

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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November 20, 2012

W12a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: CHARLES LESTER, EXECUTIVE DIRECTOR****SUBJECT: CITY OF ENCINITAS DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. ENC-DM-1-12 (Off-Street Parking Development Standards)
FOR COMMISSION REVIEW AT ITS MEETING OF December 12-14, 2012**

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

On October 15, 2012, the City of Encinitas' LCP Amendment No. 1-12 was filed in the San Diego District Office. The amendment involves revisions to one section of the certified Municipal Code which addresses the design of off-street parking areas. Specifically, Section 30.54.040/Off-Street Parking Development Standards of the code would be amended to make the City Council, rather than the Planning Commission, the decisionmaking body to adopt and revise the Off-street Parking Design Manual and to also incorporate the Manual by reference into the municipal code. The proposed amendment only involves changes to the certified LCP Implementation Plan which is largely comprised of the City's Municipal Code and this amendment would be effective citywide. Public notice of the proposed amendment was provided consistent with the Commission's regulations.

DISCUSSION

As part of the original certification of the City's LCP, the Off-street Parking Design Manual was adopted as one component of the City's Implementation Plan. The Design Manual establishes the standards for the dimensions of parking spaces, configuration of spaces, surfacing, driveway design and other design criteria for the configuration and layout of off-street parking facilities. The Manual does not establish required parking ratios for various uses; those provisions are found in another section of the Municipal Code that is not being amended herein.

During some local hearings on a number of neighborhood issues, questions arose about the lack of adherence to the City's parking design standards. As part of the City's review and response, it was identified by the City Attorney that designating the City Council, rather than the Planning Commission, as the decisionmaking body for adoption and amendments to the Design Manual would improve its enforceability, especially if a matter eventually resulted in litigation. Therefore, the subject amendment both recognizes the City Council as the decisionmaking body for the Design Manual, based on recommendations from the Planning Commission, and it specifically incorporates the Manual by reference into the Municipal Code. No changes are being proposed to the actual standards or the Design Manual at this time. As such, this amendment is procedural in nature; there is no proposed change in land use or revisions to any parking ratios or standards that could potentially affect coastal resources.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 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 21080.5, 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, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the City of Encinitas LCP amendment No. 1-12 is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal

resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION: *I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.*

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

ORDINANCE 2012-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING SECTION 30.54.040 (OFF-STREET
PARKING DEVELOPMENT STANDARDS) OF THE MUNICIPAL CODE.
CASE NUMBER: 11-205 ZCA/LCPA**

WHEREAS, Section 30 54 050 of the Municipal Code references the Offstreet Parking Design Manual, which establishes standards for dimensions, configuration, surfacing and other design parameters for parking spaces and parking areas and may be amended as necessary by the Planning Commission, and

WHEREAS, the City desires to strengthen and ensure the enforcement of the provisions of the manual; and

WHEREAS, the revisions to Section 30.54.040 set forth herein would make the City Council the authorized body to adopt the Offstreet Parking Design Manual, which would strengthen the enforcement capability of the City relative to the provisions of the Manual, and

WHEREAS, the amendment is consistent with the adopted Local Coastal Program in that the amendment is only an administrative change to increase enforcement capability, no changes are proposed to the provisions of the Manual, and the Manual would continue to be utilized and enforced as an element of the Municipal Code in the same manner as it has been previously; and

WHEREAS, no other General Plan or Local Coastal Program policies were found to be in conflict with this amendment; and

WHEREAS, the Planning Commission conducted a Public Hearing and considered public testimony and made a recommendation to the City Council to approve the amendment on March 15, 2012

NOW, THEREFORE, the City Council of the City of Encinitas hereby ordains as follows

SECTION ONE:

Section 30 54 040 (Off-Street Parking Development Standards) of the Municipal Code is hereby amended as follows:

30.54.040 Off-Street Parking Development Standards. With recommendation by the Planning Commission, the City Council may by resolution adopt a City Offstreet Parking Design Manual to establish standards for the dimensions of parking spaces, configuration of spaces, surfacing, driveway design, and other parking area design criteria. Upon adoption by the City Council, the contents of the Manual shall be incorporated herein by reference and become requirements of this Chapter

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SECTION TWO:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment, that the proposed amendment to the Municipal Code is not a project as per Section 15378(b)(5) of the California Environmental Quality Act Guidelines, which states that "project" does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

SECTION THREE:

This ordinance was introduced on May 9, 2012

SECTION FOUR:

PUBLIC NOTICE AND EFFECTIVE DATE. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five 5 days prior to consideration of its adoption and again within fifteen 15 days following adoption indicating the votes cast. This ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas

PASSED AND ADOPTED this 20th day of June, 2012 by the following vote to wit:

AYES: Barth, Bond, Gaspar, Muir, Stocks.

NAYS: None

ABSTAIN: None.

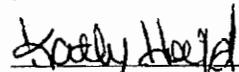
ABSENT: None

Signature on File

Jerome Stocks, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No 2012-08 which has been published pursuant to law


Kathy Hollywood, City Clerk

Current text:

30.54.040 Off-Street Parking Development Standards. The City Parking Design Manual establishes standards for the dimensions of parking spaces, configuration of spaces, surfacing, driveway design, and other parking area design criteria. The criteria contained within the Design Manual may be amended as necessary by the Planning Commission.

Proposed text:

(strike-out/underline version)

30.54.040 Off-Street Parking Development Standards. With recommendation by the Planning Commission, the City Council may by resolution adopt a ~~The City Off-street~~ Parking Design Manual to establishes standards for the dimensions of parking spaces, configuration of spaces, surfacing, driveway design, and other parking area design criteria. Upon adoption by the City Council, the contents of the Manual shall be a incorporated herein by reference and become requirements of this Chapter. ~~The criteria contained within the Design Manual may be amended as necessary by the Planning Commission.~~

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amendment text