



STAFF REPORT

March 22, 2023
File Number 0830-07

SUBJECT

AMENDMENT TO THE 2021-2029 GENERAL PLAN HOUSING ELEMENT UPDATE (PHG 20-0030)

DEPARTMENT

Development Services Department, Planning Division

RECOMMENDATION

Request that the City Council adopt Resolution No. 2023-31, approving the General Plan Amendment to the 2021-2029 Housing Element of the General Plan and relying on a previously adopted Addendum (Third Addendum) to the FEIR for the 2012 General Plan Update. The Housing Element is one of the mandatory elements of the General Plan and is required by state law to be updated for the 2021-2029 planning period.

Staff Recommendation: Approval (Development Service: Andrew Firestine, Director of Development Services)

Presenter: Veronica Morones, Principal Planner

FISCAL ANALYSIS

The amendment to the 2021 – 2029 General Plan Housing Element includes two new programs and a number of modifications to programs that must be implemented over the coming years related to housing production and monitoring. Many of these programs will be implemented through use of departmental budget (i.e., staff resources), while others will require other funding sources (grants, bonds, etc.). Due to the nature of a long-range planning program such as the Housing Element, actual funding needs have not been specifically identified at this time, however, staff will ensure that all available external funding sources are pursued.

Approval of the General Plan Amendment to the 2021 – 2029 General Plan Housing Element has no immediate fiscal impact on the City budget.

PREVIOUS ACTION

On February 28, 2023, the Planning Commission voted 6-0 to recommend City Council approval of the amendment to the 2021-2029 Housing Element. The February 28th Planning Commission staff report is provided under Attachment “1”.



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Prior to the February 28, 2023 meeting, City Council adopted the 2021-2029 Housing Element on August 11, 2021. The August 11th City Council staff report is provided under Attachment “2”.

BACKGROUND

Housing Element Law: The California Legislature has determined that a primary state housing goal is to ensure that every resident has a decent home and a suitable living environment. To ensure adequate housing can be developed in a jurisdiction, a Housing Element is required as part of the General Plan. The Housing Element is one of the eight mandatory General Plan elements, as articulated in sections 65580 to 65589.8 of the Government Code (“Housing Element Law”). Pursuant to Housing Element Law, the Housing Element has two main purposes: 1) to provide an assessment of both current and projected housing needs and constraints in meeting these needs; and 2) to state “goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.” (Gov’t Code § 65583.) Thus, a Housing Element has become the official “planning” response to the need to provide housing and housing-related services for all economic segments of the community. While part of the General Plan, the Housing Element is updated more frequently to ensure its relevancy and accuracy. Housing Element Law requires jurisdictions update their Housing Elements every eight years, commonly referred to as “planning periods” or “cycles.” For the San Diego Association of Governments (“SANDAG”) region, the current planning period is the 6th Cycle which spans 2021 through 2029. In order to comply with Housing Element Law, SANDAG jurisdictions needed to adopt an updated Housing Element no later than 120 calendar days from the statutory date of April 15, 2021 (i.e., adopt no later than August 13, 2021), and obtain substantial compliance (also referred to as “certification”) through the California Department of Housing and Community Development’s (“HCD”) review process. Typically, compliance from HCD would be obtained prior to adoption; however, in the context of the City of Escondido and several other SANDAG jurisdictions, adoption occurred prior to HCD’s review for compliance.

For additional background information regarding Housing Element Law, the 2021-2029 Housing Element Update process, original adoption of the 2021-2029 Housing Element and Third Addendum, as well as the contents of the adopted 2021-2029 Housing Element, refer to Attachments 1 and 2 in chronological order.

2021-2029 Housing Element: In an effort to meet the statutory deadline for the 6th Cycle, the City kicked off the update to the Housing Element in early 2020. Throughout the update process, the City conducted various outreach workshops, office hours, planning commission study sessions, and circulated electronic and print media. State law requires that jurisdictions submit draft Housing Element amendments to HCD for review at least 60 days prior to adoption. Upon completion of the draft 6th Cycle Housing Element, the City submitted the draft for review by HCD on March 26, 2021. On May 25, 2021, the City received a comment letter from HCD identifying two areas of deficiency: 1) Affirmative furthering fair housing pursuant to AB 686, and 2) Suitable sites inventory for development (Gov’t Code § 65583(a)(3)). All public comment letters and responses to comment, including HCD’s comment letters, are under Attachment 3.



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City staff and its consultant team revised the document according to the direction HCD outlined in their May 25th letter. The City resubmitted to HCD on June 17, 2021, which projected HCD's comment period to end on August 16, 2021. However, the City adopted the draft 2021-2029 Housing Element on August 11, 2021 to meet the adoption deadline of August 13, 2021. One day prior to the scheduled City Council adoption date, HCD provided their 60-day review letter on August 10, 2021. HCD's August 10th letter detailed the same outstanding topical issues with additional direction for compliance.

In response to HCD's August 10th letter, City staff revised the adopted 6th Cycle Housing Element in an effort to comply with the outstanding comments. For more information regarding City staff's actions and proposed changes, refer to Attachment 1. On August 2, 2022, HCD again provided a comment letter detailing outstanding issues.

On October 18, 2022, the City submitted their final draft revisions of the adopted 2021-2029 Housing Element to HCD (as detailed under Attachment 1). On December 8, 2022, HCD provided a letter stating the revisions to the element meet statutory requirements, detailed under Attachment 4. The full revised draft document is provided under Attachment 5 in strikethrough/underline. A clean copy of the incorporated changes is provided under Exhibit "B" of Resolution No. 2023-31.

However, HCD cannot certify the Housing Element until rezoning of sites identified on the Housing Element's sites inventory occur (i.e., adoption of the East Valley Specific Plan). Assembly Bill (AB) 1398 (Gov't Code § 65583), which was passed in late 2021 and went into effect on January 1, 2022, requires jurisdictions complete their rezoning efforts in order to obtain certification from HCD. Since the City's Housing Element was not certified at the time AB 1398 went into effect, the City must comply with the rezoning requirements before HCD can certify the City's Housing Element.

On January 20, 2023, the City had informal discussions with HCD staff on how to proceed with the statutory compliant revisions reviewed under the October 18, 2022 submittal. HCD staff recommended the City move forward with adoption of the draft revisions and submit for subsequent review by HCD of the adopted Housing Element while the City's rezoning efforts continue to progress. HCD stated following their guidance would provide a streamlined process for final compliance once rezones are adopted.

The City received additional written public comment prior to the February 28, 2023 Planning Commission meeting, which is provided under Attachment 6.

ENVIRONMENTAL REVIEW

The Project relies on a previously adopted Addendum to the FEIR for the 2012 General Plan Update. On August 11, 2021, the City Council adopted the Third Addendum to the 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR for the 2021-2029 Housing Element. The 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR ("Final EIR") was certified on May 23, 2012, by the Escondido City Council (SCH #2010071064). The Third



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Addendum accommodated the repeal in its entirety of the 2013-2021 Housing Element and adoption in full the new text, graphics, and figures comprising the 2021-2029 Housing Element to the General Plan. The Third Addendum is provided under Exhibit “C” to draft City Council Resolution No. 2023-31.

Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances or new information to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review. City staff concluded that the EIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the 2021-2029 Housing Element, and therefore, no subsequent EIR or mitigated negative declaration was required. On that basis, City staff prepared an Addendum for the changes, pursuant to CEQA Guidelines section 15164.

City staff evaluated the current Project, and all aspects of the changes, in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162. The Project entails revisions to the 2021-2029 Housing Element for compliance with HCD’s requirements for certification that would be covered under the scope and findings of the Third Addendum. The Housing Element is a policy document and the proposed change to such policy document would not, in itself, produce environmental impacts. It consists of additional detailed metrics; incorporation of additional historical context; modification to assumed capacity yields that are within the permitted density thresholds established under the 2012 General Plan Land Use Element; and additional nominal changes throughout the document for consistency clean up. No actual development or land use designation changes are proposed as part of the Project. All future land use development projects would be required to adhere to relevant development standards and design guidelines contained in the City’s zoning ordinance or specific plan to quality of development at each housing site, and would be reviewed for compliance with CEQA at that time. Therefore, City staff conclude the previous environmental document, the Third Addendum, may be used to fulfil the environmental review requirements of the current Project.

The Addendum is appropriate pursuant to CEQA Guidelines section 15164 because only minor changes and additions to the Final EIR are necessary to address the Project changes and no circumstances exist calling for the preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines sections 15162 and 15163. The proposed Addendum concluded that there are no substantial changes to the circumstances under which the proposed General Plan amendment is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed General Plan amendment would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. The



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General Plan amendment would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

RESOLUTIONS

- a. Resolution No. 2023-31
- b. Resolution No. 2023-31 Exhibit "A"
- c. Resolution No. 2023-31 Exhibit "B"
- d. Resolution No. 2023-31 Exhibit "C"

ATTACHMENTS

- a. Attachment "1" – February 28, 2023 Planning Commission Staff Report
- b. Attachment "2" – August 11, 2021 City Council Staff Report
- c. Attachment "3" – Response to Comments (as of February 2023)
- d. Attachment "4" – December 8, 2022 HCD Letter
- e. Attachment "5" - Revised Draft 2021-2029 Housing Element with strikeout/underline changes (dated September 2022)
- f. Attachment "6" – February 28, 2023 Public Comment