

City Attorney's Impartial Analysis of Measure T

This Measure reflects City Council actions taken to bring the City into compliance with State housing law. The State of California requires that all cities, as part of the General Plan, prepare a legally adequate Housing Element and implement its programs. The City Council prepared this comprehensive Housing Program to comply with such State law, including without limitation, encouraging the production of more affordable housing.

This Measure repeals the existing Housing Element of the General Plan, and enacts a new Housing Element that locates new potential housing sites, and incentivizes their development to allow for new housing, typically with mixed land uses. This Measure also creates a new land use designation in the General Plan's Land Use Element ("At Home in Encinitas") that allows existing uses to continue and thrive, while encouraging their transition to residential housing over time. This Measure also amends the General Plan Housing Element and Land Use Element to allow for three-story buildings, and amends the Noise Element to resolve internal inconsistencies and reflect contemporary noise standards for mixed land uses.

This Measure amends the North 101 Corridor Specific Plan to provide additional sites that accommodate mixed land uses involving residential housing, to remove prohibitions on ground floor housing, except in key centers, and to allow all lawful means of subdividing land regardless of housing type. The Downtown Encinitas, Encinitas Ranch and Cardiff-by-the-Sea Specific Plans are also amended by this Measure to provide additional sites that accommodate mixed land uses involving residential housing.

This Measure also amends the City Zoning Code by adopting a new Chapter 30.36 to provide implementation standards relative to the new General Plan Housing Element, amended Land Use Element and other amendments relative to the City's "At Home in Encinitas" Housing Program, including without limitation, new Design Guidelines to provide for development quality, the rezoning of existing sites to provide for adequate housing and to implement the amended General Plan Land Use Element's land use map, and related changes required for consistency between the General Plan amendments, Specific Plan amendments and Zoning Code. This Measure also amends Chapter 30.00 of the City Zoning Code to allow three-story buildings on those sites designated "At Home in Encinitas." However, in the Cardiff Town Center area, the height is limited to two stories.

This Measure amends the Local Coastal Program by making a required request for California Coastal Commission certification of the changes to the land use policy and implementation framework to guide development in the Coastal Zone due to the above-described amendments to the General Plan, Specific Plans, Zoning Code and Municipal Code that this Measure brings about.

The Encinitas City Council referred this Measure to the voters pursuant to Proposition A, which is codified in Encinitas Municipal Code Chapter 30.00, and further pursuant to the Settlement Agreements between the City and the Building Industry Association of San Diego County (BIA) and between the City and DCM Properties, Inc.