

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



February 14, 2008

**TH 6c**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
GARY CANNON, COASTAL PROGRAM ANALYST, SAN DIEGO COAST DISTRICT**

**SUBJECT: CITY OF ENCINITAS MAJOR LOCAL COASTAL PLAN  
AMENDMENT No. 2-07 (Henry and Buman) (For Commission  
Consideration and Possible Action at the Meeting of March 5-7, 2008)**

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**SYNOPSIS**

The subject LCP land use plan and implementation plan amendment was submitted on November 30, 2007 and filed as complete on January 8, 2008. Therefore, absent the granting of a time extension, the date by which the Commission must act on the amendment is April 18, 2008.

**SUMMARY OF AMENDMENT REQUEST**

The proposed LCP Amendment No. 2-07 involves changes to both the certified Land Use Plan and Implementation Plan by changing the land use and zoning designations of two separate lots within the City of Encinitas. The first site, known as the Henry site, will be redesignated in the Land Use Plan from Ecological Resource/Open Space/Park to Residential 3. In addition, the Implementation Plan (IP) will be amended to change the zoning of the site from Ecological Resource/Open Space/Park (ER/OS/PK) to Residential 3 (R3). The second site, referred to as the Buman site, will be changed within the Land Use Plan as well as on the IP's Zoning Map from Rural Residential 1 (RR1) to Rural Residential 2 (RR2).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the LCP amendment as submitted. The amendment is consistent with Section 30250 of the Coastal Act in that it concentrates development in already developed areas that can accommodate the proposed density and intensity of use. The sites contain existing residential development and do not contain environmentally sensitive habitat areas. The amendment has no potential for adverse effects on sensitive coastal resources. The sites are also not located in any sensitive overlay areas identified in the LCP and no adverse effects on public views from scenic coastal areas or highways

are anticipated. The appropriate resolutions and motions begin on Page 3. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 8.

### **ADDITIONAL INFORMATION**

Further information on the Encinitas LCP Amendment #2-07 may be obtained from Gary Cannon, Coastal Planner, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances). The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits for those areas of the City within the Coastal Zone.

### **B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

#### **Section 30512**

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

However, in those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is

conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

### **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:**     *I move that the Commission certify the Land Use Plan Amendment Number 2-07 for the City of Encinitas as submitted.*

#### **STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

#### **RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment No. 2-07 for the City of Encinitas as submitted and adopts the findings set forth below on grounds that the land use plan, as amended, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

- II. MOTION:**     *I move that the Commission reject the Implementation Program Amendment Number 2-07 for the City of Encinitas as submitted.*

#### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment No. 2-07 for the City of Encinitas certified Local Coastal Program as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with and is adequate to carry out the provisions of the certified land use plan, as amended, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS LAND USE PLAN AMENDMENT #2-07, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The amendment involves changing the land use designation of two separate sites. The first site, known as the Henry site, will be redesignated from Ecological Resource/Open Space/Park to Residential 3. The second site, referred to as the Buman site, will be changed from Rural Residential 1 (1 dwelling unit per acre) to Rural Residential 2 (2 dwelling units per acre). The changes to the Land Use Plan (LUP) consist of revising the certified Land Use Policy Map as depicted on the Old Encinitas Land Use Policy map (LU-67) and the Olivenhain Land Use Policy Map (LU-77) (ref. Exhibits #1-2).

**Henry**

The Henry site is located on the west side of Orpheus Street, between Union St. and Sunset Ave. in the community of Old Encinitas, which is approximately ½ mile from the coast and ¼ mile east of Highway 101. The approximately .26 acre site contains a single-family residence that was constructed in 1953. The project site is located immediately adjacent to Orpheus Park, a small neighborhood facility. Prior to the incorporation of the City in 1986, the Henry site, the Orpheus Park site and residential sites to the south were designated for residential use (R-S-3) by the County of San Diego. The City has indicated that following incorporation, the Henry site was designated ER/OS/PK in error since the property has been in continuous private ownership, was previously designated for residential use by the County and contains a single-family home that was constructed in 1953.

Surrounding uses include single-family residences to the east and south, Orpheus Park to the north and an Elementary School to the west. The properties to the east and west are designated as Residential 3 and the proposed rezoning will bring the Henry site into conformity with the surrounding residential uses.

The amendment would redesignate the site from Ecological Resource/Open Space/Park to Residential 3. The Residential 3 land use designation is intended to provide for single-family detached units with a minimum density of 1-3 units per acre and a minimum 14,500 sq. ft. of lot size. The Henry site is only 11,325 sq. ft. in size. However, since the site was previously designated for residential use prior to City incorporation, has been maintained with residential use since 1953 and is adjacent to residential uses, its redesignation to Residential 3 will be more consistent with surrounding uses than its ER/OP/PK designation. In addition, the proposed change in land use designation will not impact coastal resources since the site is located approximately ½ mile from the shoreline, does not contain sensitive resources and is located in an established residential community.

### **Buman**

The Buman site is located at the end of Colony Terrace off of Manchester Avenue. The site is in the southeast portion of the city approximately 2 miles east of the shoreline near the eastern boundary of the Coastal Zone in the Olivenhain Community of Encinitas. The approximately 1.44 acre parcel is currently improved with a two-story, single-family home and detached garage that were constructed in 1981. The lot is generally flat with grassy and plowed areas, does not contain sensitive habitat and is located near the base of a steep slope that is traversed by Colony Terrace.

The subject site is surrounded by similar residential use on the north, east and south sides. Most of these sites are zoned Rural Residential 2. The residentially zoned properties to the west side of the site (west of Colony Terrace) are undeveloped and contain naturally steep slopes and are zoned Rural Residential 1.

The amendment would redesignate the site from Rural Residential 1 (RR1) to Rural Residential 2 (RR2). The RR1 land use designation is intended for low density single-family detached residential units with a minimum lot size of 1 net acre and a maximum density of 1 unit per net acre for “rural compatibility”. The RR1 designation is typically applied to constrained lands with steep slopes or sensitive habitat such as occurs on the west side of Colony Terrace. The purpose of RR1 designation is “to reduce the potential impacts of future development of sensitive areas in the City that would otherwise be affected by development at greater densities.” (Ref. LU-33). In the case of the subject site, the lot is generally flat and does not contain sensitive habitat such that its land use designation would be more compatible to lower lying, surrounding residential sites to the north, east and south that are designated as RR2.

The subject lot was previously zoned Rural-Residential-2 by the County of San Diego which allows 2 dwellings per acre. Following incorporation of the City and the adoption of its General Plan in 1989, the subject lot, along with the properties to the west, were

rezoned to Rural Residential 1. The City has identified that it is unclear why this particular lot was included within the RR1 designation since its site characteristics are more compatible with the RR2 designation assigned to the residential properties located north, east and south of the subject site. In addition, the proposed change in land use designation will not impact coastal resources since the site is located approximately 2½ miles from the shoreline, does not contain sensitive resources and is located in a comparable rural residential community.

## **B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act

## **C. CHAPTER 3 CONSISTENCY**

The following Coastal Act policies, as summarized, apply to the proposed amendment:

### **Section 30240**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

### **Section 30250.**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. . . .

### **Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. [. . .]

The proposed amendment involves the redesignation of two separate lots, one from Ecological Resource/Open Space/Park to Residential 3 (Henry) and the other from Rural Residential 1 to Rural Residential 2 (Buman). The Henry site is located adjacent to a small City neighborhood park (Orpheus Park) and an established residential neighborhood. Neither the park nor the subject site contain sensitive habitat.

The Buman site is located in a rural section of the City approximately 2 ½ miles east of the shoreline and lies adjacent to the east side of a large undeveloped, steep, naturally vegetated hillside that potentially includes sensitive habitat. The properties to the north, east and south of the Buman site are developed as residential sites and are generally flat, low lying areas devoid of sensitive habitat. The Buman site is currently developed with a two-story single family home and detached garage on a 1.44 acre (62,726 sq. ft.) lot that is generally flat with grassy area and a portion of which has been plowed. Development of homes on the Buman site raises the potential of brush management requirements that extend across Colony Terrace onto naturally vegetated steep slopes that may contain sensitive habitat. However, redesignation of this site from RR1 to RR2 will not result in any brush management in addition to that which could occur today under the existing RR1 zoning.

Redesignation of the site from RR1 to RR2 creates the potential that the lot could be subdivided in the future to create 2 lots since the minimum lot size for RR2 is 21,500 sq. ft. However, whether the lot is subdivided under the RR2 designation or remains undivided under RR1 zoning, the maximum number of homes under either scenario for the subject lot is 2 homes. Therefore, under either land use designation, the potential brush management impacts to the nearby naturally vegetated steep slope area would be the same, i.e., for up to two residential structures. Therefore, the proposed redesignation will not itself result in any adverse impacts to environmentally sensitive habitat that would be inconsistent with Section 30240 of the Act.

The Henry site, which has been in use as a residence since 1953, is surrounded on its south and east sides by residential use (R3), by Orpheus Park to the north and an elementary school to the west. The Buman site is surrounded by rural residential uses. The two lots are located in existing developed areas that can accommodate the proposed change in density and intensity of use. Adequate roads, sewer and other public services currently exist to serve the proposed changes in land use. In each case, the properties are located east of primary coastal access routes for the City of Encinitas and the redesignation in land use will not result in significant changes to traffic such that access to the coast will be unaffected. Therefore, the proposed land use redesignations are consistent with Section 30250 of the Coastal Act.

Neither of the two residential sites are visible from the City's lagoons or beaches or coastal access routes and any development permissible under the proposed designations will be compatible with the existing development in the area. Therefore, the proposed land use redesignations are consistent with Section 30251 of the Coastal Act. In summary, the Commission thus finds the proposed land use changes consistent with Chapter 3.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS  
IMPLEMENTATION PLAN AMENDMENT #2-07, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The amendment involves changing the zoning classification of two separate sites. The Henry site will be rezoned from Ecological Resource/Open Space/Park (ER/OS/PK) to Residential 3 (R-3). In terms of the amendment to the IP, the only change involves a revision to the certified city-wide Zoning Map (Ref Exhibit 4). Similarly, the Buman site will be rezoned from Rural Residential 1 (RR1) to Rural Residential 2 (RR2) and also involves only a revision to the certified city-wide Zoning Map (Ref. Exhibit 5).

**B. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

1) Henry Property Rezone/ Residential 3 (R3)

- a) Purpose and Intent of Ordinance. The R3 zone is intended to provide for single-family detached units with a minimum density of 1-3 units per acre.
- b) Major Provisions of the Ordinance. The R3 zone carries a number of provisions including: a listing of permitted uses, minimum lot areas and dimensions; and, development standards, including setbacks, FAR, landscaping, parking requirements and permitted density.
- c) Adequacy of the Ordinance to Implement the Certified LUP. The proposed rezone of this single property currently zoned Ecological Reserve/Open Space/Park will be consistent with the conditionally certified land use plan designation, as established by this amendment, of Residential 3.

2) Buman Property Rezone/Rural Residential 2 (RR2)

- a) Purpose and Intent of Ordinance. The Rural Residential 2 zone is intended to encourage the development of lower density single-family homes of between 1-2 units per acre in order to maintain the rural character of the existing neighborhood.
- b) Major Provisions of the Ordinance. The Rural Residential 2 zone carries a number of provisions including: a listing of permitted uses, minimum lot areas and dimensions; and, development standards, including setbacks, FAR, landscaping, parking requirements and permitted density.
- c) Adequacy of the Ordinance to Implement the Certified LUP. The proposed rezone of this single property currently zoned Rural Residential 1 to Rural



Residential 2 will be consistent with the conditionally certified land use plan designation, as established by this amendment, of Rural Residential 2.

**PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.9, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, as amended, does conform with CEQA provisions including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b). In this particular case, all of the proposed amendments are being approved as submitted. Thus, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

NOV 1 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

RESOLUTION 2007-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS  
APPROVING AMENDMENTS TO THE GENERAL PLAN,  
LOCAL COASTAL PROGRAM, AND LAND USE POLICY MAP**

**CASE NO. 06-142 GPA/LCPA/ZA – 460 Orpheus Avenue (APN 256-301-06)  
CASE NO. 06-192 GPA/LCPA/ZA – 2102 Colony Terrace (APN 259-192-15)**

**WHEREAS**, the City of Encinitas received applications for General Plan, Local Coastal Plan, and Zoning Code Amendments from Geraldine and Arthur Henry (00-203 GPA/LCPA) for 460 Orpheus Avenue (APN 256-301-06); and Treasure and Donald Buman (06-192 GPA/LCPA) for 2102 Colony Terrace (APN 259-192-15); and

**WHEREAS**, the City of Encinitas determined that each amendment request is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) which states *"where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"* since both project sites are already improved with a single family home; and

**WHEREAS**, on June 21, 2007, the City of Encinitas Planning Commission held a duly noticed public hearing, to consider the staff reports, the exemptions from CEQA review, all attachments and public testimony, and recommended approval of these two applications to the City Council; and


**WHEREAS**, on August 15, 2007, the City of Encinitas held a duly noticed public hearing, to consider the staff reports, the exemptions from CEQA review, all attachments and received public testimony, and concurred with the City of Encinitas Planning Commission and staff recommendation to approve these two applications and exempt them from CEQA review; and

**WHEREAS**, on August 15, 2007, pursuant to Land Use Element Policy 3.12.2, the City Council voted unanimously to make the finding that the Orpheus site is exempt from voter approval because the proposed change is to correct a "mapping error"; and

**WHEREAS**, on August 15, 2007, pursuant to Land Use Element 3.12.4(c), the City Council voted unanimously to make the finding that Colony Terrace site is exempt from voter approval because the proposed change is a "minor" change within land use class; and

**WHEREAS**, at the close of said hearings, the City of Encinitas City Council directed staff to prepare amendments to said exhibits, maps and policies of the General Plan; and

**WHEREAS**, on October 10, 2007, the City Council, upon recommendation from the Planning Commission, hereby approves the General Plan Amendment and Local Coastal Program Amendment requests and exempts the projects from CEQA based on the following findings:

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|---|
| EXHIBIT NO. 1   |
| APPLICATION NO.   |
| <b>Encinitas LCPA</b>   |
| <b>2-07</b>   |
| City Resolution   |
| Page 1 of 2   |
|  California Coastal Commission |

**SEE EXHIBIT "A-1"**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Encinitas, as follows:

1. Text, tables, and figures of the City of Encinitas General Plan are amended as follows:

**SEE EXHIBIT "A-2"**

2. That the amendments to the General Plan and Local Coastal Land Use Plan are intended to be carried out in a manner fully in conformance with the California Coastal Act of 1976;
3. Pursuant to the California Environmental Quality Act (CEQA), the City Council of the City of Encinitas has reviewed the proposed applications and has exempted them from CEQA;
4. That the Planning and Building Director is hereby authorized to submit the General Plan and Local Coastal Program Land Use Plan amendments to the California Coastal Commission, and said amendments shall not become effective until after adoption by the California Coastal Commission; and
5. The Planning and Building Director and the City Clerk are hereby directed to make all said amendments to the General Plan, if and when the General Plan and Local Coastal Program Land Use Plan Amendment becomes effective; to distribute these to City officers and departments, and agencies as required by law; and to maintain documents accordingly. All documents related to this amendment, including the environmental findings, Negative Declaration, notices, analyses, reports and recommendations, shall be kept on file in the offices of the City of Encinitas.

**PASSED AND ADOPTED** this 10th day of October, 2007, by the following vote, to wit:

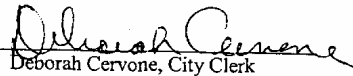
**AYES:** Barth, Bond, Dalager, Houlihan, Stocks.

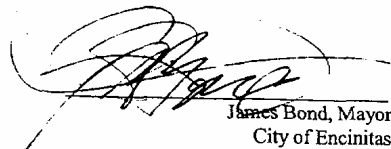
**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**ATTEST:**

  
Deborah Cervone, City Clerk

  
James Bond, Mayor  
City of Encinitas

**RECEIVED**

NOV 8 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**ORDINANCE 2007-08**

**AN ORDINANCE OF THE CITY OF ENCINITAS, CALIFORNIA, AMENDING  
THE ZONING MAP OF THE CITY OF ENCINITAS TO REFLECT THE CHANGES  
MADE WITH THE APPROVAL OF CASE NOS. 06-142 GPA/LCPA/ZA,  
AND 06-192 GPA/LCPA AS PART OF  
THE 2006-2007 GENERAL PLAN REVIEW PROCESS**

The City Council of the City of Encinitas, California does ordain as follows:

**SECTION ONE:**

Case Nos. 06-142 GPA/LCPA/ZA and 06-192 GPA/LCPA/ZA are exempt from the requirements of the California Environmental Quality Act with the adoption of City Council Resolution No. 2007-34.

**SECTION TWO:**

The Zoning Map of the City of Encinitas is hereby amended to reflect the following:

1. Zoning change of County Assessor's Parcel Number 256-301-06 (420 Orpheus Avenue) from Ecological Resource/Open Space/Park (ER/OS/PK) to Residential 3 (R-3), as shown on Exhibit "B-1" attached hereto.
2. Zoning change of County Assessor's Parcel Number 259-192-15 (2102 Colony Terrace) from Rural Residential 1 (RR-1) to Rural Residential 2 (RR-2), as shown on Exhibit "B-2" attached hereto.

**SECTION THREE:**


The above changes are necessary to provide consistency with the effective Land Use Element of the Encinitas General Plan and Local Coastal Program, as amended by City Council Resolution No. 2007-34.

**SECTION FOUR:**

Pursuant to California Government Code Section 65863.6, the above changes will not affect the City's development potential of affordable housing or special needs housing for target lower-income or special-needs households, or impair the ability to address regional housing needs, as identified in the adopted Housing Element of the City of Encinitas General Plan.

**SECTION FIVE:**

This ordinance was introduced on October 10, 2007.

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|---|
| EXHIBIT NO. 2   |
| APPLICATION NO.   |
| <b>Encinitas LCPA</b>   |
| <b>2-07</b>   |
| City Ordinance  |
| Page 1 of 6   |
|  California Coastal Commission |

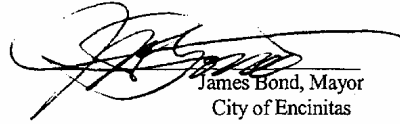
**PASSED AND ADOPTED** this 14th day of November, 2007, by the following vote,  
to wit:

**AYES:** Barth, Bond, Dalager, Houlihan, Stocks.

**NAYS:** None.

**ABSENT:** None.

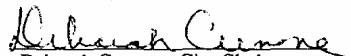
**ABSTAIN:** None.



James Bond, Mayor  
City of Encinitas

**ATTESTATION AND CERTIFICATION:**

I hereby certify that this is a true and correct copy of Ordinance 2007-08 which has been  
published pursuant to law.

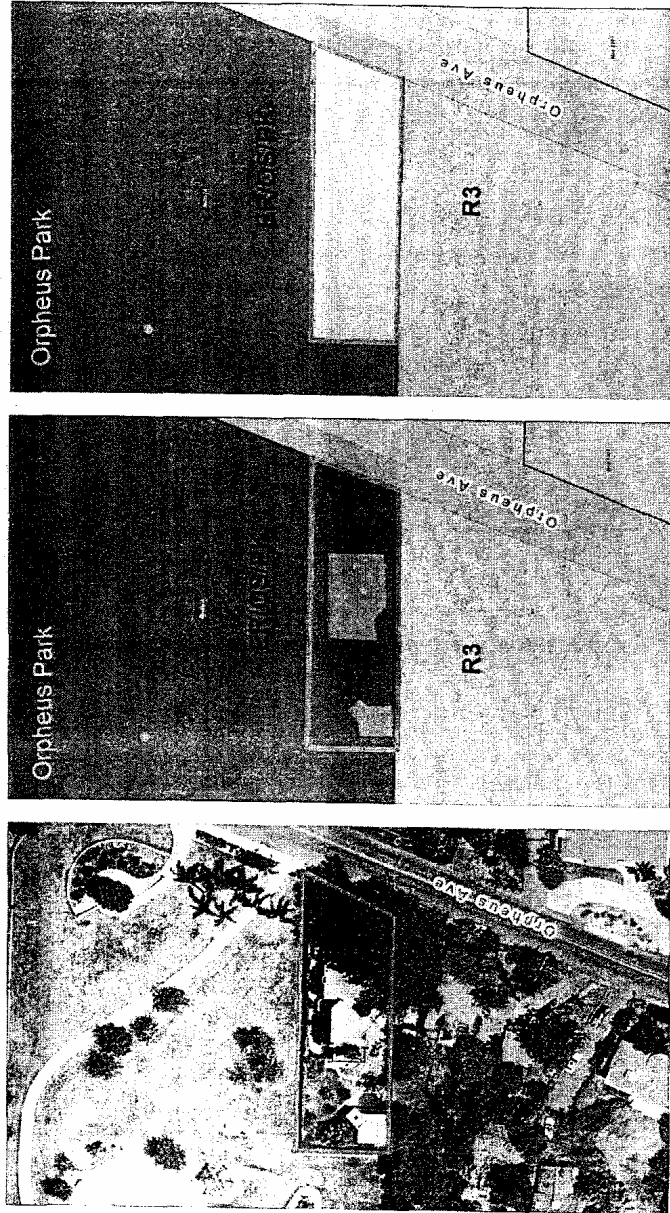


Deborah Cervone, City Clerk

**EXHIBIT "B-1"**

**06-142 GPA/LCPA/ZA**

Zoning change of County Assessor's Parcel Number  
256-301-06 (420 Orpheus Avenue) from  
Ecological Resource/Open Space/Park (ER/OS/PK) to  
Residential 3 (R-3)



Aerial of Existing Conditions

Existing GP Land Use and Zoning:  
Ecological Resource/Open Space/Park  
(ER/OS/PK)

Proposed GP Land Use: Residential 3 (R3)  
Proposed Zoning Class: Residential 3 (R3)

Zoning/Vicinity Map - 06-142 (City of Encinitas)  
460 Orpheus Avenue (APN 256-301-06)  
0.26 acres (11,328 SF)

NOTES:  
1. This map is intended to be used for Engineering, Planning, and other purposes only.  
2. The City of Encinitas is not responsible for the accuracy of the information on this map.  
3. The City of Encinitas is not responsible for the accuracy of the information on this map.  
4. The City of Encinitas is not responsible for the accuracy of the information on this map.

Map Coordinates: NAD83 UTM Zone 11N  
Projection: UTM  
Datum: NAD83  
Units: Feet  
Scale: 1 inch equals 25 feet

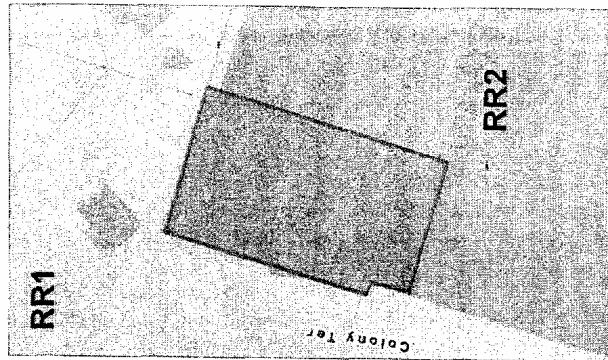
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1 inch equals 25 feet

**EXHIBIT "B-2"**

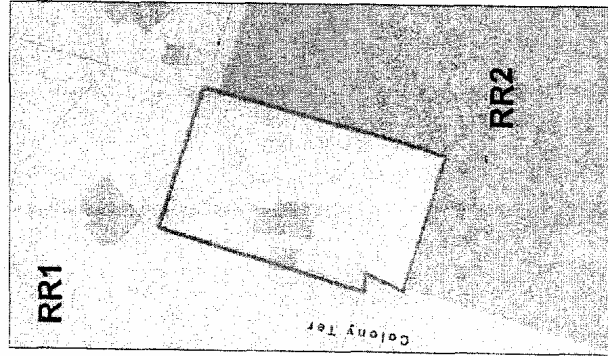
**02-190 GPA/LCPA/SPA/ZA/EIA**

Zoning change of County Assessor's Parcel  
Number 259-192-15 (2102 Colony Terrace)  
from Rural Residential 1 (RR-1) to  
Rural Residential 2 (RR-2).

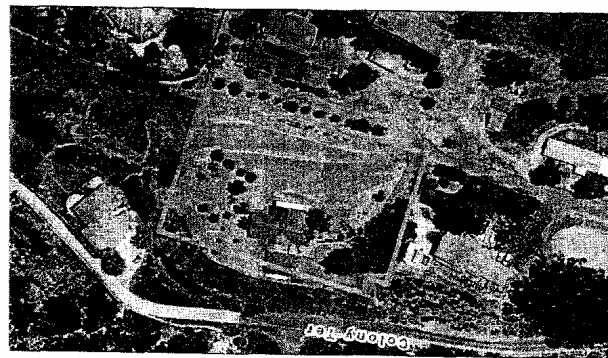




**Proposed GP Land Use and Zoning:  
Rural Residential 2 (RR2)**



**Existing GP Land Use and Zoning:  
Rural Residential 1 (RR1)**



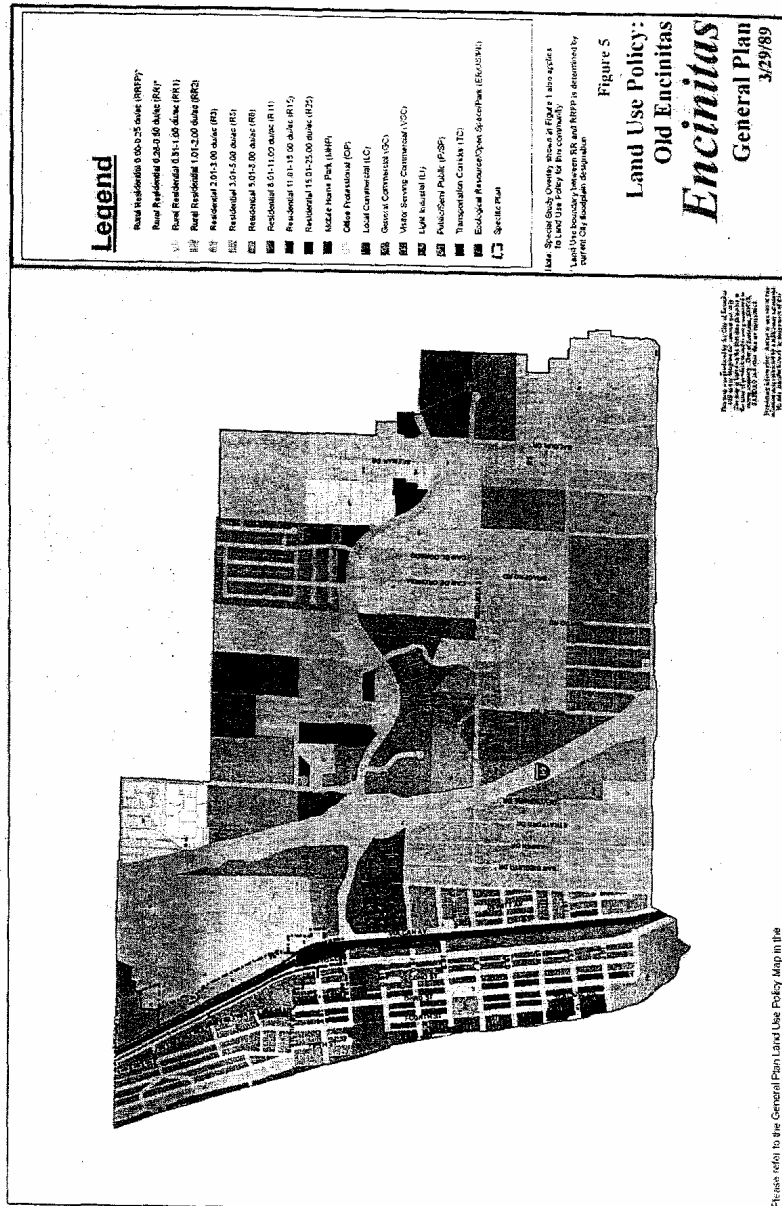
**Aerial of Existing Conditions**

**Zoning/Vicinity Map - 06-192 GPA (Ruman)**  
2102 Colony Terrace (APN 259-192-15)  
1.44 acres (62,728 SF)

**DISCLAIMER**  
This map should not be used for engineering, surveying, or site-specific analysis. It is intended for informational purposes only. The City of Encinitas is not responsible for any errors or omissions on this map. The City of Encinitas is not responsible for any errors or omissions on this map.

**Scale**  
1 inch equals 43 feet

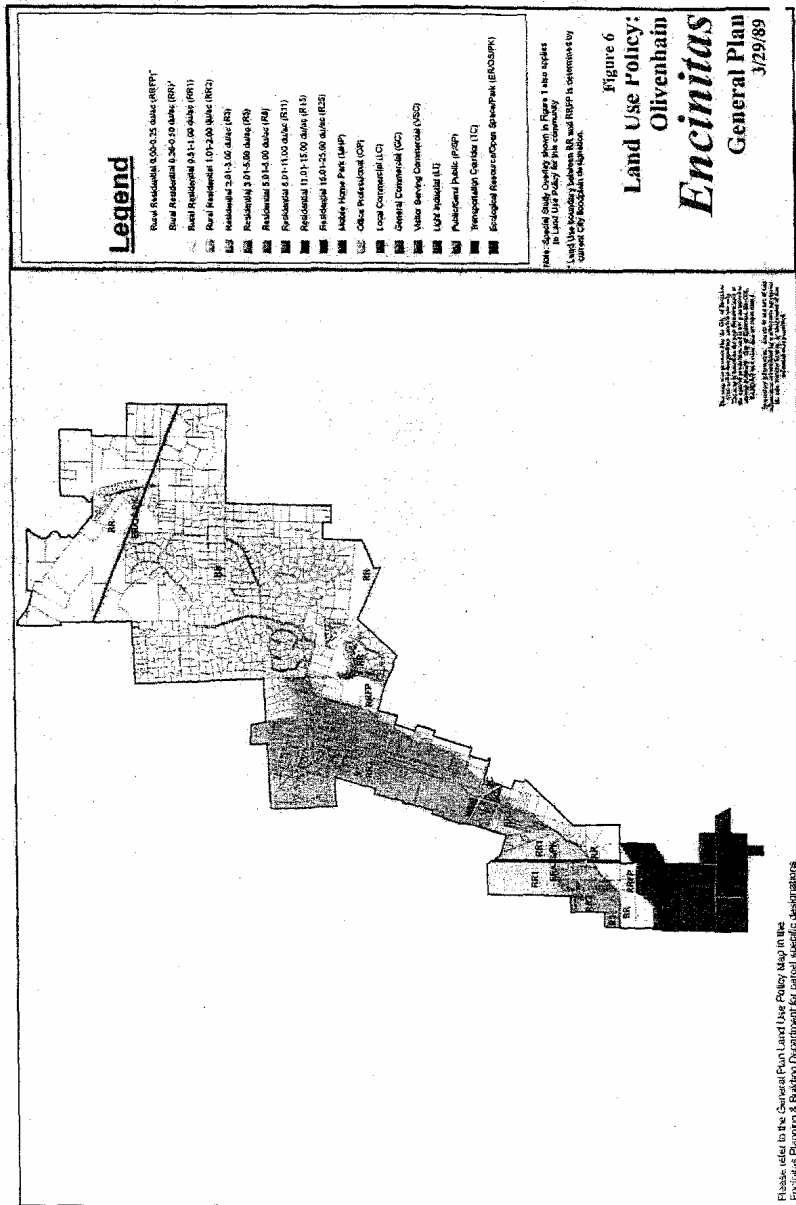
**Legend**  
Proposed GP Land Use and Zoning  
Existing GP Land Use and Zoning  
Aerial of Existing Conditions



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EXHIBIT NO. 3  
APPLICATION NO.  
**Encinitas LCPA**  
**2-07**  
Land Use Policy Map  
Old Encinitas

California Coastal Commission



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EXHIBIT NO. 4  
APPLICATION NO.  
**Encinitas LCPA  
2-07**  
Land Use Policy Map  
Olivenhain

California Coastal Commission