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State of California

California Coastal Commission
San Diego District

F3a

M E M O R A N D U M

December 12, 1995

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Encinitas' actions, certifying Local Coastal Program Amendment #1-95 (GPAs and Zoning Code Revisions), are adequate to effectively certify the local coastal program amendment (for Commission review at its meeting of January 9-12, 1996)

BACKGROUND

At its October 10, 1995 meeting, the Coastal Commission certified, with suggested modifications, the City of Encinitas Local Coastal Program Amendment #1-95 pertaining to various GPAs and Zoning Code revisions. By their action, adopting Resolution #95-112 on December 6, 1995, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications pertain to commercial and private stable uses and address potential non-point source pollution concerns.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Encinitas is legally sufficient to finalize Commission review of the LCP Amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(0765A)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



January 15, 1996

Honorable James Bond, Mayor
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

RE: Certification of the City of Encinitas' Local Coastal Program Amendment
#1-95/GPAs and Zoning Code revisions.

Dear Mayor Bond:

The California Coastal Commission has reviewed the City's Resolution #95-112, together with the Commission's action of October 10, 1995, certifying City of Encinitas Local Coastal Program Amendment #1-95 pertaining to various GPAs and Zoning Code revisions. In accordance with Section 13544 of the Commission's Code of Regulation, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of January 9-12, 1996.

By its action on December 6, 1995, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The City is issuing coastal development permits in conformance with the certified local coastal program, as amended.

In conclusion, I would like to extend our sincere congratulations for a job well done to you and all other elected or appointed officials, staff and concerned citizens. We remain available to assist you and your staff in any way possible as you continue to implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

(0769A)

RESOLUTION 95-112

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS
APPROVING A MUNICIPAL CODE AMENDMENT TO CHAPTER 30.04, "CHAPTER
DEFINITIONS", CHAPTER 30.09 "ZONING USE MATRIX", AND CHAPTER 30.55 "ANIMAL
REGULATIONS", AS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION IN ITS
APPROVAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. 1-95-B
(CASE NO. 95-002 ZOA)**

WHEREAS, on October 10, 1995, the California Coastal Commission approved an amendment to the City's Local Coastal Program (Encinitas LCPA 1-95-B) with suggested modifications; and

WHEREAS, on November 13, 1995, the City of Encinitas Planning Commission held a public hearing for application no. 95-002 ZOA to review and consider modifications to the City's Municipal Code as required by the California Coastal Commission in its approval of the City's Local Coastal Program Amendment LCPA 1-95-B; and

WHEREAS, the City Council, upon recommendation from the Planning Commission, makes the following findings:


SEE ATTACHMENT "A"

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

1. That the Municipal Code is intended to be carried out in a manner fully in conformance with the California Coastal Act of 1976;
2. That the Community Development Director is hereby authorized to submit the Municipal Code Amendment application to the Executive Director of the California Coastal Commission;
3. That the Municipal Code amendment to Chapter 30.04, 30.09, and 30.55, as shown in Attachment "B" to this Resolution, is hereby approved, and shall not become effective unless and until City of Encinitas Ordinance No. 95-20 becomes effective.

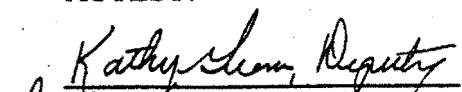
PASSED AND ADOPTED this 6th day of December, 1995, by the following vote, to wit:

AYES:	Aspell, Bond, Davis, DuVivier, Hano
NAYS:	None.
ABSENT:	None.
ABSTAIN:	None.



Mayor of the
City of Encinitas

ATTEST:



Deborah Cervone, City Clerk

ATTACHMENT "A"

RESOLUTION 95-112

**FINDINGS FOR APPROVAL OF A RESOLUTION OF THE CITY COUNCIL
THE CITY OF ENCINITAS APPROVING A MUNICIPAL CODE AMENDMENT TO
CHAPTER 30.04, "CHAPTER DEFINITIONS", CHAPTER 30.09 "ZONING USE MATRIX",
CHAPTER 30.55 "ANIMAL REGULATIONS", AS REQUIRED BY THE CALIFORNIA
COASTAL COMMISSION IN ITS APPROVAL OF LOCAL COASTAL PROGRAM
AMENDMENT NO. 1-95-B
(CASE NO. 95-002 ZOA)**

Findings for the amendment to the Municipal Code:

That the proposed amendment is consistent with the purposes of the Municipal Code, including the Zoning Regulations, and the Local Coastal Program Implementation Plan.

Facts: Pursuant to Municipal Code Section 30.01.010, the purpose of the Zoning Regulations is to regulate the use of real property and the buildings, structures and improvements located thereon so as to protect, promote and enhance the public safety, health and welfare. The Zoning Regulations are adopted pursuant to, and to implement the provisions and carry out the objectives of the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP).

Discussion: The proposed Amendment, Case No. 95-002 ZOA, as required by the California Coastal Commission, is being proposed to provide consistency and clarification of provisions related to implementation of the City's Local Coastal Program. The proposed amendment is intended to ensure proper implementation of the provisions and objectives of the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP) by ensuring that the appropriate types of stables will be located in the proper land use zones.

Conclusion: The City Council finds that the proposed Zoning Ordinance Amendment is consistent with the purposes of the Zoning Regulations and Local Coastal Program Implementation Plan.

That the proposed amendments are consistent with the City of Encinitas General Plan and the approved Local Coastal Program Land Use Plan.

Facts: The Zoning Regulations are adopted pursuant to, and to implement the provisions and carry out the objectives of the Encinitas General Plan and Local Coastal Program Land Use Plan (LUP). The proposed amendments are intended to ensure consistency with the General Plan and Local Coastal Program Land Use Plan (LUP), as well as facilitate proper implementation of the policies and provisions of the General Plan and Local Coastal Program Land Use Plan (LUP).

Discussion: The proposed amendment, as required by the California Coastal Commission, is being proposed to provide consistency with the General Plan and Local Coastal Program Land Use Plan (LUP) and to enable proper implementation of the policies and provisions set forth in the City's certified Local Coastal Program. The proposed amendment modifies language in Municipal Code Chapters 30.04 "Chapter Definitions", Chapter 30.09 "Zoning Use Matrix",

and Chapter 30.55 "Animal Regulations". The amended language will ensure consistency with the General Plan and Local Coastal Program Land Use Plan policies which serve to guide development within the coastal zone. The amended language also clarifies the City Council's previous action (Ordinance No. 95-03) relative to this matter.

Conclusion: The City Council finds that the proposed amendment to the Municipal Code is consistent with the City of Encinitas General Plan and the approved Local Coastal Program Land Use Plan.

ATTACHMENT "B"

Amendments to Municipal Code Provisions Relative to Stables

Municipal Code Chapter 30.04, "Chapter Definitions", relative to stables, shall be amended to read as follows:

~~BOARDING AND BREEDING STABLE~~ shall mean a stable used for the boarding, breeding or raising of horses, including horses not owned by the occupants of the premises.

~~STABLE, BOARDING OR BREEDING~~ shall mean facilities for the keeping of horses not in excess of the numbers permitted by Section 30.55, whether or not owned and used by the occupant of the property, without the auxiliary facilities normally associated with a public stable.

~~STABLE, COMMERCIAL~~ shall mean equestrian facilities such as, but not limited to, riding academies, riding rings, or training areas for horses, mules, donkeys or ponies which are rented, shown, used or boarded on a commercial basis for compensation. Accessory uses such as tack shops, on-site sale of food for people and animals, or similar uses may be permitted. Minimum lot size of ten (10) acres is required, or as otherwise approved through the planning process. A Major Conditional Use Permit is required for this use to regulate, among other concerns, traffic, accessory uses, the number of animals allowed per site, the management of animal waste to prevent discharges of sediments, nutrients and contaminants to streams, wetlands, estuaries, lakes and groundwater, business hours and the number of events per year.

~~STABLE, PRIVATE~~ shall mean facilities for the keeping of horses, mules, donkeys or ponies for the use of the owners or lessees of the property and owners of the boarded animals. Private use exceeding that number of animals permitted pursuant to Municipal Code Chapter 30.55 will require a Minor Use Permit, to regulate, among other concerns, the management of animal waste to prevent discharges of sediments, nutrients and contaminants to streams, wetlands, estuaries, lakes and groundwater.

~~STABLE, PUBLIC~~ shall mean a stable for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

Municipal Code Chapter 30.09, "Use Matrix", relative to stables, shall be amended to read as follows (uses within matrix are arranged alphabetically and will be re-numbered as needed)†:

USE	ZONES														
	RR RR-1 RR-2	RS-11 R-3 R-5 R-8	R-11 R-15	R-20 R-25	MHP	OP	LC	GC	VSC	LI	BP	P/SP	ER/ OS	L-LC	L-VSC
116. See Stables, 167a & 167b															
.															
.															
167. Horses, Raising (see also Stable, Commercial & Stable, Private)	P*	X	X	X	X	X	X	X	X	X	X	C	X	X	X
.															
.															
167a. (304.) Stable, Commercial	C	X	X	X	X	X	X	X	X	X	X	C	C**	X	X
167b. (305.) Stable, Private	P*	X	X	X	X	X	X	X	X	X	X	X	X	X	X

P=Permitted by Right

C=Conditional Use Permit Required (major)

Cm=Conditional Use Permit Required (minor)

X=Prohibited

*See Animal regulations (Chap. 30.55)

**Not permitted within coastal zone ecological resource areas

Municipal Code Chapter 30.55, "Animal Regulations", Activity Matrix relative to stables shall be amended to read, in part, as follows†:

ACTIVITY	ZONE RR	ZONE RR-1	ZONE RR-2	ZONE R-3	ZONE R-5	ZONE R-8	ZONE RS-11	P/SP	ER/OS
1. Stable, Commercial (see definition)	C	C	X	X	X	X	X	C	C
2. Stable, Private (see definition)	P	P	P	X	X	X	X	X	X

† [Deleted text is struck-out, and new language is underlined]