

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

**RECORD PACKET COPY**

February 24, 2005

Thu 10a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Encinitas, certifying the City's Local Coastal Program Amendment No. 3-03 (Community Character), is adequate to effectively certify its local coastal program (for Commission review at its meeting of March 16-18, 2005)

BACKGROUND

At its October 15, 2004 meeting, the Coastal Commission certified, with suggested modifications, the City of Encinitas' Local Coastal Program Amendment #3-03, regarding Community Character. By its action adopting Resolution No. 2004-11 on January 12, 2005, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed development standards within the Scenic/Visual Corridor Overlay Zone. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Encinitas is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

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

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



****DATE AFTER HEARING*****

Mayor Dan Dalager
City of Encinitas
505 S. Vulcan Avenue
Encinitas, Ca 92024

RE: Certification of the City of Encinitas Local Coastal Program Amendment
No. 03-2003 (Community Character)

Dear Mayor Dalager:

The California Coastal Commission has reviewed the City's Resolution No. 2004-11 together with the Commission's action of October 15, 2004 certifying City of Encinitas' Local Coastal Program Amendment #3-03 pertaining to Community Character. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of March 17, 2005.

By its action on January 12, 2005, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed development standards within the Scenic/Visual Corridor Overlay Zone. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

03-3 LCRA



City of
Encinitas

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FEB 07 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 4, 2005

Sherilyn Sarb
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RE: City of Encinitas CCIP LCPA Re-submittal

Dear Ms. Sarb;

The CCIP amends the Implementation Plan of the City's Local Coastal Program. Please find the attached code sections, which include the amendments as proposed by the CCIP (Resolution No. 2003-10). Coastal staff also recommended an additional amendment, which the City Council approved as Ordinance 2004-11.

1. EMC 23.08 – Design Review
2. EMC 23.24 – Grading, Erosion and Sediment Control
3. EMC 24.12 – Design Requirements
4. EMC 30.04 – Chapter Definitions
5. EMC 30.16 – Residential Zones
6. EMC 30.34 – Special Purpose Overlay Zones
7. EMC 30.40 – Performance Standards
8. City Council Ordinance 2004-11

It is my understanding that this submittal will be scheduled for the March public hearings. Please let me know otherwise. If you have any questions regarding the above, please contact me at (760) 633-2681.

Sincerely,

J. Alfred Dichoso, AICP
Associate Planner

EXHIBIT NO. 1
APPLICATION NO.
Encinitas LCPA
03-2003
City Resolution of Approval
California Coastal Commission

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FEB 07 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE 2004-11

**AN ORDINANCE OF THE CITY OF ENCINITAS, CALIFORNIA
AMENDING TITLE 30 OF THE ENCINITAS MUNICIPAL
CODE AND CERTIFIED LOCAL COASTAL PROGRAM, INCORPORATING
ADDITIONAL AMENDMENTS TO MUNICIPAL CODE SECTION 30.34.080
ASSOCIATED WITH THE COMMUNITY CHARACTER IMPLEMENTATION
PROGRAM**

(CASE NO. 02-178 LCPA/ZOA/EIA)

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

SECTION ONE:

The City Council reviewed the Environmental Initial Study (SCH #2002101021) prepared for the amendments to the Municipal Code associated with the Community Character Implementation Program, and adopted a Negative Declaration in conjunction with approval of those amendments on November 12, 2003, and, based upon its independent judgement, has determined that the additional amendments to the Municipal Code set forth in Attachment "A" hereto are consistent with that adopted Negative Declaration in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines.

SECTION TWO:

The Encinitas Municipal Code is amended to read as follows:

See Attachment "A"

SECTION THREE:

This ordinance was introduced on December 15, 2004.

SECTION FOUR:

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five (5) days prior to consideration of its adoption, and again within fifteen (15) days following adoption, indicating the votes cast. This ordinance will become effective upon approval of these amendments to the City's certified Local Coastal Program by the California Coastal Commission or December 31, 2004, whichever is later.


PASSED AND ADOPTED this 12 day of January, 2005 by the following vote, to wit:

AYES: Bond, Dalager, Guerin, Houlihan, Stocks.

NAYS: None.

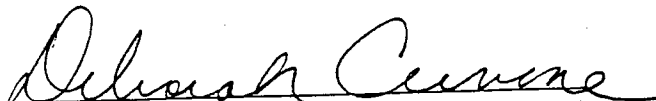
ABSTAIN: None.

ABSENT: None.


Dan Dalager, Mayor

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance 2004-11 which has been published pursuant to law.


Deborah Cervone
City Clerk/Director of Legislative Services

Attachment "A" to Ordinance 2004-11

{NOTE: Underlined text is added, strikethrough text is deleted}

30.34.080 Scenic/Visual Corridor Overlay Zone.

A. APPLICABILITY. The Scenic/Visual Corridor Overlay Zone regulations shall apply to all properties within the Scenic View Corridor, along Scenic Highways and adjacent to Significant Viewsheds and Vista Points as described in the Visual Resource Sensitivity Map of the Resource Management Element of the General Plan.

B. DEVELOPMENT STANDARDS. When development is proposed on any properties within the ~~Scenic View Corridor~~ Scenic/Visual Corridor Overlay Zone, consideration will be given to the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, landscaping, grading, and other visual factors may be applied to Design Review approval, and shall be applied to Coastal Development Permit approval.