

CALIFORNIA COASTAL COMMISSION

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



June 21, 2007

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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 (#1-07B/San Dieguito Academy) TO THE
CITY OF ENCINITAS LOCAL COASTAL PROGRAM**

The City of Encinitas is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment was filed on May 18, 2007 pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Code of Regulations. Section 30513 of the Coastal Act requires the Commission to take action on an implementation plan amendment within 60 days. Therefore, absent a time extension, the Commission must take action on this matter at the July hearing.

Amendment Description

The subject request is to amend the City's Implementation Plan (IP) to increase the height limits within the Public/Semi-Public Zone for specific high school buildings located on a minimum 10-acre site. The height limit for a theatre/performing arts center or gymnasium will be increased to a maximum of 40 ft. and classrooms or athletic buildings (other than gymnasium) will be increased to a maximum of 34 ft. The existing height limit within the Public/Semi-Public Zone is 30 ft. In addition, the amendment requires that all structures that exceed 30 ft. be located at least 100 ft. from the exterior property boundaries.

The proposed IP amendment is designed to accommodate the construction of a theatre arts building, gymnasium and classrooms at the existing 10-acre San Dieguito Academy High School. The improvements are designed to accommodate existing students since the existing school enrollment is already at its maximum allowance of 1,500 students. There are no other 10-acre site high school sites existing or planned for within Encinitas such that the LCPA will only be applicable to San Dieguito Academy. The high school is located approximately 1½ miles east of the shoreline and approximately ¼ mile east of Interstate 5. Distant public views of the ocean across the site are available along a north/south directed street (Bonita Drive) that borders the east side of the 10 acre site. Story poles were erected at the site of the theatre arts building and the City determined that no public views of the ocean would be significantly affected. However, even if future improvements associated with the subject LCPA interfere with existing ocean views, such impacts would be minimal and/or sporadic since the existing campus is set a lower elevation than Bonita Drive and substantial distant views of the ocean would

remain throughout the remainder of the campus. In addition, the IP amendment is consistent with certified Land Use Plan (LUP) in that the 10-acre high school site is not located within any designated scenic view corridor or vista point identified in the LUP and the use is consistent with Public/Semi-Public land use designation and standards of the LUP.

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: July 10, 2007
9:00 a.m., Tuesday

LOCATION: Embassy Suites Hotel
333 Madonna Road
San Luis Obispo, Ca 93406

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.

APR 02 2007

RESOLUTION NO. 2007-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS,
CALIFORNIA, AMENDING POLICY 7.10 OF THE LAND USE ELEMENT OF THE
GENERAL PLAN ALLOWING AN INCREASE IN THE HEIGHT ALLOWANCE FOR
CERTAIN STRUCTURES FOR PUBLIC SCHOOLS
(Case #06-207 ZCA/LCPA)**

WHEREAS, the San Dieguito High School District is proposing a 16,000 square foot Performing Arts Center on the site of the San Dieguito Academy and due to the City's height limitation, the District requested an amendment to allow an increase in the height allowance for certain structures on the campus. The maximum height of the Performing Arts Center is about 38 feet. Reducing the height of the theater would compromise the sound quality and the performance space to meet the needs of the performers, audience and technical staff. The District also identified other buildings on the campus that would need a height increase; and

WHEREAS, Policy 7.10 of the Land Use Element of the General Plan limits building heights to 30' for residential and non-residential structures with certain exceptions; and

WHEREAS, on September 13, 2006, the City Council directed staff to move forward with an amendment to allow, for public high schools on a minimum 10 acre site, a maximum building height of 40 feet for the performing arts buildings, athletic buildings and classrooms, provided that any structure above 30 feet be located a minimum 100 feet from the nearest property line; and

WHEREAS, a Citizen's Participation Program Workshop was conducted on November 13, 2006 at the Academy campus by the District and City Planning staff;

WHEREAS, a public hearing was held before the Planning Commission on this item on January 11, 2007, at which time the Commission recommended approval of the amendment; and

WHEREAS, this action is consistent with the General Plan and Municipal Code. Policy 7.10 of the Land Use Element of the General Plan limits building height for residential and non-residential to 30 feet with limited exceptions such as specific plans and medical complex development projects. The proposal adds another exception for "public high schools with a minimum 10 acres" to Policy 7.10 to ensure consistency with the General Plan. Adding section 30.28.010D to the Municipal Code and Local Coastal Program provides more detail as to the maximum height (40 feet) and the type of buildings allowed to exceed 30 feet for a public high school, as set forth in concurrent Ordinance No. 2007-05. No other General Plan or Local Coastal Program policies were found to conflict with this amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Encinitas, California, that Policy 7.10 of the Land Use Element of the General Plan shall be amended as follows:

CD/tc/G:/Reports/06207GPA/ZCACC0207.doc 12

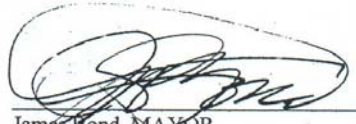
EXHIBIT NO. 1
APPLICATION NO.
Encinitas LCPA
No. 1-07B Minor
Resolution
 California Coastal Commission

POLICY 7.10: Both residential and non-residential development shall be limited to a maximum height of two stories and 30 feet. Limited exceptions for non-residential development may be allowed, but only for designated specific sites as developed and adopted through area specific plans. Exceptions may also be made for Medical Complex development projects at the discretion of the City pursuant to conditional use permit applications as provided by the Zoning Code, to allow building heights up to a maximum height of three stories. An exception is also authorized for a public high school with a minimum 10 acre site.

BE IT FURTHER RESOLVED that the City Council, in their independent judgment, finds that the proposed amendment is consistent with the negative declaration prepared and adopted by the District in conjunction with the San Dieguito Academy Master Plan, and that the amendment is further covered by General Rule 15061 (b3) of the State CEQA Guidelines, which provide that CEQA only applies to projects that have the potential for a significant environmental impacts, none of which have been identified associated with this project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Encinitas, California, held on the 21st day of February 2007, by the following vote, to wit:

AYES: Bond, Dalager, Houlihan, Stocks.
NAYS: Barth
ABSENT: None.
ABSTAIN: None.


James Bond, MAYOR

ATTEST:


DEBORAH CERVONE, City Clerk

**Ordinance No. 2007-05
Attachment 1**

APR 02 2007
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**Chapter 30.28
Public/Semi-Public Zone
Establishing Section 30.28.010D**

CHAPTER 30.28

PUBLIC/SEMI-PUBLIC ZONE

30.28.010. Development Standards.

A. The development standards described in the table below shall apply to the Public/Semi-Public zone and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings.

<u>ZONE REQUIREMENT</u>	<u>ZONE P/SP</u>
1. Net Lot Area (square ft)	10,000
2. Lot Width (ft)	80
3. Lot Depth (ft)	100
4. Front Yard Setback (ft)	20
5. Side Yard Setback (ft) for each interior side	10/10
6. Side Yard Setback (ft) street side	20
7. Rear Yard Setback (ft)	10
8. Lot Coverage (maximum %)	50%
9. Building Height (maximum)	30 feet or two stories whichever is less
10. Floor/Area Ratio (maximum building floor area divided by net area)	.50
11. Off-Street Parking	(See Chapter 30.54)

B. Additional Development Standards. In the Public/Semi-Public zone, all of the development standards identified for the commercial zone shall apply except: 30.20.010 A, 30.20.010 D2, 30.20.010 J.

EXHIBIT NO. 2
APPLICATION NO.
Encinitas LCPA No. 1-07B Minor
Proposed Ordinance (Underlined)

C. When authorized with approval of a major use permit, 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 set back a minimum 15 feet from the roof parapet or exterior wall plane of the floor immediately below. The mechanical equipment enclosure criteria does not apply to a medical office building.

D. Specified buildings associated with a public high school on a minimum 10 acre site may exceed the 30 ft. height standard, provided any such building exceeding 30 ft. is located a minimum 100 ft. from exterior property boundaries, as follows: 40 ft. maximum height for a theater/performing arts center or gymnasium; 34 ft. maximum height for classrooms or any athletic building other than a gymnasium. Existing athletic field lights may exceed the height limits.