

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
(619) 767-2370



November 21, 2011

**W13d**

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: Charles Lester, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF ENCINITAS DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT NO. 3-10 (Design Review/Zoning Clean-up)** (For Commission review at its meeting of December 7, 2011)

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 has submitted an LCP amendment request which consists of revisions to the design review and zoning provisions of the certified Implementation Plan (IP) for the City of Encinitas. The proposed LCP amendment includes a number of changes to the IP which are minor in nature and serve only to correct or clarify references and exhibits or update and correct terminology. There are a total of 60 issues included in the amendment package. Following is a discussion of the proposed changes including a brief explanation of the purpose for or intent of the change and a reason why it is de minimis pursuant to Section 30514 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. The City

has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

**MOTION:**                    *I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.*

**STAFF RECOMMENDATION:**

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.

**DISCUSSION**

**Building Code Update**

In multiple places within the IP, the applicant proposes to change language from "Uniform Building Code" to "City's Adopted Building Code." This change is necessary because the City is required to adopt the codes currently mandated by the state. Prior to 2007, the mandated code was the "Uniform Building Code" which the current IP language reflects. In 2007, the state mandated that the City adopt the "International Building Code," although no change to the IP was made to reflect this change. On January 1, 2011, the City was required by the state to adopt the "California Building Code." Due to the fluid nature of state mandated building codes, it is more effective to use the general language ("City's Adopted Building Code"), than to use the specific name of the current building code, which would require relatively frequent LCP amendments. Additionally, the Commission does not typically regulate issues related to the building code, such as plumbing, electrical and mechanical building standards.

**Removal of Obsolete Reference Regarding Satellite Antennas**

**Section 23.08.090E1 Satellite Antenna Height Limitations:**

The proposed LCP amendment removes language that requires an administrative process by property owners in order to erect satellite antenna to a maximum height of up to 30 ft. In 2004, the Commission approved LCPA #3-03 which increased the height standard in rural residential zones and eliminated this administrative process. The language proposed to be removed as part of this LCP amendment should have also been removed at that time in order to be consistent with the changes to the zoning code approved through LCPA #3-03.

### **General Correction of Terms**

#### **Section 30.09 Zoning Use Matrix:**

The definition for “LC” is being changed from the incorrect “Limited Local Commercial” to the correct “Local Commercial.” The IP does have a “Limited Local Commercial Zone”, which is more restrictive than the “Local Commercial Zone,” however; the “Limited Local Commercial Zone” is shown as “L-LC”. This change does not alter the content of the zoning matrix.

#### **Zoning Code Index:**

The heading “Accessory Apartment” is being changed to “Accessory Unit.” This change does not alter the content of the Zoning Code, as accessory apartments and accessory units have the same definition. The change is made to be consistent with the use of “Accessory Unit” throughout the rest of the IP and the related Specific Plans.

### **Minor Corrections**

The remainder of the changes to the IP consist of corrections to numerical references, formatting improvements and incorrect references to Sections or Tables in the Code.

The City Council resolution that approves and conveys the proposed de minimis LCP amendment is attached. The LCP amendment was approved by the City Council on April 28, 2010. The amendment was properly noticed through newspaper publication and direct mail. The amendment request was filed on October 25, 2010 and an extension of time of up to one year was approved December 15, 2010 meeting and the Commission must therefore take action at this hearing.

### **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. 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 de minimis 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 de minimis LCP amendment, as submitted, can be supported.

**ORDINANCE 2010-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF ENCINITAS, CALIFORNIA AMENDING  
CHAPTER 23.08 (DESIGN REVIEW) AND TITLE 30  
(ZONING), OF THE MUNICIPAL CODE.  
CASE NUMBER: 10-022 ZCA/LCPA**

**WHEREAS**, the City Council on January 20, 2010 authorized staff to proceed with non-substantive amendments to Chapter 23.08 and Title 30 of the Municipal Code; and

**WHEREAS**, the Planning Commission conducted a Public Hearing, and considered public testimony and made a recommendation on March 18, 2010 to the City Council; and

**WHEREAS**, staff has identified clerical errors in Chapter 23.08 and Title 30 of the Municipal Code; and

**WHEREAS**, these minor errors are non-substantive in nature and do not change the content of the sections to be amended; and

**WHEREAS**, the City Council finds that Chapter 23.08 and Title 30 of the Municipal Code should be amended to correct the errors in the code; and

**WHEREAS**, the City Council finds that the amendments are consistent with the adopted Local Coastal Plan in that the amendments do not change the content of the sections to be amended; and

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

**SECTION ONE: DESIGN REVIEW.** All affected sections of Chapter 23.08 are hereby amended to read as follows:

**See Attachment "1"**

**SECTION TWO: ZONING.** All affected sections of Title 30 are hereby amended to read as follows:

**See Attachment "1"**

**SECTION THREE: ENVIRONMENTAL FINDING.** The City Council finds in its independent judgment, that the amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act, which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

EXHIBIT NO. 1
APPLICATION NO. LCPA 3-10
Council Ordinance
 California Coastal Commission

**SECTION FOUR: INTRODUCTION.** This ordinance was introduced on April 14, 2010.

**SECTION FIVE: 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.

**PASSED AND ADOPTED** this 28<sup>th</sup> day of April, 2010 by the following vote to wit:

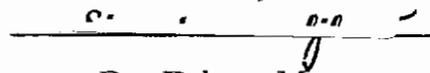
AYES: Barth, Bond, Dalager, Houlihan.

NAYS: None.

ABSTAIN: None.

ABSENT: Stocks.

*Signature on file*



Dan Dalager, Mayor  
City of Encinitas

**ATTESTATION AND CERTIFICATION:**

I hereby certify that this is a true and correct copy of Ordinance No. 2010-13 which has been published pursuant to law.

*(Signature on file)*  


Deborah Cervone, City Clerk

## Attachment I

1. Section 23.08.030B11

11. Temporary facilities as defined in the Uniform City's Adopted Building Code.

2. Section 23.08.060G (Header)

23.08.060GF

3. 23.08.090E1

*The section being deleted is obsolete; it does not change the height standard.*

E: The following height limitations shall apply to satellite antennas:

1. Residential Zones: Outside of the standard building envelope (i.e. within the front, side, or rear yard setbacks), the maximum height of a satellite antenna shall be (12) feet in height. Property owners may request greater heights through the Administrative Design Review process.

Satellite antennas located within the standard building envelope (i.e. outside of the front, side, or rear yard setbacks) shall not exceed the standard residential height limit of ~~(26) feet (unless average lot slope exceeds 10% (See residential height regulations in Section 30.16.010B-76 of the Municipal Code).~~ Property owners may apply to erect a satellite antenna to a maximum height of 30 ft. via the review process cited in ~~Section 30.16.010B7-b of the Municipal Code.~~

4. Section 23.08.090I

1. If an applicant claims that an imposed regulation violates the stated intent of the provisions of the City's satellite regulations, the applicant may deposit with the City a sum determined by the Building and Planning Planning and Building Director to obtain an independent expert evaluation and opinion of the claim. (Ord. 2003-08).

5. Section 23.08.160A

A. The Design Review Permit approval shall be valid for two (2) years after the effective date of the permit. A building permit and any other permit required for the construction of the project shall be obtained within the two-year period. If construction has not started within the time period specified in the Uniform City's Adopted Building Code, and is not diligently pursued thereafter, the Design Review Permit shall be deemed null and void. (Ord. 92-13)

6. Section 30.04

BASEMENT shall mean a level of a building partly or wholly underground where more than one-half (1/2) of its perimeter is less than or equal to 4' above the lower of natural or finished grade as defined in Section 30.16.010 B7 6 of the Municipal Code. (Ord. 2003-10).

7. Section 30.04

BUILDING REMODEL shall mean a building that is being remodeled is capable of supporting or sheltering the use or occupancy permitted by the zoning designation assigned to the property. Once the structure or portion thereof is removed that prevents occupancy of the entire dwelling unit pursuant to the definition in Section 405 202 of the ~~Uniform~~ City's Adopted Building Code, the structure shall be considered new and subject to the applicable standards, i.e., traffic impact fees, and other regulations. This policy would consider reroofing, second story addition over existing first floor, or exterior residing as a structural remodel provided the exterior support walls remain. (Ord. 89-41)

8. Section 30.04 (Lot Definition)

B. A parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder or in the office of the ~~Community Development~~ Planning and Building Department, and abutting at least one (1) public street or right-of-way, or easement determined by the City Engineer to be adequate for the purpose of access, or

9. Section 30.04

LOT LINE, FRONT shall mean on an interior lot, the front lot line is the property line abutting the street. On a corner or reverse corner lot, the front lot line is the shorter property line abutting a street, except in the following cases: 1) where the subdivision or parcel map specifies another line as the front lot line, or 2) where the setbacks for an existing home identify the front and rear lot lines as being the longest property line; in this case the Director of Planning and Building shall determine which property line shall be the front lot line. Similarly, the Director or authorized agency may allow the longest property line to be the front lot line where such a designation would result in a building envelope consistent with the character of surrounding development. On a through lot or a lot with three (3) or more sides abutting a street or a corner or reverse corner lot with lot lines of equal length, the Planning and Building Director of ~~Planning and Building Department~~ shall determine which property line shall be the front lot line for the purposes of compliance with yard and setback provisions of this Ordinance. On a private street or easement, the front lot line shall be designated as the edge of the easement. (Ord. 2003-10).

10. Section 30.09 (Second Page)

LC = Limited Local Commercial

11. Section 30.09

ycling Facilities*	X	X	X	X	X	X	X	C	X	C	C*	C	X	X	X
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12. Section 30.16.010A

*The format of the table is being updated to facilitate ease of printing and citation. Minor errors were also corrected. The standards contained within the table are not changing.*

**REMOVE EXISTING TABLE:**

RURAL RESIDENTIAL ZONES (Ord. 89-41)

ZONE REQUIREMENT	ZONE	ZONE	ZONE
	RR	RR-1	RR-2
1. a. Density (maximum dwelling units per flood plain net acre)	0.125 (8 ac, 0.26-0.5)	1.0	2.0

	(2.4 ac, depending on slope)			
b.	Midrange Density 0.125 (8 ac, (See Section 30.16.010 flood plain) B1 & B2)	0.75	1.5	
		0.38 (3 ac, depending on slope)		
2.	Net Lot Area (square ft)	2,4, or 8 ac	1.0 ac	21,500 sq ft
3.	Lot Width (ft)	110	110	100
4.	Cul-de-sac Lot Width (ft)	30 at front setback	30 at front setback	30 at front setback
5.	Panhandle Width on a Flag Lot (ft)	20	20	20
6.	Lot Depth (ft)	150	150	150
7.	Front Yard Setback (ft)	30	30	30
03-07				30.16.010A8
	ZONE REQUIREMENT	ZONE	ZONE	ZONE
		RR	RR-1	RR-2
8.	Side Yard Setback (ft) for each interior side <sup>4,5</sup>	15/15 (Ord. 2006-06)	15/15	10/10
9.	Side Yard Setback (ft) street side <sup>5</sup>	20	15	15
10.	Rear Yard Setback (ft)	25	25	25
11.	Lot Coverage (maximum percentage)	35%	35%	35%
03-07				30.16.010.A12
	<u>RURAL RESIDENTIAL ZONES (Ord. 89-41)</u>			
	ZONE REQUIREMENT	ZONE	ZONE	ZONE
12.	Building Height (See 30.16.010 B7)	RR	RR-1	RR-2
13.	Off-Street Parking	(See Chapter 30.54)		
	<u>SINGLE FAMILY RESIDENTIAL ZONES</u>			
	ZONE REQUIREMENT	ZONE	ZONE	ZONE
		R-3	R-5	R-8
				R-11/RS-11
1.	a. Density (maximum dwelling units per net acre)	3.0	5.0	8.0
	b. Midrange Density (See Sec. 30.16.010 B1 & 2)	2.5	4.0	6.5
2.	Net Lot Area	14,500	8,700	5,400
				3,950

	(square ft.)				
3.	Lot Width (ft)	80	70	60	40
4.	Cul-de-sac Lot Width (ft)	30 at front setback			
5.	Panhandle Width on a Flag Lot (ft)	20	20	20	20
6.	Lot Depth (ft)	100	100	90	90
7.	Front Yard Setback (ft)	25	25	25	20 <sup>2</sup>
8.	Side Yard Setback (ft) for each interior side <sup>4,5</sup> (Ord. 2006-06)	10/10	10/10	5/10	(RS 11)5/5 (R 11) 5/0-5
9.	Side Yard Setback (ft) street side <sup>5</sup>	10	10	10	10
10.	Rear Yard Setback (ft)	25	25	25	20
11.	Lot Coverage (maximum %)	35%	35%	40%	40%
12.	Building Height	(See 30.16.010 B7)			30.16.010.A13
03-07					

**SINGLE FAMILY RESIDENTIAL ZONES**

ZONE REQUIREMENT	ZONE R-3	ZONE R-5	ZONE R-8	ZONE R-11/RS 11
13.	Off-Street Parking (See Chapter 30.54)			
14.	.6	.6	.6	(Standard Lot Sizes) .5 (Substandard Lot) <sup>3</sup>

**FOOTNOTES**

- 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.
- See Section 30.16.010C4 and D10.
- Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area. (Ord. 89-41)
- See Section 30.16.010B10. (Ord. 90-15)
- See "Lot, Interior" in Section 30.04.

**HIGHER DENSITY SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL ZONES**

ZONE REQUIREMENT	ZONE R-15	ZONE R-20	ZONE R-25	ZONE MHP
1. a. Density (maximum dwelling unit per-	15.0	20.0	25.0	11.0

	net acre)				
b.	Midrange Density	13.0	17.5	22.5	9.5
	(See Section 30.16.010 B1 & 2)				
2.	Net Lot Area (square ft)	20,000	20,000	20,000	
3.	Lot Width (ft)		100	100	100
4.	Lot Depth (ft)		150	150	150
5.	Front Yard Setback (ft)	20	20	20	
6.	a. Side Yard Setback (ft) for each interior side (Standard Lot) <sup>5</sup>	15/15	15/15	15/15	

03-07

30.16.010.A6b

**HIGHER DENSITY SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL ZONES**

ZONE REQUIREMENT	ZONE R-15	ZONE R-20	ZONE R-25	ZONE MHP
b. Side Yard Setback (Substandard Lot) <sup>3,5</sup>	5/5	5/5	5/5	
7. a. Street Side Yard Setback; (Standard Lot) (ft) <sup>5</sup>	20	20	20	
b. Street Side Yard Setback; (Substandard lot) <sup>3,5</sup>	10	10	10	
8. a. Rear Yard Setback (ft)	15	15	15	
b. Rear Yard Setback Where Alley Exists	20	20	20	
9. Lot Coverage (maximum percentage)	40	40	40	
10. Building Height	(see Section 30.16.010 B7)			
11. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	
12. Distance between buildings on the same lot greater than 16 feet in height	20	20	20	
13. Off Street Parking	(See Chapter 30.54)			

**FOOTNOTES**

- 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.
- See Section 30.16.010C4 and D10.
- Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area. (Ord. 89.41)
- See Section 30.16.010B9. (Ord. 90-15)
- See "Lot, Interior" in Section 30.04

**REPLACE WITH:**

30.16.010. Development Standards.

A. The development standards described in the tables below shall apply to the Residential zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. In addition to the development standards provided in this Chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for Residential zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in Residential zones within adopted specific plans. (Ord. 94-02) For building height, see Section 30.16.010B6. For Off-Street Parking requirements, see Chapter 30.54.

1. RURAL RESIDENTIAL ZONES (Ord. 89-41)

ZONE REQUIREMENT	RR	RR-1	RR-2
a. Density (Maximum dwelling units per net acre)	0.125 (8 acres for floodplain) 0.26-0.50 (2-4 acres depending on slope)	1.0	2.0
b. Midrange Density (See Section 30.16.010B1 & B2)	0.125 (8 acres for floodplain) 0.38 (3 acres depending on slope)	0.75	1.5
c. Net Lot Area	2, 4, or 8 acres	1.0 acre	21,500 sq. ft.
d. Lot Width (ft.)	110	110	100
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20
g. Lot Depth (ft.)	150	150	150
h. Front Yard Setback (ft.)	30	30	30
i. Side Yard Setback (ft.) for each interior side <sup>4,5</sup>	15/15 (Ord. 2006-06)	15/15	10/10
j. Side Yard Setback (ft.) street side <sup>5</sup>	20	15	15
k. Rear Yard Setback (ft.)	25	25	25
l. Lot Coverage (maximum percentage)	35%	35%	35%

2. SINGLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	R-3	R-5	R-8	R-11/RS-11
a. Density (Maximum dwelling units per net acre)	3.0	5.0	8.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	2.5	4.0	6.5	9.5
c. Net Lot Area (sq. ft.)	14,500	8,700	5,400	3,950
d. Lot Width (ft.)	80	70	60	40
e. Cul-de-sac Lot Width (ft.)	30 at front setback			
f. Panhandle Width on a Flag Lot (ft.)	20	20	20	20
g. Lot Depth (ft.)	100	100	90	90
h. Front Yard Setback (ft.)	25	25	25	20 <sup>2</sup>
i. Side Yard Setback (ft.) for each interior side <sup>4,5</sup>	10/10	10/10	5/10	(RS-11)5/5 (R-11)5/0-5 <sup>1</sup>
j. Side Yard Setback (ft.) street side <sup>5</sup>	10	10	10	10

k. Rear Yard Setback (ft.)	25	25	25	20
l. Lot Coverage (maximum percentage)	35%	35%	40%	40%
m. Floor Area Ratio		.6	.6	.6 (Standard Lot Sizes) .5 (Substandard Lot) <sup>3</sup>

3. **HIGHER DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL ZONES**

ZONE REQUIREMENT	R-15	R-20	R-25	MHP
a. Density (Maximum dwelling units per net acre)	15.0	20.0	25.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	13.0	17.5	22.5	9.5
c. Net Lot Area (sq. ft.)	20,000	20,000	20,000	
d. Lot Width (ft.)	100	100	100	
e. Lot Depth (ft.)	150	150	150	
f. Front Yard Setback (ft.)	20	20	20	
g. Side Yard Setback (ft.) for each interior side (Standard Lot) <sup>5</sup>	15/15	15/15	15/15	
h. Side Yard Setback (Substandard Lot) street side <sup>3,5</sup>	5/5	5/5	5/5	
i. Street Side Yard Setback, (Standard Lot) (ft.) <sup>5</sup>	20	20	20	
j. Street Side Yard Setback (Substandard lot) <sup>3,5</sup>	10	10	10	
k. Rear Yard Setback (ft.)	15	15	15	
l. Rear Yard Setback Where Alley Exists	20	20	20	
m. Lot Coverage (maximum percentage)	40	40	40	
n. Building Height (See 30.16.010 B6)				
o. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	
p. Distance between buildings on the same lot greater than 16 ft. in height	20	20	20	

FOOTNOTES

1. Requires a minimum 5 ft. side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5 ft. 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 30.16.010C4 and D10.
3. Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area (Ord. 84-91)
4. See Section 30.16.010B9. (Ord. 90-15)
5. See "Lot, Interior" in Section 30.04.

13. Section 30.16.010B9b

- b. Second story additions are allowed for an existing nonconforming two story dwelling based on the setbacks of subsection 109a above. (Ord. 94-11)

14. Section 30.16.010B9c

c. Additions in conformance with subsection 109a above shall be limited to one story for an existing nonconforming single story dwelling unless it is determined that no view issues exist. Should no view issues exist based on the filing of a Conceptual Review application and subsequent site analysis, the Director of Planning and Building shall approve a second story addition based on the setbacks of subsection 10a above. The adjacent property owners shall be notified of the decision and be given the opportunity of an \*appeal. Should view issues exist a Design Review application must be filed and a public hearing scheduled before the Community Advisory Board. (2003-08).

15. Section 30.16.010B13 (Header)

30.16.010B13~~2~~

16. Section 30.16.010E10

10. Minor accessory structures refers 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 City's Adopted Building Code. Such structures may be permitted to encroach to interior side and rear property lines subject to the following limitations:

17. Section 30.16.010E10d

d. Accessory structures that otherwise meet the above limitations but require a permit under the Uniform City's Adopted 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.

18. Section 30.16.010E11

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

19. Section 30.160.20B2

2. Pre-application Conference. Prior to submitting an application for a use permit for a planned residential development, it is recommended that a prospective applicant should consult with the Community Development Planning and Building Department to obtain information and to review the proposed application. At the applicant's request and after payment of a pre-application fee, the Department will schedule a conference to be attended by the applicant, representatives of the various City Departments, and a subcommittee of the Planning Commission composed of the Chair and Vice-Chair. (Ord. 96-07)

20. Section 30.16.030 (Re-number/letter)

30.16.030. MOBILE HOME PARK ZONE (MHP).

~~1A.~~ The provisions of this Section, inclusive, shall be known as the Mobilehome (Manufactured Home) Regulations. The purpose of these provisions are:

a1. To supplement the zone regulations applied to mobilehomes with additional standards and procedures which will promote a satisfactory living environment for residents of mobilehomes and will permit a mix of mobilehomes and other types of housing within the county.

b2. To better facilitate utilization of mobilehomes as a housing resource.

e3. To permit greater diversity in the types of mobilehome parks.

**2B.** Application. The provisions of this Section, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type.

**3C.** Use Permit Required. A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure.

**4D.** Pre-Application Conference. Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Community Development Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the various City departments, and other agencies as the Department consider necessary. Such a conference shall provide an opportunity to review the applicant's intended plan, and identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

**5E.** General Standards: Standard Mobile Parks.

**a1.** Minimum Area. A standard mobilehome park shall be not less than 5 acres in area.

**b2.** Density. A standard mobilehome park shall conform to the applicable Density Regulations.

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**e3.** Reclassification. Prior to final construction approval for any new or expanded standard mobilehome park, the owner shall obtain a zone reclassification to a MHP zone. Such reclassification requirement may be waived by the Director when a tentative subdivision map is filed. Concurrently with the related use permit appreciation.

**d4.** Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

**6F.** General Development Criteria: Standard Mobilehome Parks.

**a1.** Compatibility with Adjacent Land Uses. The standard mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

**b2.** Setback: Perimeter. Mobilehome and building within a standard mobilehome park shall maintain the following setbacks.

**(1a)** A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park.

**(2b)** A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.

**e3.** Setbacks: No recreational area or facility specified in the major use permit as being intended for the use of more than one family shall be permitted within 100 feet of an external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.

**d4.** Open Space. At least one substantial area of group usable open space shall be provided. Such area shall:

(1a) Be of such size and shape that each side of the rectangle inscribed within it is at least 100 feet in length.

(2b) Include outdoor recreational facilities for both active and passive recreation.

e5. **Recreational Facilities.** Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation area shall be landscaped, improved and maintained.

f6. **Interior Access Drives.** Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius.

g7. **Storage Area.** Common storage areas shall be provided with an enclosed fenced area for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobilehome lot. All storage on a mobilehome lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.

h8. **Sewer and Water.** Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health or the Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewer disposal systems shall be approved by the Department of Health Services.

i9. **Undergrounding.** All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.

j10. **Antennas.** A master antenna television (MATV) system shall be provided with underground cable service to at least all mobilehome and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be met by the provision of an underground cable television (CATV) system by a county-licensed CATV operator. No other television antennas shall be permitted unless authorized by the major use permit.

k11. **Fire Protection.** On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the major use permit and shall be of a type approved by the Chief of the local fire protection district.

l12. **Night Lighting.** Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

m13. **Street Access.** Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park.

7G. **Mobilehome Lot Development Criteria: Standard Mobilehome Parks.** For purposes of Mobilehome Lot Development Criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

a1. **Density of Occupation.** Each mobilehome lot shall be designed to be occupied by one mobilehome and uses thereto.

b2. Lot Size. Each mobilehome shall have the minimum size indicated below based on its occupancy.

<u>Occupancy</u>	<u>Minimum Lot Size</u> (Excluding interior access drives)
A mobilehome not more than 14' in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14' in width containing 1 dwelling unit	3,000 square feet per dwelling unit

e3. Coverage. Not more than 75 percent of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.

e4. Setback from Interior Access Drive. Each mobilehome lot shall have a front yard setback of not less than 5 feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.

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e5. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than 5 feet in width along the entire length of the mobilehome lot.

e6. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than 5 feet along the entire width of the mobilehome lot.

e7. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.

e8. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. These provisions shall not apply to subdivided parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.

e9. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.

8H. Modification of Requirements. Modification of the development criteria subsections 6 F and 7 G may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

9I. Accessory Uses and Structures Permitted. The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:

a1. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; lathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

b2. Recreational Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.

10j. SUBDIVISION OF EXISTING MOBILEHOME PARKS, ADDITIONAL REQUIREMENTS. A standard mobilehome park may be subdivided in accordance with the applicable provisions of City's Municipal Code relating to subdivisions and shall also comply with the following additional requirements.

a1. Parks Established by Use Permit. Prior to approval of a Final Map for a standard mobilehome park, the owner shall apply for modification of the related use permit to add a condition to require reservation and maintenance of all common areas for common use and enjoyment of the residents in a manner which makes the City or a public district or a public agency a party to an entitled to enforce the reservation. Such reservation shall include arrangements, satisfactory to County Counsel, to assure maintenance of all buildings, structures, streets and landscaping located within said common areas.

b2. Parks Established Without Use Permit. An existing mobilehome park which was not established pursuant to the Mobilehome Park Regulations may be subdivided only upon determination by the Director that such mobilehome park was legally established in accordance with the Nonconformity Regulations.

In addition, prior to approval of a Final Map for such mobilehome park, the owner shall obtain a major use permit which includes a condition to require reservation and maintenance of all common areas in the manner specified in "a" above.

e3. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome park shall be accompanied by the following additional information and/or documents.

- (1a) The number of spaces within the existing park.
- (2b) A list of names and addresses of all tenants within the park for use by the Department in giving notice.

(3c) The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.

(4d) The estimated cost of relocation of each mobilehome affected by the proposed change of use.

(5e) The length of tenancy by each tenant.

(6f) The estimated income, age and number of tenants affected by the proposed change of use.

(7g) The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.

(8h) A time table for vacating the existing park.

(9i) A statement and concept plan indicating what use the park site is intended to accommodate.

(10j) Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park upon recording of a Final Map. Such evidence may include, but is not limited to, the following:

- i. Written agreements to relocate mobilehomes; and
- ii. Assistance of low-and moderate-income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.

(~~11k~~) If such evidence specified in "10" above is not included in the application for subdivision, then the Director shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for said subdivision.

d4. Notwithstanding the provisions of Subsection C. above, a park owner who elects to give a 5-year notice to subdivide may file a tentative map if

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evidence is provided that the following provisions will be completed before approval of the tentative map:

(~~1a~~) The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued, and

(~~2b~~) Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and

(~~3c~~) Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

<u>IF TENANT VACATES BEFORE END OF</u>	<u>PORTION OF EXPENSES UP TO A PAID BY OWNER</u>	<u>MAXIMUM OF</u>
1st year	80%	\$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

21. Section 30.16.040 (Re-number/letter)

30.16.040 PACKING PLANT

~~1A.~~ Purpose. The provisions of this Section, inclusive, shall be known as the Packing Plant Regulations. The purpose of this section is: (Ord. 94-11)

- a1. To allow existing greenhouse operations to operate as a packing plant for fresh agricultural and horticultural products produced both on and off premises.
- b2. To permit greater diversity for existing greenhouse structures.
- e3. Existing greenhouses shall mean those greenhouses legally existing on the date of adoption of this section (DATE OF ADOPTION).
- d4. The provisions of this section shall apply when the use of the property for packing of products exceeds 50% of the area and/or physical use of the premises during a six month period of time.

2B. Application. The provisions of this Section, inclusive, shall be known as the Packing Plant Regulations. These provisions shall apply to existing greenhouses in residential zones only.

3C. Major Use Permit Required. An existing greenhouse operation that meets the General Standards listed below may revise its use to operate a packing plant upon issuance of a Major Use Permit. A Traffic Study prepared in conformance with traffic engineering industry standards and an Environmental Initial Assessment (AEIS) to determine impacts as required pursuant to the California Environmental Quality Act (CEQA) will be required unless information is submitted which will support the finding that the project is exempt from the requirement to prepare the traffic and/or environmental documents.

All required and/or applicable permits including, but not limited to the following, are to be obtained: Building Permits, Fire Permits, Coastal Development Permits and Engineering Permits.

4D. General Standards (Applicable upon issuance of a Major Use Permit):

a1. Applicability. Existing greenhouse operations are permitted to revise the use to packing of fresh agricultural and horticultural products. These products can be produced either on or off premises. No other products other than agricultural and horticultural and other prepackaged customarily associated products may be packed or processed on the premises.

b2. Minimum Lot Size. The minimum lot size for a parcel containing the packing plant operation is 2.5 acres. In the event that two or more contiguous lots are needed to comply with the minimum lot size standard, it will be necessary to process a lot consolidation application for development purposes. At such time that the operation ceases to exist and all applicable structures are removed from the premises, a request to rescind the lot consolidation may be submitted to the City of Encinitas to return the lots to the status prior to lot consolidation.

e3. Location. The property is to be located on a Circulation Element Road or on a property where the traffic impacts to the residential street would have similar or less of an impact than a greenhouse operation, as shown by a complete traffic study to be submitted at the time of application.

d4. Density. The packing plant shall conform to the applicable density regulations of the underlying zone if dwelling units are a part of the project.

e5. Setbacks. The packing plant structures shall conform to the applicable setbacks for the zone where the property is located. All other

standards not established in this section, including hours of operation, will be determined through the Major Use Permit.

f6. Drainage Fees and Traffic Fees. Drainage fees and traffic fees will be calculated pursuant to the current fee schedule. Drainage fees are based on all new impervious surfaces; traffic fees are based on average daily trips, to the satisfaction of the Director of Engineering Services.

g7. Parking. The number of standard parking spaces required will be based on 1 parking space per 300 square feet of gross floor area of the buildings unless a parking study by a qualified traffic engineer indicates fewer parking spaces would adequately handle the generated parking. No off-site parking will be counted toward the total parking space requirement. Loading/unloading spaces (docks) are to be located at the interior of the lot and screened from view of the neighbors.

f8. On site circulation. Interior circulation shall be required to facilitate the ease of vehicular movement without creating a disturbance to adjoining properties or street systems.

5E. Performance Standards

a1. Noise. A noise study is required to provide evidence that the packing plant noise levels do not exceed the noise levels for the particular zone where the property is located. Heavy equipment and refrigeration machines are to be located in the interior of the building as far away as possible from the walls nearest to the property lines to avoid noise intrusion upon the neighbors.

b2. Lighting. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties.

e3. Screening. The packing plant is to be designed in such a way that it is screened so as to not have a visual or noise impact on adjacent residential neighborhoods.

22. Section 30.20.010J5

5. Electrical fencing is prohibited. Barbed wire is permitted for security purposes. Design Review under the authority of the Director of ~~Building and Planning~~ and Building shall be required when the barbed wire is visible from a public street.

23. Section 30.20.020A3

3. Pre-application Conference. Prior to submitting an application for a Zoning Map Amendment and Major Use Permit for a Planned Commercial Development proposal, it is recommended that a prospective applicant should consult with the ~~Community Development Planning and Building~~ Department to obtain information and to review the proposed application. At the applicant's request and after payment of a pre-application fee, the Department will schedule a conference to be attended by the applicant, representatives of the various City Departments, and a subcommittee of the Planning Commission composed of the Chair and Vice-Chair. (Ord. 96-07)

24. Section 30.20.020A5a(5)

(5) A statement of justification specifically addressing the required findings of fact for approval of a PCD proposal as specified in Section 30.20.020.A.6.d.A6c

25. Section 30.20.020A7b(2)

(2) A building permit has been issued. If the construction authorized by the building permit has not started within the time period specified in the Uniform City's Adopted Building Code, or, if the construction authorized by the building permit has started within the time period specified in the Uniform City's Adopted Building Code, but is not diligently pursued thereafter, the Major Use Permit shall be deemed null and void; or

26. Section 30.24.010C5

5. All signs associated with the buildings and site shall be integrated in terms of both architecture and color and shall comply with applicable City sign regulations contained in Chapter 30.5260.

27. Section 30.40.010D

D. All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the Uniform City's Adopted Fire Code.

28. Section 30.46.130D

D. Seasonal sales lots shall be maintained and operated in a manner consistent with other sections of this Code, the Uniform City's Adopted Building Code, the Uniform City's Adopted Fire Code, the Uniform City's Adopted Electric Code, and the regulations of the Department of Health Services for the County of San Diego.

29. Section 30.48.040G3

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 30.16.010B76).

30. Section 30.48.040G4

4. Additional area 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 30.16.010 B76), may be permitted with the issuance of a minor use permit.

31. Section 30.48.040R2

2. Farm employee housing is permitted at a minimum of one dwelling unit per lot. This unit shall be treated as an accessory unit (Section 30.48.040WT). Additional housing units shall conform to the Density Standard.

32. Section 30.48.040Y

Y. Accessory uses shall be permitted for horticultural uses provided the buildings to house said use do not exceed 10% of the net are (or 8,000 square feet whichever is less) of the lot that the primary horticulture use is located. Such accessory uses include: offices, storage (subject to 30.4348.040h regulations), packing, assemblage, distribution, maintenance, related grading (soil mixtures), and the like. (Ord. 88-06 adopted 2-24-88.)

33. Section 30.54.030A

Assembly

Churches.

1 space for every 3 persons based on total occupancy permitted by the Uniform City's Adopted Building Code.

Lodges, Theatres, Stadiums and other places of public assembly

1 space for every 3 persons based on total occupancy permitted by the Uniform City's Adopted Building Code.

34. Section 30.54.050A3

3. All parties involved in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this title, shall be recorded in the office of the County Recorder and copies shall be filed with the Community Development Planning and Building Department.

35. Section 30.57.040A

A. After the filing of a notice of intent pursuant to ~~Subsection B~~ Section 30.57.050, and prior to the filing of a conditional use permit application, the City, in consultation with other local and State regulatory agencies, shall notify the project proponent of technical and other information expected to be required for purposes of a project risk assessment. Said information shall be provided by the project applicant as part of a complete application.

36. Section 30.57.050A

A. At least ninety (90) days before filing an application for a conditional use permit, the applicant for a facility under this Section shall file with the ~~Community Development Planning and Building~~ Department, and the Office of Permit Assistance in the State Office of Planning and Research a notice of intent to make the application.

37. Section 30.57.050C

C. The ~~Community Development Planning and Building~~ Department shall provide public notice of the applicant's intent to apply for a conditional use permit, pursuant to the noticing procedure in Section 30.74.050 and by posting notices in the location where the project is located.

38. Section 30.57.050D

D. The applicant may not file an application for a conditional use permit unless the applicant has first complied with item ~~† A~~ above.

39. Section 30.57.060

30.57.060 Public Meeting. Within ninety (90) days after a notice of intent to file an application for a conditional use permit is filed with the ~~Community Development Planning and Building~~ Department and with the Office of Permit Assistance in the State Office of Planning and Research, the Office of Permit Assistance is responsible to, in cooperation with the ~~Community Development Planning and Building~~ Department, convene a public meeting in the City of Encinitas to inform the public on the nature, function and scope of the proposed project and the procedures that are required for approving applications for the project.

40. Section 30.57.070A

A. Within ninety (90) days after a notice of intent to file an application for a conditional use permit is filed with the ~~Planning and Building~~ Department and with the Office of Permit Assistance in the State Office of Planning and Research, the City Council shall appoint a seven member local assessment committee.

41. Section 30.57.070C5

5. Advise the ~~Community Development Planning and Building~~ Department, Planning Commission, and City Council of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the applicant, and of any additional information which the committee deems appropriate. The ~~Community Development Planning and Building~~ Department, Planning Commission, and City Council may use this advice for their independent consideration of the project. (Ord. 96-07)

42. Section 30.57.080A

A. The ~~Community Development Planning and Building~~ Department shall notify the Office of Permit Assistance in the State Office of Planning and Research within ten (10) days after an application for a conditional use permit is accepted as complete by the ~~Planning and Building~~ Department.

43. Section 30.57.080B

B. Within sixty (60) days after receiving this notice, the Office of Permit Assistance in the State Office of Planning and Research is responsible to convene a meeting in the City of Encinitas of the lead agency and responsible agencies for the project, the applicant, the local assessment committee, and the interested public, for the purpose of determining the issues which concern the agencies that are required to approve the project and the issues which concern the public. The ~~Planning and Building~~ Department shall provide notice to the public of the date, time, and place of the meeting.

44. Section 30.57.090

30.7457.090 Negotiation Process.

45. Section 30.57.110A

A. At the request of the applicant, the City Council shall, within sixty (60) days after the Planning and Building Department has determined that an application for a conditional use permit is complete and after a noticed public hearing, issue an initial written determination on whether the proposed project is consistent with both of the following:

46. Section 30.57.110B

B. The ~~Community Development~~ Planning and Building Department shall send to the applicant a copy of the written determination made pursuant to item + A above.

47. Section 30.57.110C

C. The determination required by item + A above does not prohibit the approval authority for the conditional use permit from making a different determination when the final decision to approve or deny the conditional use permit is made, if the final determination is based on information that was not considered at the time the initial determination was made.

48. Section 30.60.050F

F. Signs shall be maintained both visually and structurally to City standards, i.e., Uniform City's Adopted Building Code and Design Review requirements.

49. Section 30.60.130A

An application to construct a sign shall be submitted to the ~~Community Development~~ Planning and Building Department together with the processing fee calculated in accordance with a resolution of the City Council. The ~~Community Development~~ Planning and Building Department shall consider the standards established in Design Review Section 23.08.078 when evaluating sign permit requests. The following signs shall require approval from the Planning and Building Director: (Ord. 2003-08).

50. Section 30.60.140

A. The director shall remove off-premises advertising display signs, as defined by the outdoor Advertising Act, Business and Professions Code (B&P) §5200 et seq., in accordance with the provisions of Business and Professions Code §5412 et seq. which regulate removal and the payment of compensation (B&P §5412 through 5413).

51. Section 30.74.040B1

1. That requires a Use Permit designated as a Planned Development Permit, Major Use Permit or Coastal Use Permit; and (Ord. 96-07)

52. Section 30.74.120A

A. The Use Permit approval shall be valid for two (2) years after the effective date of the Permit. A building permit and any other permit required for the construction of the project shall be obtained within the two (2) year period. If construction has not started within the time period specified in the Uniform City's Adopted Building Code, and is not diligently pursued thereafter, the Use Permit shall be deemed null and void.

53. Section 30.76.120A

A. Any residential project of 4 or fewer dwelling units 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 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 density nor the intensity of the nonconformity is increased, and the number and size of existing required parking spaces is not reduced. (Ord. 2006-06)

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

1-a. Expanding the structural nonconformity, e.g., not meeting development standards;

2-b. Any additions to a nonconforming use (e.g., an existing duplex in a single-family zone) that would expand or intensify the nonconforming use. 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-c. An addition for the enclosing of parking shall not be considered an increase in intensity of the nonconforming use.

4-d. Conversion of a nonconforming detached accessory structure from a non-habitable use type (for example, 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 30.48.040W 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 30.16.010E3.

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

a. 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.

b. A conforming addition to, or the conversion of a portion of a legal nonconforming single family residential building in order to create an accessory unit in accordance with Sections 30.16.010 and 30.48.040WT shall not be considered an increase in density or intensity for purposes of this Section.

~~a. An addition for the enclosing of parking shall not be considered an increase in intensity of the nonconforming use.—This section is being deleted as it is a repeated section. The intent of the Code is not changed.~~

54. Section 30.80.030B2

2. If the determination of the Director of Planning and Building is challenged by the applicant or any interested person, or if the City wishes to have the Coastal Commission determine the appropriate designation, the Director of ~~Community Development~~ Planning and Building shall notify the Executive Director of the Coastal Commission of the dispute/question, in writing, and shall request an Executive Director's opinion. (2003-08).

55. Section 30.80.030E

E. Pursuant to Section 13054(b) of Title 14 of the California Code of Regulations as amended, prior to or at the time the application for a coastal development permit has been deemed complete for filing, the applicant must post, in a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for a coastal development permit for the proposed development has been submitted to the City. Such notice shall contain a general description of the nature of the proposed development. The City shall furnish the applicant with a standardized form to be used for such posting and a declaration form to be signed by the applicant or applicant's authorized agent stating that the site has been

posted in accordance with the requirements of this subsection. If the applicant fails to post the completed notice form and return the signed declaration of posting to the City, the Director of ~~Building and Planning~~ and Building shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. (Ord. 2003-08).

56. Section 30.80.045D

D. Upon effective certification of a certified Local Coastal Program, no applications for development shall be accepted by the Coastal Commission for development within the certified area except for development in areas in which the Coastal Commission retains permit jurisdiction as indicated in Sections 30.80.030-~~2A2~~ and 30.80.045-A. (Ord. 95-04)

57. Section 30.80.050

30.80.050 Exempt Development Projects. The following types of development projects are exempt from the requirement for a coastal development permit when in conformance with all other provisions of the Municipal Code (i.e. no use permit, variance or other discretionary entitlement is required and the development is not governed by the Coastal Bluff Overlay regulations of Chapter 30.34 of the Municipal Code): (Ord. 94-06)

58. Section 30.80.080

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)

59. Section 30.80.200B

B. The applicant for assignment shall submit the above documents together with a completed application form to the Director of ~~Building and Planning~~ and Building. The assignment shall be effective upon written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit. (Ord. 2003-08).

60. Zoning Code Index

**ACCESSORY APARTMENT UNIT**  
ACCESSORY USE STANDARD..... 30.48.040WT

	EMC CODE/SPECIFIC PLAN SECTION	SUGGESTED CHANGE/TEXT	TYPE
1	23.08.030B11	"Uniform" to "City's adopted"	Correct reference
2	23.08.060G	Correct header. 23.08.060G does not exist.	Correction
3	23.08.090E1	Remove obsolete reference and correct 30.16.010B-7 to 30.16.010B6	Correct section reference
4	23.08.090I	"Building and Planning" to "Planning and Building"	Correct reference
5	23.08.160A	"Uniform" to "City's adopted"	Correct reference
6	30.04	"Basement" definition correct 30.16.010B7 to 30.16.010B6	Correct section reference
7	30.04	"Building Remodel" definition change Uniform Building Code to California Building Code; correct section reference.	Correct reference
8	30.04	"Lot" definition part B, change from "Community Development" to "Planning and Building"	Correct reference
9	30.04	"Lot Line, Front" definition - delete "of Planning and Building Department" (repeated phrase)	Typo: delete repeat
10	30.09	Second page, "LC = Limited Local Commercial" delete "Limited"	Correct reference
11	30.09	"Recycling Facilities" move asterisk from BP to right after "Recycling Facilities".	Incorrect placement
12	30.16.010A	Renumber section / Reformat table; Building height change to from Section 30.16.010B7 to 30.06.010B6 throughout table; Footnote #4. Change from 30.16.010B10 to 30.16.010B9	Correct numbering, formatting
13	30.16.010B9b	Typo: "10a" to "9a"	Correct section reference
14	30.16.010B9c	Typo: "10a" to "9a"	Correct section reference
15	30.16.010B13	Exists as a header, however that section does not exist. Change to 30.16.010B12	Correct section reference
16	30.16.010E10	"Uniform" to "City's adopted"	Correct reference
17	30.16.010E10d	"Uniform" to "City's adopted"	Correct reference
18	30.16.010E11	"Blufftop" to "Bluff"	Correct language
19	30.16.020B2	"Community Development" to "Planning and Building".	Correct reference
20	30.16.030	Needs to be re-lettered	Typo
21	30.16.040	Needs to be re-lettered; there are two 30.16.0404f. Second one should be 30.16.0404h; will become 30.16.040D8.	Typo
22	30.20.010J5	"Building and Planning" to "Planning and Building"	Correct reference
23	30.20.020A3	"Community Development" to "Planning and Building".	Correct reference
24	30.20.020A5a(5)	"Section 30.20.020.A.6.d." to "Section 30.20.020A6c".	Correct section reference
25	30.20.020A7b(2)	"Uniform" to "City's adopted" - twice in this section.	Correct reference
26	30.24.010C5	Incorrect section reference "Chapter 30.52" to "Chapter 30.60".	Correct section reference
27	30.40.010D	"Uniform" to "City's adopted"	Correct reference
28	30.46.130D	"Uniform" to "City's adopted" in all places	Correct reference
29	30.48.040G3	Correct 30.16.010B7 to 30.16.010B6	Correct section reference
30	30.48.040G4	Correct 30.16.010B7 to 30.16.010B6	Correct section reference
31	30.48.040R2	Correct 30.48.040W to 30.48.040T	Correct section reference

32	30.48.040Y	References 30.13.040h, should be 30.48.040h.	Correct section reference
33	30.54.030A	Parking for "Churches" - change "Uniform" to "City's adopted"; Parking for "Lodges, Theatres, Stadiums and other places of public assembly" - change "Uniform" to "City's adopted".	Correct reference
34	30.54.050A3	"Community Development" to "Planning and Building".	Correct reference
35	30.57.040A	Refers to Subsection E, delete "Subsection E", replace with 30.57.050.	Correct section reference
36	30.57.050A	"Community Development" to "Planning and Building".	Correct reference
37	30.57.050C	"Community Development" to "Planning and Building".	Correct reference
38	30.57.050D	Refers to "item 1 above". Should be "item A above".	Correct section reference
39	30.57.060	"Community Development" to "Planning and Building" in two places.	Correct reference
40	30.57.070A	"Planning Department" to "Planning and Building Department"	Correct reference
41	30.57.070C5	"Community Development" to "Planning and Building" in two places.	Correct reference
42	30.57.080A	"Planning Department" to "Planning and Building Department"; "Community Development" to "Planning and Building"	Correct reference
43	30.57.080B	"Planning Department" to "Planning and Building Department"	Correct reference
44	30.57.090	Correct: section is shown as 30.74.090 should be 30.57.090.	Correct section reference
45	30.57.110A	"Planning Department" to "Planning and Building Department"	Correct reference
46	30.57.110B	"Community Development" to "Planning and Building"; Refers to "item 1 above". Should be "item A above".	Correct reference
47	30.57.110C	Refers to "item 1 above". Should be "item A above".	Correct section reference
48	30.60.050F	"Uniform" to "City's adopted"	Correct reference
49	30.60.130A	"Community Development" to "Planning and Building" in two places.	Correct reference
50	30.60.140	Refers to "Business and Professions Code" - should follow with a reference "Business and Professions Code (B&P)"	Correct reference
51	30.74.040B1	"Plan" to "Planned"	Correct language
52	30.74.120A	"Uniform" to "City's adopted"	Correct reference
53	30.76.120A	Re-number/letter; change 30.48.040W to 30.48.040T; eliminate Section 30.76.120A2a	Correct section reference
54	30.80.030B2	"Community Development" to "Planning and Building"	Correct reference
55	30.80.030E	"Building and Planning" to "Planning and Building"	Correct reference
56	30.80.045D	References section "30.80.030.2" - change to "30.80.030A2"	Correct section reference
57	30.80.050	References "Coastal Overlay" - change to "Coastal Bluff Overlay"	Correct reference
58	30.80.080	References section "30.80.030(A)" - change to "30.80.030A3"	Correct section reference
59	30.80.200B	"Building and Planning" to "Planning and Building"	Correct reference
60	Zoning Code Index	"Accessory Apartment" to "Accessory Unit"; Correct section reference: 30.48.040W to	Correct language