

## RESOLUTION 2016-77

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF ENCINITAS A CERTAIN CITY PROPOSITION, WHICH PROPOSITION RELATES TO THE CITY'S UPDATE OF ITS HOUSING PROGRAM, INCLUDING WITHOUT LIMITATION AN UPDATE OF THE CITY'S GENERAL PLAN HOUSING ELEMENT, AND RELATED AMENDMENTS TO OTHER PORTIONS OF THE CITY'S GENERAL PLAN, SPECIFIC PLANS, ZONING CODE, ZONING MAP, MUNICIPAL CODE, AND LOCAL COASTAL PROGRAM, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 AND DIRECTING PREPARATION OF AN IMPARTIAL ANALYSIS FOR THE CITY PROPOSITION; AND AUTHORIZING ITS MEMBERS TO FILE WRITTEN ARGUMENTS IN FAVOR OF THE CITY PROPOSITION AND PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS BY ITS MEMBERS.**

WHEREAS, the voters of the City of Encinitas passed Proposition A in 2013, requiring certain major land use decisions of the City (as defined in Proposition A, now a part of the City of Encinitas Municipal Code Chapter 30.00) to be approved by a simple majority vote of the voting electorate (voters) of the City of Encinitas at a regular or special election;

WHEREAS, California Elections Code section 9222 provides that "[t]he legislative body of the city may submit to the voters, without a petition therefor, a Proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the Proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly;"

WHEREAS, at a duly noticed public hearing and consistent with controlling law, the City Planning Commission reviewed, considered and recommended to the City Council the adoption of a Proposition that provides an update of the City's housing program, including without limitation an update of the City's General Plan Housing Element, and related amendments to other portions of the City's General Plan, Specific Plans, Zoning Code, Zoning Map, Municipal Code, Local Coastal Program and a related Environmental Assessment/Environmental Impact Report (State Clearinghouse Number 2015041044);

WHEREAS, the City Council is required by controlling law to amend the City's General Plan Housing Element, and related other portions of the City's General Plan and Local Coastal Program polices by Resolution (Resolution No. 2016-52), and the City Council is required by controlling law to amend the Specific Plans, Zoning Code, Zoning Map, Municipal Code and Local Coastal Program implementation program by Ordinance (Ordinance No. 2016-04);

WHEREAS, the Resolution and Ordinance are necessarily intertwined and interdependent on each other to effect the City's Housing Program update proposed by the ballot Proposition this Resolution is addressing (popularly known as "At Home in Encinitas"), Resolution No. 2016-52 and Ordinance No. 2016-04 therefore comprise the integrated entirety

of the single City Proposition (titled "At Home in Encinitas") that this Resolution is submitting to the Registrar of Voters for inclusion on the November 8, 2016 ballot for electorate vote.

WHEREAS, following duly-noticed public hearings and consistent with controlling law, the City Council adopted City Council Resolution No. 2016-52 and City Council Ordinance No. 2016-04 comprising the entirety of the "At Home in Encinitas" Proposition (set forth in full in *Attachment A* to this Resolution), subject to voter approval;

WHEREAS, the City prepared this Housing Program to comply with State law and to address the need to incentivize the production of housing that is more affordable as required by State law and has endeavored to do this in a manner that respects existing community character through a new set of rules and encourages sustainable mixed use places in the City's five communities, all of which resulted from an extensive public engagement process, and furthermore resolves existing lawsuits and maintains local control of Encinitas zoning; and

WHEREAS, consistent with Encinitas Municipal Code Chapter 30.00 and the California Elections Code, the City Council of the City of Encinitas, California, having adopted the above referenced "At Home in Encinitas" Proposition, subject to voter approval, desired to submit the City Proposition to the qualified electors of the City at the general election to be held on Tuesday, November 8, 2016 and therefore did so by adopting Resolution No. 2016-53 on June 22, 2016 and transmitting Resolution No. 2016-53 to the Registrar of Voters for San Diego County; and

WHEREAS, following the City Council adoption of Resolution No. 2016-52 and Ordinance No. 2016-04 comprising the entirety of the "At Home in Encinitas" Proposition, a clerical mistake was found in a map contained within Resolution No. 2016-52 and a similar map in Ordinance No. 2016-04; and

WHEREAS, consistent with controlling law, the City Council ordered the correction of the map mistake in each through the adoption of errata Resolution No. 2016-75 and errata Ordinance No. 2016-06. Such corrected maps, within already adopted City Resolution No. 2016-52 and City Ordinance No. 2016-04, now comprise the integrated entirety of the single City Proposition comprising the entirety of the "At Home in Encinitas" Proposition (set forth in full in *Attachment A* to this Resolution), subject to voter approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, DOES HEREBY FIND, DECLARE, DETERMINE, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. City Council Resolution No. 2016-53 is hereby repealed in its entirety. The City Clerk is hereby authorized and instructed to contact the San Diego County Registrar of Voters and retrieve from said Registrar said City Council Resolution No. 2016-53.

SECTION 2. That City Council Resolution No. 2016-52 and City Council Ordinance No. 2016-04, containing the corrected map in each ordered corrected by errata Resolution No. 2016-75 and errata Ordinance No. 2016-06, comprise the "At Home in Encinitas" Proposition to be submitted to the qualified voters of the City of Encinitas and are attached to this Resolution as

*Attachment A*, which *Attachment A* is hereby incorporated into this Resolution by this reference as if set forth in full in this place. The City Clerk shall maintain a copy of *Attachment A* (comprised of City Council Resolution No. 2016-52 and City Council Ordinance No. 2016-04, containing the corrected map in each ordered by errata Resolution No. 2016-75 and errata Ordinance No. 2016-06), which comprise the integrated entirety of the “At Home in Encinitas” Proposition to be submitted to the voters and shall make the same available for public inspection upon request.

SECTION 3. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Encinitas, California on Tuesday November 8, 2016, a General Municipal Election for the purposes of voting yes or no on the “At Home in Encinitas” Proposition (comprised of City Council Resolution No. 2016-52 and City Council Ordinance No. 2016-04 containing the corrected map in each ordered by errata Resolution No. 2016-75 and errata Ordinance No. 2016-06, set forth in *Attachment A*).

SECTION 4. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall City Council Resolution No. 2016-52 and Ordinance No. 2016-04, which collectively update the City’s General Plan Housing Element, amend related General Plan provisions, and amend Specific Plans, Zoning Code, Zoning Map, Municipal Code, and Local Coastal Program, in an effort to comply with State law, incentivize greater housing affordability, implement rules to protect the character of existing neighborhoods, maintain local control of Encinitas zoning, and resolve existing lawsuits, be adopted?	Y
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SECTION 5. That pursuant to Section 10403 of the Elections Code, the City Council hereby requests the Registrar of Voters of the County of San Diego to consolidate the ballot Proposition with the general election to be conducted on November 8, 2016.

SECTION 6. That the City Council authorizes election expenses to be paid to the County upon presentation of a properly approved bill.

SECTION 7. That the City Clerk is hereby directed to file this Resolution and its *Attachment A* with the Registrar of Voters, the election official of the County of San Diego, on or before August 12, 2016.

SECTION 8. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 10. That in accordance with Elections Code sections 9282 and 9283, arguments for or against the Proposition, not exceeding 300 words in length and signed by no more than five (5) persons, may be submitted to the City Clerk prior to August 22, 2016 at 5:00 p.m. That the City Council authorizes an Ad Hoc City Council Subcommittee, consisting of Deputy Mayor Lisa Shaffer and Council Member Catherine Blakespear to draft a written argument in favor of the Proposition and bring back to the City Council for its affirmation by simple majority vote no later than the regular City Council meeting of August 17, 2016, and once affirmed by the City Council, shall submit a written argument in favor of the Proposition and submit it to the City Clerk no later than August 22, 2016, after which no arguments for or against the Proposition may be submitted to the City Clerk.

SECTION 11. Pursuant to City Council Resolution No. 2013-11 and in accordance with Elections Code section 9285, rebuttal arguments, not exceeding 250 words, may be submitted to the City Clerk prior to August 30, 2016. The Ad Hoc City Council Subcommittee referenced above in Section 9 of this Resolution shall draft the rebuttal argument and bring the rebuttal argument back to the City Council for its affirmation by simple majority vote no later than the regular City Council meeting of August 24, 2016 and once affirmed by the City Council by simple majority vote shall submit the rebuttal argument to the City Clerk prior to August 30, 2016.

SECTION 12. The City Clerk is directed to transmit the "At Home in Encinitas" Proposition to the City Attorney. In accordance with Elections Code section 9280, the City Attorney is directed to file with the City Clerk an impartial analysis of the Proposition, not to exceed 500 words, showing the effect of the Proposition on the existing law and the operation of the Proposition, prior to August 18, 2016 at 5:00 p.m.

SECTION 13. Pursuant to Elections Code section 12111, the City Attorney is hereby directed to prepare a synopsis of the "At Home in Encinitas" Proposition at least one time not later than one week before the election in a newspaper of general circulation in the City. The City Attorney shall adhere to all of the requirements of section 12111 of the Elections Code.

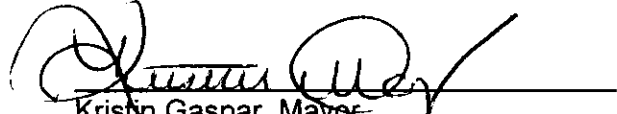
SECTION 14. That the City Clerk shall make available for public inspection the arguments filed for or against the Proposition (including rebuttal argument), as well as the City Attorney's impartial analysis during required inspection periods.

SECTION 15. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 16. That this Resolution shall take effect immediately upon its adoption.

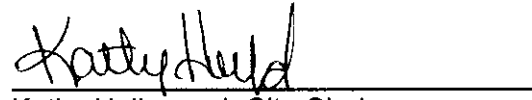
**PASSED AND ADOPTED** this 27<sup>th</sup> day of July, 2016 by the following vote, to wit:

AYES: Blakespear, Gaspar, Kranz, Shaffer.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Muir.



Kristin Gaspar, Mayor  
City of Encinitas

ATTEST:



Kathy Hollywood, City Clerk

**Attachment A**

Resolution No. 2016-52 and  
Ordinance No. 2016-04

See <http://www.athomeinencinitas.info/documents/> for Attachment A documents