

Frequently Asked Questions about the General Plan

Can the General Plan be amended?

Yes. Amendment requests must be reviewed and recommended upon by the Planning Commission, approved by the City Council and in certain cases, must be approved by a citywide public vote. Additionally, the [California Coastal Commission](#) must review and approve land use designation changes within the City's Coastal Zone.

How often can the General Plan be amended?

Generally, the city may not amend the General Plan more than four times in one calendar year (GC §65358(c)). At the same time, the city's Local Coastal Program may not be amended more than three times in any given calendar year (PRC §30514(b)). Because the city's General Plan and the Local Coastal Program is a combined document, the city will "batch" the various amendment requests per calendar year (General Plan Annual Review Cycle), so as to meet these two requirements of state law.

Am I required to apply for a General Plan Amendment (GPA)?

In some cases, the existing zoning and general plan designations may stay in place, but a use permit may be needed in order to use the property in a specific manner, such as a private school, church or congregate care facility in a residential zone. Based on your request, city staff can advise whether an amendment to the General Plan, Zoning Code, and/or Local Coastal Program is required for the specific use that you wish to have on your property. If you wish to change the density or land use of your property and there are no provisions in the Zoning Ordinance for the uses that you are considering for your property, then a General Plan Amendment may be an option. Please consider, however, that submittal of a GPA is not a guarantee of a change to the general plan.

How do I apply for a GPA?

The City Council has an established policy to consider all privately-initiated amendment requests to rezone property on an annual basis (General Plan Annual Review Cycle) provided that the private party bears the costs of analysis and review. Additionally, the requesting party must be the owner of the property under consideration or be authorized by the property owner to make the amendment request.

First, the applicant must submit a "Letter of Intent"—the deadline is June 30th every year. Staff then brings these requests to the City Council for their consideration to either approve or deny the acceptance of the Letter of Intent. This action does not signify either approval or denial of the amendment request but whether to accept the rezone request. A letter of intent requires an application and a filing fee of \$500.

Second, if the Letter of Intent is approved by the City Council for submittal, a formal discretionary application (obtained from the Planning & Building Department) must be submitted, along with the [applicable processing deposit](#) shown below, to the Planning & Building Department by a date certain established by the City Council.

<u>Application</u>	<u>Deposit</u>
General Plan Application (No voter requirement)	\$13,000.00
General Plan Application (Voter requirement)	\$20,000.00

How long does it take to process a General Plan amendment?

Not all amendment requests are the same. Some are simple; others are complicated. However, in the past, most amendment requests averaged about two years to complete at a minimum starting from June 30th with the submittal of the Letter of Intent through completion with Coastal Commission approval. Far more complicated projects will take longer. At the same time, completion of the Citizen Participation Program and the type of CEQA document to be prepared will also affect the length of processing time.

Do I have to notify my neighbors?

While state law requires that all property owners and tenants within 300 feet of the project site be notified (§65091), pursuant to the Encinitas [Citizen Participation Program](#), all property owners and tenants within 500 feet of the project site shall be notified. Interested parties outside of the standard notification area can also be added to the mailing list. City staff reserves the right to expand the notification limits as appropriate, based on property boundaries, topography, number of affected properties, etc.

What happens after I submit my application to Planning Staff?

Staff will review the application to determine whether the application is complete and advise you whether more information is needed. Shortly thereafter, staff begins its analysis by routing the application to city departments and to various agencies, which may provide comments or add conditions to the application. The environmental review of the project also begins at this time. The initial environmental review may result in a Negative Declaration, a document stating that there are no significant environmental impacts associated with the amendment. However, if the initial environmental review determines that there are significant environmental impacts associated with the amendment, an Environmental Impact Report will need to be completed.

Following the completion of staff review and the environmental process, the amendment request will be reviewed by the Planning Commission at a noticed public hearing. The Planning Commission makes a recommendation to the City Council whether the amendment be approved or denied. The City Council, at a noticed public hearing, considers the Planning Commission recommendation and public comments before making a decision on the application.

Is my General Plan amendment request subject to a citywide vote?

All general plan amendments are subject to voter approval unless specifically exempted by the General Plan. The City Council may waive the voter approval requirement if the amendment request is found to meet one of the exceptions presented by Land Use Policy 3.12 noted below. If voter approval is required, then the application will be set for the next election cycle, or a special election can be arranged for the city. If the amendment does not meet one of the exceptions and voter approval is required, the voter approval will need to take place prior to consideration by the California Coastal Commission. The cost of the election is borne by the applicant for the General Plan amendment.

The following Land Use policies describe the type of projects (Land Use Policies 3.7 through 3.10) that would require a citywide vote and those (Land Use Policy 3.12) that are exempt from a citywide vote.

LAND USE POLICY 3.7: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, the allowable maximum density of any property designated for residential use shall not be increased except by the affirmative vote of a majority of those voting in the election approving the proposed increase.

LAND USE POLICY 3.8: 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 uses shall not be redesignated/rezoned to allow residential uses except by the affirmative vote of a majority of those voting in the election approving the proposed change.

LAND USE POLICY 3.9: 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 residential use shall not be redesignated/rezoned to any non-residential use except by the affirmative vote of a majority of those voting in the election approving the proposed change.

LAND USE 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 four or more City Council members based upon a finding that the proposed redesignation/rezoning will not substantially reduce revenues to the City and will not substantially increase traffic burdens on roads and highways.

LAND USE POLICY 3.12: The following may be considered as exceptions to the requirements for voter approval for specified general plan land use map amendments:

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

5. Changes in land use designations when approved by affirmative vote of four or more City Council members, to allow projects that provide a significant public benefit. A "significant public benefit" shall be determined by the City Council.