

PROGRAM 3C: Right to Vote Amendment

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. Proposition A cannot be modified except by another vote of the people or a court order. If a proposed Housing Element does not achieve community support, the current form of Proposition A and the City's General Plan Land Use Element may act as a constraint on the City's ability to comply with state Housing Element law. The City will take actions to ensure that future Housing Elements can be adopted in a timely fashion and that requirements for a vote of the people are modified so that they do not constrain the City's compliance with State law.

Funding:	<ul style="list-style-type: none">• Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none">• Development Services Department
Objectives:	<ul style="list-style-type: none">• Take actions in advance of the next Housing Element due date (April 2021) to ensure that future Housing Elements and implementing actions (i.e., amendments to the Land Use Element, upzoning of sites in connection with the adoption of the Housing Element, upzoning of sites to the extent required by Gov't Code § 65863, and adoption of development standards required to implement a Housing Element) can be adopted in a timely fashion consistent with State law. These actions will include:<ul style="list-style-type: none">• Seek judicial determination that state law preempts portions of Proposition A and any vote requirements in the City's General Plan Land Use Element so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the people.• In the event that a court rules that future votes are required or if a court declines to decide the issue on procedural grounds, submit a ballot measure to the voters to amend Proposition A and the Land Use Element so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the people.• Begin preparation of the next housing element as soon as the City receives its RHNA allocation in early 2019.• Include a significant buffer when adopting the Housing Element to ensure that adequate sites will remain throughout the planning period, and that there will be no need to upzone sites during the planning period to comply with the 'no net loss' statute (Gov't Code § 65863). The Fifth Cycle Housing Element includes a buffer of 31 percent.<ul style="list-style-type: none">• Complete an economic feasibility analysis and amend the City's Inclusionary Housing Ordinance to require that affordable housing be developed on each identified site to the maximum amount that is economically feasible, so that each site is developed at the designated

	<p>income level to the extent feasible.</p> <ul style="list-style-type: none"> • Provide assistance to owners of sites suitable for lower income housing to identify subsidy sources that could support a higher percentage of lower income housing. • In identifying additional candidate sites, if needed: <ul style="list-style-type: none"> • Analyze sites owned by public agencies, including the City, County, and Transit District, and strive to accommodate as much needed development on public sites as is practical. If any appear suitable for lower income housing, develop a schedule and take required steps to ensure that they can be developed within the planning period. • Contact nonprofit developers and property owners to identify sites that are most feasible for actual construction of affordable housing. • Work with property owners who have expressed interest in zoning suitable for lower income housing to identify and remove potential barriers to site development during the planning period.
Timeframe:	<ul style="list-style-type: none"> • File action for declaratory relief within 180 days after adoption of the Fifth Cycle Housing Element. • If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2019, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2020 ballot. • If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to August 2020, or if the March 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on November 2020 ballot. <p>If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2020, or if the November 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2021 ballot.</p> <ul style="list-style-type: none"> • Commence developing the sixth cycle Housing Element in 2019 when the City receives its RHNA allocation to ensure that an adequate housing element may be approved by a simple majority of the City Council prior to April 1, 2021.

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Funding:	<ul style="list-style-type: none">• Development Services Department budget
Responsible Agencies:	<ul style="list-style-type: none">• Development Services Department
Objectives:	<ul style="list-style-type: none">• Take actions in advance of the next Housing Element due date (April 2021) to ensure that future Housing Elements and implementing actions (i.e., amendments to the Land Use Element, upzoning of sites in connection with the adoption of the Housing Element, upzoning of sites to the extent required by Gov't Code § 65863, and adoption of development standards required to implement a Housing Element) can be adopted in a timely fashion consistent with State law. These actions will include:<ul style="list-style-type: none">• Seek judicial determination that state law preempts portions of Proposition A and any vote requirements in the City's General Plan Land Use Element so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the people.• In the event that a court rules that future votes are required or if a court declines to decide the issue on procedural grounds, submit a ballot measure to the voters to amend Proposition A and the Land Use Element so that a simple majority of the City Council may adopt future Housing Elements and implementing actions without requiring a vote of the people.• Begin preparation of the next housing element as soon as the City receives its RHNA allocation in early 2019.• Include a significant buffer when adopting the Housing Element to ensure that adequate sites will remain throughout the planning period, and that there will be no need to upzone sites or seek voter approval for actions during the planning period to comply with the 'no net loss' statute (Gov't Code § 65863). This The Fifth Cycle Housing Element includes a buffer of 31 percent.<ul style="list-style-type: none">• Complete an economic feasibility analysis and amend the City's Inclusionary Housing Ordinance to require that affordable housing be developed on each identified site to the maximum amount that is economically feasible, so that each site is developed at the designated

	<p>income level to the extent feasible.</p> <ul style="list-style-type: none"> • Provide assistance to owners of sites suitable for lower income housing to identify subsidy sources that could support a higher percentage of lower income housing. • Take actions in advance of the next Housing Element due date (April 2021) to ensure that the sixth cycle Housing Element and implementing actions can be adopted in a timely fashion consistent with State law. These actions will include: <ul style="list-style-type: none"> • Begin preparation of the next housing element as soon as the City receives its RHNA allocation in early 2019. Determine if additional sites must be designated for lower income housing and rezoned to a higher density, thus requiring a vote under Proposition A. • If a vote will be required: establish a Housing Element Task Force that includes supporters of Proposition A; conduct a transparent process with frequent public meetings to identify candidate sites; identify the sites most acceptable to the community and compliant with housing element law. • Establish a schedule so that any required vote under Proposition A will be held sufficiently in advance of the Housing Element due date (target of 2020 for the sixth cycle) to ensure that an adequate housing element may be revised and approved by the voters if the initial vote is unsuccessful. • In identifying additional candidate sites, if needed: <ul style="list-style-type: none"> • Analyze sites owned by public agencies, including the City, County, and Transit District, and strive to accommodate as much needed development on public sites as is practical. If any appear suitable for lower income housing, develop a schedule and take required steps to ensure that they can be developed within the planning period. • Contact nonprofit developers and property owners to identify sites that are most feasible for actual construction of affordable housing. • Work with property owners who have expressed interest in zoning suitable for lower income housing to identify and remove potential barriers to site development during the planning period.
Timeframe:	<ul style="list-style-type: none"> • <u>File action for declaratory relief within 180 days after adoption of the Fifth Cycle Housing Element.</u> • <u>If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2019, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2020 ballot.</u> • <u>If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to August 2020, or if the March 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element</u>

	<p><u>appears on November 2020 ballot.</u></p> <p><u>If declaratory relief is decided on the merits in favor of a vote or dismissed on procedural grounds prior to December 2020, or if the November 2020 vote is held but does not pass, file with Registrar of Voters so that ballot measure amending Proposition A and the Land Use Element appears on March 2021 ballot.</u></p> <ul style="list-style-type: none"> • Commence developing the sixth cycle Housing Element in 2019 when the City receives its RHNA allocation.If a vote is required by Proposition A to meet the City's RHNA, target scheduling the vote for 2020. to ensure that an adequate housing element may be revised and approved by <u>a simple majority of the voters</u> <u>City Council</u> prior to April 1, 2021 if the initial vote is unsuccessful.
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