

**CALIFORNIA COASTAL COMMISSION**

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

RECORD PACKET COPY  
Fri 3a



January 15, 1998

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: CHUCK DAMM, SENIOR DEPUTY DIRECTOR  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO OFFICE  
LEE MCEACHERN, COASTAL PLANNER, SAN DIEGO OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 2-97  
(TIME-SHARES, ET AL) TO THE CITY OF ENCINITAS LOCAL  
COASTAL PROGRAM (For Public Hearing and Possible Final Action  
at the Coastal Commission Hearing of February 3-6, 1998)**

---

**SYNOPSIS**

**SUMMARY OF AMENDMENT REQUEST**

The subject amendment submittal includes revisions to the City of Encinitas certified Implementing Ordinances only; no changes are proposed to the certified Land Use Plan. The amendment request includes a proposal to allow time-share projects as a permitted use within the various visitor-serving commercial zoned areas, authorization of seasonal sales lots as temporary uses, revisions to various development standards within the Downtown Encinitas Specific Plan, deletion of all references to Community Advisory Boards and various other zoning code revisions pertaining to definitions, permitted uses, accessory structures and parking and sign standards.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval, as submitted, of the majority of the Implementation Plan revisions as they have been found to be consistent with and adequate to carry out the certified LUP. However, two components of the amendment request, pertaining to time-share projects within the various visitor-serving commercial zoned areas of the City and allowing seasonal sales lots as citywide temporary uses, are not acceptable as submitted. Therefore, staff is recommending denial, as submitted, of the temporary use component of the amendment request and its subsequent approval with a suggested modification. The proposed amendments to allow "time-share projects" as a permitted use in visitor commercial areas are recommended for rejection. Modifications are proposed to delete time-share projects as a permitted use within the City's visitor commercial areas to assure these limited areas remain available for more high priority, accessible and affordable visitor accommodations and services and to clarify the regulation of seasonal sales lots. With the proposed changes, the amendment request can be found acceptable in that high priority visitor-serving facilities will be mandated and protected and facilities and

amenities to support the public's ability to visit and recreate on the coast will not be adversely affected in this coastal community.

**The appropriate resolutions and motions begin on Page 4. The suggested modifications may be found on Pages 6 and 7. The findings for approval, as submitted, of portions of the Implementation Plan amendment pertaining to Community Advisory Boards and various other zoning code revisions begin on Page 7. The findings for denial, as submitted, of portions of the Implementation Plan amendment pertaining to time-share projects and temporary uses begin on Page 16. The findings for approval, if modified, of the Implementation Plan amendments pertaining to time share projects and the authorization of seasonal sales lots begin on Page 20.**

### **BACKGROUND**

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. The subject LCPA will be the sixth amendment to the City's certified LCP.

### **ADDITIONAL INFORMATION**

Further information on the City of Encinitas LCP Amendment #2-97 may be obtained from Lee McEachern, Coastal Planner, at the San Diego District Office, 3111 Camino Del Rio North, Suite 200, San Diego (619) 521-8036.

---

## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of Encinitas is within the area that was previously part of the County of San Diego Local Coastal Program. The County's LCP covered the north-central coast of San Diego County that included the areas of Leucadia, Encinitas, Cardiff, Solana Beach and other unincorporated communities.

On July 1, 1986 and October 1, 1986, the Cities of Solana Beach and Encinitas incorporated, reducing the remaining unincorporated area of the County within the coastal zone to less than 2,000 acres. At that time, the County had both approved land use plan and implementation plans. Because of the incorporations, the County indicated that it did not plan to assume coastal development permit-issuing authority for the remaining acreage and the County LCP never became "effectively certified".

On June 2, 1994, the City of Encinitas completed the submittal for its local coastal program Land Use Plan (LUP) and Implementation Plan. On November 17, 1994, the Commission certified the City's entire LCP, with suggested modifications. Subsequently, the City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits.

On August 9, 1995, the Commission approved, with suggested modifications, one portion of the City's first LCP Amendment, Part A, pertaining to the adoption of the Encinitas Ranch Specific Plan and the Planned Commercial Development Regulations. Subsequently, on October 10, 1995, the Commission approved, with suggested modifications, Part B of the City's LCPA 1-95 pertaining to several General Plan amendments and zoning code revisions.

Then, on January 12, 1996, the Commission approved the City's second LCP Amendment request, as a minor amendment, pertaining to additional time for completion of a comprehensive plan for the City's shoreline. On February 8, 1996, the Commission approved, as submitted, the City's third LCP Amendment to apply zoning and land use designations to 3.3 acres of land that was being annexed to the City to accommodate the alignment of Leucadia Boulevard. On October 9, 1996, the Commission approved, with suggested modifications, the City's fourth LCP Amendment pertaining to various revisions to the Encinitas Ranch Specific Plan. On August 13, 1997, the Commission approved, with suggested modifications, the City's fifth amendment to the certified LCP pertaining to adoption of the North Highway 101 Specific Plan as the implementing ordinances for the City's North Highway 101 corridor. The current submittal will thus be the City's sixth amendment request.

**B. STANDARD OF REVIEW**

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.

**C. PUBLIC PARTICIPATION**

The City has held numerous 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.

- A. RESOLUTION I** (Resolution to approve certification of portions of the City of Encinitas LCP Implementation Plan Amendment #2-97, as submitted)

**MOTION I**

I move that the Commission reject the City of Encinitas' Implementation Plan Amendment #2-97, as submitted, except for its provisions on temporary uses and time-share projects.

**Staff Recommendation**

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution I**

The Commission hereby approves certification of the amendment request to the Implementation Plan of City of Encinitas LCP on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation

measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- B. RESOLUTION II** (Resolution to deny certification of portions of the City of Encinitas Implementation Plan Amendment #2-97, as submitted)

**MOTION II**

I move that the Commission reject the City of Encinitas' Implementation Plan Amendment #2-97, as submitted, pertaining to "time-share projects" as a permitted use in the VSC, LVSC, D-VSC and D-VCM Zones and temporary uses.

**Staff Recommendation**

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution II**

The Commission hereby denies the amendment request to the Implementation Plan of the City of Encinitas LCP on the grounds that it does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- C. RESOLUTION III** (Resolution to approve certification of portions of the City of Encinitas Implementation Amendment #2-97, if modified)

**MOTION III**

I move that the Commission approve portions of the City of Encinitas' Implementation Plan Amendment #2-97 pertaining to time-share projects and temporary uses, if it is modified in conformity with the suggested modifications set forth in this report.

**Staff Recommendation**

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

### Resolution III

The Commission hereby approves certification of the amendment request to the Implementation Plan of the City of Encinitas LCP, if modified, on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the City's Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Chapter 30.08 - Zones, Section 30.08.010(B), titled "Commercial Zones", shall be amended to read as follows:

L-VSC: Limited Visitor Serving Commercial is intended to provide for hotel/motel ~~and time-share project~~ uses as the primary use and ancillary uses specifically intended to serve the needs of persons visiting the City.

VSC: Visitor-Serving Commercial is intended to provide for commercial activities which are specifically intended to serve the needs of persons visiting the City for business and recreational purposes. Time-share projects are specifically prohibited within this zone.

2. Chapter 30.09 - Zoning Use Matrix, under the VSC and LVSC Zone designation, the Zoning Use Matrix shall be revised to indicate that "time-share projects" are a prohibited use.
3. Section 3.2.2(B) of the Downtown Encinitas Specific Plan, titled "Visitor-Serving Commercial", shall be revised to indicate that "time-share projects" are a prohibited use.
4. Section 3.2.3(C) of the Downtown Encinitas Specific Plan, titled "Visitor Commercial Mixed", shall be revised to indicate that "time-share projects" are a prohibited use.

5. Section 30.46.130(C), Seasonal Sales Lot, titled "Coastal Development Permit", shall be revised to read as follows:

C. Coastal Development Permit. The temporary sales of holiday products is exempt from Coastal Development Permit requirements if it meets the definition of a "temporary event/use" under this Chapter, unless it meets any of the criteria in Section 30.46.035 of this Chapter requiring such permit.

#### **PART IV. FINDINGS FOR APPROVAL, AS SUBMITTED, OF PORTIONS OF THE CITY OF ENCINITAS LCP IMPLEMENTATION PLAN AMENDMENT #2-97**

##### **A. AMENDMENT DESCRIPTION**

The amendment request addresses various elements of the City of Encinitas' Implementation Plan. Included are:

- Deletion of all references to Community Advisory Boards;
- Revisions to various Municipal Code definitions and permitted uses to, among other things, allow time-share projects as a permitted use in the VSC and LVSC Zones;
- Revisions to the Residential, Commercial and Special Purpose Overlay Zones relative to accessory structures, time-share projects and wetland buffers;
- Revisions to the Off-Street Parking and Sign Ordinances; and
- Revisions to the Downtown Encinitas Specific Plan to add, delete and amend permitted uses.

The rejection of the amendments to add "time-share projects" as a permitted use within the City's various visitor-serving commercially zoned areas will be addressed in separate findings, since a different action is proposed. All other proposed amendments to the City's Implementation Plan are recommended for adoption as submitted.

##### **B. FINDINGS FOR CERTIFICATION**

Since there are several different ordinances affected by the subject LCP amendment request, each ordinance will be addressed separately below, under applicable subheadings.

### **1. Dissolution of Community Advisory Boards.**

The subject amendment involves numerous changes to Chapters 23, 24 and 30 of the City's Municipal Code (Implementation Plan) to delete all references to Community Advisory Boards (ref. Exhibit #1 attached for a complete listing of the proposed changes). These changes have already been implemented by the City under an urgency ordinance adopted on April 24, 1996 and re-introduced as a properly noticed LCP amendment as part of this submittal.

When the City of Encinitas LCP was certified by the Commission, the City's planning/land use decision-making process included the use of five Community Advisory Boards (CABs). These CABs, which were comprised of local citizen volunteers from each of the City's five communities, reviewed various land-use projects and, depending on the type of project/review, either rendered a decision on a project or made a recommendation to the City's Planning Commission. The idea behind the formation of CABs was to provide for local input into land-use decisions to help preserve the distinct character of the various communities.

Since that time, the City has determined that CABs are no longer needed to facilitate the public's input into the land use decision-making process for a couple of reasons. First, due to a lack of citizens volunteering to participate on the CABs, the City was unable to fill vacancies on the CABs. This resulted in delays in the planning process for some projects, causing confusion and misunderstanding for applicants and extensive management by City staff. The second reason presented for eliminating the CABs is that the City has indicated its citizens have come to see the Planning Commission, City Council and City staff as being more accessible and responsive to local concerns. As such, the need for CABs to address local community concerns is not as great.

While the Coastal Act does call for maximum public participation and input into planning decisions within the Coastal Zone, the proposed amendment to eliminate CABs does not conflict with any of the LCP administrative requirements specified in the Coastal Act or its regulations. The public will continue to be noticed of pending LCP amendments and projects and provided the opportunity to provide written or oral testimony consistent with those public hearing and noticing specifications. Notwithstanding the above cited reasons why elimination of the CABs does not conflict with any Coastal Act administrative requirements, the standard of review for implementation plan amendments is consistency with and adequacy to carry out the certified Land Use Plan (LUP). In this particular case, the LUP does not contain any references to Community Advisory Boards or the need for any formal local citizen land use advisory group. Therefore, the Commission finds that the proposed amendment to eliminate all references to CABs in the Implementation Plan is acceptable as it is consistent with and adequate to carry out the certified land use plan.



## 2. Definitions.

a) Purpose and Intent of the Ordinance. The purpose of this section is to provide definitions of terms utilized within the City's Zoning Ordinance such that the terms are applied consistently throughout the City.

b) Major Provisions of the Ordinance. The proposed amendment involves revisions to several definitions, deletion of others and the addition of several new definitions (for a complete listing of the proposed changes reference Exhibit #1 attached).

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes are intended to clarify existing definitions or delete obsolete definitions relative to building height, congregate care facilities, rest homes, accessory living quarters, dwelling units, net lot area and net acreage. None of the proposed changes raise any inconsistency concerns relative to the certified LUP.

In addition, the proposed amendment to this ordinance adds several new definitions pertaining to time-share projects. These new definitions are proposed to define time-share projects and uses, which previously were not defined in the City's Code. Again, these new definitions do not raise any LUP consistency concerns and therefore have been found acceptable by the Commission.

## 3. Residential Zones.

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to provide development standards for construction and alteration of residential development within the City.

b) Major Provisions of the Ordinance. The Residential Zones Ordinance contains several significant elements and provides the following:

- establishes development standards such as density, minimum lot size, parking requirements, setbacks, maximum building height, etc.;
- outlines special development programs and approval procedures for Lot Area Averaging, Planned Residential Developments and Density Bonuses; and
- includes regulations for mobile home development, accessory uses and legal non-conforming structures in residentially zoned areas.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to this Ordinance relate primarily to minor clarifications to development standards related to accessory structures and swimming pools and do not raise any LUP inconsistency issues. Specifically, three changes are proposed to this ordinance. The first two relate to accessory structures in residentially zoned areas of the

City and simply clarify the maximum square footage permitted for a minor accessory structure and refer to another chapter of the municipal code for additional standards related to accessory structures. The third proposed change clarifies the permitted location relative to setbacks for swimming pools and their associated equipment needs. Again, the proposed changes to the Residential Zone Ordinance only provide for further clarification of existing regulations; and, therefore, the Commission finds the changes are consistent with and adequate to carry out the certified LUP.

#### 4. Commercial Zones.

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to provide development standards for construction and alteration of commercial development within the City.

b) Major Provisions of the Ordinance. The Commercial Zones Ordinance contains several significant elements and provides the following:

- establishes development standards to include minimum lot size, setbacks, lot coverages, maximum building height, floor area ratio, off-street parking, landscape requirements, etc.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The City is proposing two revisions to this ordinance. The first is to correct a reference to another chapter of the Municipal Code that was incorrectly stated. The second is to add specific development standards and findings that must be made when approving time-share projects within the City. While the Commission is rejecting the City's request to permit time-share projects within the City's visitor-serving commercial zones with this amendment request, time-share projects, as a permitted use, are also proposed for general commercial zoned areas of the City. In addition, time-share projects are currently permitted within the general commercial area of the City's North Highway 101 Specific Plan. As such, the proposed change to incorporate development standards for time-share projects is appropriate.

The proposed changes related to time-share projects do several things. First, they stipulate that all time-share projects shall only be approved subject to a Major Use Permit. Second, the proposed changes stipulate that, for proposals in the Coastal Zone, the applicant must demonstrate how a reasonable number of units will be made available for reasonably priced overnight accommodations and that an aggressive marketing program be developed to assure the general public is aware of the overnight accommodations. However, it should be noted that the proposed amendment does not provide any specific standards or minimum specifications to achieve these requirements. Third, the proposed amendment language requires that the applicant provide and have approved a management and maintenance plan for the development, as well as a sales plan, that addresses the time, location and methods that will be used to sell the units. Fourth, the amendment language states that the maximum occupancy of a unit shall be no

more than 30 consecutive days by the same occupant or a total of 60 days in any 12 month period. Lastly, the proposed changes require the City to make findings when approving a time-share project that the project is located in close proximity to a public recreation area and that it not be disruptive to uses in the surrounding neighborhood.

The proposed changes to the Commercial Zones Ordinance are acceptable, as submitted. Again, time-share projects within the City's general commercial zoned areas are an acceptable use. Given that time-share projects in these areas are now a permitted use, it makes sense to have regulations in place to assure they are developed in an appropriate manner. The proposed regulation language implements several LUP policies including Land Use Policy Nos. 1.14 and 6.5 that call for new development to consider adjacent existing development and to enhance the Highway 101 commercial corridor. In addition, providing development regulations for time-share developments implements the General Commercial Land Use designation which calls for city-wide zoning regulations to be adopted. Therefore, the Commission finds the Commercial Zones Ordinance revisions consistent with and adequate to carry out the certified LUP.

#### **5. Floodplain Overlay Zone.**

a) Purpose and Intent of the Ordinance. The purpose of the ordinance is to apply specific development standards to areas of the City where site-specific analysis of the characteristics of a parcel of land indicate the presence of a flood channel, floodplain or wetland. The intent is to provide identification of major drainage courses as important constraints to development requiring special consideration.

b) Major Provisions of the Ordinance. This ordinance contains several significant provisions and provides the following:

- details permitted uses within floodways, floodplains and wetlands; and
- establishes development standards that include buffer and setback requirements.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. As stated above, this overlay zone applies specific development standards to floodplain and wetland areas within the City. Relative to wetlands, this overlay zone details permitted uses within a wetland and under what circumstances wetland impacts may occur. The zone also includes buffer requirements surrounding wetlands. However, as currently written, this zone only details buffer requirements for coastal lagoon wetland areas and does not address riparian habitat areas. As such, the proposed amendment to this overlay zone states that a buffer of a minimum 50 feet wide shall be maintained around riparian wetland areas. The proposed language further states that, based on consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service, a buffer of lesser width may be permitted if it is demonstrated that the resources will still be protected.

The proposed amendment to the Floodplain Overlay Zone specifically implements Resource Management Policies 10.6 and 10.10 of the certified LUP. Both these LUP policies include requirements for a buffer of a minimum of 50 feet surrounding riparian habitat areas. In addition, Resource Management Policy 10.10 of the certified LUP includes a provision which allows the buffer to be reduced if it can be demonstrated that the resource will still be protected and the Department of Fish and Game have been consulted. As such, the proposed amendment adds these provisions to the zoning regulations regarding wetlands. Therefore, the Commission finds the proposed amendment to the Floodplain Overlay Zone, as submitted, is consistent with and adequate to carry out the certified LUP.

## **6. Off-Street Parking.**

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to provide convenient off-street parking for vehicles in conjunction with development. The intent of this ordinance is to provide adequate designated parking areas with sufficient capacity and adequate circulation to minimize traffic congestion and promote public safety.

b) Major Provisions of the Ordinance. The Off-Street Parking Ordinance contains several significant elements and provides the following:

- specifies the minimum number of parking spaces required for the various uses allowed within the City;
- details provisions for joint-use parking; and
- establishes landscape requirements.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to this Ordinance relate to the addition of parking requirements for time-share developments and a revision to the handicapped parking requirements. Both the proposed changes are acceptable. Specifically, the proposed revision to the handicapped parking requirements increases the number of handicapped parking spaces required in conjunction with new development and requires that one of the spaces must be "van accessible". This proposed change is consistent with Land Use Policy 1.15 and Circulation Policy 1.12 of the certified LUP. These policies call for the provision of adequate and accessible parking facilities and access for automobiles, pedestrians and the handicapped, consistent with the proposed amendment language.

The other proposed change to this ordinance adds off-street parking requirements for time-share projects. As stated in a previous section of this report, the City is proposing to add time-share projects as a permitted use within the commercial zoned areas of the City with this amendment package and time-share projects are already a permitted use within the general commercial zoned areas of the North Highway 101 Corridor Specific Plan. As such, the proposed change will add the necessary parking requirements. As proposed,

time-share projects will have to provide 1.25 parking spaces per unit for one-bedroom units and 1.00 parking space per bedroom for two or more bedroom units. In addition, all accessory uses to time-share projects, such as restaurants, will have to provide parking at a ratio established through the Major Use Permit process. The proposed parking requirements are acceptable as they are similar to the time-share parking requirements contained in other certified LCPs in north San Diego County and exceed the hotel/motel parking standard certified in the City's LCP. In addition, the proposed amendment implements Circulation Policy 1.12 of the certified LUP which requires that commercial development provide sufficient off-street parking such that no impacts on coastal access will result. Based on the above review, the Commission finds the proposed amendment to the Off-Street Parking Ordinance consistent with and adequate to carry out the certified LUP.

## 7. Signs.

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to reduce visual clutter, preserve the character and quality of the environment, achieve an aesthetically pleasing appearance for the City and provide adequate opportunity to erect signs. The intent is to enhance the visual environment of the City, to eliminate traffic hazards caused by improper signs and to ensure that information is presented safely and effectively.

b) Major Provisions of the Ordinance. The Sign Ordinance provides the following:

- defines pertinent terms;
- establishes general sign regulations related to the number, location, size and height of signs for various uses; and
- outlines procedures to deal with non-conforming signs, abatement and removal of illegal signs.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The City is requesting with this amendment to make several revisions to the Sign Ordinance. The proposed changes relate to lighting and design standards for signs and clarification of the regulations pertaining to temporary signs. The proposed changes are consistent with LUP policies related to the protection of visual resources and, in particular, Land Use Policy 1.10 of the certified LUP which calls for the reasonable regulation of signs so as to preserve community character and property values. This policy also states that detailed sign regulations shall be further specified in the City's zoning regulations. Therefore, the Commission finds the proposed amendments to the Sign Ordinance are consistent with and adequate to carry out the certified LUP.

## 8. Accessory Use Regulations.

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is establish the relationship among principal accessory uses and the standards and conditions for regulating them.

b) Major Provisions of the Ordinance. The Accessory Use Regulations provide the following:

- details permitted accessory uses within residential, agricultural, commercial and industrial zoned areas; and
- establishes general regulations and standards for various accessory uses.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to this ordinance pertain to accessory units. "Accessory units" are defined as units which have a floor area of no greater than 750 sq. ft. or 30 percent of the area of the principal residence, whichever is less. Specifically, the proposed amendment language adds provisions addressing caretaker's units and a minor clarification to the accessory units regulations relating to the provision of kitchen facilities. The proposed changes are proposed to implement the certified LUP which contains provisions addressing the need for accessory units. The changes, as proposed, require that all accessory units provide kitchens (so as not to be confused with a guest house or caretaker's unit), clarify existing provisions and add new provisions to better regulate caretaker's units within the City. The Commission finds the proposed changes to the Accessory Use Regulations will not adversely affect any coastal resources and is consistent with and adequate to carry out the certified LUP.

## 9. Zoning Use Matrix.

a) Purpose and Intent of the Ordinance. The purpose of this matrix is to provide a listing of the various land uses which are allowed by right or major/minor use permits and those which are prohibited within each of the City's zoning categories.

b) Adequacy of the Ordinance to Implement the Certified LUP Segments. Rather than list out all the individual uses permitted within each particular zone, the City of Encinitas Zoning Code utilizes a zoning use matrix. The proposed amendment to the use matrix adds two new uses: Congregate Care Facilities and Time-Share Projects. In addition, it amends several permitted and conditionally permitted uses pertaining to Convalescent Home Facilities, Caretaker Units, Group Care Homes and Restaurants. It should be noted that the proposed change to add time-share projects as a conditionally permitted use within the VSC and LVSC Zones is proposed for rejection and is addressed in a later section of this report. All other proposed changes (including time-share projects as a conditionally permitted use within the General Commercial Zone) to this section are acceptable as submitted. Again, the proposed changes to the Zoning Use Matrix do not

raise any LUP inconsistencies with the noted exceptions of time-shares in the visitor-serving land use categories. All other proposed or conditionally allowed uses are consistent with the certified land use categories and/or designations. No inappropriate uses are permitted or conditionally permitted which would result in adverse impacts on coastal resources. Therefore, the Commission finds the proposed amendments to the Zoning Use Matrix are consistent with and adequate to carry out the certified LUP.

#### **10. Downtown Encinitas Specific Plan.**

a) Purpose and Intent of the Ordinance. The purpose of the Downtown Encinitas Specific Plan is to address the unique aspects, problems and opportunities of the old downtown Encinitas area and to maintain its identity, community character and scale, while fostering rehabilitation and successful economic restructuring.

b) Major Provisions of the Ordinance. The Specific Plan provides the following:

- specifies development standards including parking requirements;
- details specific uses within various subdistricts; and
- contains design standards, street tree requirements, a circulation plan and implementing strategies.

c) Adequacy of the Ordinance to Implement the Certified LUP. The Downtown Encinitas Specific Plan includes detailed design review standards which promote pedestrian access, parking requirements and allowable uses for the old downtown area of the City of Encinitas. The specific plan area, which covers approximately 200 acres, encompasses the area south of B Street and north of K Street and west of Cornish Drive to the Pacific Ocean. The majority of the specific plan area is zoned for residential and commercial development.

The proposed changes to the specific plan involve revisions to permitted and conditionally permitted uses within the specific plan area. The proposed changes all relate to Congregate Care Facilities, Group Care Homes, Rest Homes and Time-Share Projects. It should be noted that the proposed change to add time-share projects as a permitted use within the D-VSC and D-VCN Zones of the Specific Plan is proposed for rejection and addressed in a later section of this report. All other proposed changes to the Specific Plan (including time-share projects as a conditionally permitted use within the Commercial Mixed Zones) are acceptable as submitted. Again, with the noted exception, the proposed changes to the specific plan do not raise any LUP inconsistencies; all of the newly specified permitted uses are consistent with the certified land use designations. No inappropriate uses are permitted or conditionally permitted which would result in adverse impacts on coastal resources. Therefore, the Commission finds the proposed amendment to the Downtown Encinitas Specific Plan to be consistent with and adequate to carry out the certified LUP.

**PART V. FINDINGS FOR DENIAL OF TIME-SHARE PROJECTS IN VISITOR COMMERCIAL AREAS AND TEMPORARY USE REVISIONS**

The findings for denial of the amendments related to adding time-share projects as a permitted use within the City's visitor-serving commercial areas and authorizing seasonal sales lots on a citywide basis relate to four specific sections of the City's Implementation Plan. The temporary use revisions are described in one section and the findings which address time-share projects, contained in three zoning code sections, have been combined as follows:

**1. Zones (Chapter 30.08.010 B); Zoning Use Matrix (Chapter 30.09); and Downtown Encinitas Specific Plan (Sections 3.2.2 B and 3.2.3 C)**

a) Purpose and Intent of the Ordinances. The purpose of the Zones Ordinance is to identify and describe each of the City's established zone categories. The purpose of the Zoning Use Matrix is to provide a listing of the various land uses which are allowed by right or major/minor use permits and those which are prohibited within each of the City's zoning categories. The purpose of the Downtown Encinitas Specific Plan is to address the unique aspects, problems and opportunities of the old downtown Encinitas area and to maintain its identity, community character and scale, while fostering rehabilitation and successful economic restructuring.

b) Adequacy of the Ordinances to Implement the Certified LUP Segments. The proposed changes to these three ordinances all relate to time-share projects. Specifically, the proposed changes will allow time-share projects as a permitted use (subject to approval of a use permit) within the Visitor-Serving Commercial (VSC) and Limited Visitor-Serving Commercial (LVSC) Zones (City-wide) and the Visitor-Serving Commercial (D-VSC) and Visitor-Commercial Mixed (D-VCM) Zones (Downtown Encinitas Specific Plan). These proposed changes raise several serious concerns that specifically relate to the minimal area overall in the City's coastal zone committed to exclusive visitor-serving commercial zoning.

When the City's LCP was certified in 1994, the Commission was at that time concerned with the minimal area of the City devoted to exclusive visitor-serving uses. This concern dates back to the original County of San Diego LCP planning efforts as well. The Commission found that because of the minimal area of the City's Coastal Zone devoted to visitor-serving commercial zoning, only the highest priority visitor-serving uses should be principally permitted within the City's visitor commercial areas. While time-share projects were not a proposed use or an issue at that time, the Commission did make revisions to Land Use Policy 1.13 to address permitted uses within visitor-serving commercial areas. The proposed changes, which were subsequently adopted by the City, detailed the principally permitted uses within visitor-serving commercial areas as tourist lodging, eating and drinking establishments, specialty shops, food and beverage retail sales, recreation and entertainment. The Commission required all other permitted or



conditionally permitted uses within visitor commercial areas to be ancillary to the principal use and specified they could not occupy or use more than 30% of the ground floor area.

The Coastal Act promotes and preserves a full range of public access opportunities along the coast, including the provision of accessible and affordable visitor-serving commercial recreational facilities which serve and support coastal visitors. These Coastal Act mandates are addressed in the City's certified LUP under three Land Use policies which state as follows:

**POLICY 1.6:** Provide freeway-oriented commercial areas only when a demonstrated need exists, for the convenience of the traveler, and locate these activities at or near freeway interchanges with easy on-off access.

**POLICY 1.13:** The visitor-serving commercial land use shall be located where it will not intrude into existing residential communities. This category applies in order to reserve sufficient land in appropriate locations expressly for commercial recreation and visitor-serving uses such as:

- tourist lodging, including campgrounds (bed and breakfast facilities may be compatible in residential areas)
- eating and drinking establishments
- specialty shops and personal services
- food and beverage retail sales (convenience)
- participant sports and recreation
- entertainment

The above listed uses and other uses specifically intended to serve the needs of visitors shall be the principal uses allowed within the visitor-serving land use designation. [...]

**POLICY 1.14:** The City will maintain and enhance the Hwy 101 commercial corridor by providing appropriate community-serving tourist-related and pedestrian-oriented uses.

The same concerns raised by the Commission in reviewing the original LCP still remain. While the Commission did approve an LCP amendment last year which added approximately 2.2 acres of visitor-serving commercially zoned area to the overall inventory, very minimal area within the City's Coastal Zone is designated for such high priority uses. In addition, the few areas of the City that are so designated are the "prime" location areas which are in close proximity to the beach and/or major coastal access routes. Attached to this report are two exhibits that graphically depict this concern. Exhibit #2 depicts the location of all the visitor-serving commercial zoned areas of the City. Exhibit #3 lists each of the sites and describes the existing land use, zoning and acreage of each. As shown in these exhibits, there is very minimal area exclusively reserved for visitor-serving uses and several of the sites are very constrained (relative to prospective development) and others are currently developed with non-conforming uses.

The allowance of time-share projects in nearshore areas designated for visitor-serving commercial uses raises concerns because such units do not typically offer the same accessibility as a traditional hotel or motel operation. Time-share units tend to be more exclusive because they are pre-booked and may invoke a greater financial commitment. While the Commission agrees that time-share projects should be considered a visitor-serving use, they are considered a very low priority among the broader range of traditional visitor uses available to the general public. In addition, the Commission has already approved an LCP amendment in 1997 (Ref. Encinitas LCPA 1-97) which allows time-share projects within the general commercial areas of the City's North Highway 101 Corridor Specific Plan and is approving, with this amendment, time-share projects within all other general commercial areas of the City and the Downtown Encinitas Specific Plan. The Highway 101 corridor lies in close proximity to the beaches/bluffs and the City's public accessways, thus serving potential time-share markets. As such, there will be ample area within the City where time-share projects can be approved. Therefore, given the minimal area of the City devoted exclusively to visitor-serving uses, only the priority uses that specifically address the needs of general public should be permitted within these areas.

In addition, in 1996, City staff submitted a study documenting the number of existing hotel and motel units within the City (ref. Exhibit #4 attached). The purpose of the study was to address Commission staff concerns relative to time-share projects within the City's visitor-serving commercial areas. City staff asserted that the Commission staff's concerns were unfounded because the City already provided a large number of existing overnight accommodations. The study indicates that, as of 1996 (when the study was completed), 941 transient units were available in the City of Encinitas (hotel/motel/bed and breakfast/trailer park and campground). While this number of units may represent a good number of existing overnight accommodations, compared with other coastal communities, the total number of available units was relatively low (as can be seen from the study, just in the southern portion of the City of Carlsbad, 1,041 hotel/motel and campground units were available in 1996). In addition, the majority of the units in the City of Encinitas are not located within visitor-serving or limited visitor-serving commercially zoned sites. Arguably, it is good that the visitor accommodations are present; however, given their location in a non-visitor use zone, they would not be protected as a priority use.

Based on the above review, the Commission cannot find time-share projects should be a permitted use within the City's small reserve of visitor-serving commercial designated areas. The Commission finds that the proposed amendments to the Zones Ordinance, Zoning Use Matrix and the Downtown Encinitas Specific Plan related to time-share projects as a permitted use within the visitor-serving commercial areas, are inconsistent with and inadequate to carry out the certified LUP and, therefore, must be rejected.

## 2. Temporary Use Regulations (Chapter 30.46).

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to establish permitted temporary uses and standards and conditions for regulating them.

b) Major Provisions of the Ordinance. The Temporary Use Regulations provide the following:

- defines pertinent terms;
- details permitted uses and uses exempt from permit requirements; and
- establishes general regulations and standards for various temporary uses.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed revisions to this ordinance pertain specifically to adding new ordinance language to address the regulation of temporary seasonal sales lots (pumpkins, Christmas trees, etc.). Currently, the City's Implementation Plan does not contain specific provisions regulating seasonal sales lots. Because such temporary uses are becoming more common, specific provisions have been drafted.

The proposed language includes provisions related to location, duration (no more than 45 days prior to a specific holiday), signage, building code requirements and temporary trailers associated with the use. In addition, the proposed amendment language includes a provision, relative to coastal development permits, which states that the temporary sales of holiday products is exempt from coastal development permit review, unless it meets the criteria set forth in Section 30.46.035 of the Municipal Code which addresses "temporary events" in the Coastal Zone (this section contains the Commission adopted Temporary Events Guidelines which were approved as part of the City's original LCP certification).

Although the City is to be credited as one of the first communities to incorporate the Commission's "Temporary Events Guidelines", there is a concern about the language of the proposed amendment and its potential application. While, in most cases, seasonal sales lots are not expected to pose any serious problems; there is the potential, nonetheless, that public access or resource impacts could result if inappropriate sites are utilized or insufficient oversight is provided. Specifically, the proposed amendment provides for seasonal sales lots to be allowed up to 45 days prior to a specific holiday and then references a possible coastal development permit exemption based on the seasonal lots being characterized as "temporary events or uses". Based on the manner in which the City integrated the "temporary events guidelines" into its temporary use regulations, this could be acceptable. However, in this instance, unlike how other temporary uses are regulated, the proposed amendment language does not include that, in order to be subject to the temporary events provisions and receive a possible exemption, the seasonal sales

lot must meet the definition of a temporary event, including an event being of "limited duration" or no more than two weeks.

Given that seasonal sales lots are potentially authorized for up to 45 days and, in some cases, would not even qualify as a temporary event/use, they would otherwise constitute a development requiring a coastal development permit. Therefore, the definitions applicable to temporary events/uses need to be incorporated into the proposed seasonal sales lots regulations in order to provide appropriate oversight. Alternatively, should the City or any other local government desire to reduce permitting requirements for such uses, it should be drafted as a potential categorical exclusion request. As submitted, the proposed temporary use revisions addressing seasonal sales lots are inadequate and must therefore be rejected.

## **PART VI. FINDINGS FOR CERTIFICATION OF THE TIME-SHARE PROJECTS AND TEMPORARY USE AMENDMENTS, IF MODIFIED**

### **1. Zones/Zoning Use Matrix/Downtown Encinitas Specific Plan.**

As stated in the findings for denial of these sections, the proposed amendment to allow time-share projects as a permitted use with the various visitor-serving commercial areas of the City is inconsistent with the certified land use plan. The proposed suggested modifications will bring these sections into consistency with the policies of the certified land use plan. Suggested Modification #1 pertains to the Zones Ordinance and deletes the reference to "time-share projects" as a permitted use within the LVSC Zone and adds language which specifically identifies "time-share projects" as not being a permitted use within the VSC Zone. Suggested Modification #2 pertains to the Zoning Use Matrix and requires that the matrix be revised to indicate that "time-share projects" are a prohibited use within the VSC and LVSC Zones. Suggested Modifications #3 and #4 pertain to the Downtown Encinitas Specific Plan and requires that the plan be revised to indicate that "time-share projects" are a prohibited use within the D-VSC and D-VCM Zones. With the proposed changes, time-share projects will not be a permitted use within any of the visitor-serving commercial areas of the City, thereby reserving these critical areas for higher priority, traditional visitor uses that serve the broader public.

However, it should be noted that the Commission has already approved an LCP amendment in 1997 (Ref. Encinitas LCPA 1-97) which allows time-share projects within the general commercial areas of the City's North Highway 101 Corridor Specific Plan and is approving, with this amendment, time-share projects within all other general commercial areas of the City and the Downtown Encinitas Specific Plan. As such, there will be ample area within the City where time-share projects can be approved.

With the proposed modifications, the Commission can be assured that appropriate areas within close proximity to the shoreline and along the critical coastal access corridors are reserved for the provision of accessible, affordable and high-priority visitor-serving uses.

Therefore, as modified, the Zones Ordinance, Zoning Use Matrix and the Downtown Encinitas Specific Plan are found to be consistent with and adequate to carry out the certified land use plan.

## **2. Seasonal Sales Lots/Temporary Uses.**

The Commission finds the proposed amendment to be acceptable if it is modified as provided herein. The proposed amendment is primarily needed to better address the ever increasing demand for temporary holiday sales lots and will not result in any adverse impacts on coastal resources or public access opportunities, as modified to provide suitable regulation of such uses. Suggested Modification #5 clarifies the authorization for seasonal sales lots as temporary uses, recognizing that they must conform both with the definitions and applicable criteria of the "temporary events/uses" provisions in the City's code in order to be exempted from coastal development permit review. Therefore, the proposed amendment, as modified, to the Temporary Use Regulations allowing seasonal sales lots can be found consistent with and adequate to carry out the certified LUP.

## **PART VII. 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. Instead, the CEQA responsibilities are assigned to the Coastal Commission and 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 amendment, incorporating the suggested modifications listed above, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Absent incorporation of these suggested modifications to effectively mitigate potential adverse impacts to coastal resources, such a finding could not be made.

Specifically, most of the proposed Implementation Plan revisions have been found acceptable, as submitted, as they are consistent with and adequate to carry out the certified LUP. These changes delete all references to Community Advisory Boards and address a number of clarifications and additions to various existing provisions. However, two elements of the proposed amendment package, pertaining to time-share projects as a permitted use within the City's visitor commercial areas and seasonal sales lots, are not acceptable. As such, five modifications are proposed. These modifications address the

protection and provision of high priority visitor-serving uses and require that time-share projects not be permitted within the various visitor-serving commercial areas of the City. In addition, as modified, adequate regulation of seasonal sales lots as temporary uses will be provided.

Given the proposed mitigation measures, the Commission finds the proposed local coastal program amendment, as modified, will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of Encinitas. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP amendment, as modified, can be supported.

Adopted by City  
Council 10-8-97.

NOT EFFECTIVE  
LOCAL

COASTAL

Commission  
Approved  
KW

ORDINANCE NO. 97-17

AN ORDINANCE OF THE CITY OF ENCINITAS, CALIFORNIA

AMENDING TITLE 23: BUILDING AND CONSTRUCTION.

TITLE 24: SUBDIVISION, AND TITLE 30: ZONING

OF THE MUNICIPAL CODE, AND THE DOWNTOWN ENCINITAS SPECIFIC PLAN

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

SECTION ONE:

That Title 23, Title 24 and Title 30 of the Encinitas Municipal Code, pursuant to Ordinance 96-07 adopted April 24, 1996 and reintroduced herein as a properly noticed Local Coastal Program Amendment, is amended to read as follows:

SEE ATTACHMENT A

That Title 30 of the Encinitas Municipal Code is amended to read as follows:

SEE ATTACHMENT B

That the Downtown Encinitas Specific Plan is amended to read as follows:

SEE ATTACHMENT C

SECTION TWO:

That, after its independent review and using its independent judgment, the City Council finds the project will not generate any adverse environmental impacts, and a Negative Declaration is hereby adopted in conformance with CEQA.

This ordinance was introduced on September 10, 1997.

SECTION THREE:


The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to consideration of its adoption, and again with fifteen (15) days following adoption, indicating the votes cast.

EXHIBIT NO. 1
APPLICATION NO.
<b>ENCINITAS</b>
<b>LCPA 2-97</b>
City Ordinance

 California Coastal Commission


PASSED AND ADOPTED this 8th day of October, 1997 by the following vote to wit:

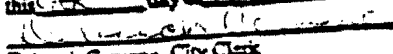
AYES: Aspell, Cameron, Davis, DuVivier  
NAYS: None  
ABSTAIN: None  
ABSENT: Bond

  
John Davis, Mayor of the City of Encinitas, California

ATTESTATION AND CERTIFICATE:

I hereby do certify that this is a true and correct copy of Ordinance No. 97-17, which has been published pursuant to law.

  
Deborah Cervone, City Clerk

I, Deborah Cervone, City Clerk of the City of Encinitas, California do hereby certify under penalty of perjury that the above and foregoing is a true and correct copy of this document on file in my office. In witness whereof, I have set my hand and the Seal of the City of Encinitas this 17th day of October, 1997  
  
Deborah Cervone, City Clerk



Ordinance 97-17  
Attachment "A"  
(Ordinance 96-07 adopted April 24, 1996)

NOTE: Code text is highlighted with shading, staff is not proposing to change any language in Ordinance 96-07.

Title 23: Building and Construction Amendments

1. Chapter 23.08. Design Review

(a) Section 23.08.010, Subsection A(3), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

3. Encourage the preservation of the distinct and individual character of the various communities, previously known as Community Advisory Board Districts, through the prudent administration of this Chapter and the Design Review Guidelines. (Ord 96-07)

(b) Section 23.08.040, Subsection B, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

3 of 30  
B. The Planning Commission is authorized to render a final determination on an application for a Design Review Permit for a project that does not contain a component which requires a final determination by the City Council. (Ord 96-07)

(c) Section 23.08.040, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. Upon receipt of an advisory recommendation from the Planning Commission, the City Council is authorized to render a final determination on an application for Design Review Permit for a project which contains one or more components that require a final determination by the City Council. (Ord 96-07)

(d) Section 23.08.040, Subsection D, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is repealed.

(e) Section 23.08.060, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. When the application has been received and properly noticed, the Director shall render a final determination or the Director shall place the matter on the agenda of the Planning Commission. (Ord 96-07)

(f) Section 23.08.060, Subsection D, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

D. Following the public hearing, the Planning Commission may, by majority vote, approve, disapprove in accordance with the provisions of this Chapter or conditionally approve an application for Design Review Permit. A maximum of two hearings can be held. Additional hearings can be held if requested by the applicant. (Ord 96-07)

(g) Section 23.08.060, Subsection G, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

G. Upon receipt of the advisory recommendations from the Planning Commission, the Director shall set the application for Design Review Permit as a noticed, public hearing for the next available meeting of the City Council. Following the public hearing, the City Council may, by majority vote, approve, disapprove in accordance with the provisions of this chapter or conditionally approve the application for Design Review Permit. (Ord 96-07)

(h) Section 23.08.070, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. A final determination by the Planning Commission or the City Council on the application for a Design Review Permit shall be made by written resolution, setting forth the facts which support the action. A final determination by the Director for design review shall be by written notice of determination setting forth the facts to support the action. (Ord 96-07)

(i) Section 23.08.140, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. A final determination made under this Section shall be effective fifteen calendar days thereafter, unless an appeal\* is filed. The Planning Commission and City Council shall be notified of the final determination. If the determination is that the construction is in conformance, the proponent may proceed at the proponent's own risk, during the appeal period. The proponent or any aggrieved person may request a meeting of the Arbitration Committee, may appeal, or may apply for a modification of the Design Review Permit. (\*See Chapter 1.12.010 through 1.12.060). (Ord 96-07)

(j) Section 23.08.200, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is repealed.

2. Chapter 23.40. Floodplain Management Regulations

(a) Section 23.40.050, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

23.40.050 Appeals.

A. The Planning Commission shall hear and decide appeals and requests for variations from the requirements of this Chapter and shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this Chapter. (Ord 96-07)

B. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and: (Ord 96-07)

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility of a waterfront location where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges. (Ord 96-07)

C. Generally, variations may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subparts 1 through 11 of Subsection G B above have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variation increases. (Ord 96-07)

D. Upon the consideration of the factors in this Section and the purposes of this Chapter, the Planning Commission may attach such conditions to the granting of variations as it deems necessary to further the purposes of this Chapter. (Ord 96-07)

E. The City Engineer shall maintain the records of all appeal actions and report any variations to the Federal Insurance Administration upon request. (Ord 96-07)

(b) Section 23.40.060, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. The Planning Commission is authorized to grant variations in accordance with the provisions of this Section. (Ord 96-07)

Title 24: Subdivision Amendments

I. Chapter 24.01. General Provisions

(a) Section 24.01.040, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. The Community Development Director is authorized to render a final determination on an application for the creation or revision of a minor subdivision: (Ord 96-07)

1. That has not been referred to the Planning Commission or another agency for a final determination; and

2. That is not part of a project, a component of which requires final approval by either the Planning Commission or the City Council.

(b) Section 24.01.040, Subsection B, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

B. The Planning Commission shall be the authorized agency to render a final determination on a major subdivision (creation or reversion) that is not part of a project, an element of which requires approval by the City Council. (Ord 96-07)

(c) Section 24.01.040, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

4 of 30

C. The Planning Commission is the advisory agency and the City Council is the authorizing agency to render a final determination on an application for a subdivision that is part of a project, an element of which requires approval by the City Council. (Ord 96-07)

(d) Section 24.01.040, Subsection E, per Ordinance 96-07, is recodified as Subsection D.

(e) Section 24.01.040, Subsection F, per Ordinance 96-07, is recodified as Subsection E.

## 2. Chapter 24.70, Lot Line Adjustments

(a) Section 24.70.040, Subsection E, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

E. The Director when authorized, shall render a final determination without conducting a noticed public hearing. The Director may hold a public hearing prior to making a final determination which shall be noticed according to the provisions of Chapter 30.01 as modified by this Chapter. The Director may refer the application, with a recommendation, to the Planning Commission. (Ord 96-07)

5  
25  
30  
(b) Section 24.70.040, Subsection F, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

F. If the Director has referred the application to the Planning Commission, the Director shall cause the filed application to be presented at a noticed public hearing conducted by the Planning Commission. (Ord 96-07)

(c) Section 24.70.040, Subsection G, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

G. The Planning Commission shall make a final determination on the application when authorized. Otherwise, the Planning Commission shall make a recommendation to the City Council. (Ord 96-07)

(d) Section 24.70.040, Subsection H, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

H. If the Planning Commission has made a recommendation, the Director shall cause the filed application to be presented at a noticed public hearing conducted by the City Council which shall render a final decision. (Ord 96-07)

(e) Section 24.70.040, Subsections I and J, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, are repealed.

(f) Section 24.70.070, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is repealed.

## Title 30: Zoning

### 1. Chapter 30.16, Residential Zones

Section 30.16.020, Subsection B(2), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

2. Pre-application Conference. Prior to submitting an application for a use permit for a planned residential development, it is recommended that a prospective applicant should consult with the Community Development Department to obtain information and to review the proposed application. At the applicant's request and after payment of a pre-application fee, the Department will schedule a conference to be attended by the applicant, representatives of the various City Departments, and a subcommittee of the Planning Commission composed of the Chair and the Vice-Chair. (Ord. 96-07)

### 2. Chapter 30.20, Commercial Zones

Section 30.20.020, Subsection A(6)(a) is repealed and Subsection A(6)(b) through A(6)(f) are recodified accordingly, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards.

### 3. Chapter 30.34; Special Purpose Overlay Zones

(a) Section 30.34.020, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. DEVELOPMENT PROCESSING AND APPROVAL. In addition to findings and processing requirements otherwise applicable, the following establishes specific processing and finding requirements for proposed development within the Coastal Bluff Overlay Zone. The Planning Commission shall be the authorized agency for reviewing and granting discretionary approvals for proposed development within the Coastal Bluff Overlay Zone. Recommendations to the Planning Commission shall come from staff and qualified City Consultants. (Ord 96-07)

(b) Section 30.34.030, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. APPLICABILITY. The Hillside/Inland Bluff Overlay Zone regulations shall apply to all areas within the Special Study Overlay Zone where site-specific analysis indicates that ten percent (10%) or more of the area of a parcel of land exceeds 25 percent slope. The Planning Commission shall be the authorized agency for reviewing and granting discretionary approvals for proposed development within the Hillside/Inland Bluff Overlay Zone. (Ord 96-07)

4. Chapter 30.54. Off-Street Parking

Section 30.54.050, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

30.54.050 Parking Requirements for Joint Use: The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified below: (Ord 96-07)

5. Chapter 30.57, Requirements for Processing Conditional Use Permits for Hazardous Waste Facilities.

Section 30.57.070, Subsection C(5) per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

5. Advise the Community Development Department, Planning Commission, and City Council of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the applicant, and of any additional information which the committee deems appropriate. The Community Development Department, Planning Commission, and City Council may use this advice for their independent consideration of the project. (Ord 96-07)

6. Chapter 30.60. Signs

(a) Section 30.60.100 Subsection B(4), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

4. Sign program for Multi-Tenant Buildings. Sign programs shall be required for all buildings with six or more tenants. Sign programs shall remain in force until a new program is submitted and approved. Signs within approved sign programs shall be required to obtain permits, submit applicable fees and shall be in conformance with the approved sign program. Appearance before the Planning Commission is not required unless so determined by the Director of Community Development. Sign programs shall integrate with the architecture of the building complex, including such elements as size, color, location, and construction material. The sign program is to encourage excellence in design allowing for creativity and art in signage. A sign program may be approved which varies from the specific limitations of the sign ordinance if the Planning Commission finds that unusual circumstances such as architecture and site design are present. (Ord 96-07)

(b) Section 30.60.100, Subsection F(5)(b), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

b. The location of said signs shall be determined by Planning Commission and shall be located in an area which is in accordance with the intent of the provisions of this Chapter, in the opinion of the Planning Commission, in keeping with the architectural design of the shopping center. (Ord 96-07)

7. Chapter 30.72: Zoning Amendment

Section 30.72.020, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. The City Council is authorized to render a final determination on a zoning amendment application; provided, however, that a change in the regulations of this Title, or a change in zoning boundaries or designation of a property or to the provisions of Subsection D below. The City Council's determination shall be made upon receipt of advisory recommendations from the Planning Commission. The Council's authority to render a determination on a zoning amendment application includes the authority to approve, approve in a modified form, or deny such application. (Ord 96-07)

8. Chapter 30.74; Use Permits

(a) Section 30.74.040 Authority to Grant Permits per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. The Director is authorized to render a final determination on an application for a Use Permit for a Project. (Ord. 96-07)

1. That requires a Minor Use Permit; and

2. Does not contain any component which requires a final determination from the Planning Commission or City Council. (Ord. 96-07)

B. The Planning Commission is authorized to render a final determination on an application for Use Permit for a Project. (Ord. 96-07)

1. That requires a Use Permit designated as a Plan Development Permit, Major Use Permit or Coastal Use Permit; and

2. That does not contain one or more components which requires a final determination by the City Council. (Ord. 96-07)

C. Upon receipt of advisory recommendations from the Planning Commission, the City Council is authorized to render a final determination on all other applications for Use Permit. (Ord. 96-07)

(b) Section 30.74.060 . Procedure. per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

30.74.060 Procedure.

A. The owner, or the owner's authorized agent, of the real property on which the construction activity is proposed shall make application for a Use Permit to the Director on a form approved by the Director. To be received, the application must be accompanied by a filing fee in an amount set, from time to time, by resolution of the City Council, together with whatever additional plans and information the Director deems necessary to accomplish the purposes of this Chapter. The application shall include plans, maps and displays in sufficient detail to explain the proposed project's compliance with the regulations contained in this Chapter. (Ord 96-07)

B. The Director shall provide to the applicant the date, times and places for consideration of the application. The applicant shall complete the noticing and file a declaration of notice by mail with the Director. (Ord 96-07)

C. When the application has been received and properly noticed, the Director shall place the matter on the agenda of the authorized body. (Ord 96-07)

D. The Director is authorized to approve, disapprove, or conditionally approve an application for a Minor Use Permit in accordance with the provisions of this Chapter. When authorized to render a final determination, the Director shall hold a public hearing and make a decision, or refer the application to the Planning Commission. (Ord 96-07)

E. If the Planning Commission is required to make an advisory recommendation or render a final determination on the application for Use Permit, the Director shall submit the matter to the Planning Commission at a noticed public hearing. (Ord 96-07)

F. Following the public hearing, the Planning Commission may, by majority vote, in accordance with the provisions of this Chapter, approve, disapprove, conditionally approve, or continue the consideration of the application. If the Planning Commission has advisory jurisdiction, the Planning Commission will render an advisory recommendation to the City Council. (Ord 96-07)

G. Upon receipt of the advisory recommendation from the Planning Commission, the Director shall set the application for Use Permit as a noticed public hearing for the next available meeting of the City Council. Following the public hearing, the City Council may, by majority vote, in accordance with the provisions of this Chapter, approve, disapprove, or conditionally approve, or continue the consideration of the application. (Ord 96-07)

(c) Section 30.74.070 . Subsection A. per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

A. A final determination on the application for a Use Permit shall be made, by written resolution if by the Planning Commission or by notice of determination if by the Director, setting forth the facts which support the action. (Ord 96-07)

(d) Section 30.74.105, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

C. A final determination made under this Section shall be posted as City Hall and will be effective fifteen days thereafter, unless an appeal is filed. The City Council shall be notified of the final determination. If the determination is that the construction is in conformance, the proponent may proceed, at the proponent's own risk, during the fifteen day appeal period. The proponent or any aggrieved person may appeal, or may apply for a modification of the Use Permit. (Ord 96-07)

9. Chapter 30.78, Variances

(a) Section 30.78.020, Subsection A(2), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

2. That does not contain another component which requires a final determination from the Planning Commission or City Council. (Ord 96-07)

(b) Section 30.78.020, Subsection B, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

B. Except as otherwise provided in this Chapter, the Planning Commission is authorized to render a final determination on an application for variance for a project. (Ord 96-07)

(c) Section 30.78.020, Subsections C and D, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. are repealed.

(d) Section 30.78.024, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards. is amended to read as follows:

Section 30.78.024 Procedure.

A. The owner, or the owner's authorized agent, of the real property on which the variance is requested shall make application to the Director on a form approved by the Director. To be received, the application must be accompanied by a filing fee in an amount set, from time to time, by resolution of the City Council, together with whatever additional plans and information the Director deems necessary to accomplish the purposes of this Chapter. (Ord 96-07)

B. The Director shall provide to the applicant the date, times and places for consideration of the application. The applicant shall complete the noticing and file a declaration of notice by mail with the Director. (Ord 96-07)

C. When the application has been received and properly noticed, the Director shall place the matter on the agenda of the authorized body. (Ord 96-07)

D. The Director is authorized to approve, disapprove, or conditionally approve an application for a Minor Variance in accordance with the provisions of this Chapter. When authorized to render a final determination, the Director shall hold a public hearing and make a decision or refer the application to the Planning Commission. (Ord 96-07)

E. If the Planning Commission is required to render a final determination on the application for a Variance, the Director shall submit the matter to the Planning Commission at a noticed, public hearing. (Ord 96-07)

F. Following the public hearing, the Planning Commission may, by majority vote, in accordance with the provisions of this Chapter, approve, disapprove, conditionally approve, or continue the consideration of the application. (Ord 96-07)

8  
25  
30  
(e) Section 30.78.040, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. A final determination granting a Variance shall be by notice of determination when the Director is the granting authority, by resolution when the Planning Commission is the granting authority, and by resolution when the City Council grants a Variance on appeal. (Ord 96-07)

(f) Section 30.78.100 per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

30.78.100 Appeals. A final determination by the Director or the Planning Commission under the authority of this Chapter may be appealed to the City Council in accordance with the procedures specified in this Code. (See Chapter 1.12) (Ord 96-07)

#### 10. Chapter 30.80. Coastal Development Permit

(a) Section 30.80.020, Subsection B, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

B. Except as otherwise provided in this Chapter, the Planning Commission is authorized to render a final determination for Coastal Development Permit. (Ord 96-07)

(b) Section 30.80.020, Subsection C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

C. Upon consideration of the Planning Commission, the City Council is authorized to render a final determination for Coastal Development Permits for the following application types: (Ord 96-07)

1. General Plan Interpretation
2. General Plan Amendment
3. Zoning Code Amendment
4. Zoning Map Amendment
5. Specific Plan
6. Other applications as required by this Code

(c) Section 30.80.020, Subsections C and D, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, are repealed.

(d) Section 30.80.080, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

30.80.080 Public Hearing by Authorized City Agency. The authorized agency shall hold a public hearing on coastal development permit requests or amendments to existing permits if the associated discretionary actions by the City otherwise require a public hearing, or if the location of the proposed project is within the area subject to appeal to the Coastal Commission pursuant to Section 30.80.030 Subsection A of this Code. The hearing shall be scheduled and noticed as described in Chapter 30.01 of this Code except as modified by the following: (Ord 96-07)

(e) Section 30.80.140, Subsection B and Subsection B(1), per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

B. following final action of a Coastal Development Permit by the Director of Community Development or Planning Commission, and following final decision by any of the City decision-making bodies on an appeal of a Coastal Development Permit, a notice of final action shall be prepared and distributed as follows: (Ord 96-07)

The notice of final action shall include the notice of decision by the Director, and the resolution by the Planning Commission or City Council containing conditions of approval, if any, and written findings supporting the action, and the procedure for appeal to the Coastal Commission for appealable projects. (Ord 96-07)

(f) Section 30.80.150, Subsection A, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is amended to read as follows:

A. A Coastal Development Permit decision rendered by the Director, or Planning Commission may be appealed to the City Council in accordance with the procedures in the Code. (See Chapter 1.12). (Ord 96-07)

(g) Section 30.80.150, Subsections B and C, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, are repealed.

(h) Section 30.80.150, Subsection D, per Ordinance 96-07, with the intent of deleting the Community Advisory Boards, is recodified to become Subsection B.

9 of 30

Ordinance 97-17  
Attachment "B"  
Proposed Title 30: Zoning Amendments

NOTE: Code text as recommended by the Planning Commission is highlighted with shading, new text is underlined and deleted text is ~~struck out~~.

I. Chapter 30.04; Definitions:

- (a) "Accessory Living Quarters" definition is repealed.

~~ACCESSORY LIVING QUARTERS shall mean living quarters on the same building site as a dwelling, designed or used for housing servants or guests, having no cooking facilities or kitchen and not rented or otherwise used as a separate dwelling.~~

- (b) "Building Height" is amended to read as follows:

BUILDING HEIGHT shall mean the vertical distance from the lower of the natural or finished exterior grade adjacent to the structure, to the highest portion of the roof immediately above. An approved subdivision map may establish the building pad elevation from which building height is measured with consideration given to on-site and surrounding uses and terrain. Where the property is located significantly below the level of existing streets (as determined by the Community Development Director) a pad elevation from which the building height is measured, may be approved subject to a Use or Design Review Permit. When underground parking exists or is a basement element or underground parking exist or are proposed, height is measured from the finished grade (above the underground parking or basement element) provided the finished grade is at or below the previous natural grade, to the highest portion of the roof immediately above.

- (c) "Board and Care" definition is repealed.

~~BOARD AND CARE shall mean a facility licensed by the State Department of Social Services, which provides room, board, minor medical care, and cleaning services for ambulatory senior citizens.~~

- (d) "Congregate Care Facility" is amended to read as follows:

CONGREGATE CARE FACILITY / ASSISTED LIVING / BOARD AND CARE shall mean a residential home facility which provides limited care and assistance for elderly and/or handicapped persons, including Congregate care facilities shall include common dining room, recreation and other common facilities. Congregate care facilities shall provide housing, food service, and assistance with personal care. Personal care means assistance with activities of daily living which maintain physical and psychosocial comfort (i.e. dressing, bathing, feeding, medication management,



ambulating, etc.). Congregate care facilities shall be licensed by the State Department of Public Health, the State Department of Social Welfare or the County of San Diego, of California, Health and Welfare Agency, Department of Social Services, Community Care Licensing (California Code of Regulations Title 22, Division 6, Chapter 8)

(e) "Congregate Housing" is amended to read as follows:

CONGREGATE HOUSING / INDEPENDENT LIVING / RETIREMENT HOMES - A multi-bedroom structure in which two or more households, inclusive, share common living areas and child care, cleaning, cooking and other household responsibilities. Congregate housing is sometimes referred to as a community housing development. Shall mean a multi-unit residential facility for residents in which no skilled nursing or direct personal care is given (except home health care and other supportive services provided by community agencies). Congregate housing facilities shall have separate private dwelling units but may include common dining, recreation and living areas. Congregate housing facilities need not be licensed by the State of California, Health and Welfare Agency.

(f) "Convalescent Home" is amended to read as follows:

CONVALESCENT HOME / SKILLED NURSING FACILITY - shall mean a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County of San Diego, which provides 24 hour skilled nursing care (bed and ambulatory) care for patients with who need post-operative convalescent convalescence, short term rehabilitation, are chronically ill or dietary problems, and persons who are unable to care for themselves because of age or infirmity, aged or infirm unable to care for themselves, but not including alcoholics, drug addicts, facilities whose major or primary function is for substance abuse rehabilitation or for the care and/or treatment of persons with mental or contagious diseases, disorders or afflictions. Convalescent Homes shall mean a facility licensed by the State of California, Health and Welfare Agency, Department of Health Services, Licensing and Certification Division (California Code of Regulations, Title 22, Division 5, Chapter 3).

(h) "Rest Home" definition is repealed.

REST HOME shall mean any place or institution which makes provision for bed care or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves, but in which no persons suffering from contagious or communicable disease are kept and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed. Rest homes shall include all places defined in Title 17 of the California Administrative Code and licensed as nursing or convalescent homes.

- (i) "Cosmetic Design Studio" definition is added to read as follows:

COSMETIC DESIGN STUDIO is an establishment utilizing cosmetic preparations to enhance the natural features of a person or persons. The establishment and all technicians working in the establishment must possess all licenses and permits required by County and State codes. Cosmetic design studios may also include application of permanent make-up such as eye and lip liner, eye brow enhancement, beauty marks, scar cover up and cheek coloring which is consistent with normal pigmentation of the client. The product of cosmetic design studios does not include graphical or color enhancement which is not generally recognized as make-up.

- (j) "Dwelling Unit" is amended to read as follows:

DWELLING UNIT shall mean one or more rooms and a single kitchen in a building or portion thereof single family dwelling apartment house or hotel designed as a unit for occupancy by one family household for living and sleeping purposes, in which all habitable rooms have interior access to the rest of the dwelling unless otherwise approved by the Community Development Director.

- (k) "Dwelling, Caretaker Unit" definition is added to read as follows:

DWELLING, CARETAKER UNIT shall mean any dwelling unit which serves as the residence of a caretaker or superintendent (and family), for the establishment(s) on the property. A caretaker unit may only be allowed as accessory to the principal use(s) on the site and is subject to the area limitations set forth in Municipal Code Section 30.48.050 Subsection C.

- (l) "Group Care Home" definition is added to read as follows:

GROUP CARE HOME shall mean a dwelling unit which provides an in-house treatment or rehabilitation program for its residents and is operated on a 24 hour basis to provide necessary services in a residential setting. Group Care Homes are licensed and defined by the State of California.

- (m) "Family Care Home" definition is repealed.

FAMILY CARE HOME shall mean a state authorized, certified, or licensed family care home, foster home, or group home serving six or fewer elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children and providing such care and service on a 24 hour a day basis. No such facility shall qualify as a family care home if it is operated in such manner that facilities, activities, or events thereon are shared by more than six elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children.

(n) "Lot Area" is repealed.

LOT AREA shall mean total area exclusive of street within the boundary lines of a lot.

(o) "Lot Area, Net" is amended to read as follows:

NET LOT AREA. NET See "Net Acreage" shall mean total area exclusive of street within the boundary lines of a lot and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less.

(p) "Net Acreage" is amended to read as follows:

NET ACREAGE for the purpose of calculating density, shall mean all the slope adjusted unconstrained gross acreage within the subject property, except Constrained acreage shall include flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, and existing and future right-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less.

(q) "Tattoo Parlor" definition is added to read as follows:

TATTOO PARLOR establishment means any premises where a tattoo artist does tattooing for a fee or for other considerations. For purposes of this code, TATTOOING means any method of placing designs, letters, scrolls, figures, symbols, or any other indelible marks (except as defined in "Cosmetic Design Studio") upon or under the skin with ink or colors, by the aid of needles or instruments.

(r) "Time Share Estate" definition is added to read as follows:

TIME-SHARE ESTATE shall mean a right of occupancy in a time-share project which is coupled with an estate in the real property.

(s) "Time Share Project" definition is added to read as follows:

TIME-SHARE PROJECT shall mean a project in which a purchaser receives a right in perpetuity, for life, or for a term of years, to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property annually or on some other periodic basis, for a period of time that has been, or will be, allotted from the use or occupancy periods into which the project has been divided.

(t) "Time Share Use" definition is added to read as follows:

TIME-SHARE USE shall mean a license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.

(n) "Transient Habitation Unit" is amended to read as follows:

TRANSIENT HABITATION UNIT Shall mean living quarters intended exclusively for occupation occupancy by transient persons for a period of 30 consecutive days or less and subject to Chapter 3.12 of the Municipal Code, Transient Occupancy Tax. A transient habitation unit may include a hotel or motel room or suite of rooms, a cabin or campground space, but does not include single family or duplex units.

## 2. Chapter 30.08: Zones:

Section 30.08.010, Subsection B is amended to read as follows:

L-VSC: Limited Visitor Serving Commercial is intended to provide for hotel/motel and time-share project uses as the primary use and ancillary uses specifically intended to serve the needs of persons visiting the City.

## 3. Chapter 30.09. Use Matrix:

(a) CONGREGATE CARE FACILITY / ASSISTED LIVING / BOARD AND CARE is amended to read as follows: (Prohibited in all zones not listed)

### ADD TO USE MATRIX

#### CONGREGATE CARE FACILITY / ASSISTED LIVING / BOARD AND CARE (up to 6 residents)

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	P/SP
current							
proposed	P	P	P	P	X	X	P

#### CONGREGATE CARE FACILITY / ASSISTED LIVING / BOARD AND CARE (7 to 15 residents)

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	P/SP
current	X	C	C	C	X	X	C
proposed	Cm	Cm	Cm	Cm	X	X	Cm

# ADD TO USE MATRIX

## CONGREGATE CARE FACILITY / ASSISTED LIVING / BOARD AND CARE (16 or more residents)

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	P/SP
current							
proposed	C	C	C	C	X	X	C

(b) CONVALESCENT HOME / SKILLED NURSING FACILITY is amended to read as follows:  
(Prohibited in all zones not listed)

## CONVALESCENT HOME / SKILLED NURSING FACILITY

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	P/SP
current	X	C	C	C	X	X	C
proposed	C	C	C	C	X	X	C

(c) DWELLING UNIT, CARETAKER - ACCESSORY TO THE PRINCIPAL USE: is amended to read as follows: (Prohibited in all zones not listed)

Add new Footnote where prohibited:

\*\*\*\*\*Unless permitted as accessory use in conjunction with a Major or Minor Use Permit.

Add existing footnote in every zone where permitted:

\*\*\*\* Not permitted within coastal zone ecological resource areas.

## DWELLING UNITS, CARETAKER

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	LC
current	X	X	X	X	X	X	X
proposed	X****	X****	X****	X****	X****	X****	X****

GC	VSC	LI	BP	P/SP	ER/OS	LLC	LVSC
P	P	P	P	P	Cm****	X	X
P***	P***	P***	P***	P***	Cm****	X****	X****

(d) GROUP CARE HOME: is amended to read as follows: (Prohibited in all zones not listed)

## GROUP CARE HOME

	RR-RR2	R3-RS11	R11-R15	R20-R25	MHP	OP	P/SP
current	C	C	C	C	X	C	C
proposed	P	P	P	P	X	X	P

(e) Restaurant (w/ no alcohol sales) is amended to read as follows: (Prohibited in all zones not listed)

**RESTAURANT - NO ALCOHOL SALES**

	OP	LC	GC	VSC	LI	BP	LVSC
current	P*	P	P	P	P	Cm	P
proposed	P*	P	P	P	P	P*	P

\* Permitted as an accessory use up to 10% of leaseable square footage of the center, not to exceed 1500 square feet, unless approved by a Minor Use Permit.

(f) Restaurant (w/ alcohol sales): is amended to read as follows: (Prohibited in all zones not listed)

**RESTAURANT - WITH ALCOHOL SALES**

	residential	OP	LC	GC	VSC	LI	BP
current	X	C	C	C	C	C	Cm
proposed	X	Cm*	Cm	Cm	Cm	Cm	Cm*

	P/SP	ER/OS	LLC	LVSC			
current	X	X	X	Cm			
proposed	X	X	X	Cm			

\* Permitted as an accessory use.

(g) "Rest Home (7 or more)" and "Rest Home/Convalescent (6 or less)" are repealed.

(h) Time-share project is added to the following zones: (Prohibited in all zones not listed)

**TIME-SHARE PROJECT**

	residential	GC	VSC	LVSC			
current							
proposed	X	C	C	C			

4. Chapter 30.16. Residential Zones

- (a) Section 30.16.010 Subsection E is amended to read as follows:

E. ACCESSORY STRUCTURES. In all residential zones, the following development standards related to accessory structures shall apply (refer to Chapter 30.48: Accessory Use Regulations for additional standards related to accessory uses, location, quantity permitted, size, etc. of permitted accessory structures):

- (b) Section 30.16.011 Subsection E(4) is amended to read as follows:

4. Swimming pools and spas shall may be located within the required interior or rear yard provided that they are no closer than a minimum of three (3) feet to from interior side and rear lot lines, and shall comply with all fencing requirements required by the Encinitas Municipal Code. Swimming pools may occupy more than 50% of the required rear yard. Pool equipment may be located no closer than three (3) feet to interior side, street side or rear lot lines, and shall be fully screened (i.e. landscaping or fencing) from any adjacent property. Swimming pools and spas shall comply with all fencing requirements as set forth in Section 30.16.010 Subsection F(3) of this Code.

- (c) Section 30.16.010 Subsection E(8)(c), is amended to read as follows:

c. The structure must have less shall not exceed than 120 square feet of floor area or projected roof area.

5. Chapter 30.20. Commercial Zones

- (a) Section 30.20.010. Subsection C(5), is amended to read as follows:

5. All signing signs associated with the buildings and site shall be integrated in terms of both architecture and color and shall comply with applicable City sign regulations contained in Chapter 30.52 30.60.

- (b) Section 30.20.020. is added to read as follows:

B. TIME-SHARE PROJECTS. Time-share projects as defined in Section 30.04 of this Code shall be subject to the following regulations in addition to the development standards and design criteria of the Commercial Zone as established by this chapter:

L. All time-share projects shall require a Major Use Permit. In addition to the mandatory findings required for the issuance of a Conditional Use Permit under Chapter 30.74 (Use Permits), the authorized agency shall also find:

a. That the time-share project is located in reasonable proximity to an existing resort or public recreation area, and therefore can financially and geographically function as a successful time-share project; and the project will thus not be disruptive to existing or future uses in the surrounding neighborhood.

b. All proposals for time-share projects shall be accompanied by a detailed description of the methods to be employed to guarantee the adequacy, stability and continuity of a satisfactory level of management and maintenance. A Management and Maintenance Plan shall be approved as, and made a part of, the permit for the project and shall be recorded in the County Recorder's Office referenced to the subject property to ensure to successors in interest.

c. For proposals in the Coastal Zone, the Management and Maintenance Plan shall also demonstrate how a reasonable number of units within the time-share resort project will be made available to the general public for reasonably priced transient overnight accommodations during the course of each calendar year. The Plan shall include an aggressive marketing program to maximize exposure of rental possibilities to a broad spectrum of the public.

d. A sales plan shall address the time, location and methods that will be used to sell the time-share resort estates or uses. Factors to be defined in the plan shall include, but are not limited to: the location, length, and marketing methods that will be used. The sales plan shall include such information as the Director requests for the purpose of determining that the sales effort of the project will not create a traffic or safety problem and will not otherwise be a nuisance to the neighborhood.

2. The maximum time increment for recurrent exclusive use of occupancy of a time-share unit shall be no more than thirty (30) consecutive days nor more than a total of sixty (60) days in any twelve (12) month period. However, a time-share project may include a permanent on-site management residence.

3. Approval of a time-share project shall include approval to operate a hotel in the event that the project cannot be successfully marketed as a time-share project.



## 6. Chapter 30.34. Special Purpose Overlay Zones

(a) Section 30.34.040, Subsection B(3) is amended to read as follows:

### 3. Wetlands

a. Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, estuaries, and lakes shall be permitted where there is no feasible less environmentally-damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and shall be limited to the following newly permitted uses and activities:

1. Incidental public service projects.
2. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
3. Restoration purposes.
4. Nature study, aquaculture, or other similar resource dependent activities.

b. In all areas, a buffer of 100 feet in width shall be maintained around all identified coastal lagoon wetland areas. A buffer of 100 feet in width shall be maintained around all other wetland areas, except riparian wetland areas which shall require a minimum 50 foot wide buffer, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site specific information. A buffer of lesser width that will protect the resource of the wetland shall be permitted based on site specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the wetland. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service, Army Corps of Engineers shall be consulted in such buffer determinations.

## 7. Chapter 30.46: Temporary Uses

(a) Section 30.46.020, Subsection I is added to read as follows:

I. Seasonal Sales Lot. The temporary sales of holiday season products, such as holiday trees, pumpkins, and closely related agricultural and floracultural products. Seasonal sales does not include roadside stands to sell manufactured items or agriculture products normally displayed in other seasons.

(b) Section 30.46.130, is added to read as follows:

30.46.130 Seasonal Sales Lot. The temporary sales of holiday season products, such as holiday trees, pumpkins, and closely related agricultural and floracultural products may be permitted in compliance with the following provisions.

A. Location. A seasonal sales lot may be located on any property in a commercial or residential zone which abuts a street, other than a "local street", identified on the Circulation Element Map of the City of Encinitas pursuant to a site plan approved by the Community Development Director and a Seasonal Sales Solicitation Permit issued by the City Clerk.

B. Duration. The period of operation of a seasonal sales lot shall not exceed 45 days prior to the holiday. The property shall be cleared and restored to its condition prior to the sales lot within 3 days after the holiday.

C. Coastal Development Permit. The temporary sales of holiday products is exempt from Coastal Development Permit requirements unless it meets any of the criteria in Section 30.46.035 of this Chapter requiring such permit.

D. Seasonal sales lots shall be maintained and operated in a manner consistent with other sections of this Code, the Uniform Building Code, the Uniform Fire Code, the Uniform Electric Code, and the regulations of the Department of Health Services for the County of San Diego.

E. Seasonal sales lots shall comply with Chapter 30.60 regarding any on-site signage.

F. A temporary trailer or recreational vehicle may be allowed, for the duration of the seasonal use, on the lot as an on-site security or sales office with the appropriate building, fire and health permits.

8. Chapter 30.48: Accessory Use Regulation:

(a) Section 30.48.040, Subsection L, is repealed.

(b) Section 30.48.040, Subsections M through CC are recodified accordingly.

(c) Section 30.48.040 Subsection W(4) is recodified as Subsection V(4) and is amended to read as follows:

4. Accessory units shall be provided with full kitchen facilities, shall meet main building setbacks, standard height limits, lot coverage, floor area ratio, and other requirements for residential zones.

(d) Section 30.48.050 Subsection C is added to read as follows:

C. Caretaker's dwelling unit. Pursuant to Section 30.09, one (1) dwelling unit is permitted, accessory to the principal use(s) on site, to serve as the residence of a caretaker or superintendent (and family) for the establishment(s) on the property. A caretaker's dwelling unit is limited to 750 square feet or 30% of the floor area of the principal structure(s) on the property, whichever is less, with a minimum of 400 square feet allowed by right. Additional floor area over 750 square feet or 30% of the floor area of the principal structure may be allowed with the approval of a Minor Use Permit. A covenant in form and content acceptable to the Community Development Director, shall be recorded to assure that the caretaker's unit is not otherwise rented or expanded beyond the limitations set forth in this section.

(e) Section 30.48.060, is amended to read as follows:

30.48.060 Manufacturing and Industrial Zones. Single-family dwellings or a single mobilehome, limited to 750 square feet or 30% of the floor area of the principal structure(s) on the property, whichever is less, with a minimum of 400 square feet allowed by right (additional floor area over 750 square feet or 30% of the floor area of the principal structure may be allowed with the approval of a Minor Use Permit) shall be permitted subject to the following:

A. Caretaker or Superintendent. On a lot or building site with a permitted use, and occupied exclusively by a caretaker or superintendent (and family) of such industrial use and his family; or (...)

C. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.

## 9. Chapter 30.54: Off-Street Parking:

(a) Section 30.54.030, Subsection A, is amended to read as follows:

### Time-Share Projects

1.25 spaces per bedroom for one bedroom units; and 1.00 space per bedroom for two or more bedroom units; accessory uses, including restaurants in conjunction with the project, shall provide additional parking at a ratio established through the use permit process

(b) Section 30.54.030 Subsection B. is amended to read as follows:

All Uses Other Than Residential

Number of Automobile Spaces Provided		# of Handicapped Spaces Required
<del>1-40</del>	<u>1-25</u>	<u>1*</u>
<del>41-80</del>	<u>26-50</u>	<u>2</u>
<del>81-120</del>	<u>51-75</u>	<u>3</u>
<del>121-160</del>	<u>76-100</u>	<u>4</u>
<del>161-200</del>	<u>101-150</u>	<u>5</u>
<del>201-240</del>	<u>151-200</u>	<u>6</u>
<del>241-280</del>	<u>201-300</u>	<u>7</u>
<del>281-320</del>	<u>301-400</u>	<u>8</u>
<del>321-360</del>	<u>401-500</u>	<u>9</u>
<del>361-400</del>	<u>501-1000</u>	<u>2% of total</u>
<del>Over 400</del>	<u>1001 and over</u>	<u>20 plus 1 for each 100 over 1000</u>

\* When only one handicap space is required, the space must be "van accessible" as defined in California Title 24 Accessibility Guidelines.

10. Chapter 30.60, Sign Regulations:

(a) Section 30.60.060, Subsection L, is amended to read as follows:

L. Use Permit Signs: For any use type allowed by the granting of a use permit, placement, number, and size of on-premise signs shall may be determined by the conditions of approval of the major use permit.

(b) Section 30.60.100 Subsection B(3) is amended to read as follows:

3. Lighting. Signs may be illuminated unless otherwise specified in this chapter provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines.

(a) Neon signs, however, are permitted provided they do not flash. The use of neon tube lighting to accent a building, portions of a building, or a building's windows, that does not constitute a sign, requires Design Review before the Planning Commission.

(b) Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting, or become a distraction/hazard to drivers, shall not be permitted unless otherwise approved by Design Review by the Planning Commission. This restriction shall not

apply to signs which convey information such as time, temperature, or weather; however, said sign shall be included in permitted sign area.

(c) Section 30.60.100, Subsection C (5) is added as follows:

5. Materials. Monument signs shall be constructed of high quality, durable material with cabinets and bases primarily constructed of natural materials such as wood, tile and stucco with a minimal amount of metal and/or plastic materials. Materials used for monument signs shall match and/or complement the materials used within the plaza or on the commercial building(s).

6. Design. The design of the monument sign shall match and/or complement the architectural style of the building or plaza (i.e.: no modern style monument signs with a mission style building).

7. Colors. Colors of the monument sign(s) shall be consistent with the Sign Program of wall signs, directional signs, etc. within the commercial center or plaza.

8. Maintenance. Monument signs shall be maintained in good condition, and whenever necessary, shall be replaced or repaired with new materials to ensure that such signs will not depreciate adjacent property values or otherwise adversely affect adjacent properties.

(d) Section 30.60.110. is amended to read as follows:

30.60.110 NONRESIDENTIAL TEMPORARY SIGN STANDARDS. In addition to the permanent sign standards, the property owner may post, erect and maintain temporary signs and banners with an approved Temporary Sign Permit on property zoned for nonresidential use consistent with the general regulations of this Chapter and the following standards:

A. Temporary signs shall not exceed 16 square feet per side nor 8 feet in height. Signs may be double sided signs. The number of temporary signs is limited to 2 signs. The total area of all temporary signs cannot exceed 16 square feet in area.

B. Banners: Banners for nonprofit organizations sponsoring special events may be displayed a maximum of a 14 day period no more than 14 days prior to the start of the event and through the event. must be removed within 3 days after the end of the event. A maximum of one banner is permitted not to exceed 24 sq. ft. square feet. Said banners must be removed within 3 days after the end of the event. Banners can be attached to a building or two posts. The height of a banner when attached to the building shall not extend above the roof line. When attached to posts, the height shall not exceed 8 feet. The sign banner may only be one be double sided.

C. Grand opening/closing banners for businesses may be displayed a maximum of 60 days after the initial opening of a business, or 60 days prior to the official close of the business, subject to permit. A maximum of one banner is permitted not to exceed 24 square feet. Banners may be attached to a building or two posts. The height of a banner when attached to the building shall not extend above the roof line. When attached to posts, the height shall not exceed 8 feet. May only be one sided and a maximum of 24 sq. ft. The banner may be double sided.

D. Banners over public rights-of-way shall be permitted subject to the standards established by the City and approved by the City Manager or his designee. Said banners are for civic and nonprofit City-wide recognized special events. The banner shall not exceed 45 square feet in area and shall be located only on City approved structures. The banners may be displayed no more than 14 days prior to the start of the event and must be removed within 3 days of end of the event. Installation shall be to City specifications. Fees to recover City costs in reviewing the applications shall be established by the City Council.

E. On-site banners for nonresidential uses shall be allowed subject to the following regulations: (Ord. 89-38)

1. Message — Banner signs may bear a design, logo, motto and/or slogan, messages for sales and special promotions, except no off-site commercial message shall be presented.

2. Area — The maximum area shall not exceed 24 square feet.

3. Quantity — No more than one banner per display period. A maximum of four banners per calendar year.

4. Longevity — Each banner shall not be displayed more than 15 consecutive days.

5. Location — The banner must be attached to the on the site. Attachment to the roof or parapet wall is not permitted. The banner can not extend above the ridge line of a structure.

6. Construction — The banner must be constructed of quality, durable material that is weather resistant.

7. Fee — The fee for processing a permit is \$25. Said fee to cover all of the banners to be used within a calendar year.



E. Commercial Banners. On-site banners for nonresidential uses may be displayed for a period of 60 days within a twelve month period. No more than one banner is allowed at a time, with a maximum of four banners within the twelve month period. Banners may bear a design, logo, motto and/or slogan, messages for sales and special promotions, except no off-site commercial message shall be permitted. The maximum area shall not exceed 24 square feet. The banner must be attached to the building or two posts on the site and may be double sided. Attachment to the roof or parapet wall is not permitted. The banner can not extend above the ridge line of a structure. The banner must be constructed of quality, durable material that is weather resistant.

F. Seasonal Sales Lot: Banners or temporary signs may be allowed for Seasonal Sales Lots that have received the appropriate solicitors permit and comply with all applicable health and safety codes. The sign or banner may be displayed a maximum of 45 days prior to the holiday and must be removed within 3 days thereafter. A maximum of one sign or banner per street frontage is permitted not to exceed 16 square feet each. The sign or banner may be attached to a fence or two posts and shall not exceed 8 feet in height. Signs or banners attached to two posts may be double sided.

(e) Section 30.60.130, is amended to read as follows:

#### 30.60.130 PROCEDURE

A. An application to construct a sign shall be submitted to the Department of Planning and Community Development. Community Development Department together with the processing fee calculated in accordance with a resolution of the City Council. The Community Development Director shall consider the standards established in Design Review Section 23.08.078 when evaluating sign permit requests. The following signs shall obtain require approval from the Planning and Community Development Director:

- All permanent nonresidential signs unless exempt under Section 30.60.060.
- All permanent residential signs greater than 5 square feet unless exempt under Section 30.60.060.
- All temporary signs exceeding 4 sq. ft. square feet unless otherwise exempt elsewhere in this Chapter.

B. All nonexempt signs are subject to review approved by the Planning and Community Development Director with the exception of signs proposed as a part of a new project that is subject to a design review. Signs included as a part of a Design Review application shall be reviewed by the Planning Commission agency authorized to issue the Design Review Permit (Community Development Director, Planning Commission, or City Council).

11. Chapter 30.72, Zoning Amendments

Section 30.72.060, is amended to read as follows:

30.72.060 Public Hearing by Planning Commission. The Planning Commission shall hold a public hearing on a zoning amendment request within 40 days after the Director of Community Development Director and CAB have has determined the application for zoning amendment to be complete. The hearing shall be scheduled and noticed as described in Chapter 30.70 Chapters 30.01 and 30.80 of this Code. A written report for the hearing which includes the CAB recommendation, shall be prepared by the Director of Community Development Director.

13. Chapter 30.74; Use Permits

(a) Section 30.74.040, Subsection D, is amended to read as follows:

D. Upon receipt of advisory recommendations from the appropriate CAB or CABs and the Planning Commission, the City Council is authorized to render a final determination on an application for a Use Permit for a project which contains one (1) or more components that require a final determination by the City Council.

(b) Section 30.74.080, Subsection A, is amended to read as follows:

A. The person or body authorized to render a final determination shall have the authority to impose such conditions and safeguards as it deems necessary to protect and enhance the health, safety, and welfare of the surrounding area, and to insure that the proposed project for which minor Use Permit approval is sought, fully meets the criteria as set forth in this Chapter.



Ordinance 97-17

Attachment "C"

Downtown Encinitas Specific Plan Proposed Amendments

NOTE: Code text as recommended by the Planning Commission is highlighted with shading, new text is underlined and deleted text is ~~struck out~~.

Chapter 3. Use and Development Regulations, Subsection 2. Development Standards is amended to read as follows:

3.2.1 Residential Zones:

A. Residential 11 (D-R-11)

1. Permitted Uses:

Congregate Care Home (6 residents or less)

Family Care Home (6 or fewer, accessory to single family dwelling only)

Group Care Home

Rest Home, Convalescent Home (6 or less)

2. Minor Use Permit:

Congregate Care Home (7 to 15 residents)

Day Care Center (more than 6 children/clients)

3. Major Use Permit:

Congregate Care Facility (7 16 residents or more)

Convalescent Home (7 or more)

Group Care (7 or more)

Rest Home (7 or more)

B. Residential 15 (D-R-15)

1. Permitted Uses:

Congregate Care Home (6 residents or less)

Family Care Home (6 or fewer, accessory to single family dwelling only)

Group Care Home

Rest Home, Convalescent Home (6 or less)

2. Minor Use Permit:

Congregate Care Facility (7 to 15 residents)

Day Care Center (more than 6 children/clients)

3. Major Use Permit:

~~Congregate Care Facility (7-16 residents or more)~~

~~Convalescent Home (7 or more)~~

~~Group Care (7 or more)~~

~~Rest Home (7 or more)~~

C. Residential 25 (D-R-25)

1. Permitted Uses:

~~Congregate Care Facility (6 residents or less)~~

~~Family Care Home (6 or fewer, accessory to single family dwelling only)~~

~~Group Care Home~~

~~Rest Home, Convalescent Home (6 or less)~~

2. Minor Use Permit:

~~Congregate Care Facility (7 to 15 residents)~~

~~Day Care Center (more than 6 children/clients)~~

3. Major Use Permit:

~~Congregate Care Facility (7-16 residents or more)~~

~~Convalescent Home (7 or more)~~

~~Group Care (7 or more)~~

~~Rest Home (7 or more)~~

3.2.2. Commercial Zones

A. Zone: Office Professional (D-OP)

1. Major Uses:

~~Congregate Care Facility (7 or more)~~

~~Convalescent Home (7 or more)~~

~~Group Care Home (7 or more)~~

~~Rest Home, Convalescent Home (6 or less)~~

~~Rest Home (7 or more)~~

B. Zone: Visitor Serving Commercial (D-VSC)

3. Major Use Permit:

Time-Share

### 3.2.3 MIXED USE ZONES

#### A. Zone: Commercial Mixed - First Street (D-CM-1)

##### 3. Major Use Permit:

Time-Share

#### B. Zone: Commercial Mixed - Second Street (D-CM-2)

##### 1. Permitted Uses:

Congregate Care Facility (6 residents or less)

Group Care Home

##### 2. Minor Use Permit:

Congregate Care Facility (7 to 15 residents)

Day Care Center (Listed as Permitted)

##### 3. Major Use Permit:

Congregate Care Facility (16 residents or more)

Congregate Housing

Convalescent Home

Rest Home (7 or more)

Rest Home/Convalescent Home (6 or less)

Time-Share

#### C. Zone: Visitor Commercial Mixed (D-VCM)

##### 3. Major Use Permit:

Time-Share

#### D. Zone: Office Mixed (D-OM)

##### 1. Permitted Uses:

Congregate Care Facility (6 residents or less)

Day Care Center (more than 6 children/clients)

Family Care Home (6 or fewer, accessory to single family dwelling only)

Group Care Home

Rest Home, Convalescent Home (6 or less)

##### 2. Minor Use Permits:

Congregate Care Facility (7 to 15 residents)

3. Major Uses:

Congregate Care Facility (~~7~~ 16 residents or more)

Convalescent Home (~~7~~ or more)

Group Care Home (~~7~~ or more)

Rest Home (~~7~~ or more)



# PACIFIC OCEAN

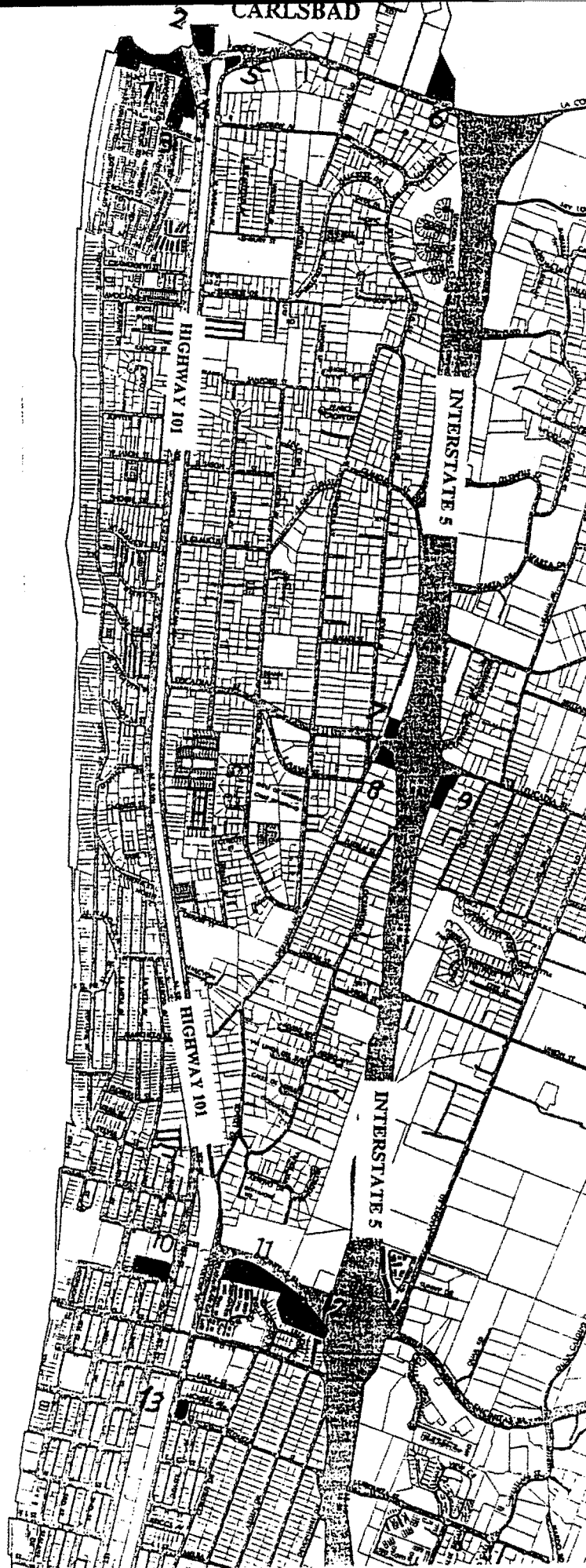


EXHIBIT NO. 2


APPLICATION NO.

**ENCINITAS**

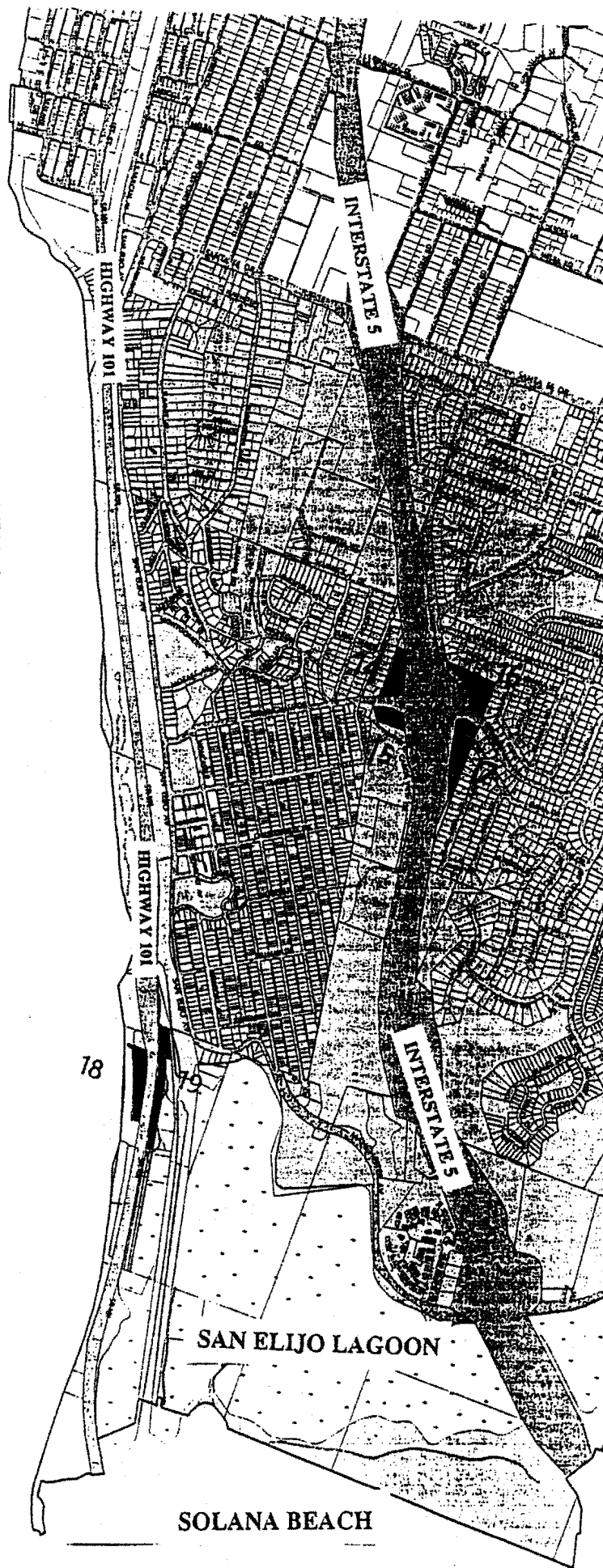
**LCPA 2-97**

Visitor-Serving  
Commercial Sites

1 of 2


 California Coastal Commission

# PACIFIC OCEAN



**City of Encinitas Visitor Serving Commercial Zones**  
(VSC, LVSC, D-VSC AND D-VCM)

Site Number	Existing Land Uses	Zoning	Site Acreage (Approx.)
1	Vacant - Approved For Hotel/Resort (131 Units)	LVSC	4.3
2	Vacant- Constrained	VSC	1.93
3	Restaurant	VSC	2.9
4	Office	VSC	.42
5	Single-Family Dwelling	VSC	.45
6	Chevron Station	VSC	2.60
7	Texaco Station	VSC	.61
8	Shell Station	VSC	.91
9	Holiday Inn Express	LVSC	1.43
10	Cozen's Site (4 Single- family dwellings, 2 Warehouse buildings and an Auto Repair Shop)	D-VCM	1.90
11	Radisson Inn and Ciao Luna Restaurant	VSC	3.57
12	Budget Motel and Denny's Restaurant	VSC	4.18
13	Derby House Site (3-4 Dwelling Units)	D-VSC	.44
14	Vacant - Constrained	LVSC	2.39
15	Thrifty Station	VSC	1.33
16	Country Inn and Texaco Station/Car Wash	LVSC	2.76
17	Chevron Station, Pancake House and Encinitas Self- Storage	VSC	3.21
18	Charlie's Restaurant, Beach House and Chart House	VSC	2.53
19	Kraken Bar, Plastino Office Building, former Nectar Surf Shop, Ki's, Waterfront Office Building, Jay's Seafood and Las Olas Restaurant	VSC	3.40
<b>Totals</b>			41.26

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
<b>ENCINITAS</b>
<b>LCPA 2-97</b>
Visitor-Serving Commercial Site Descriptions
 California Coastal Commission

**SUMMARY OF EXISTING ENCINITAS HOTEL, MOTEL, B&B, TRAILER PARK AND CAMPGROUND SITES**

<i>Site No.</i>	<i>Name/Address/APN</i>	<i>Unit Count</i>	<i>Acreage (approx.)</i>	<i>CAB Area</i>	<i>Zoning</i>	<i>Summer Rates</i>	<i>Winter Rates</i>	<i>Contact Person</i>
<b>Hotels/Motels</b>								
Site 1	Royal Motel 1488 N. Hwy 101 254-054-5600	9	1 ac.	Leucadia	GC	\$25	\$25	James Kressen 753-4534
Site 2	Ocean Inn Motel 1444 N. Hwy 101 254-054-7200	50	.5 ac.	Leucadia	GC	\$49-59	\$44-54	Sheree Ratliff 436-1988
Site 3	Leucadia Beach Motel 1322 N. Hwy 101 254-222-5100/254-222-5200	21	.3 ac.	Leucadia	GC	\$30-50	\$30-50	Pat Bell 942-7461
Site 4	Pacific Surf Inn 1076 N. Hwy 101 254-292-2300	30	.7 ac.	Leucadia	GC	\$48	\$37	Vickie Monroe 436-8763
Site 5	Vacant 960 N. Hwy 101 254-313-0100	8	.1 ac.	Leucadia	GC	Unknown	Unknown	Unknown
Site 6	Holiday Inn Express 607 Leucadia Blvd. 256-122-2100/256-122-6100	100	1.4 ac.	Leucadia	LVSC	\$59-64	\$49-54	Morgan Hanley 944-3800
Site 7	Econolodge 410 N. Hwy 101 256-272-15	30	.5 ac.	Old Encinitas	GC	\$35-50	\$35-50	Manager 436-4999
Site 8	Encinitas Lodge 186 N. Hwy 101 256-392-1100	38	.5 ac.	Old Encinitas	GC	\$30-65	\$30-65	Shaun Lee 944-0301
Site 9	Moonlight Beach Hotel 233 Second St 258-034-1900	24	.4 ac.	Old Encinitas	GC	\$40-60	\$40-60	Chin Liao 753-0623
Site 10	Radisson Inn 85 Encinitas Blvd. 258-090-19	90	3.6 ac.	Old Encinitas	VSC	\$89-105	\$79-95	Christina Wagor 942-7455
Site 11	Budget Motels of America 133 Encinitas Blvd. 258-090-2600	124	4 ac.	Old Encinitas	VSC	\$34-57	\$29-47	Ken Voss 944-0260
Site 12	Motel Villa Mar 960 First St. 258-182-0700	15	.2 ac.	Old Encinitas	D-CM1	\$45-50	\$40-45	Amado Quintanilla 753-1267

EXHIBIT NO. 4

APPLICATION NO.

ENCINITAS

LCPA 2-97

1996 City Study

1 of 3

California Coastal Commission



2 of 3

Site No.	Name/Address/APN	Unit Count	Acreage (approx.)	CAB Area	Zoning	Summer Rates	Winter Rates	Contact
Site 13	Country Side Inn 1661 Villa Cardiff Dr. 260-323-1200/260-323-1600	102	2.5 ac.	Cardiff	LVSC	\$75-80	\$60	Kevin Clark 944-0427
Site 14	Cardiff-by-the-Sea Lodge 142 Chesterfield Ave. 261-032-2700	17	.2 ac.	Cardiff	GC	\$105-250	\$105-250	James Statser 944-6474
<b>Hotel/Motel Total</b>		<b>658</b>	<b>15.9 ac.</b>					
<b>B &amp; B's</b>								
Site 15	SeaBreeze Bed & Breakfast 121 N. Vulcan Ave. 256-420-2200	5	.3 ac.	Old Encinitas	R3	\$75-150	\$75-150	Kirsten Richter 944-0318
<b>B&amp;B Total</b>		<b>5</b>	<b>.3 ac.</b>					
<b>Trailer Parks</b>								
Site 16	Trailer Rancho 1549 Vulcan Ave. 254-052-1100	57	2.8 ac.*	Leucadia	R25	\$22	Same	Sylvia Carruthers 753-2741
Site 17	Riviera Mobile Home Park 699 N. Vulcan Ave. 256-100-4400	20	5 ac.*	Leucadia	R8	\$20-22	Same	Joe Curry 753-3333
Site 18	Shamrock Trailer Park 152 N. Hwy 101 256-392-0700	30	2 ac.*	Old Encinitas	GC	\$25	\$25	Debora Blue 753-4101
<b>Trailer Park Total</b>		<b>107</b>	<b>9.8 ac.</b>					
<b>Campgrounds</b>								
Site 19	San Elijo Campgrounds S. Hwy 101 261-020-1100/260-330-0100	171	21.3 ac.	Cardiff	ER/OS/P	\$17-22	\$14-19	Information Booth 436-6601
<b>Campground Total</b>		<b>171</b>	<b>21.3 ac.</b>					
<b>Transient Unit Total</b>		<b>941</b>	<b>47.3 ac.</b>					

\* Total acreage of park including non-transient occupancy space and common usage areas.

**SUMMARY OF EXISTING CARLSBAD HOTEL/MOTEL AND CAMPGROUND  
SITES LOCATED WITHIN 3 MILES OF ENCINITAS**

<i>No.</i>	<i>Name/Address</i>	<i>Unit Count</i>	<i>Summer Rates</i>	<i>Winter Rates</i>	<i>Contact Person</i>
<b><i>Hotels/Motels</i></b>					
1	Inns of America I-5 & Poinsettia Lane, Carlsbad	126	\$43-50	\$33-40	Don Erbe 931-1185
2	Motel 6 - Poinsettia 750 Raintree Drive, Carlsbad	160	\$30-36	\$27-33	Tim Riness 431-0745
3	Ramada Inn Suites 751 Poinsettia Lane, Carlsbad	121	\$109-149	\$49-89	Ralph Giove 438-2285
4	Carlsbad La Costa Travelodge 760 Macadamia Drive, Carlsbad	127	\$45-75	\$40-70	Bill Carzajal 438-2828
5	Motel 6 - Palomar Airport 6117 Paseo Del Norte, Carlsbad	142	\$30-36	\$27-33	Gary & Kathy Scher 438-1242
6	Pea Soup Anderson Best Western 850 Palomar Airport Rd., Carlsbad	144	\$69-89	\$49-69	Cindy Jenson 438-7880
<b><i>Hotel/Motel Total</i></b>		<b>820</b>			
<b><i>Campgrounds</i></b>					
1	South Carlsbad State Beach	221	\$17-22	\$14-19	Information Booth
<b><i>Campground Total</i></b>		<b>221</b>			
<b><i>Transient Unit Total</i></b>		<b>1041</b>			