

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
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## RECORD PACKET COPY

**Wed 17a**

March 27, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
GARY CANNON, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: **PROPOSED MINOR AMENDMENT (#1-01) TO THE CITY OF ENCINITAS  
LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN**

The City of Encinitas is requesting that its certified Local Coastal Program Implementation Plan be amended to no longer require a record of survey for lot line adjustments and to allow the height of walls/fences to be raised from six feet up to eight feet in height within public right-of-ways when necessary to reduce noise and visual impacts of traffic associated with right-of-way developments. This amendment was filed on March 7, 2001 pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Code of Regulations.

**Procedure**

Pursuant to Section 30514 (c) of the Coastal Act and Section 13554 (a) of the Commission's Code of Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554 (a) defines a minor amendment as changes in wording which make the use as designated in the zoning ordinances, maps or other implementing actions more specific and which do not change the kind, location, intensity or density of use and are consistent with the certified land use plan. The proposed minor amendment was properly noticed by the City pursuant to the public notice requirements of Section 13515 with no adverse comments received.

Pursuant to Section 13555, the Executive Director will report this determination to the Coastal Commission at the following date and location:

DATE and TIME: April 11, 2001  
9:00 a.m., Wednesday

LOCATION: Radisson Hotel  
1111 East Cabrillo Blvd.  
Santa Barbara, Ca

At that time, any objections to this determination, received within ten days of the transmittal of this notice, will also be reported to the Commission. The proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed in accordance with Section 13555 (b) of the Code of Regulations as a major amendment. Otherwise, the minor amendment will become effective ten days from the date the Commission concurs with the Executive Director's designation.

If you have any questions or need additional information regarding this proposed amendment, please contact Gary Cannon at the above office. Any objections to the "minor" amendment determination must be received within ten working days of the date of this notice.

### **Amendment Description**

The first portion of the subject amendment request involves a modification to two sections of the City's Subdivision Ordinance. Section 24.70.110 of the City's Implementation Plan (IP) requires that following approval of a lot line adjustment, an applicant must record a "record of survey" depicting the adjustment. In addition, Section 24.70.020A of the IP allows the City Engineer to require a "record of survey" depicting the adjustment. "Record of Survey" involves the placement of monuments on the site for surveying purposes and the recordation of the monument locations. The City has been advised by the State's Legislative Council that requiring records of surveys in connection with all lot line adjustments is inconsistent with Section 66412 of the Subdivision Map Act which only requires it when a field survey discloses information that does not appear on a subdivision map. Therefore, to conform to the requirements of the Subdivision Map Act, Sections 24.70.110 and 24.70.020A of the IP will be revised to eliminate the requirement of a recorded record of survey except in cases as required by the Subdivision Map Act.

The second portion of the subject amendment request involves a modification to the performance standards for minimizing adverse impacts of developments. Section 30.40.010 of the City's IP delineates measures to mitigate adverse impacts of such things as noise, lighting, toxic gases and materials, and grading/erosion control. The proposed amendment seeks to address the adverse noise and visual impact of traffic on properties adjacent to public right-of-ways. The height of walls and fences is currently restricted based on the underlying zoning of the site. For residential zones, a maximum 4 ft.-high solid fence is permitted in the front yard with an additional 2 feet allowable if at least 50% of the upper two feet is open. Walls and fences in the side and rear yards are limited to 6 feet in height.

The proposed amendment would allow the City Council to permit walls/fences to exceed the maximum set by adjacent underlying zoning restrictions up to a maximum of 8 feet in height when a wall/fence is part of the right-of-way design, an integral part of a road construction project, and is agreed to by the adjacent property owner(s). In addition, to assure that no adverse visual impacts are associated with the measure, the ordinance specifically excludes its application along North and South Highway 101, La Costa Avenue and Manchester Avenue, which are roadways adjacent to the Pacific Ocean, Batiquitos Lagoon and San Elijo Lagoon within the City of Encinitas.

These proposed modifications do not change any underlying zoning and will not allow wall/fences to be constructed in any location where they are not currently permitted. Thus, this amendment does not affect the location, intensity or density of use and can be

found in conformance with the certified land use plan as amended herein. As proposed to exclude these first coastal roadways within the scenic viewsheds of the lagoons and ocean, the potential increase in wall height will not have an adverse impact on scenic coastal resources.

**Consistency with the California Environmental Quality Act (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. 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 minor LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. 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 minor LCP amendment, as submitted, can be supported.

ATTACHMENT "A"  
Ordinance No. 2000-14  
Case No. 00-019 ZOA/LCPA

WED 17a


AMENDMENT TO SECTION 24.70.020A OF THE MUNICIPAL CODE

24.70.020 Filing of Application.

A. The applicant shall file with the Community Development Director (hereinafter "Director") ~~an adjustment plat of record of survey quality prepared and signed by a licensed civil engineer or land surveyor and the subject property owner(s), which clearly shows all existing and proposed lot lines and all structures on the properties. The City Engineer may require a proposed record of survey depicting the adjustment if authorized pursuant to Section 8762 of California Business and Professions Code.~~ The form and content of the application must comply with the requirements established by the Director. (Ord. 92-39)

24.70.110 Completion of Approved Lot Line Adjustment.

~~Upon notification of approval if no appeal is filed, or approval after appeal, the applicant(s) shall comply with conditions imposed, set monuments on all property corners of the adjusted parcels in accordance with the standards of this Title, and, as applicable, have a final record of survey map recorded at the Office of the County Recorder. The applicant(s) shall also have prepared and recorded new deeds of property ownership to conform to the adjusted lots as approved. The applicant(s) shall deliver to the Director two copies of any recorded record of survey plats and the recorded deeds of ownership, together with evidence of compliance with conditions, and closure calculations for each of the lots as adjusted. No record of survey shall be required for completion of an approved lot line adjustment, unless otherwise required by Section 8762 of the California Business and Professions Code. Upon written confirmation by the City Engineer that these instruments are in substantial compliance with the lot line adjustment application as approved, the Director shall have prepared and recorded a certificate of compliance for each of the new lots. Recordation of the certificates of compliance shall complete the process for an approved application for lot line adjustment. (Ord. 92-39)~~

EXHIBIT NO. 1
APPLICATION NO.
<b>Encinitas LCPA</b>
<b>1-2001</b>
Amended Record of Survey Ordinances
 California Coastal Commission

ATTACHMENT "B"  
Ordinance No. 2000-14  
Case No. 00-019 ZOA/LCPA

AMENDMENT TO CHAPTER 30.40 (PERFORMANCE STANDARDS)  
OF THE MUNICIPAL CODE

II. HEIGHT REGULATIONS FOR WALLS AND FENCES THAT ARE PART OF  
A PUBLIC RIGHT-OF-WAY DESIGN AND CONSTRUCTION PROJECT.

3. The height of walls/fences that are part of a public right-of-way design and construction project shall be limited to the wall/fence height permitted by the underlying zone. When the wall/fence is located within a public right-of-way, the wall/fence height shall be limited to the wall/fence height permitted by the underlying zone of property located immediately adjacent to the section of public right-of-way where the wall/fence is to be constructed.

4. The City Council may approve walls/fences up to a maximum of eight (8) feet (measured from the highest grade adjacent to the wall) when a wall/fence is part of the right-of-way design, is an integral part of a road construction project, and is agreed to by the adjacent property owner(s). This regulation does not apply to N. & S. Coast Highway 101, La Costa Avenue and Manchester Avenue.

EXHIBIT NO. 2
APPLICATION NO.
<b>Encinitas LCPA</b>
<b>1-2001</b>
New Wall and Fence Height/Performance Standards Ordinance
 California Coastal Commission

