monitoring, the city will ensure tenants receive proper notification of any changes. The city will also contact nonprofit housing developers to solicit interest in acquiring and managing the property in the event this or any similar project becomes at risk of converting to market rate.</p>	C	<p>In 2016, the property owners of the Santa Fe Ranch Apartments paid off the bonds, removing the affordability provisions. Given that there are no more "at risk" housing units in the city, this program is considered to be completed.</p>
2.1 - Adequate Sites to Accommodate the RHNA	<p>The city will continue to monitor the absorption of residential acreage in all densities and, if needed, recommend the creation of additional residential acreage at densities sufficient to meet the city's housing need for current and future residents. Any such actions shall be undertaken only where consistent with the Growth Management Plan.</p>	O	<p>The city reviews residential development applications for compliance with meeting the minimum densities on which the city relies to meet its share of regional housing needs. Consistent with state law and the city's land use policies, the city shall not approve applications below the minimum densities established in the Housing Element unless it makes the following findings:</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<p>The analysis in Section 10.3 (Resources Available) identifies examples of how housing has been built on very small sites, such as in the Village and Barrio. However, to expand opportunities for additional affordable housing, the city will encourage the consolidation of small parcels in order to facilitate larger-scale developments that are compatible with existing neighborhoods. Specifically, the city will continue to make available an inventory of vacant and underutilized properties to interested developers, market infill and redevelopment opportunities throughout the city, including the Village and Barrio, and meet with developers to identify and discuss potential project sites.</p>		<p>a. The reduction is consistent with the adopted general plan, including the housing element.</p> <p>b. The remaining sites identified in the housing element are adequate to accommodate the city's share of the regional housing need pursuant to Government Code Section 65584.</p> <p>The city continues to make available an inventory of vacant and underutilized properties and works with interested developers on infill and redevelopment opportunities.</p>
<p>2.2 - Flexibility in Development Standards</p>	<p>The Planning Division, in its review of development applications, may recommend waiving or modifying certain development standards, or propose changes to the Municipal Code to encourage the development of low and moderate income housing. The city offers offsets to assist in the development of affordable housing citywide. Offsets include concessions or assistance including, but not limited to, direct financial assistance, density increases, standards modifications, or any other financial, land use, or regulatory concession that would result in an identifiable cost reduction.</p>	<p>O</p>	<p>The city considers density increases, waivers and modifications to development standards to assist in the development of affordable housing on a case by case basis.</p> <p>In 2019, the following projects were reviewed or approved and included density increases and/or modifications to development standards:</p> <ul style="list-style-type: none"> The city is currently reviewing the EIR 2018-0001 – Aviara Apartments, which is proposing a density increase of 105 units above the General Plan allocation of 224 units, for a total of 329 units. The project is currently proposing 82 affordable units, which exceeds the requirements of the Inclusionary Housing ordinance. The Aviara Apartments project proposal includes a request for a modification to the following development standards: building height, fence/wall height, parking ratios, side yard setback for carport structures, and parking lot perimeter landscape buffer requirements.
<p>2.3 - Mixed Use</p>	<p>The city will encourage mixed-use developments that include a residential component. Major commercial centers should incorporate, where appropriate, mixed commercial/residential uses.</p>	<p>O</p>	<p>The city considers mixed use developments on a case by case basis.</p> <p>The following mixed-use projects were under review or approved in the Village area in 2019:</p> <ul style="list-style-type: none"> RP 15-16 4 Plus 1 Luxury Living was approved, which includes four residential units and 1,105 square feet of commercial space.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
			<ul style="list-style-type: none"> · SDP 2019-0015 Jefferson Street Apartments was under review, which proposes 15 residential units and 2,625 square feet of commercial space. · CT 2019-0003 Carlsbad Station was under review, which proposes 79 residential units and 9,777 square feet of commercial space. · CT 2018-0008 Grand Jefferson was under review, the city reviewed CT 2018-0008 Grand Jefferson, which proposes six residential units and 1,823 square feet of commercial space. <p>Outside of the Village area, the following mixed-use projects were under review or approved in 2019:</p> <ul style="list-style-type: none"> · EIR 2017-0001 – Marja Acres was under review, which proposes 248 townhomes, 46 senior affordable apartments, and 10,000 sf of commercial space and community recreation uses. · EIR 2018-0004 North County Plaza was under review, +which proposes to redevelop an existing shopping center by demolishing a portion of the center (approx. 40,000 sf of commercial space) and adding 272 apartment units, resulting in a mixed use site.
2.4 - Energy Conservation	<p>The city has established requirements, programs, and actions to improve household energy efficiency, promote sustainability, and lower utility costs. The city shall enforce state requirements for energy conservation, including the latest green building standards, and promote and participate in regional water conservation and recycling programs.</p> <ul style="list-style-type: none"> · Create a coordinated energy conservation strategy, including strategies for residential uses, as part of a citywide Climate Action Plan. · In the Village, encourage energy conservation and higher density development by the modification of development standards (e.g. parking standards, building setbacks, height, and increased density) as necessary to: <ul style="list-style-type: none"> - Enable developments to qualify for silver level or higher LEED (Leadership in Energy and Environmental Design) Certification, or a comparable green building rating, and to maintain the financial feasibility of the development with such certification. 	○	<p>The city continues to implement its 2015-adopted Climate Action Plan (CAP). In 2019, the City Council adopted ordinances identified in the CAP to promote energy efficiency and renewable energy use in new residential construction and in existing development undergoing major upgrades. The ordinances become fully enforceable on Jan. 1, 2020.</p> <p>In 2018, the California Building Standards Commission approved amendments to the California Energy Code requiring installation of photovoltaic systems in all new low-rise residential construction, beginning in January 2020. Carlsbad is enforcing this new Energy Code requirement as of Jan. 1, 2020.</p> <p>In 2019, 1,279 building permits for photovoltaic panels on residential structures were completed.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<ul style="list-style-type: none"> - Achieve densities at or above the minimum required if the applicant can provide acceptable evidence that application of the development standards precludes development at such densities. · Facilitate resource conservation for all households by making available, through a competitive process, CDBG funds to non-profit organizations that could use such funds to replace windows, plumbing fixtures, and other physical improvements in lower-income neighborhoods, shelters, and transitional housing. · Encourage infill development in urbanized areas, particularly in the Village and Barrio, through implementation of the Village Master Plan and Design Manual and the allowed density ranges in the Barrio. 		<p>In 2019, the city adopted the 2019 California Building Codes, which incorporates the latest energy efficiency standards as established by the CEC.</p> <p>In 2019, the city reviewed and approved several infill projects in the Village and Barrio areas (see comments in Programs 2.1 through 2.3 above.)</p>
3.1 - Inclusionary Housing Ordinance	<p>The city will continue to implement its Inclusionary Housing Ordinance, which requires a minimum of 15 percent of all ownership and qualifying rental residential projects of seven or more units be restricted and affordable to lower income households. This program requires an agreement between all residential developers subject to this inclusionary requirement and the city which stipulates:</p> <ul style="list-style-type: none"> · The number of required lower income inclusionary units; · The designated sites for the location of the units; · A phasing schedule for production of the units; and · The term of affordability for the units. 	O	<p>On Dec. 17, 2019, the City Council introduced Ordinance No. CS-368 to restore the city's ability to apply inclusionary housing requirements to residential rental units. Prior to passage of AB 1505 in 2017, cities and counties were barred from imposing affordable housing requirements to rental projects, as a result of the appellate court decision in <i>Palmer/Sixth St. Properties, L.P. v. City of Los Angeles</i>. AB 1505 revoked the Palmer decision by allowing cities to impose affordability restriction to new rental housing again.</p> <p>The city continues to implement its Inclusionary Housing Ordinance. In 2019, building permits were issued for 47 dwelling units that were required to be affordable through Inclusionary requirements for the following projects:</p> <ul style="list-style-type: none"> · Yada Farm – one low income ADU · Uptown Bressi Ranch – 17 low income condominiums · Poinsettia 61 – five low income ADUs

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<p>For all ownership and qualifying rental projects of fewer than seven units, payment of a fee in lieu of inclusionary units is permitted. The fee is based on a detailed study that calculated the difference in cost to produce a market rate rental unit versus a lower-income affordable unit. As of 2013, the in-lieu fee per market- rate dwelling unit was \$4,515. The fee amount may be modified by the City Council from time-to-time and is collected at the time of building permit issuance for the market rate units. The city will continue to utilize inclusionary in-lieu fees collected to assist in the development of affordable units.</p> <p>The city will apply Inclusionary Housing Ordinance requirements to rental projects if the project developer agrees by contract to limit rent as consideration for a "direct financial contribution" or other form of assistance specified in density bonus law; or if the project is at a density that exceeds the applicable GMCP density, thus requiring the use of "excess dwelling units," as described in Section 10.3 (Resources Available).</p>		<ul style="list-style-type: none"> · Magnolia Brady – one low income ADU · Miles Buena Vista – one low income ADU · Casa Aldea – 20 low income senior apartments · Beachwalk at Roosevelt – two low income condominiums <p>Work was completed on significant affordable housing projects that began construction in 2016:</p> <ul style="list-style-type: none"> · Construction was completed for the 101 unit low income senior apartments (Portola Senior Apartments) and 56 moderate income apartments (Montecito Apartments) in Robertson Ranch West Village Master Plan. <p>In 2019, building permits were issued for the following projects that were required to purchase Inclusionary Housing credits at existing affordable apartments:</p> <ul style="list-style-type: none"> · EIR 15-03 Poinsettia 61 – four credits · CT 2018-0001 Walnut Beach Homes – two credits · CY 2017-0002 Tyler Street Residences – one credit <p>In 2019, the in-lieu fee per market rate dwelling unit remained at \$4,515, which has not changed since 1996.</p>
3.2 - Excess Dwelling Units	<p>Pursuant to City Council Policy Statement 43, the city will continue to utilize "excess dwelling units," described in Section 10.3 (Resources Available), for the purpose of enabling density transfers, density increases/bonuses and General Plan amendments to increase allowed density.</p> <p>Based on analysis conducted in Section 10.4 (Constraints and Mitigating Opportunities), the city can accommodate its 2010-2020 RHNA without the need to utilize excess dwelling units to accommodate the RHNA at each household income level.</p>	○	<p>Through its continued implementation of the Growth Management Plan, the city tracks development and the Excess Dwelling Unit Bank in its monthly Development Monitoring Report. As of December 2019, the excess unit balance was 533 dwelling units inside the Village and 425 units outside of the Village. These units are available for qualifying projects, which include affordable housing and density bonuses.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
3.3 - Density Bonus	<p>Consistent with state law (Government Code sections 65913.4 and 65915), the city continues to offer residential density bonuses as a means of encouraging affordable housing development. In exchange for setting aside a portion of the development as units affordable to lower and moderate income households, the city will grant a density bonus over the otherwise allowed maximum density, and up to three financial incentives or regulatory concessions. These units must remain affordable for a period of no less than 30 years and each project must enter into an agreement with the city to be monitored by the Housing and Neighborhood Services Division for compliance.</p> <p>The density bonus increases with the proportion of affordable units set aside and the depth of affordability (e.g. very low income versus low income, or moderate income). The maximum density bonus a developer can receive is 35 percent when a project provides 11 percent of the units for very low income households, 20 percent for low income households, or 40 percent for moderate income households.</p> <p>Financial incentives and regulatory concessions may include but are not limited to: fee waivers, reduction or waiver of development standards, in-kind infrastructure improvements, an additional density bonus above the requirement, mixed use development, or other financial contributions.</p> <p>The city is currently amending its density bonus regulations (Municipal Code Chapter 21.86) to ensure consistency with recent changes to state density bonus law.</p>	O/C	<p>The city continues to make available density bonuses in compliance with state density bonus law (SDBL). In 2019, six SDBL applications were either received or under review:</p> <ul style="list-style-type: none"> - EIR 2017-0001 Marja Acres, which proposes 248 townhomes, 46 affordable senior apartments and 10,000 sf of commercial space. - SDP 2018-0004 Romeria Pointe Apartments, which proposes 3 very low units and 20 market rate units. - EIR 2018-0004 North County Plaza, which proposes to redevelop an existing shopping center by demolishing a portion of the center (approx. 40,000 sf of commercial space) and adding 272 apartment units, resulting in a mixed use site. - SDP 2018-0022 Resort View Apartments, which proposes 4 low income units and 22 market rate units. - CT 2019-0003 Carlsbad Station, which proposes 12 low income units and 67 market rate units. - SDP 2019-0015 Jefferson Street Apartments which proposes 3 low income and 15 market rate units. <p>The city also offers density increases through its inclusionary housing program as provided for in Municipal Code Chapter 21.85, see Program 2.2 – Flexibility in Development Standards.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
			The city's density bonus regulations (Municipal Code Chapter 21.86) have been amended consistent with state law through 2019. These amendments had their first reading on 12/17/19 and were approved by the city council 1/28/20. Additional revisions are being prepared for consistency with state law changes through 2020.
3.4 - City-Initiated Development	The city, through the Housing and Neighborhood Services Division, will continue to work with private developers (both for-profit and non-profit) to create housing opportunities for low, very low and extremely low income households.	○	The city continues to provide information and work with developers to assist them in creating additional housing opportunities for lower income households.
3.5 - Affordable Housing Incentives	<p>The city will consider using Housing Trust Funds on a case-by-case basis to offer a number of incentives to facilitate affordable housing development. Incentives may include:</p> <ul style="list-style-type: none"> · Payment of public facility fees; · In-kind infrastructure improvements, including but not limited to street improvements, sewer improvements, other infrastructure improvements as needed; · Priority processing, including accelerated plan-check process, for projects that do not require extensive engineering or environmental review; and · Discretionary consideration of density increases above the maximum permitted by the General Plan through review and approval of a site development plan (SDP). 	○	The city continues to offer incentives to facilitate affordable housing, including those listed in Program 2.2 above and Program 3.5.
3.6 - Land Banking	The city will continue to implement a land banking program to acquire land suitable for development of housing affordable to lower and moderate income households. The land bank may accept contributions of land in-lieu of housing production required under an inclusionary requirement, surplus land from the city or other public entities, and land otherwise acquired by the city for its housing programs. This land would be used to reduce the land costs of producing lower and moderate income housing by the city or other parties.	○	The city continues to implement a land banking program to acquire land suitable for development of housing affordable to lower and moderate income households. In 2019, there were no offers to donate land for affordable housing.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<p>The city has identified a list of nonprofit developers active in the region. When a city-owned or acquired property is available, the city will solicit the participation of these nonprofits to develop affordable housing. Affordable housing funds will be made available to facilitate development and the city will assist in the entitlement process.</p>		
<p>3.7 - Housing Trust Fund</p>	<p>The city will continue to maintain the Housing Trust Fund for the fiduciary administration of monies dedicated to the development, preservation and rehabilitation of affordable housing in Carlsbad. The Housing Trust Fund will be the repository of all collected in-lieu fees, impact fees, housing credits, loan repayments, and related revenues targeted for proposed housing as well as other local, state and federal funds.</p> <p>The city will explore additional revenue opportunities to contribute to the Housing Trust Fund, particularly, the feasibility of a housing impact fee to generate affordable rental units when affordable units are not included in a rental development.</p>	<p>O</p>	<p>The city continues to maintain the Housing Trust Fund, which had a total balance of approximately \$17.8 million as of December 31, 2019. However, the available balance is approximately \$13.6 million as the city had committed \$4.25 million for the affordable Oak Veterans Housing and Harding Veterans Housing projects in 2017.</p> <p>In 2019, the city did not approve any requests for Housing Trust Fund money for affordable housing projects.</p>
<p>3.8 - Section 8 Housing Choice Vouchers</p>	<p>The Carlsbad Housing Authority will continue to administer the city's Section 8 Housing Choice Voucher program to provide rental assistance to very low income households.</p>	<p>O</p>	<p>The Housing Authority continues to operate Section 8 Housing Choice Voucher Program. The \$6.5 million federally funded program assisted approximately 600 households in 2019.</p>
<p>3.9 - Mortgage Credit Certificates</p>	<p>The city participates in the San Diego Regional Mortgage Credit Certificate (MCC) Program. By obtaining a MCC during escrow, a qualified homebuyer can qualify for an increased loan amount. The MCC entitles the homebuyer to take a federal income tax credit of 20 percent of the annual interest paid on the mortgage. This credit reduces the federal income taxes of the buyer, resulting in an increase in the buyer's net earnings.</p>	<p>C</p>	<p>The city no longer participates in the MCC Program.</p>
<p>3.10 - Senior Housing</p>	<p>The city will continue to encourage a wide variety of senior housing opportunities, especially for lower-income seniors with special needs, through the provision of financial assistance and regulatory incentives as specified in the city's Housing for Senior Citizens Ordinance (Municipal Code Chapter 21.84). Projects assisted with these incentives will be subjected to the monitoring and reporting requirements to assure compliance with approved project conditions.</p>	<p>O</p>	<p>The city continues to encourage senior housing opportunities through financial assistance and regulatory incentives.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<p>In addition, the city has sought and been granted California Constitution Article 34 authority by its voters to produce up to 200 senior-only, low-income restricted housing units. The city would need to access its Article 34 authority only when it provides financial assistance and regulates more than 51 percent of the development.</p>		<p>In 2019, progress was made on the following senior housing projects:</p> <ul style="list-style-type: none"> · Casa Aldea/Cannon Road Senior Housing (MP 02-03(H)/ SDP 15-19) - the city issued building permits in 2019 and the project is currently under construction. The project consists of 98 unit senior apartments, of which 20 units will be restricted to low income residents. · As part of the inclusionary requirement for the Robertson Ranch West Village Master Plan, construction was completed for the 101 unit Portola Senior Apartments. The project includes one and two bedroom units that are restricted to 70 percent of AMI, and is now open and completely leased up. · The city reviewed an application for EIR 2017-0001 – Marja Acres, which proposes 46 senior affordable apartments as part of a mixed use project.
<p>3.11 - Housing for Persons with Disabilities</p>	<p>The city has an adopted ordinance to provide individuals with disabilities "reasonable accommodation" in land use, zoning and building regulations. This ordinance seeks to provide equal opportunity in the development and use of housing for people with disabilities through flexibility in regulations and the waiver of certain requirements in order to eliminate barriers to fulfilling this objective.</p> <p>The city will continue to evaluate the success of this measure and adjust the ordinance as needed to ensure that it is effective. Moreover, the city will seek to increase the availability of housing and supportive services to the most vulnerable population groups, including people with disabilities through state and federal funding sources, such as HUD's Section 811 program and CDBG funding.</p>	<p>○</p>	<p>The city continues to consider requests for "reasonable accommodation" in land use, zoning and building regulations on a case by case basis. One reasonable accommodation request was received in 2019.</p>
<p>3.12 - Housing for Large Families</p>	<p>In those developments that are required to include 10 or more units affordable to lower-income households, at least 10 percent of the lower income units should have three or more bedrooms. This requirement does not pertain to lower-income senior housing projects.</p>	<p>○</p>	<p>The city continues to implement this program as part of its inclusionary housing ordinance. In 2019, 13 permits were issued for three-bedroom affordable units.</p>
<p>3.13 - Housing for the Homeless</p>	<p>Carlsbad will continue to facilitate and assist with the acquisition, for lease or sale, and development of suitable sites for emergency shelters and transitional housing for the homeless population. This facilitation and assistance will include:</p>	<p>○</p>	<ul style="list-style-type: none"> · Solutions for Change continues to operate a 16-unit apartment complex that provides permanent affordable housing opportunities for homeless families who have graduated from the Solutions University. In 2015, the property was acquired (with financial help from the city) and families began moving into the property. · Catholic Charities continues to operate the La Posada de Guadalupe emergency shelter, of which a portion of the facility (50 beds) is devoted to serving homeless men.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	<ul style="list-style-type: none"> · Participating in a regional or sub-regional summit(s) including decision-makers from north San Diego County jurisdictions and SANDAG for the purposes of coordinating efforts and resources to address homelessness; · Assisting local non-profits and charitable organizations in securing state and federal funding for the acquisition, construction and management of shelters; and · Continuing to provide funding for local and sub-regional homeless service providers that operate temporary and emergency shelters. 		<ul style="list-style-type: none"> · The city continues to implement the Homeless Response Plan, which has established key principles and system responses that the city employs to address the community impacts of homelessness. The plan provides strategies to: <ol style="list-style-type: none"> 1. Prevent, reduce and manage homelessness in Carlsbad; 2. Support and build capacity within the city and community to address homelessness; 3. Encourage collaboration within the city, community partnerships and residents; and 4. Retain, protect and increase the supply of housing. · In 2018, a Housing Set-Aside pilot program was launched at the city-owned Tyler Court senior affordable apartment community whereby ten (10) units were set-aside specifically for formerly homeless seniors. Staff identified and transitioned six (6) individuals into permanent housing. The pilot program was discontinued in summer 2019. As of Dec. 31, 2019, five of those residents were still successfully housed at Tyler Court.
3.14 - Supportive Services for Homeless and Special Needs Groups	The city will continue to provide CDBG funds to community, social welfare, non-profit and other charitable groups that provide services for those with special needs in the north San Diego County area. Furthermore, the city will work with agencies and organizations that receive CDBG funds to offer a city referral service for homeless shelter and other supportive services.	○	During the 2019-2020 CDBG program year, the city allocated \$74,872 in funding assistance to five social service providers in North County which provide shelters and support services for the homeless community.
3.15 - Alternative Housing	The city will continue to implement its Second Dwelling Unit Ordinance (Section 21.10.015 of the Carlsbad Municipal Code) and will continue to support alternative types of housing, such as hotels and managed living units to accommodate extremely-low income households.	○	<p>The city continues to implement the Second Dwelling Unit Ordinance and consider alternative types of housing. In 2019, building permits were issued for 33 accessory dwelling units.</p> <p>The city is currently in process preparing zoning code amendments to address changes in state laws pertaining to accessory dwelling units that were signed into law in 2019 and became effective January 1, 2020 (SB 13, AB 68, AB 881, AB 670, AB 587 and AB 671).</p> <p>A one-year seniors home share matching program was launched in 2019. Seven residents were matched to a home provider during the year.</p>

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
3.16 - Military and Student Referrals	The city will assure that information on the availability of assisted or below-market housing is provided to all lower-income and special needs groups. The Housing and Neighborhood Services Division will provide information to local military and student housing offices of the availability of low-income housing in Carlsbad.	O	The city provides information on assisted and below market housing to individuals and groups needing that information.
3.17 - Coastal Housing Monitoring	<p>As a function of the building permit process, the city will monitor and record Coastal Zone housing data including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1. The number of housing units approved for construction, conversion or demolition within the coastal zone after January 1, 1982. 2. The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments within the coastal zone. 3. The number of existing residential dwelling units occupied by persons and families of low or moderate income that are authorized to be demolished or converted in the coastal zone pursuant to Section 65590 of the Government Code. 4. The number of residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code that are required for replacement or authorized to be converted or demolished as identified above. The location of the replacement units, either onsite, elsewhere within the city's coastal zone, or within three miles of the coastal zone in the city, shall be designated in the review. 	O	<ol style="list-style-type: none"> 1. In 2019, building permits were issued for 77 dwelling units in the Coastal Zone: <ul style="list-style-type: none"> · Four units in 2-4 unit structures · 16 accessory dwelling units · Eight single family attached dwellings · 49 single family detached dwellings 2. In 2019, building permits were issued for five accessory dwelling units that were required to be affordable at the low income level through the Inclusionary Housing Ordinance (as a part of the EIR 15-03 Poinsettia 61 project). 3. None. 4. None.
	First, to retain the Housing Element as a viable policy document, the Planning Division will review the Housing Element annually and schedule an amendment if necessary. As required by state law, city staff will prepare and submit annual progress reports to the City Council, SANDAG, and California Department of Housing and Community Development (HCD).		The city will continue its annual reporting.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
<p>3.18 - Housing Element Annual Progress Report and Mid-Planning Period Housing Element Update</p>	<p>Second, Senate Bill 575 requires that a jurisdiction revise its housing element every four years, unless it meets both of the following criteria: (1) the jurisdiction adopted the fourth revision of the element no later than March 31, 2010; and (2) the jurisdiction completed any rezoning contained in the element by June 30, 2010. While implementation of the city's 2005-2010 Housing Element satisfied the first criterion, it did not meet the second. Although rezoning was completed before the end of the extended Housing Element period (April 30, 2013) to satisfy the adequate sites program, it was not completed in time to meet the SB 575 requirement.</p> <p>The city will build on the annual review process to develop a mid-planning period (four-year) Housing Element update that includes the following:</p> <ul style="list-style-type: none"> · Review program implementation and revision of programs and policies, as needed; · Analysis of progress in meeting the RHNA and updates to the sites inventory as needed; · Outcomes from a study session that will be held with the Planning Commission to discuss mid-period accomplishments and take public comment on the progress of implementation. The city will invite service providers and housing developers to participate. 	<p>O</p>	<p>The mid-planning period (2017-2021) Housing Element update was completed in 2017. On December 20, 2016, HCD issued a letter stating that the update meets the statutory requirements of State housing element law, and the Housing Element update was adopted by the City Council in March 2017.</p> <p>The city has selected a consultant for the 2021-2029 Housing Element update and kick-off meetings are scheduled for February 2020.</p>
<p>4.1 - Fair Housing Services</p>	<p>With assistance from outside fair housing agencies, the city will continue to offer fair housing services to its residents and property owners. Services include:</p> <ul style="list-style-type: none"> · Distributing educational materials to property owners, apartment managers, and tenants; · Making public announcements via different media (e.g. newspaper ads and public service announcements at local radio and television channels); · Conducting public presentations with different community groups; · Monitoring and responding to complaints of discrimination (i.e. intaking, investigation of complaints, and resolution); and · Referring services to appropriate agencies. 	<p>O</p>	<p>With the assistance of a CDBG grant, the city contracts with the Legal Aid Society of San Diego (LASSD), a non-profit organization dedicated to serving the needs of our community, to provide their services to Carlsbad residents and property owners. LASSD serves as advocates for fair housing and mediating tenant/landlord issues. Through the Fair Housing Initiatives Program, LASSD assists clients with potential discrimination claims and will provide guidance on fair housing laws. Annually, residents are invited to call LASSD at no charge and receive assistance.</p>



HOUSING ELEMENT ADVISORY COMMITTEE

Staff Report

Meeting Date: May 13, 2020

To: Housing Element Advisory Committee Members

From: Scott Donnell, Senior Planner

Staff Contact: Scott Donnell, Senior Planner
Scott.donnell@carlsbadca.gov, 760-602-4618

Subject: Agenda item 3 – Site Selection Strategies in relation to overall General Plan goals and policies/Carlsbad “smart growth” concept sites (Informational)

Recommended Action

Receive the report on site selection strategies from the City’s General Plan besides the Housing Element and information regarding smart growth sites in Carlsbad.

Executive Summary

The Housing Element is a component of the General Plan; as a result, the Housing Element is consistent with the vision of the General Plan and is consistent with and supported by goals and policies of the other General Plan elements. Government Code Section 65300.5 requires that the goals, policies, and objectives and various accompanying analyses and text of the Housing Element must be reviewed in the context of the rest of the elements of the general plan. In the Carlsbad General Plan, these other elements include Land Use & Community Design and Sustainability, among others.

An attached exhibit identifies current General Plan goals and policies that are relevant to housing site selection from the Land Use & Community Design, Noise, Sustainability, and Housing elements. This policy framework helps to guide the selection of housing sites and expands upon site selection goals and policies in the Housing Element alone. It provides the committee a fuller picture of the community’s vision for locating housing.

Review of General Plan goals and policies also shows how they support sites designated on the San Diego Association of Governments’ (SANDAG) Smart Growth Concept Map, which was last updated in 2016. According to the agency’s website:

Smart growth is a compact, efficient, and environmentally-sensitive urban development pattern. It focuses future growth and infill development close to jobs, services, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources.

Smart growth is characterized by more compact, higher density development in urbanized areas throughout the region. These areas are walkable, bike-friendly, near public transit, and

promote good community design, resulting in housing and transportation choices for those who live and work in these areas. Smart growth is a compact, efficient, and environmentally-sensitive urban development pattern. It focuses future growth and infill development close to jobs, services, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources. Smart growth is characterized by more compact, higher density development in urbanized areas throughout the region. These areas are walkable, bike-friendly, near public transit, and promote good community design, resulting in housing and transportation choices for those who live and work in these areas.

An attachment to this staff is excerpts from SANDAG's 2016 Smart Growth Concept Map site descriptions and Smart Growth Concept Map, which highlights four smart growth areas in the city – Carlsbad Village and the adjacent Barrio, The Shoppes at Carlsbad (formerly Plaza Camino Real), the Preserve (formerly Quarry Creek), and the Ponto area.

Finally, and for the committee's information, Government Code Section 65583(c)(8) (a section of state housing law) specifies that individual elements must include a discussion of how internal consistency within the General Plan has been achieved and how internal consistency will be maintained throughout the planning period. If appropriate and warranted by the site selection process, other General Plan elements may need to be updated concurrently with the housing element to ensure consistency. As part of the Housing Element Update process, the city will perform a consistency review and propose amendments to other General Plan elements as necessary.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was available for viewing at least 72 hours prior to the meeting date.

Exhibits

1. Table - Site selection strategies in relation to overall General Plan goals and policies
2. Excerpts from SANDAG's 2016 Smart Growth Concept Map site descriptions and concept map an

Site selection strategies in relation to overall General Plan goals and policies	
General Plan Element/Category	Goal & Policies (“G” indicates goals; “P” indicates policies)
Land Use & Community Design – Land Use	2-G.1 - Maintain a land use program with amount, design and arrangement of varied uses that serve to protect and enhance the character and image of the city as expressed in the Carlsbad Community Vision, and balance development with preservation and enhancement of open space.
	2-G.2 - Promote a diversity of compatible land uses throughout the city, to enable people to live close to job locations, adequate and convenient commercial services, and public support systems such as transit, parks, schools, and utilities.
	2-G.3 - Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.
	2-G.4 - Provide balanced neighborhoods with a variety of housing types and density ranges to meet the diverse demographic, economic and social needs of residents, while ensuring a cohesive urban form with careful regard for compatibility.
	2-G.5 - Protect the neighborhood atmosphere and identity of existing residential areas.
Land Use & Community Design – Community Character, Design, and Connectedness	2-G.16 - Enhance Carlsbad’s character and image as a desirable residential, beach and open-space oriented community.
	2-G.17 - Ensure that the scale and character of new development is appropriate to the setting and intended use. Promote development that is scaled and sited to respect the natural terrain, where hills, public realm, parks, open space, trees, and distant vistas, rather than buildings, dominate the overall landscape, while developing the Village, Barrio, and commercial and industrial areas as concentrated urban-scaled nodes.
Land Use & Community Design – The Village	2-G.29 - Maintain and enhance the Village as a center for residents and visitors with commercial, residential, dining, civic, cultural, and entertainment activities.
	2-G.30 - Develop a distinct identity for the Village by encouraging a variety of uses and activities,

	such as a mix of residential, commercial, office, restaurants and specialty retail shops, which traditionally locate in a pedestrian-oriented downtown area and attract visitors and residents from across the community by creating a lively, interesting social environment.
Land Use & Community Design – The Barrio	2-G.31 - Promote rejuvenation of the Barrio while maintaining its walkable, residential character, and ensuring that new development enhances neighborhood quality and character.
Land Use & Community Design – Land Use	2-P.6 - Encourage the provision of lower and moderate-income housing to meet the objectives of the Housing Element.
	2-P.12 - Encourage residential uses mixed in conjunction with commercial development on commercially designated sites and within the Village, provided that “excess” dwelling units are available, pursuant to City Council Policy No. 43, and the findings stated in 2-P.8 are made.
	2-P.13 - Encourage medium to higher density residential uses located in close proximity to commercial services, employment opportunities and major transportation corridors.
Land Use & Community Design – McClellan-Palomar Airport	2-P.37 - Require new development located in the Airport Influence Area (AIA) to comply with applicable land use compatibility provisions of the McClellan–Palomar Airport Land Use Compatibility Plan (ALUCP) through review and approval of a site development plan or other development permit. Unless otherwise approved by City Council, development proposals must be consistent or conditionally consistent with applicable land use compatibility policies with respect to noise, safety, airspace protection, and overflight notification, as contained in the McClellan-Palomar ALUCP. Additionally, development proposals must meet Federal Aviation Administration (FAA) requirements with respect to building height as well as the provision of obstruction lighting when appurtenances are permitted to penetrate the transitional surface (a 7:1 slope from the runway primary surface). Consider San Diego County Regional Airport Authority Airport Land Use Commission recommendations in the review of development proposals.

Land Use & Community Design – Community Character and Design	2-P.41 - Ensure that the review of future projects places a high priority on the compatibility of adjacent land uses along the interface of different residential density and non-residential intensity categories. Special attention should be given to buffering and transitional methods, especially, when reviewing properties where different residential densities or land uses are involved.
Land Use & Community Design – Village	2-P.70 - Seek an increased presence of both residents and activity in the Village with new development, particularly residential, including residential as part of mixed-use development, as well as commercial, entertainment and cultural uses that serve both residents and visitors.
Land Use & Community Design – Barrio	2-P.77 - Promote new investment by allowing opportunities for medium and high-density infill residential development, strategically located in the neighborhood consistent with the Land Use Map. Ensure that development is designed to enhance neighborhood quality, character, and vitality, and is sensitive to historic and cultural resources.
Land Use & Community Design – Westfield Commercial Area	2-P.85 - Promote redevelopment or reuse of the Westfield mall as a vital, community-wide commercial destination, and encourage a pedestrian orientation. Leverage the city’s parking-lot ownership to encourage residential uses to be part of the land use mix.
Land Use & Community Design – Sunny Creek Commercial	<p>2-P.86 - Foster development of this site as a mix of multi-family residential dwellings and a local neighborhood-serving shopping center that provides daily goods and services for the surrounding neighborhoods.</p> <p>a. The location of commercial and residential uses/land use designations shall be determined through review and approval of a site development plan.</p> <p>b. The area of land utilized for a local shopping center shall be a minimum of 8 acres in size.</p> <p>c. A total of 115 dwelling units have been allocated to the site for growth management purposes (based on 9.6 acres developed at the minimum density of 12 dwelling units per acre, pursuant to Housing Element Appendix B).</p> <p>d. Residential and commercial uses should be integrated in a walkable setting.</p>

Land Use & Community Design – Ponto/Southern Waterfront	2-P.89 - Allow development of the Ponto area with land uses that are consistent with those envisioned in the Ponto Beachfront Village Vision Plan.
Noise	5-G.2 - Ensure that new development is compatible with the noise environment, by continuing to use potential noise exposure as a criterion in land use planning.
	5-G.4 - Ensure long-term noise compatibility between the airport and surrounding land use.
Noise – Land Use and Noise Compatibility	5-P.1 - Acceptability of Use Location. Use the noise and land use compatibility matrix (Table 5-1) and Future Noise Contours map (Figure 5-3) as criteria to determine acceptability of a land use, including the improvement/construction of streets, railroads, freeways and highways. Do not permit new noise-sensitive uses—including schools, hospitals, places of worship, and homes—where noise levels are “normally unacceptable” or higher, if alternative locations are available for the uses in the city.
Sustainability	9-G.2 - Undertake initiatives to enhance sustainability by reducing the community’s greenhouse gas (GHG) emissions and fostering green development patterns – including building, sites, and landscapes.
	9-G.3 - Promote energy efficiency and conservation in the community.
Housing - Housing Opportunities	10-G.2 - New housing developed with diversity of types, prices, tenures, densities, and locations, and in sufficient quantity to meet the demand of anticipated city and regional growth.
	10-P.10 - Ensure the availability of sufficient developable acreage in all residential densities to accommodate varied housing types to meet Carlsbad’s 2010-2020 Regional Housing Needs Assessment (RHNA), as discussed in Section 10.3 (Resources Available).
	10-P.12 - Provide alternative housing opportunities by encouraging adaptive reuse of older commercial or industrial buildings.
	10-P.13 - Encourage increased integration of housing with nonresidential development where appropriate.
Housing – Housing Implementation	10-G.3 - Sufficient new, affordable housing opportunities in all quadrants of the city to meet the needs of current lower and moderate income

	<p>households and those with special needs, and a fair share proportion of future lower and moderate income households.</p>
	<p>10-P.17 - Any proposed General Plan Amendment request to increase site densities for purposes of providing affordable housing, will be evaluated relative to the proposal's compatibility with adjacent land uses and proximity to employment opportunities, urban services or major roads, and other policies applicable to higher density sites that are identified in the General Plan Land Use and Community Design Element.</p>
	<p>10-P.19 - Address the unmet housing needs of the community through new development and housing that is set aside for lower and moderate income households consistent with priorities set by the Housing and Neighborhood Services Division, in collaboration with the Planning Division, and as set forth in the city's Consolidated Plan.</p>
	<p>10-P.23 - Consistent with state law, establish affordable housing development with priority for receiving water and sewer services when capacity and supply of such services become an issue.</p>

Smart Growth

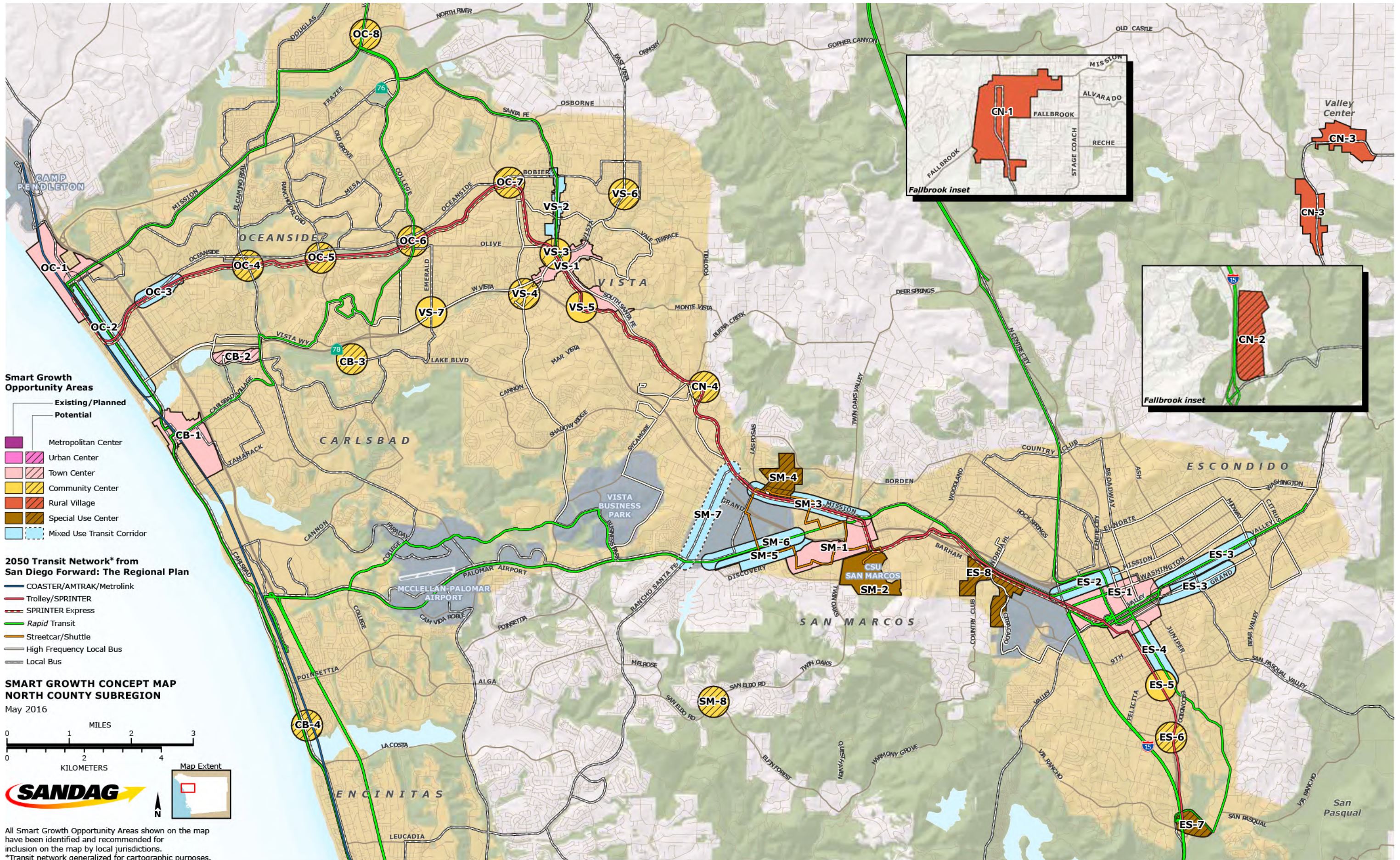
SMART GROWTH CONCEPT MAP – SITE DESCRIPTIONS

Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	Smart Growth Place Type	Land Use Description	Transit Service Description per San Diego Forward: The Regional Plan
Carlsbad	CB-1	Carlsbad Village COASTER Station including Village and Barrio areas at Grand Avenue and State Street	Existing/Planned	<p>Town Center</p> <p>This smart growth opportunity area consists of (1) the Carlsbad Village Master Plan and Design Manual (Village MP) area at approximately 200 acres; and (2) the City’s Barrio at approximately 128 acres. The Carlsbad Village COASTER Station, which provides commuter rail service, is located in the heart of the Carlsbad Village area at Grand Avenue and State Street. The Village MP allows residential development up to 35 units per acre in the core village area with special emphasis around the COASTER station. Mixed residential/retail development also is encouraged. The future residential capacity within the Village MP area is estimated to be 793 dwelling units.</p> <p>Additionally included in the smart growth opportunity area is the Barrio - an area for which the City has approved land use changes that include provisions for high-density residential (up to 30 dwelling units/acre), which is similar to existing allowances in the Village MP. Objectives for the Barrio area include providing high-density residential located within convenient walking distance to transit stops. The City of Carlsbad has begun a comprehensive update to the Village MP that would expand the plan boundaries to include the Barrio, with a focus on pedestrian and bicycle connectivity and other plan enhancements that would facilitate smart growth and redevelopment.</p> <p>Existing development in the Village MP and Barrio areas include low-rise building types. The areas are currently served with commuter rail and bus transportation service, with planned phase-in of high-frequency local and rapid bus service.</p>	<p>Existing COASTER</p> <p>Planned High-Frequency Local Bus (Route 101 to be phased in by 2020)</p> <p>Planned Rapid Service (Routes 473 and 477 to be phased in by 2050)</p>

Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	Smart Growth Place Type	Land Use Description	Transit Service Description per San Diego Forward: The Regional Plan
Carlsbad (cont'd)	CB-2 Plaza Camino Real at State Route 78 (SR 78) and El Camino Real	Potential (Requires transit changes)	Town Center	The city approved a specific plan for the Plaza Camino Real Mall located at the southwest corner of the intersection of El Camino Real and SR 78, which allows for multi-family and mixed use residential uses. Potential future residential or mixed use development could occur adjacent to the retail structures on the city-owned parking lot area. This smart growth opportunity area is currently served with high-frequency local transportation service, and the recently relocated transit station is located in the western portion of the opportunity area. Additional light/commuter rail service exists at the El Camino Real North County Transit District (NCTD) SPRINTER station at El Camino Real and Oceanside Boulevard, located approximately 1½ miles north of the project site.	Planned High-Frequency Local Bus (Route 302 to be phased in by 2020) (Town Centers require regional transit service)
	CB-3 Quarry Creek Area at Marron Road and north of Tamarack Avenue	Potential (Requires transit changes)	Community Center	The City approved the Quarry Creek Master Plan for an approximately 155-acre site. The master plan features the permanent protection of nearly 60 percent of the site for open space, while providing for public and community uses and up to 636 medium and higher density residences clustered in four neighborhoods. The site is located south of Marron Road and west of College Avenue, near the Carlsbad boundary with the City of Oceanside. The opportunity area is located approximately a quarter mile south of SR 78 and approximately 1½ miles south of College Boulevard SPRINTER Station, which provides light/commuter rail service from Escondido to Oceanside. The opportunity area also is located within close proximity to a retail shopping center containing a Wal-Mart anchor tenant; and, institutional centers that include Tri-City Hospital (within ¾ mile) and Mira Costa College (within 1 mile). Existing transportation routes provide connecting service between the College Boulevard SPRINTER Station and the Quarry Creek area. the area contains significant cultural, environmental, and habitat resources, and the El Salto Falls have been designated as a Native American sacred site.	No Qualifying Existing or Planned Transit

Jurisdiction	Location	Existing/Planned or Potential (and reason for Potential)	Smart Growth Place Type	Land Use Description	Transit Service Description per San Diego Forward: The Regional Plan
Carlsbad (cont'd)	CB-4 Ponto Beachfront at Avenida Encinas and Carlsbad Boulevard	Potential (Requires land use change)	Community Center	<p>This project is part of the former South Carlsbad redevelopment area and consists of a 50-acre site, located west of the San Diego Northern Railroad, south of Poinsettia Avenue, and east of Carlsbad Boulevard and South Carlsbad State Beach Campground. In June 2005, the City Council approved a “vision plan” for the area with a land use mix that combines tourist-serving uses (three hotels with time share units), a mixed-use core that provides for town homes, live-work units, mixed residential/retail development, and a separate townhouse area having densities up to 23 dwelling units per acre. Land use changes to implement the “vision plan” are included as part of the comprehensive General Plan update program. A light/commuter rail route exists directly east of this opportunity area and the area with the Poinsettia COASTER Station approximately 1¼ miles to the north.</p>	<p>Planned High-Frequency Local Bus (Route 101 to be phased in by 2020)</p> <p>Planned Rapid Service (Route 473 to be phased in by 2050)</p>

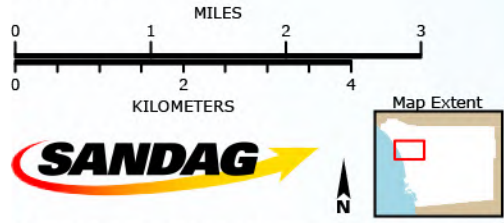
NORTH COUNTY SUBREGIONAL MAP



- Smart Growth Opportunity Areas**
- Existing/Planned
 - Potential
 - Metropolitan Center
 - Urban Center
 - Town Center
 - Community Center
 - Rural Village
 - Special Use Center
 - Mixed Use Transit Corridor

- 2050 Transit Network* from San Diego Forward: The Regional Plan**
- COASTER/AMTRAK/Metrolink
 - Trolley/SPRINTER
 - SPRINTER Express
 - Rapid Transit
 - Streetcar/Shuttle
 - High Frequency Local Bus
 - Local Bus

SMART GROWTH CONCEPT MAP
NORTH COUNTY SUBREGION
 May 2016



All Smart Growth Opportunity Areas shown on the map have been identified and recommended for inclusion on the map by local jurisdictions.
 *Transit network generalized for cartographic purposes.

All Smart Growth Opportunity Areas shown on the map have been identified and recommended for inclusion on the map by local jurisdictions.

OUR HOME OUR FUTURE

Since 1969, California law has required that all cities and counties demonstrate how they will meet the housing needs of everyone in the community through housing plans, known as Housing Elements. The state regularly forecasts the need for housing in each region based on population projections, and then each region distributes this projected need to each city and unincorporated county area. This is referred to as the Regional Housing Needs Allocation (RHNA), and the current allocation provides the housing needs for the City of Carlsbad through the year 2029. To show how this housing need can be met in Carlsbad, Housing Elements must be updated regularly. At the end of the process, the City's updated Housing Element must be approved by the state.

Updating Carlsbad's Housing Plan...Together

The city started its Housing Element update in 2020. It's a very public process. In fact, the City has established the Housing Element Advisory Committee to help guide plan development. Whether you comment at a committee meeting or online, we need your input so the new plan reflects our community values.

General Plan

The Housing Element is officially part of the city's General Plan, a collection of policies that guide future development in Carlsbad. These policies are based on what the community told us was most important, which is summarized in the nine core values that make up the Carlsbad Community Vision.

Why a Housing Element is Important

- State law requires the city to adopt a Housing Element by April 2021.
- Providing housing to meet the needs of all income levels is critical to the social and economic health of the city.
- With an approved Housing Element, Carlsbad is eligible for state grants to help fund infrastructure improvements. Without an approved plan, the city could face fines, penalties, and lawsuits.
- The Housing Element will also include policies to address housing for special needs populations, including homelessness.

For more information

- [Carlsbadca.gov/housing plan](https://carlsbadca.gov/housing-plan)
- Scott Donnell, Senior Planner,
760.602.4618/scott.donnell@carlsbadca.gov

TIMELINE



Frequently Asked Questions:

1. What is a Housing Element and what does it contain?

Since 1969, California has required all local governments to plan to meet the housing needs of everyone in the community through the development of a Housing Element. A component of the General Plan, the Housing Element provides a strategy for promoting safe, decent and affordable housing. The [General Plan](#) is Carlsbad's blueprint for how it will grow and develop.

Per state law, the specific purposes of the Housing Element are to assess both current and future housing needs and constraints, and establish housing goals, policies and programs that provide a strategy for meeting the city's housing needs.

The current City of Carlsbad Housing Element, adopted in 2017, identifies strategies and programs that focus on these five objectives to satisfy housing needs:

- conserving and improving existing affordable housing
- maximizing housing opportunities
- assisting in the provision of affordable housing
- removing constraints to housing investment, and
- promoting fair and equal housing opportunities.

2. When and why does the Housing Element need to be updated?

State law requires regular updates to the Housing Element to ensure relevancy and accuracy. These updates are required every eight years. The time from one update to the next is called a housing cycle. All San Diego jurisdictions are in the fifth housing cycle that began in 2013 and will end in 2021. (State law required Carlsbad to adopt a mid-cycle element in 2017.) The upcoming sixth Housing Element Cycle will cover the next eight-year planning period (2021-2029).

To comply with state law, the Carlsbad City Council needs to adopt an updated element by April 15, 2021. Following adoption, and as a final step, the updated element will require state review and certification.

If Carlsbad does not meet this deadline, the city would need to prepare a new Housing Element in just four years and could face tens of thousands of dollars in fines per month until it approves a plan. In addition, without an approved housing plan, the risk of housing-related lawsuits and challenges to the city's entire General Plan increase.

Having an approved housing plan avoids these significant problems, helps maintain local control over land use decisions, and makes Carlsbad eligible for state grants to help fund infrastructure improvements.

3. What is the Regional Housing Needs Allocation (RHNA) and what is the City of Carlsbad's RHNA?

A huge component of the Housing Element update is RHNA. The RHNA is a representation of future housing need for all income levels in a region. Carlsbad’s RHNA for meeting regional housing needs is defined by the San Diego Association of Governments (SANDAG) and state Department of Housing and Community Development (HCD). More details about RHNA are available in a [city informational brochure](#).

Providing housing to meet the needs of all income levels is critical to the social and economic health of a city. Carlsbad is required to plan for its income-based housing allocation to address its share of the San Diego region’s housing needs. Income groups include: “very low income” (<50% of the San Diego region’s annual median income (AMI)), “low income” (50-80% AMI), “moderate income” (80-120% AMI), and “above moderate income” (>120% AMI). The current AMI for San Diego County is \$86,300 for a family of four.

The table below shows Carlsbad’s allocation of housing units by income group for the upcoming sixth housing cycle. Over 50% of the allocation satisfies the housing needs of very low and low income families. In total, nearly 3,900 housing units are needed to accommodate 2021 – 2029 growth for all income groups as estimated through the RHNA process.

City of Carlsbad Sixth Cycle Housing Allocation by Income Category (Draft)				
Very Low	Low	Moderate	Above Moderate	Total Allocation
1,311	784	749	1,029	3,873

The RHNA is required by California state law for every jurisdiction in the state and it is the responsibility of the City of Carlsbad to track progress towards the building of these units during the planning period (2021-2029). See the city’s [2019 Housing Element Annual Progress Report](#).

4. Must cities build the housing required by RHNA?

While cities do not build housing – that is the function of private developers – they do adopt plans, regulations and programs that provide opportunities for how and where housing development occurs. An example of an adopted plan is the [General Plan](#), which through its Housing Element provides housing programs and through its Land Use and Conservation Element shows where and at what densities housing can be built.

5. What makes a house affordable to an income group?

In a word, density. The foundation of Housing Element Law is based on the premise that density is a proxy for affordability. The idea being, the more housing units on a site (density) translates to lower construction costs per unit, which translates to lower rental/sale prices of those units (affordability). As such, HCD assigns minimum density figures to each income category. In Carlsbad, the highest density figure, a minimum 30 dwelling units per acre of land, is assigned to the very low- and low-income categories.

6. How will housing locations be selected?

The updated housing plan must show the exact locations where future housing can be built and identify the potential number of homes that can be built at those locations. When it comes to these important decisions, the City of Carlsbad is not starting from scratch. During the beginning stages of reviewing housing locations, the city limits or eliminates sites:

- With sensitive habitat or species
- Where the topography isn't conducive to building
- That aren't safe because they're in a flood zone or high-fire area
- Within areas deemed off limits by the airport because they are in the flight path or noise levels would be too high

Areas that could be designated for additional housing include:

- Vacant lots not designated as open space
- Underutilized sites, such as lots with uses that are no longer needed or need rehabilitation
- Locations where housing could become denser than it is today
- Locations near public transit and essential services like libraries and neighborhood serving retail centers
- Areas where housing could be added near commercial buildings or in business parks, creating "live-work" neighborhoods
- Sites where infrastructure, such as water and sewer service, can support more housing

City regulations ensure housing is not located where sensitive habitats or other constraints occur. They work together with city policies, such as those in the General Plan, to identify suitable housing sites. For example, one General Plan policy encourages medium and higher density residential uses, or homes affordable to very low, low, and moderate-income families, to locate near commercial services, job centers, and transportation corridors.

7. What about other important topics, like housing the homeless or the high cost of housing? Are those addressed too?

Yes, a Housing Element discusses issues, trends, and solutions for many topics, including homelessness and high housing costs. The city's current [Housing Element](#) is a great resource to see a wealth of information that elements must contain, ranging from age of residents to supportive and transitional housing, and from building permit fees to new home prices.

8. Where can I find more information?

For more information about the Carlsbad Housing Element and what the city is doing to address the housing needs of its residents, visit the City of Carlsbad Housing Element Update website: www.carlsbadca.gov/housingplan.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



April 17, 2020

Celia A. Brewer, City Attorney
Office of the City Attorney
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Dear Celia Brewer:

**RE: Housing Crisis Act of 2019, Request for Opinion Under Government Code
Section 66300 et seq.**

The purpose of this letter is to assist the City of Carlsbad (City) in the implementation of the Housing Crisis Act of 2019 (Gov. Code, § 66300) as requested in your letter dated February 27, 2020. In that letter, the City requested the California Department of Housing and Community Development's (HCD) opinion as to the enforceability of a moratorium proposed pursuant to the City's Growth Management Program (Proposition E or GMP). For the reasons explained below, HCD finds that the housing development moratorium adopted pursuant to the City's GMP would be impermissible under Government Code section 66300. Should the City decide to adopt a moratorium, notwithstanding this opinion, HCD reminds the City that it cannot legally enforce such a moratorium before obtaining HCD's approval pursuant to Government Code section 66300, subdivision (b)(1)(B)(ii).

HCD's opinion is based on the mandatory criteria established by the Legislature with the passage of SB 330 in 2019, known as the Housing Crisis Act of 2019, which added section 66300 to the Government Code. The State of California is experiencing a housing supply shortage of crisis proportions. To address this crisis, the Legislature declared a statewide housing emergency until 2025, and suspended certain restrictions on development of new housing during the emergency period. (Housing Crisis Act of 2019, Chapter 654, Statutes of 2019, section 2(b).) Among other things, the Legislature suspended the ability of cities and counties to impose moratoria on housing development, including mixed-use development, "other than to specifically protect against an **imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium.**" (Gov. Code, § 66300, subd. (b)(1)(B), emphasis added.)

The Housing Crisis Act of 2019 does not define “imminent threat to the health and safety of persons.” HCD does not consider, however, that general concerns about the health and welfare of the citizenry—including traffic conditions that cause minor delays—present an imminent threat to health and safety. The word imminent suggests something that will happen in the very immediate future. (Black’s Law Dictionary (11th ed. 2019) (“Imminent” means “threatening to occur immediately; dangerously impending” or “[a]bout to take place.”); Webster’s New World College Dictionary (4th ed. 2010) (“Imminent” means “likely to happen without delay; impending; threatening”).) Imminent threats to the “health and safety of persons” implies an impending or immediate threat to human life, human health, or human safety. It is a much narrower consideration than notions of “health and welfare” that motivated the adoption of the City’s GMP.

The City’s GMP appears to be designed to assure that housing development in the City and the provision of public services are closely aligned (City of Carlsbad Mun. Code, § 21.09.010.) Nothing in the City’s GMP or in its Growth Management Ordinance (City of Carlsbad Mun. Code, Chapter 21.90) indicate that they were adopted with the intent to avert imminent threat to the health and safety of the residents of Carlsbad. Neither do the GMP or the Growth Management Ordinance indicate that imminent threats to health and safety are a mandatory consideration in deciding whether to impose such a moratorium. The purposes of the ordinance are reflected in its placement in the Municipal Code. The ordinance is housed in the Zoning Code, under the chapter for Growth Management, rather than under, for instance, Health and Sanitation, which includes Emergency Services and Health and Sanitation. The overall purpose of the Zoning Code is described as “to provide the economic and social advantages resulting from an orderly planned use of land resources.” (City of Carlsbad Mun. Code, § 21.02.010.)

In this case, the City’s proposed moratorium would prohibit the issuance of any development or building permits in Local Facilities Management Zone 15 (“LFMZ 15”) until four (4) identified street facilities meet the vehicle level of service (“LOS”) performance standard of D or the necessary improvements are guaranteed. (See City of Carlsbad Mun. Code, § 21.90.080.) LOS D simply refers to the rate at which traffic flows on a roadway, and at LOS D there is no longer free flow of traffic but instead congestion that borders on unstable flow. (City of Carlsbad, Transportation Impact Analysis Guidelines (April 2018), p. 22.) While such congestion may be uncomfortable, there is no indication in the City’s GMP or in the City’s Transportation Impact Analysis Guidelines that such a standard represents an imminent threat to the health and safety of the residents of LFMZ or those in the immediate area. Accordingly, HCD is of the opinion that such a moratorium cannot permissibly be adopted or enforced consistent with Government Code section 66300.

Celia A. Brewer
Page 3

Thank you for reaching out to HCD for this guidance. We look forward to hearing from the City as to the action it takes on its proposed moratorium. Please contact Melinda Coy of our staff, at Melinda.Coy@hcd.ca.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Olmstead". The signature is fluid and cursive, with a long horizontal stroke at the end.

Zachary Olmstead
Deputy Director