RESOLUTION NO. 2018-61


(CASE NO. 17-128 GPA/SPA/LCPA; 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 Development Services 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 17-128 GPA/SPA/LCPA, is popularly known as “Housing Plan Update 2018”;

WHEREAS, California Government Code Section 65583 requires that the Housing Element Update contain: (i) an assessment of the City’s housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) 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 (RHNPP) 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 June 12, 2018, which found that the City’s 2018 draft Housing Element, inclusive of all revisions submitted through June 8, 2018, will meet all State Housing Element Law requirements if the Housing Element and proposed development standards are approved in their current form by the City Council, the Encinitas voters, and the California Coastal Commission;

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 and on June 24, 2016, the City and DCM Properties Inc. (DCM) entered into a Settlement Agreement to resolve litigation filed by DCM. The Settlement Agreements provide, 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 Agreements were incorporated into two Judgments Pursuant to Stipulation entered into by the San Diego County Superior Court on July 22, 2015 (BIA) and August 11, 2016 (DCM), respectively;

WHEREAS, the July 22, 2015 and August 11, 2016 Judgments provide in part that the environmental review for the Housing Element update and all discretionary actions necessary to bring the Housing Element in compliance with State Law will be conducted in accordance with the terms of Government Code Section 65759;

WHEREAS, the City has prepared an environmental assessment, the content of which substantially conforms to the required content of a draft environmental impact report, as required under Government Code Section 65759(a)(1) and (2) to analyze, and mitigate where feasible, the potential environmental effects of the project;

WHEREAS, the Housing Plan Update 2018 incorporates the environmental assessment by reference, and the environmental assessment shall be deemed to be part of the General Plan upon adoption of the Housing Plan Update 2018 as required by Government Code Section 65759(a)(3);
WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider CASE NO. 17-128 GPA/SPA/LCPA on June 7, 2018, to consider said request;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2018-19 recommending approval of said Project, on file with the Office of the City Clerk and incorporated by this reference;

WHEREAS, the 2013-2021 Housing Element Update attached as Exhibit 2018-61-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, the City Council did on June 20, 2018, 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, including without limitation public comments submitted to HCD and City responses, all of which are incorporated by this reference as though fully set forth herein.

b. Materials created for public engagement and study session agenda reports.

c. Oral testimony from City staff, interested parties, and the public.

d. The staff report, dated June 20, 2018, which along with attachments, is incorporated herein by reference as though fully set forth herein, as are staff reports and presentations prepared for related study sessions, which occurred during the life of the Project, as well as Planning Commission’s recommendation on the Project.

e. 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 objectives including increasing housing choice by accommodating a variety of housing types to meet the needs of all Encinitas residents, providing adequate sites with corresponding density to meet the City’s RHNA allocation, adopting State mandated and locally desired programs to implement the Project effectively, maintaining community character through project design requirements, and distributing attached and multi-family housing to the City’s five communities; and

WHEREAS, the City Council will consider adopting Ordinance No. 2018-07 to amend three 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 polices of the various elements of the General Plan and between the General Plan and Zoning. The proposed amendments shown in Exhibit 2018-61-B (Amendments to the Land Use Element) and Exhibit 2018-61-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. In addition, the Environmental Assessment for the Project, which analyzes the potential environmental effects of the Project and includes mitigation measures to reduce the Project’s impacts where feasible, shall be deemed to be part of the General Plan upon adoption of the Housing Plan Update 2018 as required by Government Code Section 65759(a)(3). 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 2018-61-C amend the Land Use Element to address Project consistency. City Council will consider adopting Ordinance No. 2018-07 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 May 25, 2018 and concluded on July 9, 2018.

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 uncertified Housing Element (known as the 1992 Housing Element) is hereby repealed in its entirety and the 2013-2021 Housing Element *(Exhibit 2018-61-A)*, along with conforming amendments to the Land Use Element *(Exhibit 2018-61-B)*, and amendments to the Voter’s Rights Initiative Portion of the Land Use Element *(Exhibit 2018-61-C)* are adopted, subject to approval by the voters.

SECTION 7. 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 three 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 2018-07, shall be adopted to ensure consistency with the General Plan, as revised by this Resolution No. 2018-61.

SECTION 8. 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 Housing Plan Update 2018 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 9. This Resolution shall not become effective unless and until it is approved by the voters of Encinitas.

SECTION 10. If this Resolution takes effect pursuant to Section 9 above, the Director of Development Services 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 20th day of June, 2018 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

______________________________
Catherine S. Blakespear, Mayor
City of Encinitas

ATTEST:

______________________________
Kathy Hollywood, City Clerk
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Exhibit 2018-61-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, which includes all Appendices and incorporates the Environmental Assessment by reference, 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 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.

Draft Housing Element may be accessed at: www.encinitasca.gov/Housing-Plan-Update-2018

Exhibit 2018-61-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 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 3.11: 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 3.112: 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
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:
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
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
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.
With the exception of residential development on sites with a land use designation of R-30 OL, 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 on sites with a land use designation of R-30 OL is permitted to
develop up to 30 dwelling units per net acre in compliance with the zoning regulations included in Chapter 30.16 of the Zoning Code, which allows a maximum density “by-right,” as well as in the DVCM R-30 OL Zone of the Downtown Specific Plan, the N-R3 (R-30 OL), N-CRM-1 (R-30 OL), and N-L-VSC (R-30 OL) Zones of the North 101 Corridor Specific Plan; and the ER-R-30 Zone of the Encinitas Ranch Specific Plan.

R-30 Overlay (R-30 OL) General Plan Land Use Designation

This category of residential land use is an overlay land use designation that offers property owners an incentive to develop attached or detached multi-family housing in connection with the Housing Element. The underlying land use designation remains in place; however, to give property owners more flexibility for future development of their property, the R-30 OL designation also permits property owners to develop housing at a minimum density of 25 dwelling units per net acre and a maximum density of 30 dwelling units per net acre.

To use the provisions of the R-30 OL land use designation, a project must meet a minimum density of 25 dwelling units per net acre. Development is permitted up to a maximum density of 30 dwelling units per net acre as a permitted primary use. Projects meeting at least the minimum density threshold are eligible to develop up to 37 feet to permit three stories. A project is also permitted to develop based on the development standards applicable in the underlying land use designation category; however, the underlying density and height restriction of two stories and 30 feet would apply to such a project. Specific development standards, including increased density and height limits are further defined in the R-30-OL Zone in the Zoning Code. However, only those sites shown with the R-30 OL Land Use Designation on the General Plan Land Use Map are eligible to use the R-30 OL Zone.

Housing Plan Update 2018 R-30 OL 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 encouraging affordable housing, developing more complete neighborhoods, and enhancing and preserving the community’s character, the R-30 OL Zone was created to implement the R-30 OL General Plan land use designation. Like the R-30 OL land use designation, the R-30 OL Zone is an overlay zone that retains the underlying zoning standards for applicable properties. However, if an attached or detached multifamily residential project is proposed, a property owner may develop under special provisions of the R-30 OL Zone that include new incentive land use and development standards to create more housing for the community.

The R-30 OL Zone is intended to:

1. Implement the R-30 OL General Plan land use designation, which creates an incentive to develop housing by offering property owners the opportunity to build homes with increased height and density.
2. Allow for a moderate increase in residential density and to accommodate a mixture of residential building types and unit sizes;

3. Enhance the feasibility of developing higher density housing to increase the supply of available housing options within the City’s five communities;

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. Respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites;

7. Contribute to the economic and fiscal well-being of the City.

Residential projects in the R-30 OL Zone may include residential and limited ancillary or auxiliary uses, with a minimum of 25 dwelling units per net acre and a maximum of 30 dwelling units per net acre.

The R-30 OL Zone’s development standards also apply to sites in the DVC M R-30 OL Zone of the Downtown Specific Plan, the N-R3, N-CRM-1, and N-L-VSC Zones of the North 101 Corridor Specific Plan; and the ER-R-30 Zone of the Encinitas Ranch Specific Plan.
Land Use Designations Map

The General Plan Land Use Map is amended to add, as required, the R-30 Overlay Land Use Designation on each candidate site as depicted on the attached map. The sites shown will be designated with either the R-30 Overlay Zone, DVCM R-30 OL Zone of the Downtown Specific Plan, the N-R3, N-CRM-1, and N-L-VSC Zones of the North 101 Corridor Specific Plan; and the ER-R-30 Zone of the Encinitas Ranch Specific Plan to permit higher-density residential development in addition to, or instead of, the uses permitted by the underlying land use designation. 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

The General Plan Land Use Map is also amended to change the land use designation of APN 257-01-117 (Site L7) from Rural Residential (RR1) to Residential 3 (R3).

APN 257-01-117 (Site L7)
Exhibit 2018-61-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 for projects on sites with the R-30 Overlay land use designation, which shall be measured as provided by Chapter 30.16 of the Encinitas Zoning Code.

6.3. 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. Residential structures proposed on sites designated with the R-30 Overlay land use designation that meet the requirements of the R-30 OL Zone as provided in Chapter 30.16 of the Encinitas Zoning Code;” as well as in the DVCM R-30 OL Zone of the Downtown Specific Plan, the N-R3 (R-30 OL), N-CRM-1 (R-30 OL), and N-L-VSC (R-30 OL) Zones of the North 101 Corridor Specific Plan; and the ER-R-30 Zone of the Encinitas Ranch Specific Plan.