

RESOLUTION NO. 2016-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, REPEALING IN ITS ENTIRETY THE UNCERTIFIED HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTING IN FULL NEW TEXT COMPRISING THE 2013-2021 HOUSING ELEMENT UPDATE TO THE GENERAL PLAN AND ADOPTING CONFORMING AND ANCILLARY AMENDMENTS TO THE LOCAL COASTAL PROGRAM, LAND USE ELEMENT OF THE GENERAL PLAN, THE VOTER'S RIGHTS INITIATIVE PORTION OF THE LAND USE ELEMENT AND NOISE ELEMENT OF THE GENERAL PLAN.

(CASE NO. 14-200 POD; CITYWIDE)

WHEREAS, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals;

WHEREAS, California Government Code Section 65588(b) requires the City of Encinitas to periodically prepare an update to the Housing Element of its General Plan;

WHEREAS, the City Council directed the City Manager to cause the Planning and Building Department to proceed with this update to the City's Housing Element for the 2013-2021 planning period, which affects properties citywide;

WHEREAS, as provided in Government Code Section 65350 et seq., and Public Resources Code Section 30514 and Section 13551 of the California Code of Regulations Title 14, Division 5.5, said verified application in its entirety constitutes a General Plan Amendment, Specific Plan Amendments, Zoning Code Amendment, Zoning Map Amendment, Municipal Code Amendment, and Local Coastal Program Amendment ("Project");

WHEREAS, the City of Encinitas prepared the draft 2013-2021 Housing Element in accordance with California Housing Element law (Government Code section 65580 et seq.);

WHEREAS, the 2013-2021 Housing Element Update project, Case Number 14-200 POD, is popularly known as "At Home in Encinitas";

WHEREAS, California Government Code Section 65583 requires that the Housing Element Update contain: (i) an assessment of the City's housing needs and an inventory of the resources and constraints relevant to the meeting of these needs; (ii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iii) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element Update;

WHEREAS, the City's share of the regional housing need was established in the Regional Housing Needs Plan (RHNP) prepared and adopted by the San Diego Association of Governments (SANDAG) on October 28, 2011. The allocation establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element;

WHEREAS, Housing Element law (Government Code section 65580 et seq.) requires local governments to be accountable for ensuring projected housing needs reflected by the Regional Housing Needs Assessment (RHNA) allocation can be accommodated;

WHEREAS, the State Department of Housing and Community Development issued a letter to the City dated October 22, 2015, which found that the City's September 2015 draft Housing Element met statutory requirements;

WHEREAS, on July 14, 2015, the City and the Building Industry Association of San Diego County (BIA) entered into a Settlement Agreement to resolve litigation filed by the BIA. The Settlement Agreement provides, in part, that the City must adopt: (1) an updated Housing Element; (2) conforming amendments to other General Plan elements; and (3) zoning ordinance amendments needed to implement the Housing Element. The Settlement Agreement was incorporated into a Judgment Pursuant to Stipulation entered into by the San Diego County Superior Court on July 22, 2015;

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider CASE NO. 14-200 POD on May 24, 2016, which was continued to May 26, 2016, to consider said request;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2016-27 recommending that City Council certify the EIR, adopt the findings of fact, adopt the statement of overriding considerations and adopt the Mitigation Monitoring and Reporting Program, and adopted Planning Commission Resolution No. 2016-26 recommending approval of said Project, with recommended revisions, on file with the Office of the City Clerk and incorporated by this reference;

WHEREAS, to address said Planning Commission recommendation and following review by technical experts assigned to the Project, City staff recommended revisions to the 2013-2021 Housing Element as described in summary form in the City Council Agenda Item for this Project, dated June 15, 2016, on file with the Office of the City Clerk and incorporated by this reference, along with making other necessary refinements;

WHEREAS, the 2013-2021 Housing Element Update attached as **Exhibit 2016-52-A** to this Resolution is the final, adopted 2013-2021 Housing Element of the General Plan, the entirety of which is new text and graphics in the General Plan;

WHEREAS, pursuant to the California Environmental Quality Act, a Final Environmental Assessment/Program Environmental Impact Report (EIR) (SCH No. 2015041044) relative to the Project has been prepared and the City Council has certified it per City Council Resolution No. 2016-51;

WHEREAS, pursuant to law, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on June 3, 2016, in the Coast News;

WHEREAS, the City Council did on June 15, 2016, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information including written and graphical information posted on the Project website, materials created for public engagement and study session agenda reports.
- b. Oral testimony from City staff, interested parties, and the public.
- c. The staff report, dated June 15, 2016, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including related study sessions, which occurred during the life of the Project, as well as Planning Commission's recommendation on the Project.
- d. Additional information submitted during the public hearing; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Resolution, the City Council finds that the proposed text amendments and map changes are consistent with the purposes of the General Plan, Municipal Code, and adopted Local Coastal Program in that the amendments support a variety of community objectives including economic development, educational attainment, achieving greenhouse gas emission reduction objectives, increasing multimodal transportation including alternative transportation strategies, health including reductions in obesity and healthy housing, and more complete neighborhoods and community building; and

WHEREAS, the City Council will consider adopting Ordinance No. 2016-04 to amend four Specific Plans, amendments to the Encinitas Municipal Code and implementation programs of the City's Local Coastal Program to ensure internal consistency of the City's policy and regulatory framework following adoption of these General Plan Amendments and amendments to the land use policy of the Local Coastal Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas, in its independent judgment and after fully considering all alternatives, hereby declares that:

SECTION 1. The foregoing recitations are true and correct.

SECTION 2. The General Plan Housing Element update complies with State Housing Element law, as provided in Government Code 65580 et. seq. Under Government Code Section 65300.5, no policy conflicts can exist either textual or diagrammatic, between the

components of an otherwise complete and adequate General Plan. Different policies must be balanced and reconciled within the plan. Adoption of new housing policies that increase residential densities require conforming amendments to the City of Encinitas Land Use Element, Zoning Code regulations, Zoning Map, Municipal Code regulations, Specific Plans, and Local Coastal Program. Said amendments and text/map changes are necessary to provide consistency between the goals and policies of the various elements of the General Plan and between the General Plan and Zoning. The proposed amendments shown in **Exhibits 2016-52-B (Amendments to the Land Use Element) and 2016-52-C (Amendments to the Voter's Rights Initiative Portion of the Land Use Element)** are required to bring the General Plan and Local Coastal Program into consistency with the Project. Proposition A, called the Encinitas Right to Vote Amendment, became a new part of the Encinitas General Plan's Land Use Element and the Encinitas Zoning Code (Title 30 of the Encinitas Municipal Code) when approved by the voters in 2013. The proposed amendments shown in Exhibit 2016-52-C amend the Land Use Element to address Project consistency. City Council will consider adopting Ordinance No. 2016-04 to ensure continued, internal consistency. The proposed amendments are consistent with sound planning principles in that the proposed policies and proposed implementing regulations are compatible and ensure that the goals and policies of the General Plan can be adequately implemented to achieve the community's vision.

SECTION 3. There is a real and substantial relationship of the Encinitas Housing Element to the general welfare of the City and the entire region. Encinitas has adequately researched and considered the numerous competing interests in the region and, in view of the demonstrated need for new housing, the approval constituted a reasonable accommodation of those interests.

SECTION 4. The State-mandated six-week review period for the Local Coastal Program Amendment started on April 29, 2016 and concluded on June 10, 2016.

SECTION 5. The proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and do not conflict with any coastal zone policies or regulations with which future development must comply.

SECTION 6. The proposed amendment to the Noise Element (**Exhibit 2016-26-D**) is required to resolve internal inconsistencies and to address mixed use development standards.

SECTION 7. The uncertified Housing Element (known as the 1992 Housing Element) is hereby repealed in its entirety and the 2013-2021 Housing Element (**Exhibit 2016-52-A**), along with conforming amendments to the Land Use Element (**Exhibit 2016-52-B**), amendments to the Voter's Rights Initiative Portion of the Land Use Element (**Exhibit 2016-52-C**), and amendments to the Noise Element (**Exhibit 2016-26-D**) are adopted, subject to approval by the voters.

SECTION 8. An implementation program associated with the actions and approvals included in this Resolution is required to ensure consistency with the General Plan. The Zoning

Code Amendments, amendments to four Specific Plans, Municipal Code Amendments, Local Coastal Program implementation program amendments and amendments to the Encinitas Right to Vote Amendment (EMC Chapter 30.00), all of which are more particularly described in Ordinance 2016-04, shall be adopted to ensure consistency with the General Plan, as revised by this Resolution No. CC 2016-52.

SECTION 9. Some policy amendments in this Resolution require a vote of the people per Encinitas Municipal Code (EMC) Chapter 30.00 (popularly known as Proposition A). The City Council declares, subject to approval of the voters of Encinitas, that the amendments to the Voter's Rights Initiative portion of the Land Use Element, the repeal of the uncertified 1992 Housing Element, the General Plan Land Use Element land use map re-designations to the At Home in Encinitas land use designation and the amendments to the policies of the Local Coastal Program directly associated with these aforementioned amendments exclusively constitute "Major Amendments" as defined by EMC Chapter 30.00. All other amendments contained in this Resolution are to ensure a complete and internally consistent adoption of General Plan amendments and are declared to be "Regular Amendments" as defined by EMC Chapter 30.00.

SECTION 10. This Resolution shall not become effective unless and until it is approved by the voters of Encinitas.

SECTION 11. If this Resolution takes effect pursuant to Section 10 above, the Director of Planning and Building or designee is hereby directed to file all necessary material to the Department of Housing and Community Development to certify the 2013-2021 Housing Element and to the State of California Coastal Commission to amend the Encinitas Local Coastal Program.

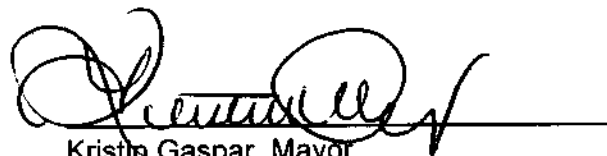
PASSED AND ADOPTED this 15th day of June, 2016 by the following vote, to wit:

AYES: Blakespear, Gaspar, Kranz, Muir, Shaffer

NAYS: None

ABSTAIN: None

ABSENT: None



Kristin Gaspar, Mayor
City of Encinitas

ATTEST:



Kathy Hollywood, City Clerk

Exhibit Index**Exhibit Index**

Exhibit A	2013-2021 Housing Element, dated June, 2015 as all new text
Exhibit B	Conforming amendments to the Land Use Element
Exhibit C	Amendments to the Voter's Rights Initiative Portion of the Land Use Element
Exhibit D	Amendments to the Noise Element

Exhibit 2016-52-A**2013-2021 Housing Element**

The 1992 Housing Element is hereby repealed in its entirety and is removed from the General Plan. Because of the length of the 1992 Housing Element, it is not presented with deleted text. It is simply being repealed in its entirety. In its place, the new 2013-2021 Housing Element is adopted in its entirety to the General Plan. Because the entirety of it is new replacement text, it is not underscored, but it should be viewed by the voter as new text. This is done because of the length and breadth of the 2013-2021 Housing Element and underscoring all of it would be confusing and difficult to read. Therefore, the voter is admonished to understand that the entirety of the 2013-2021 Housing Element is new text.



@HOME

IN ENCINITAS



City of Encinitas
2013-2021 Housing Element
June 2016

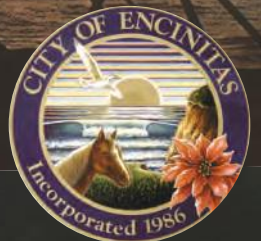


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THE HOUSING ELEMENT is one of the seven mandated elements of the local general plan. It outlines how a local jurisdiction will adequately plan to meet the existing and projected housing needs of everyone in our community.

INTRODUCTION

The Land Use Element is concerned with housing in a spatial context while the Housing Element identifies housing programs aimed at new housing construction, and rehabilitation and conservation of the existing affordable housing stock. This Housing Element builds upon the land use goals and policies which are primarily concerned with where new housing is to be located and at what density it will be constructed. Other concerns of the Housing Element include the identification of strategies and programs that focus on housing affordability, rehabilitation of substandard housing, meeting the existing demand for new housing, and maintaining an adequate supply of rental housing. The Housing Technical Report provides background information and serves as a technical appendix for the Element.

Purpose of this element

The City is facing some significant challenges when it comes to meeting our housing needs --- housing costs in Encinitas continue to climb, while the availability and variety of our housing is lacking. The median housing cost in Encinitas is nearly 20 percent higher than other North county coastal areas. At the same time, we have a growing population and our existing residents have changing needs.

- Baby Boomers are aging and our senior citizen population is projected to nearly double by 2035. Many seniors will seek to downsize and move into smaller homes in urban areas with easy access to services, transportation and amenities.
- Millennials have been slower to buy single-family homes than earlier generations. Rising student debt, the cost of housing, and challenges in securing mortgages have contributed to this, but they often want different things in housing and neighborhoods than are available today. They are looking for pedestrian and bike-friendly communities with services and amenities nearby.
- According to SANDAG's regional growth forecast, Encinitas can expect steady population growth through 2050.

It is important to also note that new residential development in Encinitas has placed an additional burden on public services and infrastructure. New schools, roads, fire stations, sewers, and a host of other facilities and services will require expansion if current levels of service are to be maintained. Finally, there are concerns that future residential development will further degrade the local environment, including the hillside areas, natural stream channels, and wetlands. All of these areas are viewed by residents as resources worth preserving.

The Housing Element recognizes the need to provide housing for all economic segments of the community, while considering and mitigating adverse impacts to services and infrastructure. The Housing Element also satisfies the legal requirements that housing policy be a part of the General Plan. This Encinitas Housing Element is prepared for the 2013-2021 update cycle for jurisdictions in the San Diego Association of Governments (SANDAG) region.

Scope and content of the housing element

The Housing Element consists of housing goals and policies for the five communities that comprise the City. Specific housing programs that will implement these goals and policies are identified in the section entitled Housing Plan which follows the Goals and Policies. Finally, the Housing Element Technical Report contains much of the necessary background data required for formulating these goals and policies as well as supporting technical data required by the State Housing and Community Development Department.

The State Legislature recognizes the important role of local general plans, and housing elements in particular, in implementing statewide housing goals which call for the provision of decent and sound housing for all persons. In addition, the importance of continuing efforts toward providing housing that is affordable to all income groups is stressed.

This Housing Element covers the planning period of April 30, 2013 through April 30, 2021, and identifies strategies and programs that focus on:

- Conserving and improving existing affordable housing;
- Providing adequate sites and range of housing types;
- Assisting in the development of affordable housing;
- Removing governmental and other constraints to housing development; and,
- Promoting equal housing opportunities.

An important goal of this element is to ensure that the City of Encinitas embraces the distinct identity and character of its five communities and becomes a place where one can live their entire life with housing for all ages, incomes and abilities. The City envisions itself as a sustainable community that embraces everyone's quality of life through environment, fiscal health, community health and equity. This Housing Element provides policies and programs to address these issues. The 2013-2021 Encinitas Housing Element consists of the following major components:

- Introduction: An overview of the purpose and contents of the Housing Element.
- Goals and Policies: A set of goals and policies to guide the City actions and decisions relating to the provision of housing.
- Implementation Plan: A strategy to address the identified housing needs given the City's constraints and resources.
- Housing Needs Assessment: An analysis of the demographic and housing characteristics and trends.
- Housing Constraints: A review of potential market, governmental, and environmental constraints to meeting the identified housing needs.

- Housing Resources: An evaluation of resources available to address housing goals.
- Review of Past Accomplishments: An evaluation of previous Housing Element-related accomplishments.

When updating a Housing Element, public outreach is often limited to some workshops or study sessions; and, noticing for those meetings is often limited to mailing key stakeholder groups, placing announcements on the website and/or newspaper postings. In essence, a traditional and common-practice form of notification is typically utilized.

Citizen Participation

Contrary to this standard approach, the City of Encinitas took an especially robust process to its public outreach by using several different methods in an effort to reach as many people as possible.

Appendix A includes a summary report of all the meetings staff attended, the presentations that were delivered, the ads that ran, the articles and op-eds that were published, and the other promotions received from several other agencies and local community groups, including mention in their respective newsletters and social media networks. Some of the more notable outreach efforts discussed in the report are listed below.

- | | |
|---|---|
| <ul style="list-style-type: none"> • More than 21,000 mailers • 14 news articles/op-ed pieces • 5,400 families from Encinitas Union School District (flyer distributed) • 750 families in Cardiff School District (flyer distributed) • e-Newsletter and a series of e-blasts (about 8,000 subscribers) • 2-rounds of print ads in Coast News & Encinitas Advocate (25,000 people) • Frequent use of social media: twitter, Facebook and Instagram | <ul style="list-style-type: none"> • Portable electronic messaging signs in all five Encinitas communities • More than 13,000 door hangers • On-line ad on Seaside Courier's website (18,000 people) • 45 briefings and/or presentations with businesses, seniors & millennial groups • 3 "pop-up outreach" events hosted at popular shopping centers • Attended Encinitas Fall Festival and Moonlight Beach Festival |
|---|---|

City staff also conducted five Community Dialogue Sessions, one in each community, from the hours of 10 a.m. to 8 p.m. During these all-day events, the public was invited to view information and directly speak with staff about housing. For citizens who could not make one of the Community Dialogue Sessions, make-up sessions were offered to the public at City Hall between the hours of 10 a.m. to 8 p.m. during the entire week of December 1st.



The Community Dialogue Sessions featured six workstations for members of the public to learn about key issues related to the process of updating the City's housing plan (also referred to as the Housing Element Update). Each station included a series of easy-to-read material boards covering varying topics. The material boards were also made available on the City's website, on a webpage that was created specifically for this project. A user-friendly URL was also created, www.athomeinencinitasca.info, and the materials are still available for reference there.

Upon entering the session, participants were asked to sign in (optional) and provided a "Station Roadmap" that explained the purpose of the Community Dialogue Session, outlined what they should expect at each station, and highlighted important facts about the process.

With this information in hand, community members could peruse the stations at their own leisure. City staff was also available to answer any questions, and in many cases, facilitated groups through each station and explained the information on the material boards. A summary of the public participation at the respective Community Dialogue Sessions is provided below.

DATE	SESSION	ATTENDEES
November 13, 2014	Cardiff	61
November 15, 2014	Old Encinitas	115
November 17, 2014	Leucadia	85
November 18, 2014	Olivenhain	25
November 22, 2014	New Encinitas	158
December 1-5, 2014	Make-up Sessions	35
	TOTAL	479

The final step in the process was to provide feedback on e-Town Hall. Participants were encouraged to do this after completing all the workstations in the Community Dialogue Sessions; or, after independently reviewing the materials on the City's website.

Once participants logged on to e-Town Hall, they were asked to share their views and preferences about where housing should be located in their community and the housing types that should be built. The forum provided a series of interactive maps that helped citizens learn about where this new housing could potentially be built – and gave folks a chance to look at different types of housing that could go there, and then select the option they like best for that specific community.

The results of the e-Town Hall input were then presented and discussed at a public joint-meeting with the City Council and Planning Commission on February 3 and February 5, 2015.

This Housing Element was initially prepared for the 2005-2010 planning period (extended through 2012 by legislation from June 30, 2010). During this planning period, the City initiated a comprehensive update to the City's General Plan, including an evaluation of the City's land use and housing policies and residential capacity in the community.

Due to the timing and public concerns related to the initial draft General Plan Update, as well as the status of the 2005-2010 Housing Element, this Housing Element has been revised to address the 2013-2021 planning period. While this Housing Element covers an eight-year planning period, Government Code Section 65588(e) requires the City to conduct an update by April 30, 2017 (four years) and again at the end of the eight-year planning period.

Housing
Element
Planning
Period

GOALS, POLICIES & IMPLEMENTATION PROGRAMS

This section of the Housing Element contains the goals and policies the City intends to implement to address a number of important housing-related issues. The following three major issue areas are addressed by the goals and policies of the Housing Element: ensure that a broad range of housing types are provided to meet the needs of both existing and future residents; ensure that housing is both sound and safe for occupants; and ensure that the existing housing stock is maintained and preserved. Each issue area and the supporting goals and policies are identified and discussed in the following section. In addition, housing programs that implement each goal and policy are summarized in a table located at the end of this section.

Housing opportunities

The City wants to encourage the construction of new housing units that offer a wide range of housing types to ensure that an adequate supply is available to meet existing and future needs. The maintenance of a balanced inventory of housing in terms of unit type (e.g. single-family, multiple-family, etc.), cost, and style will ensure that the existing variety is maintained. Each of the five communities have a distinct character due in large part to the nature of their existing residential neighborhoods. New housing constructed in the City should reflect the character of the surrounding neighborhood in particular and the community in general.

GOAL 1: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE REGION AND CITY.

POLICY 1.1: Strive to maintain a balance of housing types in the City.

POLICY 1.2: Strive to provide a wide variety of housing types so that a range of housing needs and tastes will be made available to existing and future residents.

POLICY 1.3: When existing residential units are replaced, they should be replaced with units that are compatible in design with the surrounding residential neighborhood as planned by the City.

POLICY 1.4: Require that housing constructed expressly for low and moderate income households should not be concentrated in any single community or single area of the City and that such housing should be high quality in terms of design and construction without sacrificing affordability.

POLICY 1.5: If a diminishing inventory of rental housing creates an imbalance, the City should make every effort to preserve the existing stock of quality rental housing by discouraging apartment conversions to condominiums.

POLICY 1.6: Encourage retention of all existing, viable mobile home parks through use of a permanent mobilehome park zone and the application of incentives.

POLICY 1.7: Coordinate with local social service providers to address the needs of the City's homeless population.

New housing opportunities in the City must be made available to all persons. The diverse make-up of the City with its five distinct communities will continue to attract a wide variety of people. The City has made a strong and firm commitment that fair housing practices will continue in Encinitas.

Quality of housing

GOAL 2: SOUND HOUSING WILL BE PROVIDED IN THE CITY OF ENCINITAS FOR ALL PERSONS

POLICY 2.1: Make every reasonable effort to ensure that the provisions of the Federal and State laws that prohibit housing discrimination are enforced.

POLICY 2.2: Support ongoing efforts of the State and Federal agencies and local fair housing agencies to enforce "fair-housing" laws, as well as regional efforts in promoting fair housing.

POLICY 2.3: Encourage developers to provide a balance of housing opportunities.

Substandard and deteriorating housing units, in addition to the obvious problems of blight, can expose occupants to a wide range of hazards ranging from electrical fire to exposure to toxic substances used in construction. Many factors can determine the "life expectancy" of a dwelling including quality of workmanship, age, type of construction, location, and numerous other factors. A major focus of this Housing Element is to provide goals and policies which underscore the City's commitment to ensure that the existing housing stock in the five communities is maintained.

Maintenance / preservation of housing

GOAL 3: THE CITY WILL ENCOURAGE THE MAINTENANCE AND PRESERVATION OF THE EXISTING HOUSING STOCK AS WELL AS QUALITY WORKMANSHIP IN NEW HOUSING.

POLICY 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

POLICY 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

POLICY 3.3: Continue to apply and support existing housing programs administered by the County which provide housing assistance. These include assistance to property owners that can demonstrate financial need in the upgrading of their substandard units. Aggressively pursue the application of existing County programs for housing rehabilitation, and investigate and apply available additional funding.

POLICY 3.4: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

POLICY 3.5: Allow for some cluster-type housing and other innovative housing design that provides adequate open areas around and within these developments.

POLICY 3.6: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

POLICY 3.7: Adapt residential development to the terrain.

POLICY 3.8: Encourage street planting, landscaping, and undergrounding of utilities.

POLICY 3.9: Encourage high standards of design, materials, and workmanship in all construction and developments.

POLICY 3.10: Discourage residential development of steep slopes, canyons, and flood planes.

POLICY 3.11: Develop and implement design review criteria which will also include the issue of view blockage.

POLICY 3.12: Cost effective energy-efficient housing, including the use of passive systems, will be encouraged within the City to decrease energy use.

Housing conservation

The City's existing housing stock includes units which are affordable to very low, low, and moderate income households. A significant part of the City housing focus is on these existing affordable units, and how to ensure or encourage their continued affordability. Of particular concern are projects which were government-subsidized when built, in return for units being rent-restricted to be affordable. With passage of time, many such guaranteed-affordable units are subject to being converted to market-rate rental units by the expiration of pre-payment of the government subsidy arrangement. Responding to this, in 1991 State law required that local housing elements address the status of these "units at risk." The City is committed to doing what it can so that guaranteed-affordable units remain affordable to target-income households.

GOAL 4: THE CITY WILL ENCOURAGE THE CONTINUED AFFORDABILITY OF GUARANTEED-AFFORDABLE UNITS.

POLICY 4.1: The City will undertake a program to pursue the renewed affordability of affordable "units at risk" of conversion to market rate units due to expiration of use restrictions, affordable covenants and funding subsidies.

The Land Use Element sets forth the amount and type of residential development permitted under the General Plan, thereby affecting housing opportunity in Encinitas. In addition, the Land Use Element contains policies directed at maintaining the existing housing stock, as well as ensuring the quality of new residential development. The Circulation Element contains policies to minimize roadway traffic into residential neighborhoods, and the Noise Element sets forth policies to minimize the level of noise in neighborhoods. The Resource Management Element establishes development standards to minimize the impact of residential development on sensitive resources, such as hillside areas, ecological habitat, and scenic viewsheds. Finally, the Public Safety Element sets forth policies to ensure the safety of the City's housing stock through such measures as code enforcement, and mitigation of environmental hazard as a condition to development.

Related goals and policies

Table 3-1: Housing Policy Matrix depicts General Plan elements that support the goals of the Housing Element.

TABLE 3-1 HOUSING POLICY MATRIX

ISSUE AREA	LAND USE	CIRCULATION	RESROURCE MGMT.	NOISE	PUBLIC SAFETY
Housing Opportunities	X	X			X
Housing Quality	X				
Maintenance and Preservation	X	X	X	X	X
Housing Conservation	X				X

While each of the elements is independent, the elements are also interrelated. Certain goals and policies of each element may also address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals.

The City will ensure internal consistency among the various elements in accordance with state planning law. This Housing Element builds upon other General Plan elements and, after making concurrent amendment to the Land Use Element, is entirely consistent with the policies and proposals set forth by the General Plan. When an element in the General Plan is amended, the Housing Element will be reviewed and modified if necessary to ensure continued consistency among the various elements.

Implementation programs

The programs below identify the actions that will be taken to make sites available during the planning period with appropriate General Plan, Specific Plan, zoning and development standards and with services/facilities to accommodate the City's share of regional housing need for each income level.

1. ADEQUATE SITES - PROGRAMS

PROGRAM 1A: Accommodate the City's Regional Housing Needs Assessment Allocation

The City of Encinitas has been assigned a total Regional Housing Needs Allocation (RHNA) of 2,606 for the 2013-2021 Housing Element, along with carryover RHNA allocations from prior planning periods. The breakdown of the RHNA is as follows:

TABLE 3-2: CITY OF ENCINITAS RHNA ALLOCATION

INCOME CATEGORY	RHNA	RHNA CARRYOVER
Low/Very Low	1,033	253
Moderate	413	0
Above Moderate	907	0
TOTAL	2,353	253

Pursuant to the City's current General Plan, the City has capacity to accommodate the RHNA allocations for the moderate and above moderate income levels without the need for rezoning. With units constructed, under construction and approved at the time of writing this Housing Element, the City has met a portion of its RHNA allocation for the low/very low income units as reflected below.

TABLE 3-3: CITY OF ENCINITAS RHNA ADJUSTMENTS AND REMAINING RHNA OBLIGATION

RHNA ADJUSTMENTS	RHNA (V/VL)
Low/Very Low	1,286
Accessory Unit Production ¹	146
New Construction	47
REMAINING RHNA	1,093

The City is committed to providing adequate sites with appropriate zoning to accommodate the remaining RHNA and accommodate the need for groups of all income levels pursuant to Section 65584 of the Government Code. To accomplish this mandate of the State and to facilitate the development of multifamily housing affordable to lower-income households, the City shall rezone those sites identified on the final housing strategy map provided in as an attachment to Appendix B².

¹ Assumes that the City will issue an estimated 271 permits total for second dwelling units (of which half will be counted as units that accommodate lower income households) and 25 permits for conversion of unpermitted accessory dwelling units over the planning period.

² This is a preliminary list pending EIR Review and City Council selection of final sites: not all sites will be included in the City's final housing strategy map (sites inventory)

This rezoning program will result in the rezoning of 101.53 net acres of land, creating an opportunity for at least 1,987 units that are allowed by-right during the planning period pursuant to Section 65583.2. This exceeds the remaining RHNA obligation of 1,093 units by about 80 percent, providing an adequate buffer in consideration of the no net loss requirement and minimizes the future constraint Proposition A places on accommodating adequate sites by giving voters the opportunity to make this a long-term land use decision. This program also includes a provision to make any necessary changes in other General Plan elements to ensure consistency, along with a time line for accomplishing the rezoning.

The voters will be presented with the Housing Element, rezonings and Zoning Code amendments, currently scheduled for November 2016. This approach will be taken because voter approval is required when major amendments are made to certain land use planning policy documents causing major increases in zoning density or intensity of land use, pursuant to Encinitas General Plan Land Use Policies and Municipal Code Chapter 30. Since accommodating the RHNA necessitates changes to the General Plan Land Use Element, Zoning Map, Encinitas Zoning Code and certain specific plans, a vote of the people is required. Presenting both the Housing Element, along with rezonings and Zoning Code amendments concurrently provides maximum transparency and comprehensive consideration by the voters.

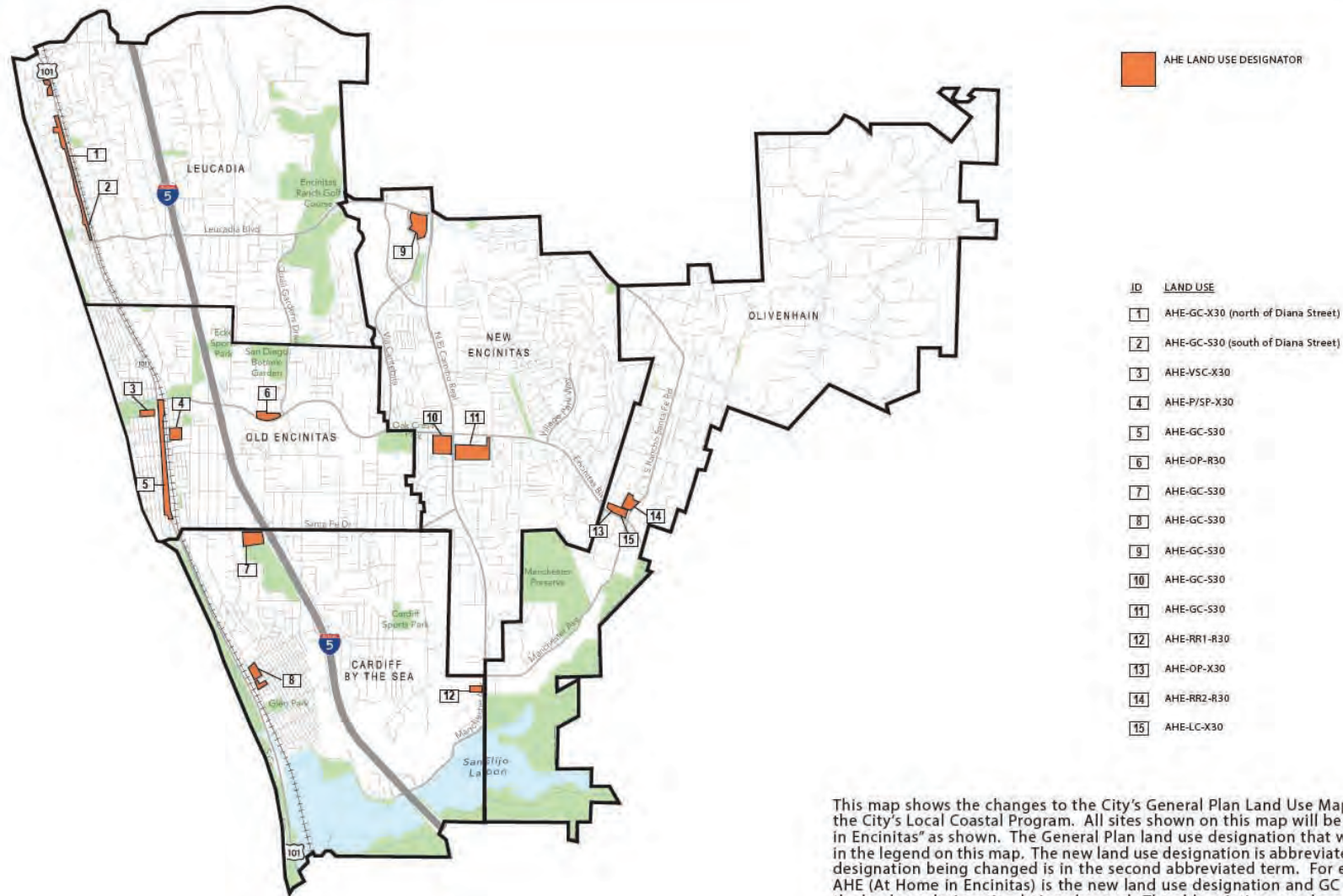
A fundamental principle in accommodating the City's very low/low RHNA income category of housing units is that no property owner whose site is a part of the inventory (Housing Strategy Map) would lose their existing zoning rights. Therefore, a property which is on the Housing Strategy Map to accommodate very low/low RHNA income category of housing units will retain its existing zoning rights and receive additional rights to build either standalone residential or housing as part of a mixed use project, as reflected on the Map. The City will carefully review the designated sites to ensure that they comply with the State law requirement to receive RHNA credit. The rezoning program shall permit owner-occupied and rental multi-family residential use by right and permit at least 16 units per site. Density will range from a minimum of 20 dwelling units per acre to a maximum of 30 dwelling units per acre as a permitted use. Sites that are zoned to permit mixed use development require that residential use occupy 50 percent of the total floor area of a mixed use project. Since the City has adequate capacity to accommodate the moderate and higher income RHNA categories of housing units, no zoning changes associated with this Housing Element update will occur on properties that are already zoned for those types of housing units.

Changes to development standards will be necessary to accommodate the very low/low income RHNA category of housing units. These changes include increasing the allowable building height to three stories up to 38 feet in height and allowing for building pad certification. If a property owner does not develop a project to accommodate the very low/low income RHNA category of housing units, instead choosing to continue with their existing zoning rights, the maximum two-story/30-foot building height and existing height determination method will remain as per Encinitas Municipal Code Chapter 30.00, or as otherwise may be further restrictive as set forth in Encinitas Municipal Code Title 30. Development standards will also be revised to address parking-related and other zoning issues to ensure that new standards will accommodate the minimum density required in the zone. Resulting projects will be required to provide a mix of housing sizes for owner-occupied and/or rental multi-family housing, commensurate with the size of the project. All projects will also achieve the minimum density requirements per Section 65583.2.

Environmental review will also still apply to future development projects on the Housing Strategy Map regarding design review and most subdivision map actions. Subsequent projects may tier from the Housing Element's Program EIR or a finding made that sufficient environmental clearance occurred with the Program EIR for the Housing Element (CEQA Guidelines Sections 15152, 15162 and 15168). The purposes in using a Program EIR are to comprehensively consider a series of related projects and to streamline subsequent review of development projects involving the very low/low income RHNA category of housing units.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget • City Clerk Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Planning Commission • City Council • Voters of Encinitas • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Pursue the above described amendments • Establish appropriate development standards to permit residential developments to occur at the allowable maximum densities for the respective zones • Provide appropriate land use and zoning designations to fulfill the City's share of regional housing needs; designations shall conform to the neighborhood prototypes in Appendix C • Ensure internal consistency with all General Plan elements • Maintain an inventory of vacant and underutilized sites and monitor development trends to ensure the continued adequacy of the sites inventory in meeting the RHNA • Make available the sites inventory to interested developers
Timeframe:	<ul style="list-style-type: none"> • November 2016 General Election • January 2018 Coastal Commission certification of Local Coastal Program Amendments

AT HOME IN ENCINITAS - LAND USE DESIGNATIONS



This map shows the changes to the City's General Plan Land Use Map, which is also a part of the City's Local Coastal Program. All sites shown on this map will be re-designated "At Home in Encinitas" as shown. The General Plan land use designation that will be changed is found in the legend on this map. The new land use designation is abbreviated as "AHE". The land use designation being changed is in the second abbreviated term. For example, in AHE-GC-S30, AHE (At Home in Encinitas) is the new land use designation and GC (General Commercial) is the land use designation being changed. The abbreviations used are further described in the existing General Plan Land Use Element and Specific Plans.

PROGRAM 1B: Create new design standards and guidelines as part of adoption of new zoning districts

Design review will still apply to projects on the Housing Strategy Map involving the very low/low income RHNA category of housing units. To ensure quality projects that reflect the community's design character contexts, new design standards and guidelines will be prepared. The guidelines will focus on neighborhood-specific compatibility issues, as well as provide direction on how to ensure projects are successful, both in design and in implementation. All projects shall have a mix of two- and three-story buildings or two- and three-story elements. Five neighborhood prototypes were conceptually identified, connecting land use with a community design character context. These prototypes, which are also related to the land use changes described in Program 1A, form the foundation for design standards and guidelines. New zoning standards and design guidelines will work together to increase height allowances, reduce parking standards, and otherwise remove constraining factors to facilitate new development to achieve maximum densities allowed in the zone.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department • Planning Commission • City Council • California Coastal Commission
Objectives:	• Establish design standards and guidelines for the five neighborhood prototypes
Timeframe:	• November 2016 General Election • January 2018 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 1C: Promote the development of accessory housing units

Accessory units help meet the City's affordable housing needs by providing a housing resource for seniors and small, low and moderate income households. The City will continue to apply Zoning Code regulations that allow accessory units (also known as second units or granny flats) by right in all single-family residential zones, in accordance with State law. Implementation of the current program resulted in the construction of at least 19 new units per year during the last Housing Element review period. Assuming permit trends continue to increase, there should be an increase in all housing starts, including accessory unit production.

Based on development trends, there is great potential for new affordable housing with accessory units. Therefore, the City will continue to accommodate and promote the construction of affordable accessory units by increasing the public awareness of the Accessory Unit Program. Relaxing development standards and/or providing incentives will also likely encourage property owners to pursue authorizations for and construct accessory units, particularly with respect to reduced setback and parking requirements. For this 2013-2021 Housing Element cycle, the City will consider different programmatic options that could incentivize additional production, which may include some or all of the following:

- First point-of-contact. The City can also consider assigning a staff person to serve as a first point-of-contact for permitting information. The City could also establish and maintain a "second unit specialist" in the Development Services Section to assist in processing and approving accessory units.
- Permit fee reductions. Reducing permitting costs could help decrease up-front costs, which have been shown through different studies to be a barrier to affordable housing provisions. Fee reductions

could be applied to permit applications for units that are rented to lower-income households or for family members (in-law apartments) at low or no-cost.

- FAR increase. In a community where land costs are high and FARs are strictly regulated, the provision of this additional building floor area could bring new interest to the program. Permitting additional residential floor area above the maximum allowable Floor Area Ratio (FAR) for the property could greatly incentivize construction.
- Reduced rear-yard setbacks. An allowance for single-storied encroachment into otherwise required rear-yard setbacks could create more flexibility to the property owner. In this case, reductions could be considered provided that 1) a minimum setback of ten (10) feet is provided adjacent property and 2) all other structures on the property fully comply with other specified setback and height requirements, including the primary residence from the front, side, and rear lot lines. Building height for accessory units would be reduced the deeper into the reduced setback the building is located.
- Parking waivers for the main residence. Parking requirements typically serve as the greatest barrier to housing development due to land availability, existing site constraints and cost. Parking waivers could be applied to the accessory unit. On-street parking would suffice for an accessory unit, if the parking is available within a short walking distance of the unit, except within one-quarter mile of public beach access points.
- Junior second units. The City may also evaluate “junior” second units as a means to achieve more housing for lower income households. Junior second units could be limited in size and have different requirements than other unit types.

The above list of regulatory and non-regulatory incentives illustrates a wide range of different approaches that the City could take to increase interest in the Accessory Unit Program. Other items may also be considered as a means to increase the use of the Accessory-Unit Program. The approaches outline potential courses of action that City Council could take as a course of action. Since there is a need to incentivize accessory unit production early in the Housing Element cycle, the City will initiate an ordinance update in the first part of 2016 and work with the community to determine the most effective and efficient approach or mix of strategies.

In order to minimize adverse impacts on established neighborhoods, the City will monitor the effects that construction of these new accessory units may have on the character of surrounding neighborhoods. If detrimental impacts are found, the City may revise its Accessory Unit Program and re-evaluate any correlated Housing Element Program actions to accommodate the City’s remaining regional housing needs.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Planning Commission • City Council • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Relax development standards to encourage accessory housing unit production • Continue to administer the accessory unit regulations • Develop informational packets to market accessory unit production • Achieve an average of 30 accessory units annually; 242 total over the eight year period.
Timeframe:	<ul style="list-style-type: none"> • November 2017 for Zoning Code amendments • December 2017 availability of promotional materials for accessory housing units • February 2019 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 1D: Ensure that adequate sites remain available throughout the planning period

The City will monitor the consumption of residential acreage to ensure an adequate inventory is available to meet the City's RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863 and will make findings if a site is proposed for development with fewer units than shown in the Housing Element. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify and if necessary rezone sufficient sites to accommodate the shortfall and ensure "no net loss" in capacity to accommodate the RHNA.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • City Council
Objectives:	<ul style="list-style-type: none"> • Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863 • Monitor and report through the HCD annual report process
Timeframe:	<ul style="list-style-type: none"> • April 2017 for a formal evaluation procedure • Every April report to HCD and SANDAG

PROGRAM 1E: Promote and streamline lot consolidation

For some sites in the inventory to be viable for development, particularly for sites located on or near Coast Highway 101, the City will evaluate ways to encourage the consolidation of smaller parcels to facilitate well-designed, modern projects that provide housing options for households of all income levels. For sites that are a part of the inventory, as many types of subdivision actions will occur as administrative decisions as allowed under the Subdivision Map Act, subject to appeal as provided for by law. The City will periodically review development standards and incentives that would encourage mixed-use or infill developments on small parcels. The City will also meet with developers to discuss potential project sites and identify areas and properties with potential for redevelopment and provide information to interested developers.

Funding:	<ul style="list-style-type: none"> • Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Public Works Department • Fire Department • Planning Commission • City Council • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Subdivision maps and lot consolidations involving the very low/low income RHNA category of housing units will be made an administrative decision to the extent allowable under the Map Act • Prepare an inventory of potential lot consolidations • Meet with developers on an annual basis to review permit activity associated with different development regulations and evaluate improvements to the permitting process, including potential incentives to encourage lot consolidations • Achieve on average one lot consolidation project per year over the planning period
Timeframe:	<ul style="list-style-type: none"> • June 2016 Zoning Code amendments • January 2018 Coastal Commission certification of Local Coastal Program Amendments • Meeting with developers in the summer of every year • December 2017 availability of potential lot consolidation inventory

PROGRAM 1F: Energy conservation and energy efficiency opportunities

Continue to promote regional water conservation incentive programs and encourage broader participation in the City's Green Building Incentive Program. To further advance community energy and water conservation goals, the City will implement the strategies listed in its Climate Action Plan to achieve residential-focused greenhouse gas emission reductions.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department
Objectives:	<ul style="list-style-type: none"> • Implement existing City's sustainability programs • Adopt and implement the residential strategy measures listed in the City of Encinitas Climate Action Plan
Timeframe:	<ul style="list-style-type: none"> • Ongoing • April 2017 adoption of residential strategy measures

2. AFFORDABLE HOUSING - PROGRAMS

The programs below identify the actions that will be taken to promote affordable housing.

PROGRAM 2A: Continue and broaden inclusionary housing policies

The City's inclusionary housing program requires that subdivisions of at least 10 units set aside or pay a fee in lieu equivalent to one in 10 units for low income households. As a condition of approval of any tentative subdivision map for residential dwellings, community apartments, stock cooperatives or conversions of 10 units or more, the subdivider is required to reserve the unit(s) for very low income households. All required affordable units shall be phased-in with market rate units to ensure completion. Because of the 2009 court decision in *Palmer v. City of Los Angeles*, the City can no longer require rental affordable units.

The City intends to update its current Inclusionary Housing Ordinance to more effectively meet the City's affordable housing goals and grant developers greater flexibility in how they fulfill their inclusionary housing requirement. The City will conduct a nexus study to determine the maximum supportable inclusionary housing requirement and affordable housing impact fee for rental and for-sale housing.

Alternatives to on-site development of affordable housing will also be considered and include payment of an in-lieu fee, donation of land, converting existing market rate housing to affordable housing for a period of at least 30 years, extending the term of affordability for existing affordable units for at least 40 years, or provision for alternative housing types.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • City Council • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Continue the inclusionary housing program • Conduct a nexus study to determine the maximum supportable inclusionary requirement and fees • Update the City's Inclusionary Housing Ordinance to be more effective and provide greater flexibility in meeting the inclusionary housing requirements
Timeframe:	<ul style="list-style-type: none"> • November 2017 updated inclusionary housing program • February 2019 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 2B: Facilitate affordable housing

The City will proactively support housing for low income, extremely low income, and persons with disabilities (including developmental disabilities) as required by State law. New funding sources will be sought from available non-profit, state and federal programs. The City will also utilize its existing CDBG and other appropriate funding sources. Planning and entitlements should consider how to position a project for future grant applications. The City will attempt to subsidize off-site public improvement costs by coordinating its CIP with affordable housing sites and will consider the waiver or reduction of development fees on a case-by-case basis. For City-owned housing sites, land cost write-downs may be used to promote affordable housing.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower income households and households with special needs (such as seniors and disabled). The City will also ensure a portion of the affordable housing units created will be available to extremely low income households.

Also, additional strategies will be explored to facilitate affordable housing development and/or otherwise address the lower income housing needs of this community. One opportunity, for example, is to work through the City of Encinitas Senior Commission to create attainable senior housing options and better what different options are available to best enable older adults to age in place or in their community (e.g. small lot/cottage housing and co-housing).

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; and established an interdepartmental team (Project Issue Resolution) that quickly resolves problems and issues as they arise. The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character. The City will emphasize working with non-profit and for-profit housing developers to better utilize an expedited process, which would include priority plan review and inspection services. Streamlining includes the Program EIR for this Housing Element to address as many environmental issues as possible now to focus future environmental review on project-specific issues.

Funding:	<ul style="list-style-type: none"> • Planning and Building Department budget, Affordable Housing Fund, LIHTC, Multifamily Housing Revenue Bonds, Cap and Trade Affordable Housing Program, National Housing Trust Fund and other resources, as available
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Planning Commission • City Council
Objectives:	<ul style="list-style-type: none"> • Streamline the permitting and environmental review processes • Annually allocate designated Affordable Housing Funds to increase the supply of affordable housing for lower income households, including seniors, disabled, homeless and those at risk of homelessness • Annually pursue funding opportunities for affordable housing • Expand the City's affordable housing inventory • Evaluate strategies to meet the City's dynamic housing needs, such as older adults and seniors • Consider City-owned sites with land cost write-down for affordable housing • Consider reducing development fees and coordinating the CIP with affordable housing development sites • Facilitate the development of one affordable housing project in the 2013-2021 planning period.
Timeframe:	<ul style="list-style-type: none"> • Ongoing

PROGRAM 2C: Utilize Section 8 housing choice vouchers

This program provides rental assistance to eligible very low income households (with incomes not exceeding 50 percent of the area median). The subsidy represents the difference between the rent that exceeds 30 percent of a household's monthly income and the actual rent charged. To cover the

cost of the program, U.S. Department of Housing and Urban Development (HUD) provides funds to allow the City's Housing Authority to make housing assistance payments on behalf of the families. HUD also pays the Housing Authority a fee for the costs of administering the program. HUD has not issued any new vouchers to the City of Encinitas for the past five years.

In January 2004 and January 2005, HUD capped the Section 8 budget, which required the City to reduce program operating costs. The City responded in part by increasing the payment standards and enhancing occupancy standards which provides for more rental unit opportunity. On March 1, 2013, around \$85 billion in federal budget cuts, known as sequestration, took effect. The cuts are part of a 10-year plan of catastrophic funding reductions to our nation's discretionary domestic programs, including the HUD and the military. The impact of sequestration on the City's Housing Authority has resulted in the loss of annual funding for rental subsidy payments.

Although the City will continue to administer its 136 housing vouchers, it currently has funding to subsidize only 111 households. The City's ability to expand or even maintain this program at its current level is derived from the annual Federal budget process. Recent indications from HUD are that Federal support for Section 8 will not be expanded. However, when additional funds become available to assist new families, the City will provide additional housing vouchers.

Funding:	• HUD Section 8 Housing Choice Voucher Allocations
Responsible Agencies:	• Encinitas Housing Authority
Objectives:	<ul style="list-style-type: none"> • Continue to administer and fund the housing choices vouchers based on HUD funding availability • Promote the Housing Choice Voucher program to rental property owners
Timeframe:	• Ongoing

PROGRAM 2D: Maximize housing affordability through market-based approaches

The City will evaluate and pursue the following series of zoning and design standards that regulate building form to promote the construction of housing that is more attainable. The Zoning Code will be amended to set a maximum average unit size to ensure small units are created along with larger units. A minimum density will be required on inventory sites to ensure sufficient housing units are built. For projects near transit, the City will amend its regulations to allow for unbundling of parking options to sell or rent parking spaces separately or to give residents options about having an assigned space or an unassigned space. The City will also evaluate other innovative development standards as necessary to facilitate more efficient uses of land, thereby lowering the per unit cost.

Funding:	• Planning and Building Department Budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Planning Commission • City Council • Voters of Encinitas • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Pursue the above described amendments • Promote affordability through design
Timeframe:	<ul style="list-style-type: none"> • November 2016 General Election • January 2018 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 2E: Establish infrastructure and public amenities financing tools

As is typical in urban California, most of the sites on the Housing Strategy Map for the lower income category of housing units are located in infill areas or require redevelopment and are on relatively small sites. Infrastructure and public amenity improvements associated with these future housing and mixed use projects can be very high as a part of the overall project delivery cost. Additionally, infrastructure and public amenities are needed sooner than would otherwise occur waiting for individual projects to develop incrementally. Various financing tools exist to accelerate infrastructure and public amenity improvements, while also promoting the feasibility of new housing development. Example financing tools include:

- Enhanced infrastructure financing district (EIFD)
- Community facilities district (CFD)
- Parking district
- Property-based improvement district (PBID)
- Maintenance assessment district (MAD)
- Value capture/commercial development impact fee/linkage fee that captures a portion of the property valuation increase associated with proximity to new transportation infrastructure and upzoning; may be used for pay-as-you-go or bond financing

The City will explore establishing appropriate financing tools in different areas based on need and potential for beneficial impact.

Funding:	• Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Public Works Department • Finance Department • City Council • Property owners
Objectives:	• Consider establishing financing districts in areas of the City generally aligned with the Housing Strategy Map
Timeframe:	• Initiate feasibility study as soon as possible after November 2016 General Election.

3. MITIGATION OF CONSTRAINTS - PROGRAMS

The City reviews and updates development standards and processing procedures that constrain housing development, particularly for lower and moderate-income households and for persons with special needs. Below identifies how the City will address improving the City's housing stock - and where appropriate and legally possible, remove governmental constraints that limit the ability to maintain, improve, and develop housing for all income levels.

PROGRAM 3A: Update the density bonus ordinance

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. The state law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. State law caps the maximum density bonus at 35 percent and allows the developer to request up to three incentives or concessions, if required to provide the affordable units. The law also provides a process for waivers of development standards such as reductions in parking requirements, height limits and setback requirements, but developer must demonstrate that incentives reduce costs and are needed to provide affordable units; and that waivers are required because the usual standards physically preclude the project from achieving the allowed density

The City's implementing ordinance is inconsistent with the current Government Code. As such, the City will amend its local ordinance to comply with State law and evaluate how the density bonus ordinance may be applied in conjunction with the City's Inclusionary Housing Program to maximize housing opportunities. The City will explore opportunities to address project-related design issues and seek out ways to minimize adverse impacts of future projects on established neighborhoods. Through subsequent implementation of the adopted ordinance, the City will use density bonuses to help achieve State and City housing goals while attempting to mitigate potential impacts to the extent consistent with State law.

Future consideration could be given to allowing the transfer of density bonus units that would exceed the maximum density to another site (or fee in-lieu). However, this portion of the program is premised in the fact that affordable housing units need to be integrated into and distributed throughout the City. A developer would have the option to use this approach instead, which would be an alternative to invoking State Density Bonus Law. Consistent with State law, the developer could still choose Density Bonus Law, but would have the option to use the alternative City regulations.

Funding:	• Planning and Building Department Budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Planning Commission • City Council • Coastal Commission
Objectives:	• Update the City's density bonus regulations
Timeframe:	<ul style="list-style-type: none"> • November 2016 updated density bonus ordinance • May 2018 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 3B: Establish parking standards appropriate for different kinds of housing

Basic construction costs for residential developments have rapidly increased, and together with land prices, have increased the cost of housing. This has made homeownership unattainable for many households. Parking is more expensive to supply in some places, so parking requirements add a cost to development and a developer might build fewer housing units or may not develop at all.

The Downtown Encinitas and the North 101 Corridor Specific Plans contain modified parking standards to encourage mixed-use and affordable housing development. In designated zones of the Specific Plan areas, the City requires no more than two off-street parking spaces for a residential unit in a mixed-use development. Mixed-use units that are guaranteed to be affordable to low or very low income households are allowed a reduced, one-space-per-unit parking requirement.

However, the City's parking standards have not been comprehensively updated since incorporation (1986). How people travel has changed since then, and continues to change as more focus is being placed on alternative modes of transportation such as bikes and rideshares. The City looks to update its housing policies and standards to reflect current and anticipated parking needs and to adopt parking standards appropriate for affordable, senior-aged, mixed-use, and transit-oriented housing projects.

Funding:	• Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Public Works Department • Planning Commission • City Council • Coastal Commission
Objectives:	• Update the City's parking regulations
Timeframe:	<ul style="list-style-type: none"> • January 2018 update of parking regulations • May 2019 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 3C: Modify regulations that constrain the development of housing

Governmental constraints are policies, standards, requirements or actions imposed by the various levels of government upon land, housing ownership and development. Although federal and state agencies play a role, the City cannot modify the policies of these agencies and they are therefore not addressed in this program section.

Ground-Floor Commercial Uses Only:

Portions of the North 101 Corridor Specific Plan and Downtown Encinitas Specific Plan have non-residential zones where residential densities are permitted or allowed. However, the zoning requires ground floor uses 1) in a storefront location are limited to retail-serving uses only; or 2) residential uses are permitted only above or behind a primary use. However, it may be difficult to market and develop a property with these blanket ground floor commercial requirements because there is a finite economic market available to support providing additional commercial services. Mixed use thrives when it is focused in a compact area, not over lengthy corridors, as is currently mandated in these specific plans. For mixed-use projects, the City will amend zoning regulations to require ground floor commercial uses only at key locations or preference areas based on context or planning objectives rather than as a blanket requirement to ensure future projects are feasible and the desired community character is preserved. Key locations will be determined by City Council.

Design Review Findings for Residential Projects:

The City requires design review approval for most proposed developments. Unless exempt, residential projects need to be consistent with the City's design guidelines and comply with certain findings before they may be constructed. Among these findings is the requirement that the project "would not tend to cause the surrounding neighborhood to depreciate materially in appearance or value (EMC 23.08.080)." In response to concerns that such a finding could pose a constraint to housing, the City will evaluate this design review finding for its potential to be subjectively applied to deny a

residential development. As noted in the Constraints Analysis, there is no history that a residential project was denied solely on the basis of this finding. Its effectiveness in assuring high quality development is minimal as compared to meeting the other three findings, namely, that a project: 1) is consistent with the General Plan, a Specific Plan or the Municipal Code; 2) is substantially consistent with the Design Review Guidelines; and 3) would not adversely affect the health, safety, or general welfare of the community. As such, the City will amend the language for residential projects as part of the Zoning Code amendments.

Separate Lot or Airspace Ownership Requirements in North Highway 101 Specific Plan:

Section 3.1.1(A)(4) of the North 101 Corridor Specific Plan requires that “all [new] residential detached and attached dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.” While this requirement is appropriate for single-family homeownership projects, it may pose a disincentive to the provision of duplex and multi-family housing by imposing additional cost, processing and development requirements. As such, the City will amend the North 101 Corridor Specific Plan to eliminate the airspace requirement for multi-family housing.

Funding:	<ul style="list-style-type: none"> • Departmental budgets
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • Public Works Department • Planning Commission • City Council • Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Remove constraints to housing production from the Subdivision Code, Zoning Code and Specific Plans
Timeframe:	<ul style="list-style-type: none"> • January 2018 update regulations • May 2019 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 3D: Accommodate specialized housing types

Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific circumstances. The development of affordable and accessible homes is critical to expand opportunities for persons with special needs.

Agricultural Worker Housing

Pursuant to the State Employee Housing Act (Section 17000 et seq. of the Health and Safety Code), employee housing for agricultural workers consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is permitted by right in a zoning district that permits agricultural uses by right. Therefore, for properties that permit agricultural uses by right, a local jurisdiction may not treat employee housing that meets the above criteria any differently than an agricultural use. Furthermore, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation, according to the Employee Housing Act. Employee housing for six or fewer persons is permitted where a single-family residence is permitted. No conditional or special use permit or variance may be required. The City will amend its Zoning Code to be consistent with State law regarding agricultural worker housing and employee housing.

Emergency Shelter:

Senate Bill 2 requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for the homeless) without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. Pursuant to State law, the City may establish standards such as:

- Maximum number of beds;
- Proximity to other shelters;
- Length of stay;
- Security and lighting;
- Counseling services; and
- Provision of on-site management.

The City will amend the Zoning Code to permit emergency shelters by right without a discretionary review process in the Light Industrial (LI) and Business Park (BP) zones. To the extent that funds are available, the City will continue to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies. The City will also continue to provide financial assistance to the extent feasible to nonprofit service agencies such as the Community Resource Center, YMCA-Oz North Coast, Fraternity House, and North County Solutions for Change to provide supportive services for the homeless and continue to provide winter homeless assistance, either through motel voucher funding or a temporary winter shelter (for example, Interfaith Shelter network and the Scout Center).

Transitional and Supportive Housing:

State Housing Element Law mandates that local jurisdictions shall address zoning for transitional and supportive housing. Transitional housing is included in the Encinitas Zoning Code as a residential care facility. Supportive housing is not specifically addressed in the Zoning Code. The City will amend its Zoning Code to identify transitional/supportive housing meeting the Government Code Section 65582 (f, g, h) definitions as a residential use of a property in a dwelling to be permitted, conditionally permitted or prohibited as similar uses in the same zones.

Single-Room Occupancy (SRO) Housing:

SRO units are typically one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. State law requires that the City accommodate this housing type. The City will amend the General Commercial Zoning District to conditionally permit SRO housing.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department • Planning Commission • City Council • Coastal Commission
Objectives:	• Amend the Zoning Code to accommodate special needs housing consistent with State law
Timeframe:	• June 2017 zone establishment for SB 2 implementation within one (1) year of adoption • January 2018 update other regulations • May 2019 Coastal Commission certification of Local Coastal Program Amendments

PROGRAM 3E: Right to Vote Amendment monitoring

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. In the short term, Proposition A does not present a constraint to housing development in the City because a ballot measure to vote upon this Housing Element Update will be put before the voters, consistent with Proposition A. However, it will be important to monitor the overall impact that Proposition A. Therefore, this 2013-2021 Housing Element proposes a program to monitor the effects of Proposition A and address constraints to development.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department
Objectives:	<ul style="list-style-type: none"> • Administer a program that analyzes the impacts of Proposition A on the cost, supply, and certainty of housing development • Monitor developer interest and permit activity to determine if the height standards from Proposition A constrains housing development
Timeframe:	• Monitor the impacts of the initiative through annual Housing Element Progress Reports.

PROGRAM 3F: 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 guiding 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 is no longer enforced, 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:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department
Objectives:	<ul style="list-style-type: none"> • Rescind the Growth Management Plan Ordinance to eliminate the annual housing permit allocation process and grant approvals to projects. • Amend the growth management policies of the Land Use Element
Timeframe:	<ul style="list-style-type: none"> • June 2016 Land Use Element amendment • January 2018 Coastal Commission certification of Local Coastal Program

4. CONSERVATION OF EXISTING HOUSING STOCK - PROGRAMS

The programs below demonstrate how the City shall conserve and improve the condition of the existing affordable housing stock.

PROGRAM 4A: Pursue opportunities to create safe and healthy housing

The City has a number of accessory units that were constructed or converted illegally (without the benefit of building permits) prior to the City's incorporation and might not meet City codes. Recognizing that many of these units provide affordable housing that may not otherwise be available, the City adopted an Affordable Unit Policy (AUP) in 1993 to allow dwelling units built or converted without required permits to apply for legalization. However, participation in the program has only averaged two units per year. The City Council in November 2014 revised the compliance program with less restrictive, more preferential terms, which are valid through 2015. Here are the key changes:

- The unit must have existed prior to January 1, 2004. This is a change from the current policy that requires the unit to be in existence prior to incorporation in 1986.
- The unit must be reserved as affordable housing for "low" income households for a period of twenty (20) years. This is a change from the current policy that requires the affordability restriction in perpetuity.
- The standard AUP application fee (\$900) may be waived for property owners that qualify as low/very-low income.

The units shall still be brought into compliance with current building and fire codes and shall conform to zoning development standards (i.e., parking requirements) to the extent practicable. The City will continue to monitor the program and adjust the policy as needed to maximize participation, while ensuring the protection of public health and safety, as well as compliant with State and local laws. The City will also periodically market the program to homeowners via City newsletter, website, and/or flyers at public counters.

For unpermitted housing units not eligible or not opting into the AUP, fully bring those units up to land use and uniform codes.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department • City Council
Objectives:	• Healthy and safe housing • Pursue the legalization of 25 units using the Affordable Unit Program during the 2013-2021 planning period and amend the Zoning Code to clearly state that existing units legalized under the AUP automatically are deemed legally nonconforming as to zoning standards and pursue legislative flexibility in applying the Uniform Codes to these types of housing units
Timeframe:	• Implement the less restrictive Affordable Unit Policy • Implement the underlying 1993 Affordable Unit Policy – January 2016 and beyond

PROGRAM 4B: Assist in rehabilitating housing

The City's current Residential Rehabilitation Program provides grants and/or low-interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs and upgrades of major component systems (for example, electrical, plumbing, roofing, heating), and general

improvements (for example, exterior finishes). The assistance is available to low-income homeowners and to owners of rental units that will rent to low income households. The key funding source available for the rehabilitation program comes from Community Development Block Grants (CDBG). The City anticipates that funding allocated over an eight-year period, from 2013 to 2021, will help administer assistance to about 40 households. The estimated funding amounts are not known until federal appropriations for each fiscal year are finalized and HUD notifies the City of the yearly grant amount. Subject to federal funding, the City will look to assist an average of five households annually (ranging from single-family, multi-family, and mobile homes).

Funding:	• Community Development Block Grants
Responsible Agencies:	• Planning and Building Department • City Council
Objectives:	• Healthy and safe housing
Timeframe:	• Ongoing

5. EQUAL HOUSING OPPORTUNITIES - PROGRAMS

Below identifies the programs that promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.

PROGRAM 5A: Provide flexibility in reasonably accommodating housing for the physically and developmentally disabled

State law requires jurisdictions to analyze potential and actual governmental constraints on the development, maintenance and improvement of housing for persons with disabilities and demonstrate local efforts to remove or mitigate those constraints. Housing elements shall include programs that remove constraints or provide reasonable accommodation of housing for persons with disabilities. Through its building permit authority, the City enforces State Title 24 accessibility regulations. As needed on a case-by-case basis, the City has made reasonable accommodations with respect to accessibility in its application of zoning/development standards. To ensure full compliance with reasonable accommodation procedures of the Fair Housing Act, the City will adopt a Reasonable Accommodation Ordinance to establish procedures for the review and approval of requests to modify zoning and development standards to reasonably accommodate persons with disabilities, including persons with developmental disabilities.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department
Objectives:	• Adopt reasonable accommodations ordinance for persons with disabilities
Timeframe:	• November 2019 adopt new reasonable accommodations regulations

PROGRAM 5B: Promote fair housing

The City of Encinitas receives Community Development Block Grant (CDBG) funds from HUD. As a recipient of these funds, the City certifies that it will engage in fair housing planning and work to mitigate impediments to fair housing choice. The goal of the City's Fair Housing Plan is to affirmatively further fair housing through specific education outreach and monitoring activities. The City currently

contracts with the North County Lifeline (NCL) to provide fair housing and landlord/tenant services to residents and landlords in Encinitas. NCL will help mediate and/or assist with filing fair housing complaints. As needed, NCL can arrange testing when unfair practices are suspected.

In 2010, the City partnered with all jurisdictions in the County to conduct a Regional Analysis of Impediments to Fair Housing Choice (AI). The AI identifies specific improvements to the City's Zoning Code to expand fair housing choices for all. These improvements have been incorporated into this Implementation Plan, as follows:

- Continue to contract with a fair housing agency to provide outreach, education and assistance to residents of Encinitas;
- Continue to disseminate information on fair housing in the City's housing brochure (distributed at libraries, grocery stores, community centers, and other public places) and on the City website; and,
- Update the Analysis of Impediments to Fair Housing Choice in 2014 for the 2015-2020 period.

Funding:	• Community Development Block Grants
Responsible Agencies:	• Planning and Building Department • City Council
Objectives:	• Reduce impediments to fair housing choice
Timeframe:	• Ongoing

6. AT RISK HOUSING - PROGRAMS

There are some government-assisted projects or units that are or may be at-risk of conversion to market rate. At-risk units are occupied by seniors or lower income families who cannot afford to pay market rate rents and who could be displaced if the project or unit converts. A large percentage of these units typically convert to market rate as subsidy contracts or regulatory agreements expire. The City encourages the development of resources to help "at-risk" seniors and lower income households. The programs reflected herein identify how the City shall preserve assisted housing developments that are at risk of converting.

PROGRAM 6A: Monitor publicly assisted housing projects

The Housing Element is required to include a program to monitor and work to preserve affordable housing units that are eligible to convert to non-low-income housing uses. All inventoried units eligible to prepay, opt-out, or terminate long-term use/affordability restrictions during the next 10-years are considered by HCD as "at-risk". Thus, this Housing Element's "at-risk" housing analysis covers the period from November 2013 through November 2023.

Consistent with State law, this Housing Element has identified one publicly assisted housing project in Encinitas that is close to being considered "at-risk". Regal Road Apartments (10 units) will convert in the year 2024. The City should analyze their potential to convert to market rate housing uses and analyze the cost to preserve or replace those units.

Funding:	• Planning and Building Department budget
Responsible Agencies:	• Planning and Building Department
Objectives:	<ul style="list-style-type: none"> • Monitor the status of any Notices of Intent and Plans of Action filed by property owners to convert to market rate units • Identify non-profit organizations as potential purchasers/managers of at-risk housing units • Explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or non-profit agencies, purchase existing buildings to replace at-risk units or construct replacement units • Ensure the tenants are properly noticed and informed of their rights that they are eligible to obtain special Section 8 vouchers reserved for tenants of converted properties
Timeframe:	• Contact project owner in January 2021 to determine their intent for the project and/or other improvement needs. If necessary, analyze the cost to preserve the Regal Road Apartments.

PROGRAM 6B: Extend term of affordability with in-lieu programs

The City will evaluate ways to allow more inclusionary alternatives for below-market-rate unit construction (as described in Program 2A). When the City updates its affordable housing policies (e.g., Inclusionary Housing), additional options should be added to include converting existing market rate housing to affordable housing for a period of at least 30 years, or extending the term of affordability for existing affordable units for at least 55 years and allowing developers to convert existing market rate housing to affordable housing.

Funding:	• Planning and Building Department budget
Responsible Agencies:	<ul style="list-style-type: none"> • Planning and Building Department • City Council • California Coastal Commission
Objectives:	<ul style="list-style-type: none"> • Allow developers to meet inclusionary requirements by preserving at-risk housing units. This will require modification to the Inclusionary Housing Ordinance. • Extend the term of ten (10) units that will convert to market rate during the 2013-2021 planning period or shortly thereafter.
Timeframe:	<ul style="list-style-type: none"> • December 2017 updated inclusionary housing program • May 2019 Coastal Commission certification of Local Coastal Program Amendments

TABLE 3-4: QUANTIFIED OBJECTIVES (2013-2021)

	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	TOTALS
New Construction	275	312	446	413	907	2,353
Rehabilitation	---	---	40	---	---	40
Conservation and 'At-Risk'	25	---	---	---	---	25 ³
Section 8	55	56	---	---	---	111

3 The City does not have anything 'At-Risk' in the current planning period; however, the City will continue to monitor the status of deed restricted affordable housing units. Units reported account for AUP units anticipated to be legalized during the planning period.

APPENDIX A

Public Participation, Outreach and Activities



Appendix A through E to the 2013-2021 Housing Element are on file with the Office of the City Clerk and incorporated herein by this reference, as set forth in full.

APPENDIX B Housing Plan



Appendix A through E to the 2013-2021 Housing Element are on file with the Office of the City Clerk and incorporated herein by this reference, as set forth in full.

APPENDIX C

Neighborhood Prototypes



Appendix A through E to the 2013-2021 Housing Element are on file with the Office of the City Clerk and incorporated herein by this reference, as set forth in full.

APPENDIX D

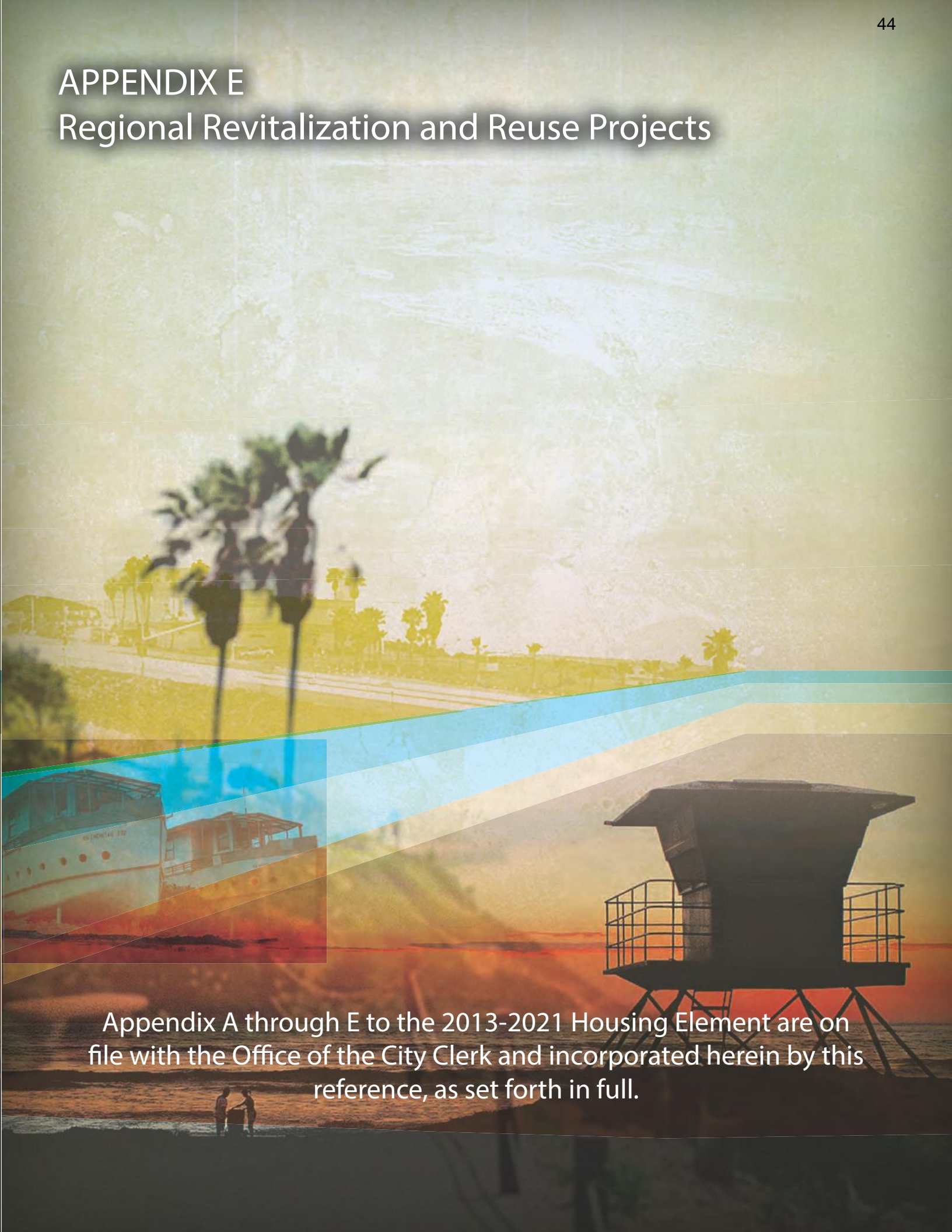
Why Housing Matters Brochure



Appendix A through E to the 2013-2021 Housing Element are on file with the Office of the City Clerk and incorporated herein by this reference, as set forth in full.

APPENDIX E

Regional Revitalization and Reuse Projects



Appendix A through E to the 2013-2021 Housing Element are on file with the Office of the City Clerk and incorporated herein by this reference, as set forth in full.

Exhibit 2016-52-B**Exhibit 2016-52-B**

Conforming amendments to the Land Use Element (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

POLICY 2.1: ~~Establish a growth management plan which phases development through building permit limitations, public facility availability, or other methods. Prepare, maintain, and periodically update public facility master plans that are based on adopted growth projections through coordination of appropriate city departments and agencies to anticipate the demand for services.~~

POLICY 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by the ~~utilizing the total mid-range~~ density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, ~~assuming a mid-range buildout density overall.~~

~~POLICY 3.10: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, property designated/zoned for non-residential use shall not be redesignated/rezoned to allow more non-residential uses or a greater intensity of use except by the affirmative vote of a majority of those voting in the election approving the proposed change.~~

POLICY 3.10~~1~~: In determining whether to approve a proposed residential or commercial project and when to allow proposed projects to be constructed, the City shall consider the extent to which the proposed project complies with the goals and policies of this Element and the implementing zoning regulations.

POLICY 3.11~~2~~: The following may be considered as exceptions to the requirements for voter approval for specified general plan land use map amendments, provided these exceptions do not conflict with Chapter 30.00 Encinitas Right to Vote Amendment:

1. Minor adjustments in land use boundaries to correctly reflect property or development site boundaries, which adjustments do not substantially change intended area development potential - as approved by Council by unanimous vote.

2. Changes to land use designations to correct (a) map omissions and (b) mapping errors which are clearly demonstrated to be errors contrary to the intent of the General Plan - as approved by a unanimous Council vote.

3. A change from any land use designation to the Ecological Resource/Open Space/Parks designation, when property has been purchased or land development rights have been secured for land for open space or parks purposes - as approved by a unanimous Council vote.

4. ~~Minor land use designation changes when approved by affirmative vote of four or more City Council members. For purposes of this paragraph, "minor" is defined as changes for which certified environmental~~

Exhibit 2016-52-B

~~review per the California Environmental Quality Act has determined that there will be no unmitigable significant negative environmental impacts, and one of the following apply:~~

~~(a) Exception for Decrease in Intensity:~~

~~The change is to a category of lower land use intensity or density than the existing category that results in a reduction in intensity. For purposes of this determination the following hierarchy of categories, from higher to lower, is established: Light Industrial, General Commercial, Visitor Serving Commercial, Transportation Corridor, Local Commercial, Public/Semi Public, Office Professional, Residential 25, Residential 15, Residential 11, Mobilehome Park, Residential 8, Residential 5, Residential 3, Rural Residential 2, Rural Residential 1, Rural Residential, Ecological Resource/Open Space/Parks.~~

~~(b) Exception for Residential Density:~~

~~The change applies to 5 acres of land area or less, and is a change from a non-residential to a residential category, or from a residential to another higher-density residential category, which would result in the allowance of ten or fewer additional dwelling units (prior to consideration of any density bonus) for the 5 acre site. The change shall also be determined to be compatible with, and generally not exceeding the density of, surrounding planned land use residential densities.~~

~~(c) Exception for Change Within Land Use Class:~~

~~The change applies to 5 acres of land area or less, and is a change from one land use category to another when both are within the same class of categories. For purposes of this determination the following classes of categories are established:~~

- ~~1 Rural Residential, Rural Residential 1, Rural Residential 2~~
- ~~2 Residential 3, Residential 5, Residential 8~~
- ~~3 Residential 11, Residential 15, Residential 25~~
- ~~4 Office Professional, Local Commercial~~
- ~~5 Visitor Serving Commercial, General Commercial~~

~~POLICY 3.13: The following establish exceptions to the fixed annual allotment of residential building permits established by this Element.~~

~~1. Vested Rights~~

~~The fixed annual allotment as established in the Land Use Element shall apply to all properties and projects covered by its terms except it shall not apply to any development project which has obtained a vested right as of the effective date of this Plan. For purposes of this provision, a vested right shall have been obtained only if each and all of the following criteria are met:~~

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a. ~~_____ The proposed project has received a building permit or where no building permit is required, final discretionary approval.~~

b. ~~_____ Substantial expenditures or documented, non-cancellable liabilities have been incurred in good faith reliance on the permit or final discretionary approval.~~

c. ~~_____ Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.~~

~~The substantiality of expenditures or liabilities incurred and of construction performed and the questions of whether or not such expenditures, liabilities and construction were in good faith are questions of fact to be determined on a case by case basis by the City following application by the developer. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this provision shall not be deemed to be in good faith and shall not qualify for a vested right. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.~~

2. ~~_____ Vesting Tentative Maps or Other Approval Given Vested Rights~~

~~In addition to the foregoing, vesting tentative maps (and other approvals given vested rights) receiving final approval prior to the effective date of this Plan shall be exempt from the residential allocation system, so long as the number of units authorized by such an approval shall be counted against the annual limits of the fixed annual allotment upon issuance of building permits. Such vesting approval shall not be authorized by the City after the effective date, unless expressly conditioned to assure compliance with this provision.~~

3. ~~_____ Single Family Homes~~

~~The construction of one individual dwelling unit conforming to zoning on a pre-existing vacant, legal lot of record which was established as legal lot as of the effective date this Plan was filed with the City clerk, shall be exempt from the current fixed annual allotment. The units so exempted shall be counted against the City's total build-out capacity in the calculation of the annual allocation for the following year.~~

4. ~~_____ Existing Building Permits~~

~~In addition, outstanding building permits, as of the effective date of this Plan, shall be exempt from the fixed annual allotment.~~

5. ~~_____ One Unit Per Five Acres~~

~~A property owner proposing to construct more than one dwelling unit, already approved by city process, but unable to qualify for the current year's allocation (under residential allocation system) may be allowed to construct no more than one dwelling unit per five acres. The number of units so exempted shall not be~~

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~~counted against the annual allocation figure; however, they shall be counted against the City's total build-out capacity in the calculation of the annual allocation for the following year.~~

POLICY 3.124: A public vote shall be required on all City Council approved General Plan updates that are comprehensive in nature, and shall become effective only when a majority of those voters who cast ballots vote for the change. A comprehensive General Plan update shall be a City-sponsored work program titled as such that substantially changes and/or re-adopts the text and maps of the existing elements.

GOAL 4: The City of Encinitas will ensure that the rate of residential growth: (a) does not create a demand which exceeds the capability of available services and facilities; (b) does not destroy the quality of life and small town character of the individual communities; (c) does not exceed a rate which excludes the public from meaningful participation in all aspects of land use decision making regarding proposed projects; and (d) provides the City with the ability to plan ahead for the location, timing and financing of required services and facilities; ~~and (e) does not exceed an annual allotment of dwelling units based on the projected ultimate buildout of dwellings in the City of Encinitas assuming a 25-year buildout period.~~

~~POLICY 4.1: A figure will be established annually which will determine the maximum number of dwelling units for which building permits will be issued during the coming year. The annual numerical figure shall be based on a 25-year buildout beginning on January 1, 1989 and ending January 1, 2014. The annual allotment shall be determined by dividing the ultimate buildout figure for dwelling units, determined by mid-range densities, by the number of years remaining in the assumed 25-year buildout period.~~

POLICY 4.12: The City will plan to provide services and facilities concurrent with projected need, ~~sufficient to allow issuance of the maximum annual number of dwelling unit building permits.~~ To guard against an unforeseen shortfall of services or facilities, the City will determine adequacy of services and facilities for each residential development at the discretionary review stage. For dwellings not subject to discretionary review, such determination shall be made with the earliest development permit submittal. No unit shall be approved or permitted for which inadequate services or facilities are available.

POLICY 4.23: The City will plan to provide processing procedures for proposed development projects that will maximize citizen participation ~~and that will operate at a pace sufficient to allow the maximum annual number of dwelling unit building permits to be issued.~~ Citizen notice of development projects and the opportunity to participate through written and oral testimony and public hearings will be provided at the discretionary and environmental review stages of development, ~~prior to the application of each year's annual dwelling unit allocation limit.~~ Neither the speed of project processing nor the volume of units or projects processed shall exceed that which will allow meaningful citizen participation.

POLICY 4.4: ~~Whatever the allowable rate of growth is during any particular year, the City's intent is to see housing affordable to lower income households is not constrained. To this end, building permits for dwelling units guaranteed or assured of being affordable to very low and low income households, in amounts equal to the SANDAG determination of the City's regional need for housing for very low and low income households, shall be exempt from the annual allocation limit. The number of dwellings permitted under this exemption in~~

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~~any year shall be included in the tabulation of total dwelling units permitted to date in the calculation of the annual allocation for the following year.~~

~~POLICY 4.5: Development projects involving the construction of 20 or more single-family, residential dwellings may be required to phase the building of the project over several years using no more than 20 building permits per year to achieve the goals and policies of the Element.~~

POLICY 4.36: Any land which is annexed to the City will be pre-designated for a land use(s) as a condition of annexation, to a density and use that will be consistent with the small-town quality and character of the City.

~~POLICY 4.7: There will be no carry over of unissued residential dwelling unit permits (from the maximum annual number) into the following year. However, if the allotted number are not issued during the current year, they will continue to be counted in the ultimate buildout figure and will be reflected in the fixed annual allocation for the remaining years.~~

~~POLICY 7.10: Both residential and non-residential development shall be limited to a maximum height of two stories and 30 feet. Limited exceptions for non-residential development may be allowed, but only for designated specific sites as developed and adopted through area specific plans. Exceptions may also be made for Medical Complex development projects at the discretion of the City pursuant to conditional use permit applications as provided by the Zoning Code, to allow building heights up to a maximum height of three stories. An exception is also authorized for a public high school with a minimum 10 acre site.~~

POLICY 8.3: Residential development on land that has physical constraints shall exclude or discount areas subject to specified constraints from density allowance. Portions of development sites subject to the following constraints shall be excluded from the net lot area used to figure density: floodplains, beaches, permanent bodies of water, significant wetlands, major utility easements, railroad track beds or rights-of-way, and rights-of-way and easements for public/private streets and roads. The remaining net lot area shall then be calculated for density allowance, based on the assigned land use category density range, subject to the following discounts based on site slope:

- Portions of site 0-25% slope - 100% density;
- Portions of site 25-40% slope - approximately 50% density allowance;
- Portions of site 40%+ slope - no density allowance.

These density allowance calculations apply to all land use categories that permit residential development. Density allowance shall be limited to the mid-point of the land use category range, as specified by the zoning code, unless findings can be made that the proposed project excels in design excellence and/or provides extraordinary community benefits. Upon such findings, up to the maximum density level of the range may be allowed. In no case shall less than one dwelling per legal lot be allowed. Notwithstanding the mid-point reference above, future development in the *At Home in Encinitas* (AHE) Zone is regulated by Chapter 30.36 of the Zoning Code, which allows a maximum density "by-right."

Page LU-36**At Home in Encinitas (AHE) General Plan Land Use Designation**

This category of residential and mixed use land use is characterized by a unique land use designation that is composed of two parts: the land use under the General Plan that was in effect immediately prior to being re-designated AHE (first generation) and new incentive land use pursuant to the Housing Element Update (second generation). The AHE Zone is intended to implement the At Home in Encinitas (AHE) General Plan land use designation and give property owners more flexibility for future development of their property and consists of a set of development rights that allows for higher density housing or mixed use.

The AHE land use designation establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development. In the AHE land use designation, development will provide a density range from a minimum of 20 dwelling units per acre to a maximum of 30 dwelling units per acre as a permitted use. Until a transition from a first generation to a second generation is activated for a site; the land use designation and implementing zoning in effect immediately prior to be designated and zoned AHE govern the use and development of the site. Only those sites shown with an AHE Land Use Designation on the Land Use Map are eligible to use the AHE Zone.

Page LU-38A**At Home in Encinitas (AHE) Implementing Zone**

City land use policy calls for the need to accommodate future housing development and meet RHNA's state housing law compliance for affordability. To reinforce and expand on the City's commitment to affordable housing, developing more complete neighborhoods, and enhancing and preserving the community's character, the At Home in Encinitas (AHE) Zone was created to implement the AHE General Plan land use designation. The AHE Zone is a unique zone in that is composed of two parts: that which was in effect immediately prior to being re-zoned AHE (first generation) and the new land use and development standards pursuant to the Housing Element Update (second generation). The AHE Zone allows property owners to develop under the first generation use and development standards, and maintain all the prior zoning rights and privileges thereto; or should they choose, utilize the new incentive land use and development standards (second generation) to create more housing for the community. Once an application for development consistent with the second generation AHE Zone is approved, the previous (first generation) use and development standards can no longer be implemented without a legislative action, as this is a one-way transition. The General Plan land use and zoning maps will be ministerially updated by clipping out the first generation designation to disclose the transition. Chapter 30.36 of the City's Zone Code establishes the applicability and process for transition.

The AHE Zone is intended to:

1. Implement the At Home in Encinitas General Plan land use designation, which recognizes that relatively few vacant sites suitable for these land uses remain in the City, so the land use designation is purposefully flexible to accommodate a one-way transition from existing first generation uses and development standards to the second generation uses and standards in a manner that allows existing uses and development to thrive until that transition is initiated;
2. Allow for a moderate increase in residential density and to accommodate a mixture of residential building types and unit sizes;
3. Enable market-based solutions to the provision of attainable housing;
4. Meet the state's Regional Housing Needs Assessment (RHNA) rezoning requirements;
5. Ensure that the vision set forth in the Housing Plan is implemented;
6. Respond to neighborhood character, be compatible with community specific settings and promote basic best practices in urban design;
7. Promote infill development and revitalization that is compact and supports pedestrian-friendly development patterns with safe, effective and multi-modal transportation options; and
8. Contribute to the economic and fiscal sustainability of the City.

This AHE Zone is established, along with the Character Contexts and Design Contexts, which closely relate the Zone to the site's surroundings. Second generation designations may include residential or mixed-use, with a minimum of 20 dwelling units per acre and a maximum of 30 dwelling units per acre (buildings in the Cardiff Town Center site are limited to two stories). AHE zoning districts that may be applied to implement the *At Home in Encinitas* General Plan land use designation are listed below and are determined based on the intended land use in consideration of the community character context. Second generation context combinations allowed:

Neighborhood Center

- Shopfront Neighborhood (AHE-S30-N)
- Mixed Use Neighborhood (AHE-X30-N)
- Residential Neighborhood (AHE-R30-N)

Village Center

- Shopfront Village (AHE-S30-V)
- Mixed Use Village (AHE-X30-V)
- Residential Village (AHE-R30-V)

Main Street Corridor

- Shopfront Main Street (AHE-S30-M)
- Mixed Use Main Street (AHE-X30-M)
- Residential Main Street (AHE-R30-M)

Exhibit 2016-52-B

The AHE Zone must be used on those sites labeled with an AHE land use designation on the City's Land Use Map in the Land Use Element of the General Plan.

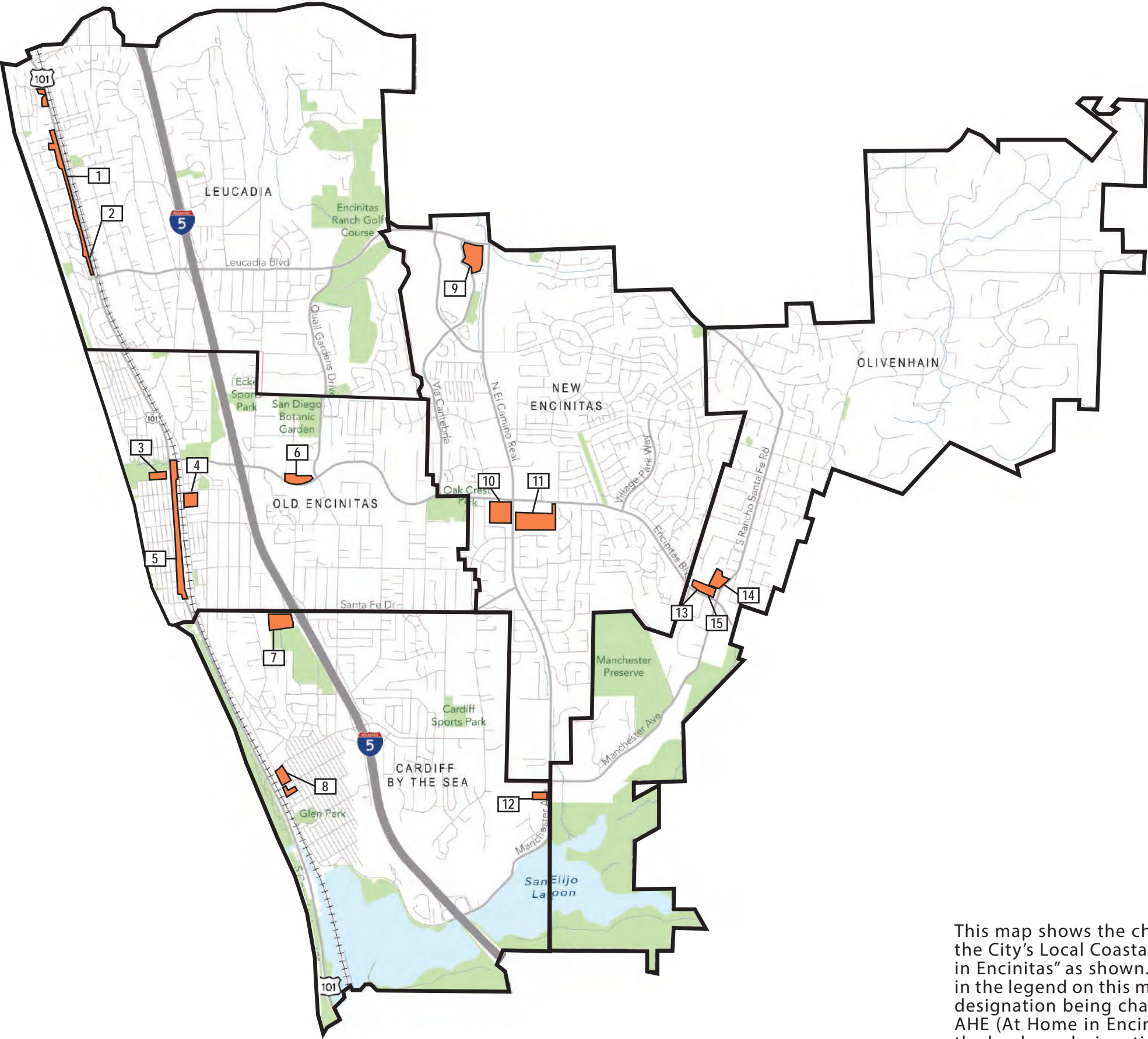
Land Use Designations Map


The General Plan Land Use Map is amended as shown (incorporates the Sustainable Mixed Use Places housing strategy described in the Project's City Council agenda report dated June 15, 2016 and the Final Environmental Assessment/Environmental Impact Report), as attached hereto and made a part hereof. All sites will carry the At Home in Encinitas General Plan land use designation (AHE), followed by the first generation land use and then the second generation land use (only the character context is used in the second generation part of the General Plan designation string; the design context is not a part of the AHE general plan land use designation but it is a part of the zoning). The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map amends the following in the General Plan Land Use Element (an entire copy of the existing General Plan is on file with the Office of the City Clerk):

- Figure 2, page LU-59
- Figure 3, page LU-64
- Figure 4, page LU-67
- Figure 5, page LU-73
- Figure 6, page LU-77

AT HOME IN ENCINITAS - LAND USE DESIGNATIONS



 AHE LAND USE DESIGNATOR

ID	LAND USE
1	AHE-GC-X30 (north of Diana Street)
2	AHE-GC-S30 (south of Diana Street)
3	AHE-VSC-X30
4	AHE-P/SP-X30
5	AHE-GC-S30
6	AHE-OP-R30
7	AHE-GC-S30
8	AHE-GC-S30
9	AHE-GC-S30
10	AHE-GC-S30
11	AHE-GC-S30
12	AHE-RR1-R30
13	AHE-OP-X30
14	AHE-RR2-R30
15	AHE-LC-X30

This map shows the changes to the City’s General Plan Land Use Map, which is also a part of the City’s Local Coastal Program. All sites shown on this map will be re-designated “At Home in Encinitas” as shown. The General Plan land use designation that will be changed is found in the legend on this map. The new land use designation is abbreviated as “AHE”. The land use designation being changed is in the second abbreviated term. For example, in AHE-GC-S30, AHE (At Home in Encinitas) is the new land use designation and GC (General Commercial) is the land use designation being changed. The abbreviations used are further described in the existing General Plan Land Use Element and Specific Plans.

Appendix to Land Use Designations Map

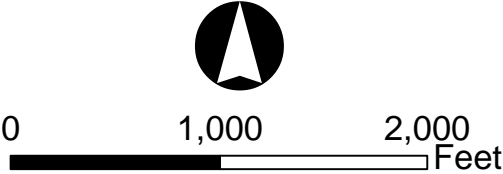
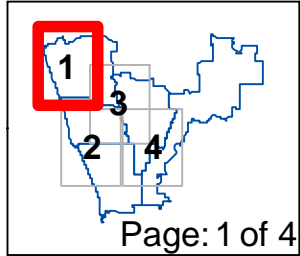
This appendix to the General Plan Land Use Element land use designations map shows precisely the boundaries of the areas re-designated to At Home in Encinitas.



Appendix to General Plan Land Use Designations Map

Site Being Designated AHE

Tax Parcel



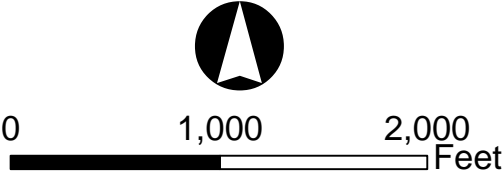
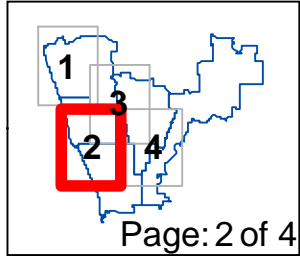
ID	Land Use
1	AHE-GC-X30 (N of Diana St.)
2	AHE-GC-S30 (S of Diana St.)
3	AHE-VSC-X30
4	AHE-P/SP-X30
5	AHE-GC-S30
6	AHE-OP-R30
7	AHE-GC-S30
8	AHE-GC-S30
9	AHE-GC-S30
10	AHE-GC-S30
11	AHE-GC-S30
12	AHE-RR1-R30
13	AHE-OP-X30
14	AHE-RR2-R30
15	AHE-LC-X30



Appendix to General Plan Land Use Designations Map

Site Being Designated AHE

Tax Parcel



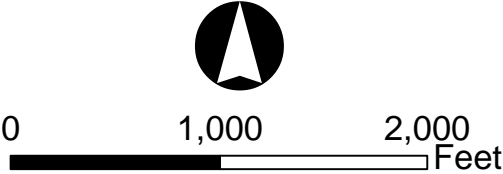
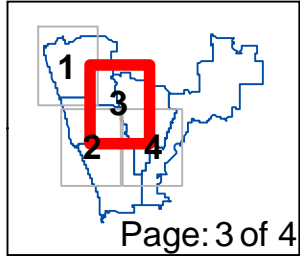
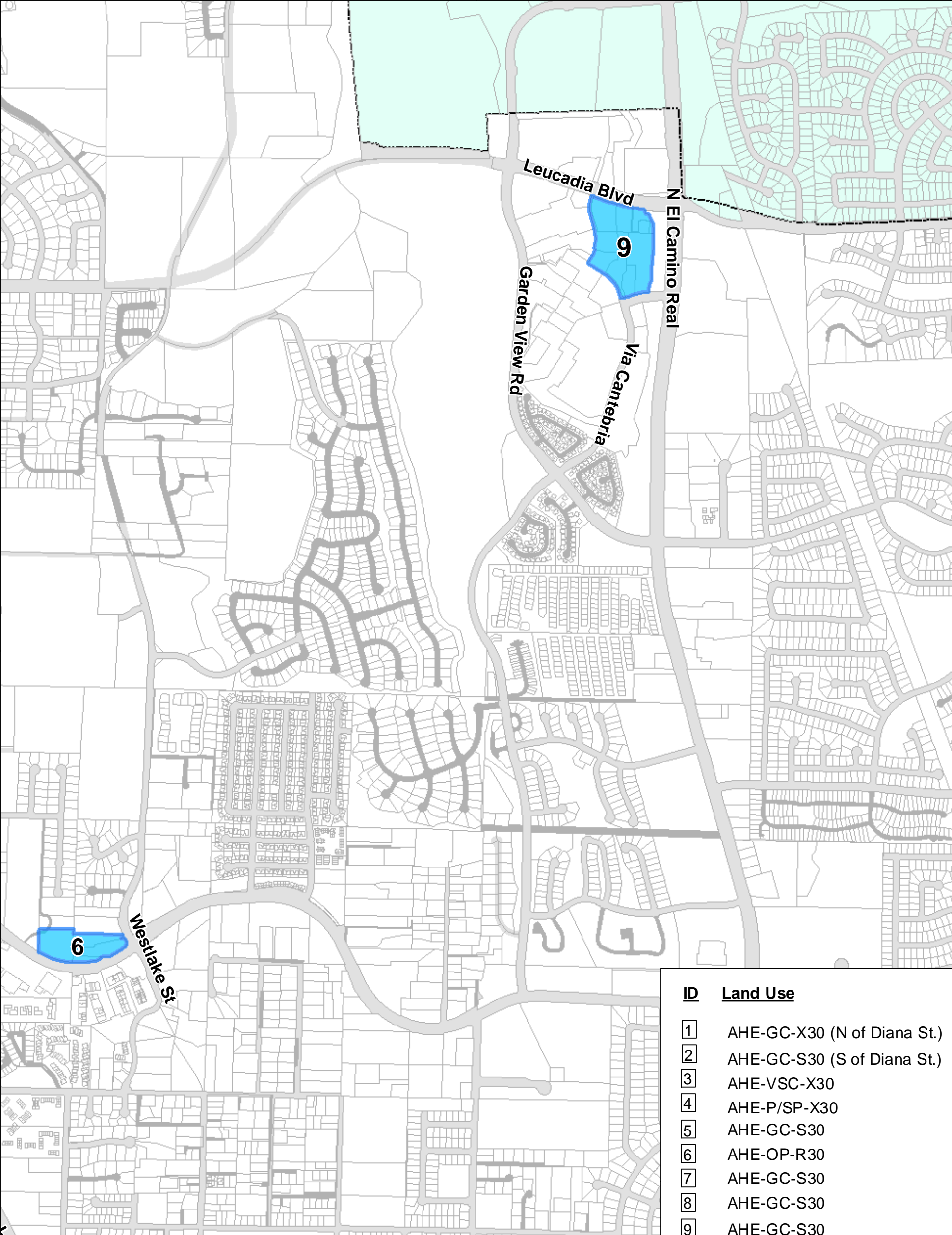
ID	Land Use
1	AHE-GC-X30 (N of Diana St.)
2	AHE-GC-S30 (S of Diana St.)
3	AHE-VSC-X30
4	AHE-P/SP-X30
5	AHE-GC-S30
6	AHE-OP-R30
7	AHE-GC-S30
8	AHE-GC-S30
9	AHE-GC-S30
10	AHE-GC-S30
11	AHE-GC-S30
12	AHE-RR1-R30
13	AHE-OP-X30
14	AHE-RR2-R30
15	AHE-LC-X30



Appendix to General Plan Land Use Designations Map

Site Being Designated AHE

Tax Parcel



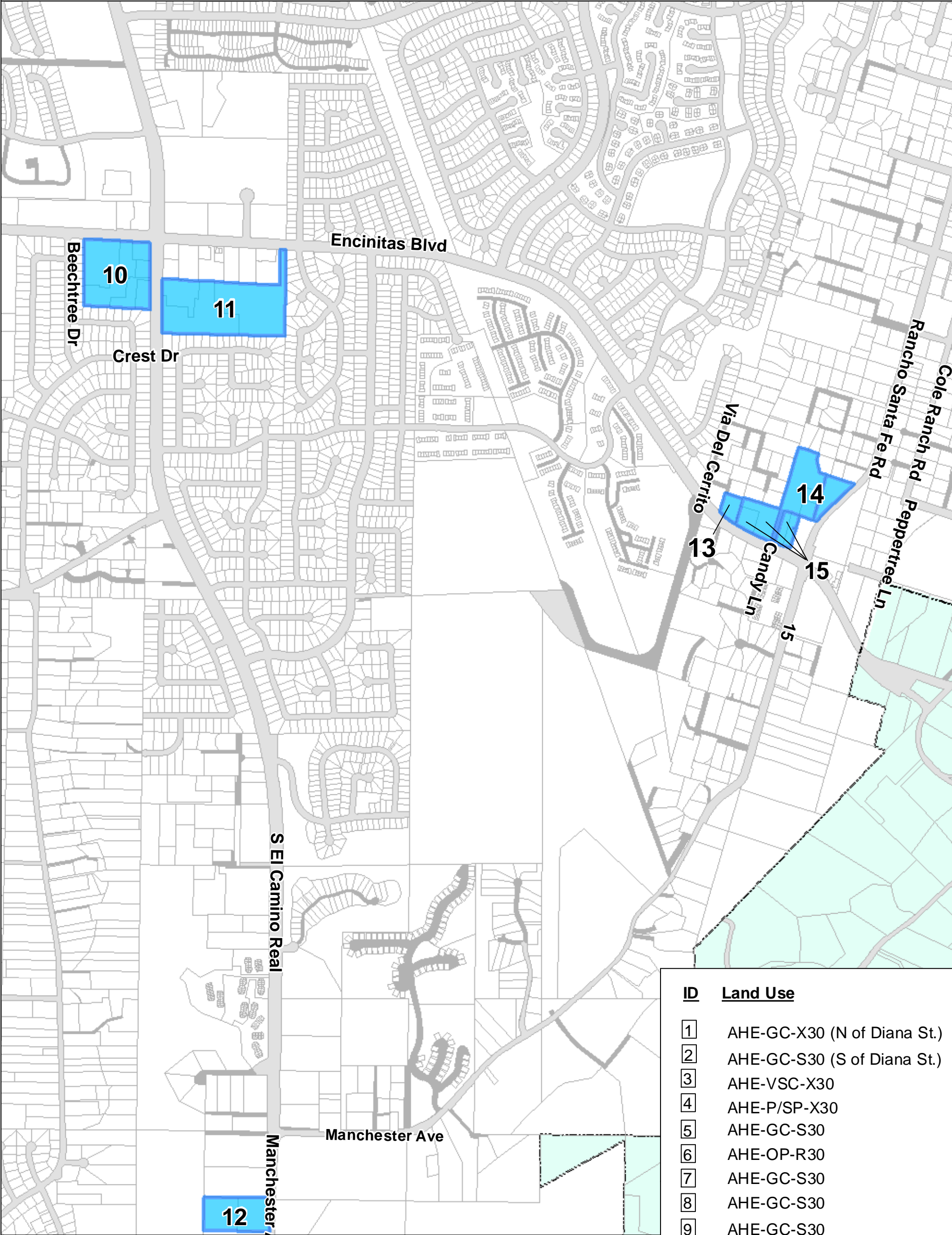
ID	Land Use
1	AHE-GC-X30 (N of Diana St.)
2	AHE-GC-S30 (S of Diana St.)
3	AHE-VSC-X30
4	AHE-P/SP-X30
5	AHE-GC-S30
6	AHE-OP-R30
7	AHE-GC-S30
8	AHE-GC-S30
9	AHE-GC-S30
10	AHE-GC-S30
11	AHE-GC-S30
12	AHE-RR1-R30
13	AHE-OP-X30
14	AHE-RR2-R30
15	AHE-LC-X30



Appendix to General Plan Land Use Designations Map

Site Being Designated AHE

Tax Parcel



ID	Land Use
1	AHE-GC-X30 (N of Diana St.)
2	AHE-GC-S30 (S of Diana St.)
3	AHE-VSC-X30
4	AHE-P/SP-X30
5	AHE-GC-S30
6	AHE-OP-R30
7	AHE-GC-S30
8	AHE-GC-S30
9	AHE-GC-S30
10	AHE-GC-S30
11	AHE-GC-S30
12	AHE-RR1-R30
13	AHE-OP-X30
14	AHE-RR2-R30
15	AHE-LC-X30

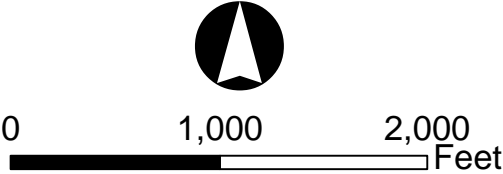
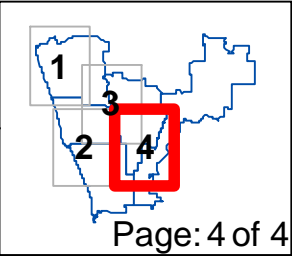


Exhibit 2016-52-C**Exhibit 2016-52-C**

Amendments to the Voter's Rights Initiative Portion of the Land Use Element (strikeout is used to denote existing text being deleted; underline is used to denote new text being added):

5.2. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by an ordinance or resolution adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by section 54.3 below.

6.1. Maximum Height. On and after the date this initiative measure becomes effective no building or structure shall exceed a maximum height of two stories or 30 feet.

6.2. Height shall be measured from the lower of the natural or finished grade adjacent to the structure, to the highest portion of the roof immediately above; except as otherwise provided by Chapter 30.36.

6.32. Exemptions to Height Limit. The following structures are exempted from this height limit:

- a. Medical Complex development projects as provided in Section 30.28.010(C); and
- b. specified buildings associated with a public high school on a minimum 10 acre site, as ~~currently provided in Section 30.28.010(C) and (D); and of the Encinitas Zoning Code~~
- c. The land uses subject to Chapter 30.36, excluding First Generation land uses.

Exhibit 2016-52-D**Exhibit 2016-52-D**

Amendments to the Noise Element (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

GOAL 1: Provide an acceptable noise environment for existing and future residents of the City of Encinitas.

POLICY 1.1: Develop and regularly update codes and ordinances as necessary to regulate impacts from continuous and intermittent noise sources.

POLICY 1.2: Use Figure 2, the Noise and Land Use Compatibility Guidelines as a guide in determining the acceptability of exterior noise. In most circumstances, sound attenuation needs to be provided, but not necessarily mitigating sound to meet these levels.

- For planning/development review purposes, “exterior noise” for single-family residential land uses is defined as noise measured at an outdoor living area that adjoins and is on the same lot as the dwelling and is provided for private open space purposes, such as improved yard space. For multi-family residential and non-residential land uses, “exterior noise” levels shall be measured from group usable open space areas. Group usable open space areas are intended for common use by occupants of a development, but do not include off-street parking and loading areas.
- For code enforcement and nuisance related impacts, existing land uses, operations, and activities shall be subject to those performance standards and methods identified by the Municipal Code.

POLICY 1.3: Figure 2, the Noise and Land Use Compatibility Guidelines indicates a range of land use types - and is intended to be flexible enough to apply to a range of projects and environments. In a mixed-use setting where different land use activities are located on the same parcel and/or residential uses are located above a non-residential use, noise standards for the more intensive land use category shall be used when evaluating appropriate exterior noise levels in a proposed development project. Residential exterior noise standards shall be applied to group or common outdoor use areas and shall not be applied to private spaces.

POLICY 1.4: Interior noise levels for all residential units shall be attenuated to 45 Ldn. Interior noise levels for non-residential uses shall be:

- Transient lodging - 45 Ldn
- Private schools, libraries, churches, hospitals, and nursing homes – 45 dBA Leq
- Civic/institutional, office buildings, retail, business, professional, and/or other similar commercial type – 55 dBA Leq
- Auxiliary office supporting industrial, warehouse and manufacturing – 55 dBA Leq
- No interior noise level limit for industrial, warehouse, and manufacturing.

Policy 1.5: Review actions or projects that may have noise generation potential to determine what impact they may have on existing land uses. If a project would cause an increase in traffic noise levels, the policy of the City of Encinitas is to accept an increase within the “acceptable” exterior noise exposure range, as

Exhibit 2016-52-D

shown in Figure 2, the Noise and Land Use Compatibility Guidelines. A land use located in an area with an “acceptable” exterior noise level indicates that standard construction methods would attenuate exterior noise to an acceptable indoor noise level and that people can carry out outdoor activities with minimal noise interference. For areas where existing or future noise levels exceed “acceptable” levels of noise for the subject land use, and increase of 3 Ldn from new development would be considered an impact. ~~up to an Ldn of 55 dB in outdoor residential use areas without mitigation. If a project would increase the traffic noise level by more than 5 dB and the resulting Ldn would be over 55 dB, then mitigation measures must be evaluated. If the project, or action, would increase traffic noise levels by 3 dB or more and the resulting Ldn would exceed 60 dB in outdoor use areas in residential development, noise mitigation must be similarly evaluated.~~ The impact of non-transportation projects must generally be evaluated on a case-by-case basis. The following guidelines will aid in evaluating the impacts of commercial and industrial projects.

- ~~a) Performance Standards Adjacent to Residential Areas. New commercial construction adjacent to residential areas should not increase noise levels in a residential area by more than 3 dB (Ldn) or create noise impacts which would increase noise levels to more than an Ldn of 60 dB at the boundary of the nearest residential area, whichever is more restrictive.~~
- ~~b) Performance Standards Adjacent to Commercial and Industrial Areas. New commercial projects should not increase noise levels in a commercial area by more than 5 dB (Ldn) or increase noise levels to an Ldn in excess of 70 dB (office buildings, business and professional) or an Ldn of 75 dB (industrial) at the property line of an adjacent commercial/industrial use, whichever is more restrictive.~~

These criteria may be waived if, as determined by a noise analysis, there are mitigating circumstances (such as higher existing noise levels) and/or no uses would be adversely affected. Where conditions are unusual or where backgrounds are unusually low and the characteristics of a new noise source are not adequately described by using the Ldn noise descriptor, additional acoustical analysis is encouraged and the conclusions of such analysis will be considered by the City.

If acoustical study shows that exterior noise levels can’t be mitigated to the established standards as noted within this chapter, the development shall not be approved without first making findings necessary to exceed the stated noise standards. Through sound attenuation and project design features, exterior noise exposure in the “normally unacceptable” range should be reduced to “conditionally acceptable,” to the extent feasible. New construction or development should not be undertaken if the noise exposure falls within the “clearly unacceptable” range as provided in Figure 2, the Noise and Land Use Compatibility Guidelines.

POLICY 1.62: ~~An Ldn of 60 dB is the maximum acceptable outdoor noise level in residential outdoor use areas.~~ The City recognizes that there are residential areas in which existing noise levels exceed an acceptable level. The City will adopt a Noise Wall/Barrier Installation Policy for determining which areas should receive soundwalls along the major street system and to evaluate possible cost participation programs for constructing these soundwalls.

Exhibit 2016-52-D

POLICY 1.73: To further improve the noise environment in the City of Encinitas, the law enforcement agency~~police department~~ will enforce the provisions in Sections 27-150 and 27-151 of the California State Motor Vehicle Code. These sections require that all vehicles be equipped with a properly maintained muffler and that exhaust systems not be modified.

POLICY 1.84: The City will limit truck traffic in residential and commercial areas to designated truck routes. Limit construction, delivery, and through truck traffic to designated routes. Distribute maps of approved truck routes to City traffic officers.

POLICY 1.95: The City will establish and maintain coordination among City, County, and State agencies involved in noise abatement and other agencies to reduce noise generated from sources outside the City's jurisdiction.

POLICY 1.106: Include noise mitigation measures in the design of new roadway projects recognizing that driveways, street openings, and other existing site conditions make noise mitigation impossible.

POLICY 1.117: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

POLICY 1.128: Establish noise standards for all types of noise not already identified in the General Plan or governed by existing ordinances.

GOAL 2: Require that new development be designed to provide acceptable indoor and outdoor noise environments.

POLICY 2.1: Figure 2, the Noise and Land Use Compatibility Guidelines, and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise attenuation~~mitigation~~ in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.

POLICY 4.1: Ensure inclusion of noise attenuation~~mitigation~~ measures in the design and operation of new and existing development

Noise Mitigation Plan, Noise and Land Use Compatibility Guidelines

Page N-14 and 15

The objective of Figure 2 is to provide an acceptable community noise environment and to minimize noise-related complaints from residents. The compatibility guidelines should be used in conjunction with the future noise exposure levels in Figure 1 to identify projects or activities which may require special treatment to minimize noise exposure. Homes should not be allowed near a freeway, for example, unless mitigation measures can effectively reduce noise exposure to “conditionally acceptable” levels.

A land use or project in the "normally acceptable" category will be acceptable within the noise levels indicated, in most cases, without special noise abatement measures. For example, a home of standard construction would be an acceptable use in any area of 60 Ldn or less without special insulation, setback, or building design. The same home in an area projected for noise levels of 60 to 70 Ldn should be allowed only following an acoustical study which recommends site-specific noise attenuation measures such as double pane windows, setbacks, and/or construction of soundwalls.

The following considerations should be taken into account when using the Noise and Land Use Compatibility Guidelines:

The goal for maximum outdoor noise levels in residential areas is a Ldn of 60 dB. This level is a requirement to guide the design and location of future development and a goal for the reduction of noise in existing development. However, 60 Ldn is a goal which cannot necessarily be reached in all residential areas within the realm of economic or aesthetic feasibility. Figure 2, the Noise and Land Use Compatibility Guidelines, provides “conditionally acceptable” and “normally unacceptable” noise exposure ranges. A land use project in these categories must provide a detailed analysis of the noise reduction requirements and needed noise insulation features included in the design. This goal should be applied where outdoor use is a major consideration (eg., backyards in single-family housing projects). The outdoor standards should not normally be applied to the small decks associated with apartments and condominiums because of the lack of use of these decks even in quiet areas. A multi-family development can often be designed in such a way that the buildings shield common outdoor areas and achieve an acceptable outdoor noise level without the use of soundwalls. For this reason, multi-family housing can often be developed more successfully in noise environments in which the Ldn exceeds 60 dB.

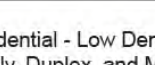






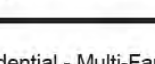













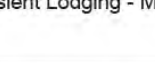






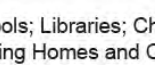
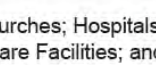





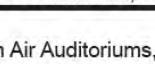
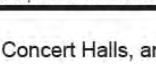












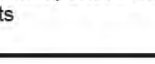






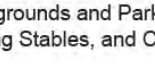






Page N-17 , Figure 2

Notice to Voter: Figure 2 on Page N-17 is hereby deleted in its entirety and is removed from the Noise Element of the General Plan. Because of legibility problems when using strikeout/underline to denote changes on this figure that contains text and graphic symbols, it is not presented using strikeout/underline format. It is simply being deleted in its entirety. In its place is a new Figure 2 that contains new text and revisions of the previous Figure 2, which is adopted in its entirety to the Noise Element. Because a new figure is being inserted with replacement text and graphics, it is not underscored, but it should be viewed by

Exhibit 2016-52-D

the voter as revised and new text. This is done to present a legible chart since underscoring all of it would be confusing and difficult to read. Therefore, the voter is admonished to understand that this Figure 2 has been revised. The existing Figure 2 is on file in the Office of the City Clerk.

Exhibit 2016-52-D

LAND USE TYPE CATEGORY	COMMUNITY NOISE EXPOSURE Ldn OR CNEL, dB						
	55	60	65	70	75	80	85
Residential - Low Density Single Family, Duplex, and Mobile Homes							
Residential - Multi-Family							
Transient Lodging - Motels, Hotels							
Schools; Libraries; Churches; Hospitals; Nursing Homes and Care Facilities; and Indoor Auditoriums, Halls, and the Like							
Open Air Auditoriums, Concert Halls, and Amphitheaters							
Open Air Sports Arena and Outdoor Spectator Sports							
Playgrounds and Parks, Golf Courses, Riding Stables, and Cemeteries							
Civic/Institutional, Office Buildings, Retail, Business, Professional, and Other Commercial and Service Types							
Industrial, Manufacturing, Warehouse, Utilities, and Agriculture Operations							

**Normally Acceptable**

Specified land use is satisfactory based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable**

New development should be undertaken only after a detailed analysis of noise reduction requirement is made. Conventional construction, but with closed windows and air conditioning will normally suffice.

**Normally Unacceptable**

New development should be generally discouraged. If new development does proceed, a detailed analysis of noise reduction requirement is made and noise attenuation included in the design.

**Clearly Unacceptable**

New development should generally not be undertaken.

Figure 2
Noise and Land Use
Compatibility Guidelines

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, ADOPTING ENCINITAS MUNICIPAL CODE (EMC) CHAPTER 30.36 TO PROVIDE USE AND DEVELOPMENT STANDARDS TO IMPLEMENT THE NEW GENERAL PLAN LAND USE DESIGNATION AND NEW DESIGN GUIDELINES TO PROVIDE FOR DEVELOPMENT QUALITY, MAKING ASSORTED CHANGES REQUIRED FOR CONSISTENCY ELSEWHERE IN THE MUNICIPAL AND ZONING CODES, APPROVING LOCAL COASTAL PROGRAM IMPLEMENTATION PROGRAM AMENDMENTS, AMENDING EMC CHAPTER 30.00 ENCINITAS RIGHT TO VOTE AMENDMENT TO ALLOW VARIOUS CHANGES INCLUDING A CHANGE IN MAXIMUM BUILDING HEIGHT TO ACCOMMODATE THREE-STORY BUILDINGS ON THE SITES DESIGNATED IN THE GENERAL PLAN AND ZONING MAP, AND AMENDING THE CARDIFF, DOWNTOWN ENCINITAS, NORTH 101 CORRIDOR, AND ENCINITAS RANCH SPECIFIC PLANS TO AMEND THE ZONE MAPS IN THOSE SPECIFIC PLANS AND MAKE REFERENCE TO NEW EMC CHAPTER 30.36 AND PROVIDE FOR HOUSING ELEMENT IMPLEMENTATION.

CASE NUMBER: 14-200 POD

WHEREAS, California Government Code Section 65588(b) requires the City of Encinitas to periodically prepare an update to the Housing Element of its General Plan;

WHEREAS, the City Council directed the City Manager to cause the Planning and Building Department to proceed with this update to the City's Housing Element for the 2013-2021 planning period, which affects properties citywide;

WHEREAS, on July 14, 2015, the City and the Building Industry Association of San Diego County (BIA) entered into a Settlement Agreement to resolve litigation filed by the BIA. The Settlement Agreement provides, in part, that the City must adopt: (1) an updated Housing Element; (2) conforming amendments to other General Plan elements; and (3) zoning ordinance amendments needed to implement the Housing Element. The Settlement Agreement was incorporated into a Judgment Pursuant to Stipulation entered into by the San Diego County Superior Court on July 22, 2015;

WHEREAS, the 2013–2021 Housing Element represents the City's effort in fulfilling the requirements under the State Housing Element law;

WHEREAS, the 2013-2021 Housing Element Update project, Case Number 14-200 POD, is popularly known as "At Home in Encinitas";

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider CASE NO. 14-200 POD on May 24, 2016, which was continued to May 26, 2016, to consider said request;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2016-27 recommending that City Council certify the EIR, adopt the findings of fact, adopt the statement of overriding considerations and adopt the Mitigation Monitoring and Reporting

Program, and adopted Planning Commission Resolution No. 2016-26 recommending approval of said Project, with recommended revisions, on file with the Office of the City Clerk and incorporated by this reference;

WHEREAS, to address Planning Commission recommendations and following consultation with technical experts assigned to the Project, City staff recommended revisions to the Chapter 30.36 Zoning Standards and Design Guidelines as described in summary form in the City Council Agenda Item for this Project, dated June 15, 2016, on file with the Office of the City Clerk and incorporated by this reference, along with making other necessary refinements;

WHEREAS, pursuant to the California Environmental Quality Act, a Final Environmental Assessment/Program Environmental Impact Report (SCH No. 2015041044) relative to the Project was prepared and the City Council has certified it, along with adopting the findings of fact, the statement of overriding considerations and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2016-51;

WHEREAS, in order for zoning and other measures to comply with consistency requirements, the General Plan itself must first be complete and adequate and must be internally consistent;

WHEREAS, amendments and text/map changes to the Local Coastal Program policies, Land Use Element, and Noise Element were necessary to provide consistency between the goals and policies of the various elements of the General Plan and between the General Plan and Zoning;

WHEREAS, on June 15, 2016 the City Council approved a Housing Element update for the 2031-2021 planning period with conforming and ancillary amendments to the Local Coastal Program policies, Land Use Element, and Noise Element, per City Council Resolution No. 2016-52;

WHEREAS, amendments and text/map changes to the Local Coastal Program, Municipal and Zoning Codes, and four specific plans are necessary to provide consistency between the General Plan, Specific Plans, Municipal Code and Zoning Code;

WHEREAS, pursuant to law, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on June 3, 2016, in the Coast News;

WHEREAS, the City Council did on June 15, 2016, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information including written and graphical information posted on the project website, materials created for public engagement and study session agenda reports.
- b. Oral testimony from City staff, interested parties, and the public.
- c. The staff report, dated June 15, 2016, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including

related study sessions, which occurred during the life of the Project, as well as Planning Commission's recommendation on the request.

d. Additional information submitted during the public hearing; and

WHEREAS, a Public Notice of Availability of proposed Local Coastal Plan Amendments (LCPA) was issued, which opened a six-week public review period that ran from April 29, 2016 and concluded on June 10, 2016;

WHEREAS, The proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and do not conflict with any coastal zone regulations or policies with which future development must comply;

WHEREAS, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council finds that the proposed text amendments and map changes are consistent with the purposes of the General Plan, Municipal Code, and adopted Local Coastal Program in that the amendments support a variety of community objectives including economic development, educational attainment, achieving greenhouse gas emission reduction objectives, increasing multimodal transportation including alternative transportation strategies, health including reductions in obesity and healthy housing, and more complete neighborhoods and community building.

NOW, THEREFORE, the City Council of the City of Encinitas, California, hereby ordains as follows:

SECTION ONE: ENCINITAS MUNICIPAL CODE

Chapter 30.36 is added to Title 30 of the Encinitas Municipal Code, also referred to as the Zoning Code, to read as shown on "Exhibit 2016-04-1", attached hereto and made a part hereof.

See Exhibit 2016-04-1

SECTION TWO: ENCINITAS RIGHT TO VOTE AMENDMENT

That Section 30.00.050 of the Encinitas Municipal Code, also referred to the Zoning Code, is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

5.2. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by an ordinance or resolution adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by section 54.3 below.

6.1. Maximum Height. On and after the date this initiative measure becomes effective no building or structure shall exceed a maximum height of two stories or 30 feet.

6.2. Height shall be measured from the lower of the natural or finished grade adjacent to the structure, to the highest portion of the roof immediately above; except as otherwise provided by Chapter 30.36.

6.32. Exemptions to Height Limit. The following structures are exempted from this height limit:

- a. Medical Complex development projects as provided in Section 30.28.010(C); and
- b. specified buildings associated with a public high school on a minimum 10 acre site, as currently provided in Section 30.28.010(C) and (D); and of the Encinitas Zoning Code
- c. The land uses subject to Chapter 30.36, excluding First Generation land uses.

SECTION THREE: ENCINITAS MUNICIPAL CODE

That Chapter 23.08.040 of the Encinitas Municipal Code is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

- A. The Director has authority to render a final determination on applications for a design review permit for the following categories of projects:
 - 1. Fences, walls and landscaping projects not exempted by this chapter.
 - 2. Outdoor storage facilities of less than 1,000 square feet in area.
 - 3. Agricultural buildings which are the primary use of the parcel 2,000 square feet or less.
 - 4. Exterior additions to existing buildings and structures where the proposed project will involve less than 500 square feet in area and which are otherwise not exempted by this chapter.
 - 5. Signs and awnings which are placed under the design review jurisdiction of the Director by other provisions of this Code (Chapter 30.60) and not otherwise exempted by this chapter. Said review shall be without notice.
 - 6. Satellite Antennas. However satellite antennas which are visually screened, per Section 23.08.090, shall be exempt from design review.
 - 7. Grading unless otherwise exempted by Section 23.08.030B14.
 - 8. Development as provided by Chapter 30.36.

SECTION FOUR: ENCINITAS MUNICIPAL CODE

That Section 30.08.010 of the Encinitas Municipal Code, also sometimes referred to as the Zoning Code, is amended to include a new Subsection H with the following new definition (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

H. Multiple Use Incentive Zone

AT HOME IN ENCINITAS (AHE) ZONE shall be defined as set forth in Chapter 30.36. AHE is composed of two parts: the use and development standards of the zone existing immediately prior to being re-zoned AHE (first generation) and the new use and development standards in Chapter 30.36 that represent the incentives to implementing the Housing Element for density from 20 to 30 dwelling units per acre (second generation). It

allows a one-way transition from the first generation land uses to the second generation. The AHE Zone allows property owners to develop under the first generation land use, or should they choose, utilize the second generation use and development standards to create more housing for the community. However, once an application for development consistent with the second generation AHE use and development standards is approved, the previous (first generation) land use can no longer be implemented without legislative approval.

SECTION FIVE: ENCINITAS MUNICIPAL CODE

That Chapter 30.24.030 of the Encinitas Municipal Code, also sometimes referred to as the Zoning Code, is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

A. Applicability. The Hillside/Inland Bluff Overlay Zone regulations shall apply to all areas within the Special Study Overlay Zone where site-specific analysis indicates that 10% or more of the area of a parcel of land exceeds 25% slope. The Planning Commission shall be the authorized agency for reviewing and granting discretionary approvals for proposed development within the Hillside/Inland Bluff Overlay Zone, unless as otherwise provided by Chapter 30.36.

SECTION SIX: ENCINITAS MUNICIPAL CODE

That Chapter 30.72.020 of the Encinitas Municipal Code, also sometimes referred to as the Zoning Code, is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

A. A change in the boundaries of any zone or a change of zoning on property from one zone to another may be initiated by the owner(s) or the authorized agent of the owner(s) of the property by filing an application for zoning amendment as described in this chapter. An application accepted by the City shall constitute an application for zoning amendment, and if applying all or in part to property or properties within the Coastal Zone, shall constitute an application for amendment to the implementing regulations of the Encinitas Local Coastal Plan (LCP).

B. A change in boundaries of any zone, a change of zoning on property from one zone to another, or a change in the zoning regulations may be initiated by resolution approved by the majority of the City Council. This resolution shall constitute an application for zoning amendment and an amendment to the implementing regulations of the City's LCP.

C. The City Council is authorized to render a final determination on a zoning amendment application; provided, however, that a change in the regulations of this title, or a change in zoning boundaries or designation of a property or properties all or in part within the Coastal Zone, shall be subject to the provisions of subsection D of this section. The City Council's determination shall be made upon receipt of advisory recommendations from the Planning Commission. The Council's authority to render a determination on a zoning amendment application includes the authority to approve, approve in a modified form, or deny such application.

D. Once approved by the City Council, a zoning amendment for a change in the regulations of this title, or a change in zoning boundaries or designation of property or properties all or in part within the Coastal Zone, constitutes a proposed amendment to the implementing regulations of the City's LCP. A proposed LCP amendment shall comply in

form and content with, and shall follow the procedures specified by, Chapter 30.82 of the Municipal Code. Such an amendment shall not become effective until certified by the Coastal Commission pursuant to Public Resources Code Section 30514.

E. There shall be no more than three LCP amendment submittals in any calendar year, subject to exceptions pursuant to paragraph (c) of Section 30514 of the California Public Resources Code. Each submittal may consist of one or more zoning changes. (Ord. 94-06; Ord. 96-07)

F. Notwithstanding the above or as otherwise stated in this Chapter, the AHE Zone shall be initiated and administered as provided by Chapter 30.36.

SECTION SEVEN: CITY OF ENCINITAS OFFICIAL ZONING MAP

That the Official Zoning Map (EMC Section 30.08.020) also known as the Zoning Map of the City (EMC Section 30.01.050) and the Local Coastal Program Zoning Map (collectively, Map) are amended as shown on the map marked "Exhibit 2016-04-2", attached hereto and made a part hereof (the existing, complete Map being amended is on file with the Office of the City Clerk).

See Exhibit 2016-04-2

SECTION EIGHT: CARDIFF SPECIFIC PLAN

That Section 3.2.3 of the Cardiff Specific Plan is amended, after the tables, to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

At Home in Encinitas (AHE) Zone as set forth in Encinitas Municipal Code Chapter 30.36.

SECTION NINE: CARDIFF SPECIFIC PLAN ZONING MAP

That the Cardiff Specific Plan Zoning Map on page 3-5 is amended as shown in **Exhibit 2016-04-2** to apply the At Home in Encinitas Zone (the existing, complete map being amended is on file with the Office of the City Clerk).

SECTION TEN: ENCINITAS RANCH SPECIFIC PLAN

That Section 3.2 of the Encinitas Ranch Specific Plan is amended, following the discussion, to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

At Home in Encinitas (AHE) Zone as set forth in Encinitas Municipal Code Chapter 30.36.

SECTION ELEVEN: ENCINITAS RANCH SPECIFIC PLAN ZONING MAP

That the Encinitas Ranch Specific Plan Zoning Map on page 3-8 is amended as shown in **Exhibit 2016-04-2** to apply the At Home in Encinitas Zone (the existing, complete map being amended is on file with the Office of the City Clerk).

SECTION TWELVE: DOWNTOWN ENCINITAS SPECIFIC PLAN

That Section 3.2 of the Downtown Encinitas Specific Plan is amended, following the discussion, to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

E. At Home in Encinitas (AHE) Zone as set forth in Encinitas Municipal Code Chapter 30.36.

SECTION THIRTEEN: DOWNTOWN ENCINITAS SPECIFIC PLAN ZONING MAP

That the Downtown Encinitas Specific Plan Zoning Map on page 3-9 is amended as shown in **Exhibit 2016-04-2** to apply the At Home in Encinitas Zone (the existing, complete map being amended is on file with the Office of the City Clerk).

SECTION FOURTEEN: NORTH 101 CORRIDOR SPECIFIC PLAN

That Section 3.1 of the North 101 Corridor Specific Plan is amended, following the zoning map, to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

At Home in Encinitas (AHE) Zone as set forth in Encinitas Municipal Code Chapter 30.36.

SECTION FIFTEEN: NORTH 101 CORRIDOR SPECIFIC PLAN ZONING MAP

That the North 101 Corridor Specific Plan Zoning Map on page 3-3 is amended as shown in **Exhibit 2016-04-2** to apply the At Home in Encinitas Zone (the existing, complete map being amended is on file with the Office of the City Clerk).

SECTION SIXTEEN: NORTH 101 CORRIDOR SPECIFIC PLAN

That Section 3.1.2.A.4.b of the North 101 Corridor Specific Plan is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

2. Within this zone, residential uses may occupy any ground floor area and buildings may be either all residential or mixed use, except in areas where zoning regulations require ground floor commercial uses in key locations. For the NCM-1 Zone, key locations are from Marcheta Street to North Court; and from Daphne Street to Leucadia Boulevard. In these areas, ~~r~~Residential uses shall be located either above or behind the primary commercial use and shall not occupy the ground floor building frontage area along Highway 101.

3. All detached or attached single-family dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements. There are no airspace requirements for multi-family housing development.

4. In a mixed use development, ~~r~~Residential uses shall not exceed 50 percent of the gross building floor area for the development site, unless authorized through the approval of a Major Use Permit.

SECTION SEVENTEEN: NORTH 101 CORRIDOR SPECIFIC PLAN

That Section 3.1.2.B.4.b of the North 101 Corridor Specific Plan is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

~~2. Residential uses shall be located either above or behind the primary commercial use and shall not occupy the ground floor building frontage area along Highway 101.~~

23. All detached or attached single-family dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements. There are no airspace requirements for multi-family housing development.

34. In a mixed use development, ~~r~~Residential uses shall not exceed 50 percent of the gross building floor area for the development site, unless authorized through the approval of a Major Use Permit.

45. Residential densities shall be calculated pursuant to Section 30.16.010.B.1 and 2 of Title 30 of the Encinitas Municipal Code.

SECTION EIGHTEEN: NORTH 101 CORRIDOR SPECIFIC PLAN

That Section 3.1.2.C.4.b of the North 101 Corridor Specific Plan is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

2. Within this zone, residential uses may occupy any ground floor area and buildings may be either all residential or mixed use, except in areas where zoning regulations require ground floor commercial uses in key locations. For the NCM-3 Zone, key locations are from A Street to B Street on Highway 101. In this area, ~~r~~Residential uses shall be located either above or behind the primary commercial use and shall not occupy the ground floor building frontage area along Highway 101.

3. All detached or attached single-family dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements. There are no airspace requirements for multi-family housing development.

4. In a mixed use development, ~~r~~Residential uses shall not exceed 50 percent of the gross building floor area for the development site, unless authorized through the approval of a Major Use Permit.

SECTION NINETEEN: NORTH 101 CORRIDOR SPECIFIC PLAN

That Section 3.1.2.D.4.b of the North 101 Corridor Specific Plan is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

~~2. Residential uses shall be located either above or behind the primary commercial use and shall not occupy the ground floor building frontage area along Highway 101.~~

23. All detached or attached single-family dwelling units in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements. There are no airspace requirements for multi-family housing development.

34. In a mixed use development, Residential uses shall not exceed 50 percent of the gross building floor area for the development site, unless authorized through the approval of a Major Use Permit.

45. Residential densities shall be calculated pursuant to Section 30.16.010.B.1 and 2 of Title 30 of the Encinitas Municipal Code.

SECTION TWENTY: NORTH 101 CORRIDOR SPECIFIC PLAN

That footnote 1 of the North 101 Corridor Specific Plan on pages 3-7, 3-8, 3-19 and 3-20 is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

~~¹Allowed in mixed use developments only. All detached or attached dwelling units in mixed use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.~~

SECTION TWENTY-ONE: NORTH 101 CORRIDOR SPECIFIC PLAN

That footnote 1 of the North 101 Corridor Specific Plan on pages 3-43 and 3-54 is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

~~¹All detached or attached dwelling units in residential-only or mixed-use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.~~

SECTION TWENTY-TWO: NORTH 101 CORRIDOR SPECIFIC PLAN

That footnote 2 of the North 101 Corridor Specific Plan on page 3-32 is amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

~~²Allowed in mixed use developments only. All detached or attached dwelling units in mixed use development must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.~~

SECTION TWENTY-THREE: PUBLIC NOTICE.

The City Clerk is directed to prepare and have published in full this ordinance within fifteen (15) days of adoption.

SECTION TWENTY-FOUR: VOTER REQUIREMENT.

Some regulatory amendments in this Ordinance require a vote of the people per Encinitas Municipal Code (EMC) Chapter 30.00 (popularly known as Proposition A). The City Council declares, subject to approval of the voters of Encinitas, that the amendments to EMC Chapter 30.00, the amendments to the Official Zoning Map of the City, amendments to the zoning map in each of the four specific plans amended by this Ordinance and the amendments to the implementation program of the Local Coastal Program directly associated with these aforementioned amendments exclusively constitute "Major Amendments" as defined by EMC Chapter 30.00. All other amendments contained in this Ordinance are to ensure complete and internal consistency with adoption of the General Plan amendments that must occur with this project and are declared to be "Regular Amendments" as defined by EMC Chapter 30.00. This Ordinance shall not be effective unless and until it is approved by the voters of Encinitas.

SECTION TWENTY-FIVE: CALIFORNIA COASTAL COMMISSION CERTIFICATION REQUIRED.

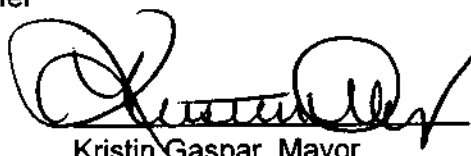
If approval of this Ordinance occurs pursuant to Section Twenty-Three, the Director of Planning and Building or designee is hereby directed to file all necessary material to the State of California Coastal Commission to amend the Encinitas Local Coastal Program. This Ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas.

SECTION TWENTY-SIX: INTRODUCTION.

This Ordinance was introduced on June 15, 2016 and published in full on Friday, July 1, 2016 in The Coast News.

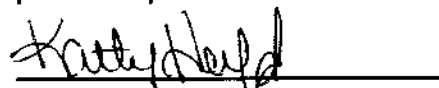
PASSED AND ADOPTED this Wednesday, the 22nd day of June, 2016 by the following vote to wit:

AYES: Blakespear, Gaspar, Kranz, Muir, Shaffer
 NAYS: None
 ABSTAIN: None
 ABSENT: None


 Kristin Gaspar, Mayor
 City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2016-04 which has been published pursuant to law.


 Kathy Hollywood, City Clerk