

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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February 22, 2001

Tue 8a

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

**SUBJECT: CITY OF ENCINITAS LOCAL COASTAL PROGRAM AMENDMENT
NO. 1-2000 MUNICIPAL CODE PUBLIC/SEMI-PUBLIC USE
MODIFICATION (De Minimis)**

**EXECUTIVE DIRECTOR'S DETERMINATION THAT THE LCP
AMENDMENT IS DE MINIMIS - (For Commission review at its meeting
of March 13-16, 2001)**

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

PROPOSED AMENDMENT

The City of Encinitas proposed de minimis LCP amendment affects only areas within the City that are located outside of the Coastal Zone. The modifications would allow for use of areas for storage and preparation of new cars in Public/Semi-Public zones outside of the coastal zone.

The City Council resolution that approves and conveys the proposed amendment is attached. The amendment was approved by the City Council on December 13, 2000. The amendment was properly noticed through newspaper publication and direct mail to the property owner and interested parties. The amendment request was received in the Commission office on December 28, 2000.

DISCUSSION

The City of Encinitas LCP consists of both a Land Use Plan and Implementing Ordinances and has been effectively certified since 1995. The Commission has processed several amendments to the LCP since its original certification which have subsequently been certified.

The revisions currently proposed by the City are de minimis in nature. The changes involve modifications to the zoning matrix and definitions contained within Title 30 of the City's Municipal Code which is an element of the City's certified LCP. The proposed modification would add "Storage and Preparation of Vehicles (associated with new car dealerships)" as a permitted use within the Public/Semi-Public Zone subject to the approval of a Major Use Permit. Currently the storage of only public vehicles is permitted within the Public/Semi-Public Zone subject to a Major Use Permit. Therefore, the proposed change will not effectively change the permitted land use, but will allow private vehicles to also be stored in areas zoned Public/Semi-Public. The proposed modifications to the definitions and zoning matrix sections of the City's Municipal Code will only apply to Public/Semi-Public Zones which are located outside of the Coastal Zone. However, a LCP amendment is required because the change is being made to the zoning matrix and definitions which are part of the certified LCP. The proposed changes do not change land uses within the coastal zone, have no impact on coastal resources and are consistent with Chapter 3 policies of the Coastal Act.

DETERMINATION

The Executive Director determines that the City of Encinitas LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property within the coastal zone. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d). The Executive Director recommends that the Commission concur in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

ORDINANCE NO. 2000-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA AMENDING MUNICIPAL CODE CHAPTER 30.04 TO ADD A DEFINITION OF "STORAGE AND PREPARATION OF VEHICLES WITHIN THE PUBLIC/SEMI-PUBLIC ZONE (ASSOCIATED WITH NEW CAR DEALERSHIPS) AND CHAPTER 30.09 TO ADD "STORAGE AND PREPARATION OF VEHICLES (ASSOCIATED WITH NEW CAR DEALERSHIPS)" AS A PERMITTED USE WITHIN THE PUBLIC/SEMI-PUBLIC ZONE, EXCLUDING AREAS WITHIN THE COASTAL ZONE, AND SUBJECT TO THE APPROVAL OF A MAJOR USE PERMIT.

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

SECTION ONE:

That Municipal Code Chapter 30.04 is amended to add the following definition:

(SEE ATTACHMENT "A")

That Municipal Code Chapter 30.09 is amended to add the following:

(SEE ATTACHMENT "B")

SECTION TWO:

This ordinance was introduced November 15, 2000.

SECTION THREE:


The Planning Commission conducted a noticed public hearing on the application on October 12, 2000, at which time all those desiring to be heard were heard; and

SECTION FOUR:

The Planning Commission recommended the City Council adopt the proposed Municipal Code Amendments; and

SECTION FIVE:

A Public Hearing was conducted by the City Council on November 15, 2000, all those desiring to be heard were heard; and

EXHIBIT NO. 1
Encinitas LCPA
1-2000
City Resolution
 California Coastal Commission

SECTION SIX:

That, after its independent review and using its independent judgement, the City Council finds the project will not generate any adverse environmental impacts, and a Mitigated Negative Declaration is hereby adopted in conformance with the CEQA Guidelines. Note: the Mitigated Negative Declaration applies to two projects (Case No. 00-078 ZOA/LCPA and 00-078 MUP/EIA), and the mitigation measure specified in said document applies only to Case No. 00-078 MUP/EIA. No potentially significant environmental impact was identified in association with this project, Case No. 00-078 ZOA/LCPA.

SECTION SEVEN:

The City Council made the following findings pursuant to Chapter 30.72 (Zoning Amendment) of the Encinitas Municipal Code:

(SEE ATTACHMENT "C")

SECTION EIGHT:

That the ordinance is intended to be carried out in a manner fully in conformance with the California Coastal Act of 1976 and the Community Development Director is hereby authorized to submit this ordinance as a Local Coastal Program Amendment to the California Coastal Commission for their review and adoption.

SECTION NINE:

This ordinance shall take effect on the date of adoption by the California Coastal Commission, but not sooner than thirty (30) days after its adoption by the City Council.

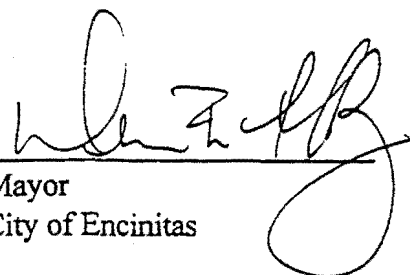
PASSED AND ADOPTED this 13th day of December, 2000, by the following vote to wit:

AYES: Guerin, Holz, Houlihan, Stocks.

NAYS: None.

ABSTAIN: None.

ABSENT: Bond.



Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance 2000-14, which has been published pursuant to law.


DEBORAH CERVONE, City Clerk

ATTACHMENT "A"
Ordinance No. 2000-15
Case No. 00-078 ZOA/LCPA

AMENDMENT TO CHAPTER 30.04 OF THE MUNICIPAL CODE

STORAGE AND PREPARATION OF VEHICLES WITHIN THE PUBLIC/SEMI PUBLIC ZONE (ASSOCIATED WITH NEW CAR DEALERSHIPS) shall mean the storage of new and used vehicles (associated with a new car dealership) on a lot or parcel of land owned and controlled by a governmental agency. Primary activities shall be limited to the delivery, parking and storage of new and used vehicles. Incidental uses to the storage of new and used vehicles shall be limited to vehicle preparation activities associated with preparing new and used vehicles for transfer to the dealership lot, and associated administrative activities. Vehicle preparation activities may include inspection for damage, installation of accessory parts (i.e. antennas, floor mats, hubcaps, roof racks, interior and exterior trim, windshields, etc.), installing new tires and brakes, and detailing, including washing, polishing, waxing, dressing tires, cleaning interiors, and steam cleaning engines. Minor vehicle maintenance may also be permitted and shall be limited to minor maintenance functions necessary to prepare vehicles for transfer to the dealership lot. Minor maintenance activities may include, minor engine tune-ups, oil changes, service of air-conditioning systems, repair of electronic equipment, and adding coolant to radiators. More involved mechanical repairs or maintenance shall be prohibited, including the repair or replacement of engines, transmissions, etc., aligning, repairing or replacing body components or body painting. In addition, only employees of the new car dealership and drivers of car carrier trucks shall be permitted to access the vehicle storage site, no customers shall be permitted on the vehicle storage site.

ATTACHMENT 3"
Ordinance No. 2000-15
Case No. 00-078 ZOA/LCPA

AMENDMENT TO CHAPTER 30.09 OF THE MUNICIPAL CODE

	RR RR-1 RR-2	RS-11 R-3 R-5 R-8	R-11 R-15	R-20 R-25	MHP	OP	LC	GC	VSC	LI	BP	P/SP	ER/OS	L-LC	L-VSC
Stationery Store	X	X	X	X	X	P***	P	P	P	P	P	X	X	P	X
Stationery Manufacturing	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X
Steel Fabrication Plant	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X
Grave Monuments and Columbstone Manufacturing	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X
Jewelry (Precious) Mfg.	X	X	X	X	X	X	X	P	X	P	P	X	X	X	X
Storage Building (self- storage, boat, RV & truck rentals). Ord. 92-29	C*	C*	C*	C*	X	X	X	C	X	Cm	X	X	X	X	X
Storage of non-operative vehicles. (Ord. 91-03)	X	X	X	X	X	X	X	C**	X	C**	X	X	X	X	X
Storage and Preparation of vehicles (associated with new car dealerships)	X	X	X	X	X	X	X	X	X	X	X	C****	X	X	X
Storage of Sand, Gravel, etc.	X	X	X	X	X	X	X	X	X	C	X	C	X	X	X
Car Wash: A. Retail	X	X	X	X	X	X	P	P	P	P	X	Cm	X	X	Cm
Car Wash: B. With Manufacturing	X	X	X	X	X	X	X	P	P	P	X	Cm	X	X	Cm
Car Wash: C. Rental	X	X	X	X	X	X	X	P	P	P	X	X	X	X	X

X = Permitted by Right

C = Conditional Use permit Required (Major)

Cm = Conditional Use Permit Required (Minor)

P = Prohibited

*When located on a prime arterial. Outdoor storage of boats and RVs and limited truck rentals are considered an accessory use to the principal use of self-storage and shall be permitted by minor use permit.

**NOTE: The following issues will need to be addressed in addition to other site specific issues that may arise through the process: Lighting, hours of operation, noise, visibility of operation, screening, size of property and use, maximum time period to store a vehicle, and site improvements.

***Ancillary Use

**** Not permitted within coastal zone areas.

ATTACHMENT "C"
Ordinance No. 2000-15
Case No. 00-078 ZOA/LCPA

FINDINGS FOR A ZONING AMENDMENT

STANDARD: In accordance with Section 30.72.090 of the Municipal Code, the City Council shall make the following findings relative to any proposed zoning amendment:

- a. That the proposed zoning amendment is consistent with the purposes of the Zoning Regulations, General Plan and Local Coastal Program.

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

The Land Use Element is the primary General Plan and Local Coastal Program document guiding the development of land within the City. The Zoning Regulations are adopted pursuant to, and to implement the provisions and carry out the objectives of the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP). The proposed amendment to Title 30 of the Municipal Code (Zoning) is consistent with the General Plan and Local Coastal Program goals and policies.

Discussion: Within the Public/Semi-Public Zone category of the Municipal Code, the uses permitted by right include various public and private uses, such as ambulance services, athletic fields, cellular facilities, care facilities, educational institutions, libraries, medical offices, parks, public utility offices, and theaters. There are also uses permitted subject to the approval of a use permit, which include uses similar to the proposed use, such as fleet storage, public parking garage, vehicle terminals and stations (taxi, bus, etc.), and towing/impounding of vehicles.

The purpose of the zoning regulations to allow commercially operated uses within the Public/Semi-Public Zone is not to allow the intensity of the commercial uses permitted with the General Commercial Zone, but to allow certain uses, that may be operated by a commercial entity, that are accessory to a public use or that function similar to a public use. The use permit required for such uses allows the City to impose conditions that control the intensity and function of those uses.

The proposed amendment would add "Storage and Preparation of Vehicles (associated with new car dealerships)" as a permitted use within the Public/Semi-Public Zone subject to the approval of a Major Use Permit. The storage of vehicles is basically the same land use, whether the vehicles are stored by a public, private or commercial entity. The difference is in "whom" operates the use. But in terms of land use, the function is the same.

The requirement for a Major Use Permit allows the City to ensure that when the storage of vehicles is operated by a commercial entity (specifically a new car dealership) that the use will function as it would if operated by a public entity.

Regarding consistency with the General Plan, the Land Use Element of the General Plan specifies general standards for each Land Use category. The General Plan allows for privately owned activities within the Public/Semi-Public land use category when the activity is "largely controlled or regulated by a governmental agency". The proposed amendment to the Municipal Code would allow "Storage and Preparation of Vehicles (associated with new car dealerships)" in the Public/Semi-Public Zone. Although the use is privately owned, the proposed definition of the use specifies that the use must be located on land that is owned and controlled by a governmental agency, thereby allowing the governmental agency to control the private activity. Also, the requirement for a major use permit allows the City to control the use through the use permit.

With regard to the certified Local Coastal Program, the proposed Municipal Code amendment to add "Storage and Preparation of Vehicles (associated with new car dealerships)" as an allowable use in the Public/Semi-Public Zone will only apply to areas within the City boundaries not located within the Coastal Zone (Non-Coastal Zone areas only). However, the General Plan and Municipal Code are elements of the Local Coastal Program. Because the proposed amendment is consistent with the General Plan and Municipal Code, the amendment is also consistent with the Local Coastal Program.

Conclusion: The City Council finds that the proposed amendment to Title 30 of the Municipal Code (Zoning) is consistent with the purposes of the Zoning Regulations, General Plan and Local Coastal Program.

