

City Has Time to Make General Plan Consistent with Housing Element Revisions

A court of appeal has confirmed that after a city updates its general plan housing element, the city has additional time to amend other general plan elements to restore the general plan's internal consistency—as long as the city adopts a timeline for making the necessary amendments. Every five years, a city must update its general plan housing element. This, often arduous process requires the city to explain, to the satisfaction of the state Department of Housing and Community Development, how and where the city plans to provide sufficient housing for residents of varying incomes. The City of Carlsbad completed this process. Its updated housing element described amendments needed to its general plan land use element to permit development of affordable housing on the sites identified in the housing element. But the city did not make the land use element amendments at the same time it approved the housing element. A community group sued, contending that the revisions to the housing element without making changes to the land use element rendered the general plan internally inconsistent. The court agreed that the general plan had to be made internally consistent, but ruled that if the city adopted a "timeline" for completing the land use element amendments, the housing element would not be overturned as unlawful. The court held that Government Code section 65583(c)(7), which requires a housing element to explain how the municipality "will" achieve consistency with other elements of its general plan, "plainly expresses legislative recognition that inconsistencies will arise and that it may not be possible to resolve them at the time a housing element is adopted or revised." The court's decision does not identify any limit on the amount of time a municipality can take to bring the general plan back to internal consistency; nor does the decision suggest any sanction for a city or county that fails to meet the timeline it selects. Adoption of a timeline appears to be enough. [Friends of Aviara v. City of Carlsbad](#), D060167, 4th Dist. 1st Div. (November 1, 2012).

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