

CALIFORNIA COASTAL COMMISSION

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



January 25, 2007

Thu 15a

TO: COMMISSIONERS AND INTERESTED PERSONS

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

**SUBJECT: PROPOSED MINOR AMENDMENT NO. 2-06 TO THE CITY OF ENCINITAS
LOCAL COASTAL PROGRAM**

The City of Encinitas is requesting that its certified Local Coastal Program (LCP) Implementation Plan be amended. This amendment was filed on November 22, 2006 pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Code of Regulations. A time extension for reviewing the implementation plan amendment was previously granted by the Commission and the final date for Commission action is January 21, 2008.

The proposed amendment would: 1) Amend maximum height for chimneys an additional 2 ft. to allow for spark arrestors; 2) Clarify the location and height requirement for accessory structures in residential zones; limited to one-story and a maximum of 10 ft.; 3) Clarify purpose, size and permitting requirements for minor accessory structures such as playhouses and storage sheds; 4) Clarify that rooftop enclosures of mechanical equipment on a medical complex is not considered a story when not occupying more than 1/3 of floor located below; 5) Clarify the location and height standards for detached garages; 6) Delete portions of codes relating to Day Care/Family Care Homes that are in conflict with recent LCPA changes to the implementation code relating to group care facilities; 7) Clarify dimensions of landscape islands in parking lots and allow reduction in parking standards based on a parking study and subject to ongoing monitoring (assures no adverse impact to public access will occur); 8) Clarify requirements for remodeling or reconstruction of residential buildings with structural/use nonconformities including allowing multi-units on a single lot to have a pro-rata development standards allowance; 9) Clarify "interior lot line" definition and references to account for properties that abut easements but do not have vehicular access to those easements; 10) Revise public hearing notice requirements so as to expand the number of parties to be notified; 11) Clarify parking requirements for outdoor dining areas within the Downtown Encinitas Specific Plan and; 12) Add a definition of Public Works Facility and allow certain Public Works Facility developments (i.e., service yards) to occur within a General Commercial Zone.

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.

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

DATE and TIME: February 15, 2007 9:00 a.m., Thursday	LOCATION: Catamaran Resort Hotel 3999 Mission Blvd. San Diego, CA 92109
---	---

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. This 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.

ORDINANCE NO 2006-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING
ENCINITAS MUNICIPAL CODE TITLE 30
(ZONING ORDINANCE) AND THE DOWNTOWN
ENCINITAS SPECIFIC PLAN TO ADD AND
MODIFY CERTAIN DEFINITIONS, USE
REGULATIONS, PUBLIC NOTICE
REQUIREMENTS AND TO CLARIFY LANGUAGE
AS REFLECTED IN THE CODE AMENDMENTS**

WHEREAS, the City Council finds that the City's Zoning Code and Specific Plan provisions need to be reviewed and amended periodically; and

WHEREAS, the City Council finds that the amendments are consistent with the adopted Local Coastal Plan in that the amendments are not adding additional uses, other than the use of Public Utility Service Yard in the General Commercial Zone with the approval of a Major Use Permit; the other amendments are clarifying previous interpretations and applications of the Municipal Code; and

NOW, THEREFORE, the City Council of the City of Encinitas hereby ordains as follows:

SECTION 1: TITLE 30, ZONING ORDINANCE:

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

See Attachment "A"

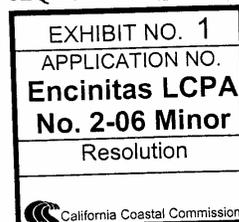
SECTION 2: DOWNTOWN ENCINITAS SPECIFIC PLAN:

The Downtown Encinitas Specific Plan is hereby amended to read as follows:

See Attachment "B"

SECTION 3: ENVIRONMENTAL FINDING:

The City Council, in their independent judgement, finds that the adoption of the Zoning Code and Local Coastal Program Amendments will be exempt from Environmental Review pursuant to General Rule 15061 (b) (3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development; any development as a result of the amended language will be subject to CEQA review and analysis.



SECTION 4: PUBLIC NOTICE AND EFFECTIVE DATE:

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 following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas. This Ordinance was introduced on September 27, 2006.

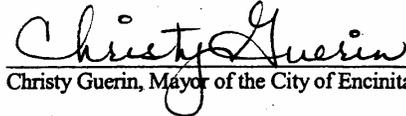
PASSED AND ADOPTED this 18th day of October, 2006 by the following vote, to wit:

AYES: Bond, Dalager, Guerin, Stocks

NAYS: Houlihan

ABSTAIN: None

ABSENT: None


Christy Guerin, Mayor of the City of Encinitas, CA.

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance 2006-06 which has been published pursuant to law.


Deborah Cervone, City Clerk/Director of
Legislative Services

ATTACHMENT "A"

ENCINITAS MUNICIPAL CODE, TITLE 30 IS HEREBY AMENDED TO READ:

Underline represents new language and ~~strikethrough~~ represents deletion.

30.01.070 Public Notice.

A. ~~Any matter for which~~ When a noticed, public hearing must be conducted ~~shall be processed in accordance with this section~~ the following shall apply:

~~B1.~~ B1. Notice shall contain the date and time set for hearing which shall not be less than ten (10) nor more than forty (40) calendar days from the date of notice. Notice shall describe the purpose of the hearing and a description of the areas affected. (Ord 92-15)

~~C2.~~ C2. Notice shall be published once in a newspaper of general circulation within the City.

~~D3.~~ D3. Notice shall be mailed to all owners, as shown on the last available County Tax Assessor's rolls of real property in accordance with the following:

~~1a.~~ 1a. When notice is required to be mailed to adjacent property owners, adjacent property owners for the purposes of this section are defined as: All owners whose property abuts the property which is the subject of the hearing and those whose property is located directly across an abutting street, alley, or other public or private accessway, except a freeway, from the subject property. (Ord. 92-15)

~~2b.~~ 2b. When not specifically designated "adjacent property owners" as defined in this Chapter above, public notice shall be mailed to all occupants and property owners of property located within ~~three~~ five-hundred (300 500) feet of the exterior boundaries of the property which is the subject of the hearing or the twenty (20) nearest occupants and property owners, whichever creates the greater number of notices. (Ord. 92-15)

~~E4.~~ E4. Notice The agenda for the public hearing shall be posted at City Hall ~~and on the real property which is the subject of the hearing.~~

5. The applicant shall post a "notice of filing an application" on the site immediately following the filing of an application, identifying the project application type, address and brief description. The notice shall be posted in clear view from the front of the property. The notice shall remain up for the length of the application process.

EXHIBIT NO. 2
APPLICATION NO.
Encinitas LCPA
No. 2-06 Minor
Strike-out/Underline
Ordinances

 California Coastal Commission

B. When a public hearing is not required and the notice is to allow for public review and comment period, subsections 2, 3 and 5 in section 30.01.070A shall apply.

FC. As an alternative to mailing, where the number of property owners to whom notice would be sent is greater than one-thousand (1,000), the Director may elect to publish notice by placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation within the City. (Ord. 92-14)

GD. Notwithstanding the notice procedures described above, the Director shall mail notice by first class mail to any person who has filed a written request therefor and has paid the required fee. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. It may then be renewed annually during January. In December, the Director shall mail a notice to persons receiving notice in accordance with this section which shall indicate the need to renew the request.

HE. For Coastal Development Permits, public notice procedures shall conform to the requirements in Chapter 30.80, "Coastal Development permit", in addition to the requirements of this Section. (Ord. 94-06)

Section 30.04

LOT LINE, INTERIOR shall mean a side lot line not abutting a street. An interior side lot line shall also apply when all four of the following criteria are met: 1) a side lot line abuts a private street or private easement; and 2) the private street or private easement has the potential to provide access to no more than ten dwelling units; and 3) the private street or private easement is less than 24 feet in recorded width; and 4) the subject property abutting the private street or private easement does not have legal and/or recorded vehicular access over the private street or easement.

SETBACK, REAR YARD OR SIDE YARD shall mean the area ~~that~~ which defines the width or depth of the required rear or side yard setbacks. Said setbacks shall be measured from the property line, removed therefrom by the perpendicular distance prescribed for the yard setback in the zone. Where the side or rear yard abuts a street and the side yard lot line is not otherwise an interior lot line, the distance shall be measured as set forth in the "Setback, Front Yard." Side yard setbacks are identified in terms such as of 10'/10' noting the minimum setback for each side yard. See "Lot Line, Interior" for further clarification.

LOT, CORNER shall mean a lot located at the intersection or interception of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". See "LOT, INTERIOR" for further clarification.

LOT, INTERIOR shall mean a lot other than a corner lot. An interior lot shall also mean a lot abutting a private street or private easement when all four of the following criteria are

met: 1) a side lot line abuts a private street or private easement; and 2) the private street or private easement has the potential to provide access to no more than ten dwelling units; and 3) the private street or private easement is less than 24 feet in recorded width; and 4) the subject property abutting the private street or private easement does not have legal and/or recorded vehicular access over the private street or easement.

PUBLIC UTILITY SERVICE YARD shall mean a lot or portion of a lot containing a public or semi-public use for the purposes of servicing and maintaining public facilities, such as, utilities, streets, drainage facilities, parks, beaches, environmental resources, open space, and the like. Maintenance and services type uses allowed on the lot include office, indoor and outdoor storage of supplies and materials, vehicles for maintaining such facilities, vehicle and equipment repair, and other similar type uses authorized through the use permit process.

CHAPTER 30.16

RESIDENTIAL ZONES

ZONE REQUIREMENT	ZONE	ZONE	30.16.010A
	RR	RR-1	
	RR-2		
8. Side Yard Setback (ft) for each interior side ^{4,2}	15/15 (Ord 90-15)	15/15	10/10
9. Side Yard Setback (ft) street side ²	20	15	15

SINGLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	ZONE R-3	ZONE R-5	ZONE R-8	ZONE R-11/RS11
8. Side Yard Setback (ft) for each interior side ^{4,2} (Ord. 90-15)	10/10	10/10	5/10	(RS11)5/5 (R-11) 5/0-5
9. Side Yard Setback (ft) street side ²	10	10	10	10

FOOTNOTES

1. Requires a minimum 5' side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5' minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls units.
2. See Section 30.16.010, C, 4 7 and D, 10. (~~Ord. 89-41~~)
3. Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area. (Ord. 89-41)
4. See Section 30.16.010B10. (Ord. 90-15)
5. See "Lot, Interior" in Section 30.04

HIGHER DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	ZONE	ZONE	ZONE
ZONE			
6. a. Side Yard Setback (ft) for each interior side (Standard Lot) ⁵	R-15 15/15	R-20 15/15	R-25 15/15
b. Side Yard Setback (Substandard Lot) ^{2,5}	5/5	5/5	5/5
7. a. Street Side Yard Setback, (Standard Lot) (ft) ⁵	20	20	20
b. Street Side Yard Setback, (Substandard lot) ^{2,5}	10	10	10

FOOTNOTES

1. Requires a minimum 5' side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5' minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls.
2. See Section 30.16.010 C4 and D10.
3. Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area. (Ord. 89-41)
4. See Section 30.16.010B10. (Ord. 90-15)
5. See "Lot, Interior" in Section 30.04

Section 30.16.010B7(2)

In all zones, ~~pitched roof~~ elements such as towers (maximum diagonal dimension of 12 feet), hips, gables, and spires may extend no more than 4' above the permitted standard height limit. A roof that extends above the permitted standard height limit shall have a minimum 3:12 pitch. Barreled roofs and roof decks shall be permitted provided the design of the roof or deck railings do not extend beyond the envelope of a projected pitch roof as authorized by this Section. An additional maximum of a 2' projection (beyond the elements extending up to 4 ft. listed above) may be ~~permitted~~ authorized by staff for chimneys provided: 1) the width perimeter of the chimney does not exceed 120 linear inches; and 2) the width of the chimney is no wider than 30 40" in any direction; and 3) a required non-decorative spark arrestor assembly may be added to the 2' chimney; and 4) the building height plus projections do not exceed 30 feet in height. (~~Ord. 2003-10~~).

Section 30.16.010 Development Standards.

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): (Ord. 97-17)

1. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.
2. An accessory structure shall comply with applicable floor area ratio standards with the exception to play houses, storage sheds, and other structures that do not require a building permit. (Ord. 89-41)
3. A detached accessory structure may be located within an required interior side yard or rear yard setback area provided that such structure is located no closer than five (5) feet to an interior side or rear lot line, ~~with eaves having a minimum setback of 3 feet to the interior side or rear lot line,~~ and shall not cover more than 50% of the required interior side or rear yard.
4. ~~A detached accessory structure shall be at least six (6) feet from the main structure or other structures on the property with eaves having a minimum of not less than 4 feet to from the main structure or other structure.~~ A detached accessory structure shall have no projections beyond the five- (5) foot setback established by Section 30.16.010E3 except for roof eaves. Roof eaves may project a maximum of two (2) feet into the required five- (5) foot setback.
5. ~~Said a~~ Accessory structures located within a required side yard or rear yard setback area shall be limited to one (1) story and 12 feet in height.

Roofs pitched not less than 3:12 may extend an additional 2 ft. to a maximum 14 feet to peak of roof. Detached accessory structures that meet all the main building setbacks and do not project into yards-any required setback area may have a building height as outlined for residential structures. (See Section 30.16.010-B6). See subsection 30.16.010E-810 below for additional-standards related to minor accessory structures. (Ord. 92-21)

4-6. Swimming pools and spas may be located within the required interior or rear yard provided they are no closer than three (3) feet to interior side and rear lot lines. 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. (Ord. 97-17)

57. Canopies, covers for a patios/decks with the floor less than 30 inches above grade, and breezeways attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the required yard area meet the following: (Ord. 89-41)

a. The canopy, covered patio/deck, or breezeway shall not exceed twelve (12) feet in height or project closer than five (5) feet to an interior side yard lot line or closer than ten (10) feet at the rear lot line; (Ord. 89-41)

b. The canopy, covers for a patio/deck or breezeway shall be entirely open on at least three sides except for necessary supporting columns. A roof connecting a main building and an accessory building shall be open on two sides. (Ord. 89-41)

68. Architectural features of the primary structure, such as porches, steps, eaves, awnings, chimneys, decks, balconies, stairways, wing walls, or bay windows, window seats, fireplaces, planters, roof overhangs and other architectural projections which do not create additional livable area may project into any front or rear yard not more than four (4) feet. Such projections are permitted to project into any side yard area no more than that identified below: (Ord. 92-21)

Required Side Yard Setback	Maximum Vertical Projections	Maximum Horizontal Projections
5'	6'	2'
10'	8'	3'
15'	N/A	5'
20'	N/A	5'

The maximum vertical projection is the vertical height of a projection that would be permitted in the side yard setback area. The height is measured from the lowest point of the architectural feature to the highest point within the side yard setback. (Ord. 89-41)

79. A tennis court fence may be located within an interior side yard or rear yard; provided that the structure is located no closer than five feet to an interior side or rear lot line and said fence does not exceed 12 feet in height. (Ord. 89-41)

Section 30.16.010E8 (to be revised to E10 due to additions of Sections 30.16.010E4 and E5):

810. Minor accessory structures refer to non-habitable structures such as small play houses and storage sheds that are accessory to a residential use and that are not otherwise regulated by this chapter and that are not regulated with a building permit under the Uniform Building Code. Such structures ~~are~~ may be permitted to encroach to the interior side and rear property lines subject to the following limitations: (Ord. 92-24)

a. ~~The Minor accessory structures~~ may be located within the interior side yard and rear yard setback provided that a minimum of five (5) feet is maintained for clear access between the main residential structure and minor accessory structure and any other structure, other than a fence, retaining wall, or similar structure.

b. ~~The Minor accessory structures~~ shall be limited to one (1) story with a maximum height limit of ten (10) feet.

c. ~~The Minor accessory structures~~ shall not exceed 120 square feet of floor area or projected roof area per structure. No more than four (4) minor accessory structures shall be allowed on any site. (Ord. 97-17)

d. Accessory structures that otherwise meet the above limitations but require a permit under the Uniform Codes for

plumbing, electrical, mechanical, or any other purposes shall not be considered a minor accessory structure and shall be subject to the issuance of a building permit and shall be subject to the typical setback and height standards outlined for accessory structures.

e. When located within 5 feet of a side or rear property line, minor accessory structures may not cumulatively extend for more than 50% of the length of a rear property line or for more than 25% of the length of a side property line.

11. For those parcels located under the Coastal Blufftop Overlay Zone Section 30.34.020B shall apply.

Section 30.28.010. Development Standards.

C. When authorized with approval of a major use permit, a A Medical Complex may have a FAR of up to 1.0 and a maximum building height of 3 stories. For purposes of this Section, a rooftop enclosure used solely to house mechanical equipment on a hospital structure may not be considered a story, provided the enclosure does not occupy more than one-third of the area of the floor immediately below and is setback a minimum 15 feet from the roof parapet or exterior wall plane of the floor immediately below. Said development standards shall be established through a Major Use Permit. The mechanical enclosure criteria does not apply to a medical office building.

Section 30.48.040 (B):

B. Private Garages, Detached.

1. The total area of a detached garage shall not to exceed 1,000 square feet or 50% of the living area of the principal residence, whichever is less. A detached garage area of 480 square feet is permitted regardless of the living area of the principal residence.

2. When located within the side yard or rear yard setback in accordance with Section 30.16.010E of this Title, detached garages shall be limited to one (1) story and shall not to exceed 12 feet maximum height, except that roofs pitched not less than 3:12 may extend an additional 2 ft. to a maximum 14 feet, to peak of roof, if within the side or rear setback area. Detached garages that comply with the main building setbacks shall be limited to two (2) stories and shall not to exceed 24 feet maximum height, if the garage meets the main building setbacks.

3. Additional area, height and story, not to exceed the height and story limits outlined for residential structures (see Section 30.16.010B6 of this

Title) may be permitted by issuance of a minor use permit, not to exceed the height limit. (Ord. 89-41)

Section 30.48.040 (G):

G. Detached Storage Buildings, Workshops, Hobby Shops, Recreation Rooms and other similar uses (non business or non agricultural purposes).

1. Area for any one detached building is not to exceed 450 square feet. When on the same lot as a detached private garage all uses, together, shall not exceed 1,200 square feet or 50% of the living area of the principal residence, whichever is less.

2. When located within a required interior side or rear yard setback area in accordance with Section 30.16.010E of this Title, detached structures shall be limited to one story and shall not to exceed 12 feet maximum height. Roofs pitched not less than 3:12 may extend an additional 2 ft. to a maximum 14 feet. to peak of roof.

3. Detached accessory structures, other than those structures otherwise regulated within this Chapter, that meet all of the required main building setbacks and that do not project into any required setback area may have building height and story as outlined for residential structures (See Section 30.16.010B7).

4. Additional area, height and story may be permitted by issuance of a minor use permit. When located within or projecting into a required interior side or rear yard setback area, additional height and story, to a maximum of the building height and story allowed for residential structures (See Section 30.16.010B7), may be permitted with the issuance of a minor use permit.

Sections 30.48.040(N) and (O)

~~N. Day Care/Boarding/Host Home. Day care, boarding or host home for 6 or fewer individuals, provided that no such day care, boarding or host home facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other facility owned, operated, managed, or leased by the same person.~~

~~O. Family Care Homes. A family care home, provided that no family care home may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such home or family care institution or group care facility owned, operated, managed, or leased by the same person.~~

Section 30.54.020K

30.54.020. General Provisions.

K. The required number of parking standards spaces identified herein are considered minimum standards for the majority of cases. However, ~~these standards the required number of parking spaces~~ may be adjusted to be either more or less restrictive based on the results of a site-specific parking study with the issuance of a minor use permit through projects processed under a use permit. Any permitted deviations in the required number of parking standards spaces shall be recorded in a covenant and shall be subject to on-going review and monitoring. Critical consideration and documentation must be provided before any reduction in the number of required parking standards spaces would be authorized for development along or west of Vulcan Avenue. (Ord. 95-04)

Section 30.54.060K:

30.54.060 Parking Area Landscaping.

- K. In addition to the above requirements, the following provisions shall also apply.
1. Any aisle providing circulation through the lot shall be separated from parking rows by a minimum 5 foot wide planting strip (exterior dimensions). Median strips and planting islands help to direct vehicular circulation routes. All planters shall have trees, low shrubs and/or groundcover and be irrigated.
 2. Planting islands shall be placed at the end of each row of parking.
 3. Within parking areas of greater than 20 parking spaces, an island with a minimum interior planting width of 4 feet and length equal to that of the adjacent parking stall or equivalent planting area shall be provided within rows for every 10 cars within the parking area. Double rows of parking shall contain planters at points within the row. Planters shall be included within any row of 20 or more cars at the rate of:
 4. Specimen plants and shrubs shall be utilized near the entrance of the project. The landscaping shall complement the existing neighborhood and the site's architectural theme. Planting along property boundaries can be arranged as informal groupings as an alternative to rigid, formal plantings. Annuals should be introduced only where proper maintenance is feasible. Screening should be done with flowering trees and shrubs to add accent and color. A fence or wall should be made of textured materials to add extra interest.
 5. Street trees shall be planted at minimum forty (40) foot intervals adjacent to any public right-of-way and shall be a minimum of 15 gallon container size.

6. Plantings within 15' of intersections shall not exceed 24" to avoid interfering with visibility.
7. To minimize the probability of damage to light standards and trees, they should be located between parking stalls.
8. Pedestrian walkways should be visually separated from vehicular traffic by the use of plant material and a textured or colored paved surface. Vehicle overhang should not interfere with pedestrian movement on an adjacent sidewalk.
9. Decorative paving for plazas or other special features used as substitute for a portion of the required interior planting may be approved by the Director Planning and Building. (Ord. 2003-08).
10. Concrete wheel stops are required where walls and fences abut driveways and parking stalls.
11. Where large expanses of asphalt occur, different paving materials such as patterned concrete or interlocking pavers should be used to reduce the visual impact of the asphalt.
12. For sloped parking lots, terracing can reduce the visual impact and planting strips shall be used to accommodate grade changes.
13. Where a landscaped filter strip is required for environmental reasons to reduce downslope run-off and surface soil erosion, plant material should be planted to a width of 50 to 70 feet of a 0% to 10% slope.
14. All trash containers shall be screened with fencing and/or landscaping.
15. The parking lot shall be designed to preserve existing trees on the site that are in good condition.
16. Prior to the issuance of a final building occupancy certificate, all landscaping planting and irrigation shall be installed and be in acceptable condition. The plants shall be healthy and free of weeds, disease, or pests. The irrigation system shall be properly constructed and in good working order.

Section 30.76.120 Remodeling or Reconstruction of Residential Buildings with Structural/Use Nonconformity.

- A. Any residential project of 4 or fewer dwelling units for a building with one or more structural or use nonconformities that is damaged up to 100% (by accident or voluntary) of its valuation can be reconstructed with ~~for~~ the continuation of the nonconformities, provided such nonconformities are not increased in density or

intensity. Nonconforming residential buildings of 4 units or less may be reconstructed, added to, or structurally altered so long as neither the number of dwelling units for each complex density nor the intensity of the nonconformity is increased, and the number and size of existing required parking spaces is not reduced.

An increase to the "intensity" of a nonconforming structure/ use would refer to:

1. Expanding the structural nonconformity, e.g., not meeting development standards;
2. Any additions to a nonconforming use (e.g., an existing duplex in a single-family zone) that would expand or intensify the nonconforming use, result in an increase to the number of bedrooms, as defined by the UBC (Uniform Building Code) or be greater than 50% of the gross floor area of the nonconforming dwelling. Expansions/additions to such nonconforming uses shall not be considered an intensification when the combined development of all units on the subject property does not exceed the cumulative limitations of the underlying zone. Where more than one dwelling unit exists on a legal lot, the development allowances of the underlying zone shall be applied on a pro-rata basis (for example, if two dwelling units exist on one lot, each would be allowed one half of the lot coverage and/or floor area ratio applicable to the zone). Where all of the units on the lot are under common ownership, or, in the case of multiple ownership, where all owners of units on the property are in agreement, a different combination of percentages may be established and recorded on the subject property by covenant.
3. An addition for the enclosing of parking shall not be considered an increase in intensity of the nonconforming use.
4. Conversion of a nonconforming detached accessory structure from a non-habitable use type (for example, a storage building or garage) to a habitable structure type (for example, a portion of the primary dwelling unit or accessory unit) shall be considered an intensification or creation of a nonconformity. However, conversion of such non-habitable structures to accessory structures permitted under Municipal Code Section 30.48.040B shall not be considered an intensification, provided the structure is not located closer than 5 ft. to rear and interior side lot lines, and not located within front or exterior side yard setback areas, pursuant to Municipal Code Section 30.16.010 E3.

An increase to the "density" of a nonconforming structure/ use would refer to:

New construction or conversion of existing structures with the result of creating any dwelling units above the number allowed for the subject property in the applicable zone.

A ~~nonconforming~~ conforming addition to, or the conversion of a portion of a legal nonconforming single family residential building in order to create an accessory unit pursuant to ~~in accordance with~~ Sections 30.16.010 and 30.48.040W shall not be considered an intensification increase in density or intensity for purposes of this Section. (Ord. 94-11)

~~a. The primary unit shall not be considered a nonconforming use and not subject to these provisions and shall be permitted to expand subject to the development standards of the zone in which the use is located in, however, lot coverage and FAR (Floor Area Ratio) requirements shall apply to all of the structures located on the parcel. The primary unit shall be limited to the unit that is greater in gross square footage or when the units are of equal size the property owner shall designate the primary unit.~~

~~b. These nonconforming residential units other than the primary unit that expand shall be restricted to low and very low income households. A covenant shall be recorded against the parcel to guarantee the nonconforming unit to be rented at low and very low income levels.~~

CHAPTER 30.80

COASTAL DEVELOPMENT PERMIT

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 (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)

A. In addition to the requirements for contents of the notice of public hearing described in Chapter 30.01, the notice shall also state that the proposed project is in the coastal zone, contains a request for issuance of a coastal development permit, whether it includes development which is appealable to the California Coastal Commission and the system for local and Coastal Commission appeals, including any local fees required. (Ord. 95-04)

B. In addition to the requirements for ways in which the notice of public hearing is provided as described in Chapter 30.01, the notice shall be sent as first class mail at least 10 calendar days prior to the public hearing to the applicant or authorized agent; interested persons (all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City); residents (occupants) and

property owners within 100 feet of the perimeter of the parcel on which the development is proposed, and the Coastal Commission. (~~Ord. 95-04~~)

C. For non-appealable coastal development permits where no public hearing is required, a notice of pending action, containing the same information described above for the notice of public hearing shall be provided. The notice of pending action shall also include a description of local review procedures, pending action date, and a statement on public comment. The notice shall be sent as first class mail at least 10 calendar days prior to the local decision on the application to the applicant or authorized agent; interested persons (all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City); residents (occupants) and property owners within ~~100~~500 feet of the perimeter of the parcel on which the development is proposed and the Coastal Commission. (Ord. 95-04)

D. Where other land use/development applications requiring a public hearing accompany a coastal development permit application, the information related to all of the applications may be combined in a single notice which includes all of the information required by Chapter 30.01 and this chapter, and the notice shall be distributed and published as described in Chapter 30.01 and this chapter.

City of Encinitas Municipal Code
 Zoning Code
 Chapter 30.09
 Use Matrix

Use	Zoning Uses														
	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
Public Utilities: Office	X	X	X	X	X	P	X	P	X	P	P	P	X	X	X
Public Utility Service Yards	X	X	X	X	X	X	X	C X	C	C	X	C	X	X	X

P = Permitted by Right
 C = Conditional Use permit Required (Major)
 Cm = Conditional Use Permit Required (Minor)
 X = Prohibited

ATTACHMENT "B"

Sidewalk café parking requirements in the Downtown Encinitas Specific Plan Section 3.2 of the DESP

THE DOWNTOWN ENCINITAS SPECIFIC PLAN IS HEREBY AMENDED TO READ AS FOLLOWS:

Table 3

Required Parking

<u>Use</u>	<u>Parking Spaces Required</u>
Mixed Use Residential Dwellings: Studio Units and One Bedroom Units- Two or More Bedroom Units -	1.5 spaces per unit 2 spaces per unit
Office & Commercial Developments of 6,000 sq. ft. and less of gross building floor area: General Offices; Professional Services including Attorneys, Financial Institutions, Accountants, Realty Offices, etc.; Medical, Dental, Veterinary Offices/Clinics; Government Offices	1 space for each 300 sq. ft. of gross building floor area
Restaurants, Bars, Lounges	1 space for each 100 sq. ft. of gross building floor area and <u>on-site</u> outdoor dining area
Take-out Restaurants, no seating	1 space for each 250 sq. ft. of gross building floor area
Personal Service Commercial Uses, including Beauty Shops, Nail Salons, Hair Salons, Barber Shops, Dry Cleaners, etc.	1 space for each 250 sq. ft. of gross building floor area
Other individual retail uses and commercial services except as otherwise specified	1 space for each 300 sq. ft. of gross building floor area