

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

RECORD PACKET COPY



Wed 5a

DATE: September 18, 1997

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 No. 1-97, approved with suggested modifications, are legally adequate (for Commission review at its meeting of October 7-10, 1997)

BACKGROUND

At its August 13, 1997 meeting, the California Coastal Commission certified, with suggested modifications, the City of Encinitas Local Coastal Program Amendment No. 1-97. The amendment revises both the certified Land Use Plan and Implementing Ordinances. The primary component of the amendment involves the adoption of the North Highway 101 Corridor Specific Plan as the implementing document for the North Highway 101 corridor. Relative to LUP revisions, the amendment changes the land use designation in 15 specific areas to reflect zoning changes planned in the specific plan to assure consistency between the two documents. At the time of the hearing, the Commission adopted suggested modifications to assure lower cost visitor accommodations are protected and not further reduced by requiring hotels and motels be included as permitted uses (subject to major use permit approval) in all commercial zoned area except for one.

By their action adopting Resolution No. 97-70 on September 17, 1997, the City Council acknowledged and accepted all of the Commission's suggested modifications. As provided for in Section 13544 of the California 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 California 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).

(1928A)

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RESOLUTION NO. 97-70

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ENCINITAS APPROVING MODIFICATIONS
TO THE NORTH 101 CORRIDOR SPECIFIC PLAN
AS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION'S APPROVAL
OF THE NORTH 101 CORRIDOR SPECIFIC PLAN
LOCAL COASTAL PROGRAM AMENDMENT.
(CASE NO. 89-254 SP/GPA/LCPA/ZOA)**

WHEREAS, on May 11, 1995, the City of Encinitas' Local Coastal Program was formally certified by the California Coastal Commission and the City began issuing coastal development permits for those coastal zone areas within the City; and

WHEREAS, on April 2, 1997, the Planning Commission held a public hearing and on April 23, 1997, the City Council held a public hearing to review, consider and approve the North 101 Corridor Specific Plan, and on May 21, 1997, the City Council passed Ordinance No. 97-13, adopting the North 101 Corridor Specific Plan (89-254 SP/GPA/LCPA/ZOA); and

WHEREAS, on August 13, 1997, the California Coastal Commission approved the North 101 Corridor Specific Plan Local Coastal Program Amendment with suggested modifications; and

WHEREAS, the suggested modifications have been determined to be within the scope of the previously certified EIR and Addendum adopted for the North 101 Corridor Specific Plan (Resolution 94-02 and 97-24) and no new environmental documentation is required for the purposes of CEQA; and

WHEREAS, on September 11, 1997 the Planning Commission held a public hearing to review and consider the suggested modifications to the North 101 Corridor Specific Plan as required by the California Coastal Commission in their approval of the North 101 Corridor Specific Plan; and

WHEREAS, on September 17, 1997, the City Council, upon recommendation from the Planning Commission, hereby approves the modifications to the North 101 Corridor Specific Plan as required by the California Coastal Commission in their approval of the North 101 Corridor Specific Plan based on the following findings:

SEE ATTACHMENT "1"

ATTACHMENT "1"

(RESOLUTION 97-70)

**FINDINGS FOR APPROVAL OF RESOLUTION 97-70
OF THE CITY COUNCIL OF THE CITY OF ENCINITAS
APPROVING MODIFICATIONS TO THE NORTH 101 CORRIDOR SPECIFIC PLAN
AS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION'S
APPROVAL OF THE NORTH 101 CORRIDOR SPECIFIC PLAN
LOCAL COASTAL PROGRAM AMENDMENT.
(CASE NO. 89-254 SP/GPA/LCPA/ZOA)**

Findings for the North 101 Corridor Specific Plan Amendment:

- a. That the proposed amendment is consistent with the purposes of the Land Use Plan of the North 101 Corridor Specific Plan, the Encinitas General Plan and the approved Local Coastal Program Land Use Plan.

Facts: The preparation of the North 101 Corridor Specific Plan is called for by the City of Encinitas General Plan and Local Coastal Program Land Use Plan in recognition of the North 101 Corridor area's unique character, needs and opportunities.

The purpose of the Specific Plan is to address the unique aspects, problems, and opportunities of the North 101 Corridor area; to maintain it's unique identity, community character and scale, while fostering rehabilitation and successful economic restructuring. The North 101 Corridor Specific Plan was 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.

Discussion: The proposed amendment, as required by the California Coastal Commission, relates to the allowance of hotel and motel uses in the Commercial Mixed 1 (N-CM-1), Commercial Mixed 2 (N-CM-2) and Commercial Residential Mixed 1 (N-CRM-1) zones with the approval of a Major Use Permit. The proposed modifications will allow for the continuation of hotels and motels as conditionally permitted uses to provide for high priority, visitor-serving uses and to assure the protection of existing lower cost visitor accommodations. With the proposed changes, the North 101 Corridor Specific Plan can be found acceptable in that lower cost, visitor-serving facilities will be protected and facilities and amenities to support the public's ability to visit and recreate on the coast will not be adversely affected.

Conclusion: The City Council finds that the proposed amendment is consistent with the purposes of the Land Use Plan of the North 101 Corridor Specific Plan, the Encinitas General Plan and the Local Coastal Program Land Use Plan.

ATTACHMENT "2"

(RESOLUTION 97-70)

Proposed North 101 Corridor Specific Plan Modifications