



Funding:	<ul style="list-style-type: none"> <li>• Departmental budgets</li> </ul>
Responsible Agencies:	<ul style="list-style-type: none"> <li>• Development Services Department</li> <li>• Planning Commission</li> <li>• City Council</li> <li>• Coastal Commission</li> </ul>
Objectives:	<ul style="list-style-type: none"> <li>• Remove the above constraints to residential development.</li> </ul>
Timeframe:	<ul style="list-style-type: none"> <li>• April 2019 repeal of EMC sections 23.08.080 and 30.16.010(B)(2)(b) and repeal sections of the North 101 Corridor Specific Plan to eliminate the airspace requirement for multi-family housing.</li> <li>• April 2020 adoption of code amendments relating to density, ground floor commercial uses, and architectural review.</li> <li>• October 2020 Coastal Commission certification of Local Coastal Program Amendments for code amendments relating to density, ground floor commercial uses, and architectural review.</li> </ul>

**PROGRAM 3C: Right to Vote Amendment**

In 2013, a citizen initiative resulted in the Right to Vote Amendment (Proposition A), which requires voter approval of most land use changes and building heights higher than two stories. Proposition A cannot be modified except by another vote of the people or a court order. If a proposed Housing Element does not achieve community support, the current form of Proposition A and the City's General Plan Land Use Element may act as a constraint on the City's ability to comply with state Housing Element law. The City will take actions to ensure that future Housing Elements can be adopted in a timely fashion and that requirements for a vote of the people are modified so that they do not constrain the City's compliance with State law.

Funding:	<ul style="list-style-type: none"> <li>• Development Services Department budget</li> </ul>
Responsible Agencies:	<ul style="list-style-type: none"> <li>• Development Services Department</li> </ul>
Objectives:	<ul style="list-style-type: none"> <li>• Take actions in advance of the next Housing Element due date (April 2021) to ensure that future Housing Elements and implementing actions (i.e., amendments to the Land Use Element, upzoning of sites in connection with the adoption of the Housing Element, upzoning of sites to the extent required by Gov't Code § 65863, and adoption of development standards required to implement a Housing Element) can be adopted in a timely fashion consistent with State law. These actions will include:             <ul style="list-style-type: none"> <li>• Seek judicial determination that state law preempts portions of Proposition A and any vote requirements in the City's General Plan Land Use Element so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the people.</li> <li>• In the event that a court rules that future votes are required or if a court declines to decide the issue on procedural grounds, submit a ballot measure to the voters to amend Proposition A and the Land Use Element so that a simple majority of the City Council may adopt future Housing</li> </ul> </li> </ul>

	<p>Elements and implementing actions without requiring a vote of the people.</p> <ul style="list-style-type: none"> <li>• Begin preparation of the next housing element as soon as the City receives its RHNA allocation in early 2019.             <ul style="list-style-type: none"> <li>• Determine if additional sites must be designated for lower income housing and rezoned to a higher density.</li> <li>• Establish a transparent process with frequent public meetings to identify candidate sites; identify the sites most acceptable to the community and compliant with housing element law.</li> <li>• Establish a schedule so that approval actions for the Sixth Cycle Housing Element are taken sufficiently in advance of the Housing Element due date.</li> </ul> </li> <li>• Include a significant buffer when adopting the Housing Element to ensure that adequate sites will remain throughout the planning period, and that there will be no need to upzone sites during the planning period to comply with the 'no net loss' statute (Gov't Code § 65863). The Fifth Cycle Housing Element includes a buffer of 31 percent.             <ul style="list-style-type: none"> <li>• Complete an economic feasibility analysis and amend the City's Inclusionary Housing Ordinance to require that affordable housing be developed on each identified site to the maximum amount that is economically feasible, so that each site is developed at the designated income level to the extent feasible.</li> <li>• Provide assistance to owners of sites suitable for lower income housing to identify subsidy sources that could support a higher percentage of lower income housing.</li> <li>• In identifying additional candidate sites, if needed:                 <ul style="list-style-type: none"> <li>• Analyze sites owned by public agencies, including the City, County, and Transit District, and strive to accommodate as much needed development on public sites as is practical. If any appear suitable for lower income housing, develop a schedule and take required steps to ensure that they can be developed within the planning period.</li> <li>• Contact nonprofit developers and property owners to identify sites that are most feasible for actual construction of affordable housing.</li> <li>• Work with property owners who have expressed interest in zoning suitable for lower income housing to identify and remove potential barriers to site development during the planning period.</li> </ul> </li> </ul> </li> </ul>
<p>Timeframe:</p>	<ul style="list-style-type: none"> <li>• File action for declaratory relief within 180 days after adoption of the Fifth Cycle Housing Element.</li> <li>• If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2019, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2020 ballot.</li> <li>• If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to August 2020, or if the March 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure</li> </ul>



	<p>amending Proposition A and the Land Use Element appears on November 2020 ballot.</p> <ul style="list-style-type: none"> <li>• If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2020, or if the November 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2021 ballot.</li> <li>• Commence developing the sixth cycle Housing Element in 2019 when the City receives its RHNA allocation to ensure that an adequate housing element may be approved by a simple majority of the City Council prior to April 1, 2021.</li> </ul>
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**PROGRAM 3D: Rescind Obsolete Growth Management Policies and Programs**

The Land Use Element portion of the Encinitas General Plan contains goals and policies that manage new growth. The measures provide a framework on how the City will ensure that new development does not outpace the ability to provide essential services and infrastructure to support it. One measure establishes a Growth Management Plan which phases development through building permit limitations. In 1999, the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. As the Growth Management Plan has no impact on the pace of development, the City will eliminate the requirement and ensure that there are no potential constraints to meeting its obligation, under California law, to satisfy its current or future Regional Housing Needs Allocation.

Funding:	• Development Services Department budget
Responsible Agencies:	• Development Services Department
Objectives:	<ul style="list-style-type: none"> <li>• Rescind the Growth Management Plan Ordinance to eliminate the annual housing permit allocation process and grant approvals to projects.</li> <li>• Amend the growth management policies of the Land Use Element</li> </ul>
Timeframe:	<ul style="list-style-type: none"> <li>• January 2020 adoption of all code amendments</li> <li>• January 2021 Coastal Commission certification of Local Coastal Program</li> </ul>

**PROGRAM 3E: Improve the efficiency of the development review process for housing projects**

The City continues to improve the efficiency of the development review process. Recently, the City improved its permitting process by placing more information on the City’s website; implemented an Internet-based case management system, which is accessible to the public, that tracks permit review and status; established an interdepartmental team (Project Issue Resolution) that quickly resolves problems and issues as they arise; and formed a Development Services Department that combines planning and engineering services to facilitate project review. The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character and will process projects outside the coastal zone under SB 35 if requested by an applicant for an eligible project. The City will emphasize