

CALIFORNIA COASTAL COMMISSION

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Th24c

Addendum

October 5, 2012

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th24c**, City of Encinitas LCP Amendment #ENC-MAJ-2-11 (Cardiff-by-the-Sea Specific Plan), for the Commission Meeting of October 11, 2012.

Staff recommends the following changes be made to the above-referenced staff report. Language to be added is double underlined; language to be deleted is shown in ~~strikeout~~:

1. On Page 14 of the staff report, the first paragraph shall be modified as follows:

The Specific Plan area is characterized by residential development and both large and small scale commercial and office uses. To achieve its goals and purpose, the Specific Plan proposes a number of distinct ~~zones~~ planning areas (each with its own specific development standards and zoning regulations). Two ~~zones~~ planning areas with residential density of 11 dwelling units per acre (dua) and small scale commercial and office use, one ~~zone~~ planning area with both large and small scale commercial and office use, and one ~~zone~~ planning area with primarily small scale commercial and office use (Exhibit 12). The intent of the proposed ~~zones~~ ing regulations is summarized as follows:

2. On Page 20 of the staff report, the second complete paragraph shall be modified as follows:

...The Specific Plan provides a list of general recommendations for plant palette that includes two ~~invasive plant species~~ types of invasive trees and one type of invasive shrub, which is inconsistent with the resource protection goals of the certified LUP...

3. On Page 22 of the staff report, the forth complete paragraph shall be modified as follows:

...However, in circumstances where the square footage of the structure is not increased and the new use has higher parking standards, the Specific Plan includes a development incentive which does not require additional parking be provided if it cannot be feasibly provided on-site...

4. On Page 25 of the staff report, the second complete paragraph shall be modified as follows:

...Due to dense historic development patterns near the coast, new areas for public parking and access are difficult to obtain...Although the existing public parking areas within the NCTD ROW on the eastwest side of San Elijo Avenue are not included within the Specific Plan boundaries...

CALIFORNIA COASTAL COMMISSION

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September 20, 2012

Th24c

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ERIC STEVENS, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS LCP AMENDMENT
#ENC-MAJ-2-11 (Cardiff-by-the-Sea Specific Plan) for Commission Meeting of
October 11, 2012**

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The subject LCP Land Use Plan and Implementation Plan amendment was submitted and filed as complete on December 19, 2011. A one-year time extension was granted on February 8, 2012. As such, the last date for Commission action on this item is March 18, 2013. This amendment had been previously submitted and ultimately withdrawn to allow more time for Commission staff and the City to discuss the amendment.

The subject amendment submittal includes revisions to both the City of Encinitas certified Land Use Plan (LUP) and Implementing Ordinances. No existing goal or policy language contained in the LUP is proposed to be revised. The LUP revisions are to the land use map itself with the proposed land use redesignations. The City's proposal primarily involves adoption of the Cardiff-by-the-Sea Specific Plan (Specific Plan) as the implementing document for the "Business District" or "Downtown Cardiff-by-the-Sea" area of the City of Encinitas (Exhibit 6). Relative to LUP revisions, the amendment proposes to change the land use designation for 16 specified lots (11 properties will be redesignated from General Commercial to Residential-11 and five properties will be redesignated from Office Professional to Residential-11). Of the lots affected by the land use changes, 13 lots already contain residential development and three lots contain a commercial day care use that will continue to be permitted under the new land use designation through a minor use permit.

The Specific Plan covers the areas bounded by the west side of San Elijo Avenue and the west side of the alley between Newcastle Avenue and Manchester Avenue; and from the south side of Mozart Avenue to the north side of Orinda Drive (Exhibit 7).

The Specific Plan area includes residential, retail, office, and institutional uses. The site is currently composed of 17.09 acres, which are divided into four planning areas with

three land use types: Residential (R-11), Office Professional (OP), and General Commercial (GC). The City is proposing to rezone the planning areas as part of the Specific Plan into four zone categories: Residential (C-R-11), Office Professional (C-OP), General Commercial (C-GC-1) and Commercial Mixed (C-GC-2) (Exhibit 12).

The proposed revisions to the Implementation Plan involve the rezoning of several areas to reflect the LUP redesignations; relaxed parking requirements for current commercial uses and for future commercial uses in order to promote redevelopment; and implementation of Setbacks, Stepbacks and View Corners to conserve and promote public views of the ocean. The Specific Plan also addresses the maximum height of new development, streetscape design, lot size standards, pedestrian and bicycle orientation, storm water planning, recommended plant palettes, signage, and types of uses allowed within the four zoning classifications within the plan area.

To view an electronic copy of the Cardiff-by-the-Sea Specific Plan as proposed by the City, go to the following link:

<http://ci.encinitas.ca.us/index.aspx?page=244>

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval, as submitted, of the proposed LUP revisions to redesignate 16 lots, as no impacts to coastal resources will result and the proposed changes are consistent with all applicable Chapter 3 policies of the Coastal Act. Relative to the Implementation Plan revisions, while the majority of the Cardiff-by-the-Sea Specific Plan has been found to be consistent with and adequate to carry out the certified LUP, three areas, related to off-street parking requirements, public ocean view preservation and enhancement, and non-invasive landscaping are not consistent with the certified LUP, as proposed.

The Specific Plan area is an important public beach parking reservoir for San Elijo State Beach and Cardiff State Beach, which are located just west of the Specific Plan area. As such, any existing on-street public parking loss or increased development intensity within the Specific Plan area could have adverse impacts on public access. The Specific Plan includes multiple policies that reduce required off-street parking standards under certain circumstances. The majority of the Specific Plan policies related to off-street and on-street parking are consistent with the certified LUP. However, the Specific Plan policy related to required parking for sidewalk and outdoor dining, as proposed, may result in adverse impacts to on-street public parking. The proposed policy would allow outdoor dining to be exempt from required parking standards. This proposed policy is unclear and could be interpreted to allow large outdoor dining areas without the provision of any off-street parking. The City has subsequently provided language to clarify that outdoor dining is only exempt from off-street parking requirements in the public ROW and/or adjacent to the storefront to a maximum of five ft. from the structure. This clarifying language, included as Suggested Modification Nos. 3 and 5, will ensure that the impact to public parking will be minimal and will not adversely affect on-street parking available for the beach going public.

The Specific Plan area is located on elevated terrain that offers 'distinct and panoramic views' of the ocean. Detailed Specific Plan policies for view protection include required building setbacks, stepbacks, and view corners. The proposed setbacks, stepbacks, and corner setbacks adequately protect public views within the majority of the Specific Plan area. However, there are two prominent public ocean view areas that require additional protection. The view areas are located at the southeast corner of Birmingham Drive and San Elijo Avenue and at the southeast corner of Chesterfield Drive and San Elijo Avenue. The Specific Plan, as proposed, does not adequately protect these public ocean views. Suggested Modifications Nos. 1 and 2 require that Coastal View Corners be created that consists of triangles measured 100 ft. back from the respective northwestern property lines corners of the two properties. Both affected properties are currently developed, and even with the required Coastal View Corners, there will still be sufficient area to redevelop the properties in the future. With the inclusion of the two Coastal View Corners, the policies of the Specific Plan will be consistent with the certified LUP and will adequately protect public coastal views.

The Specific Plan area is located within 1,000 ft. of the San Elijo Lagoon. Invasive landscaping within the Specific Plan area has the potential to impact the lagoon either through runoff from the site or seeds that could be transported offsite by winds or animals. The Specific Plan contains a list of recommended plant species. However, a limited number of plant species are listed as invasive by the California Native Plant Society and/or the California Invasive Plant Council. Suggested Modification #5 requires that the Specific Plan be revised to prohibit two types of invasive trees and one type of invasive shrub. With the prohibition of these invasive trees and shrub, the Specific Plan will be consistent with the coastal resource protection policies of the certified LUP.

Therefore, staff is recommending denial, as submitted and subsequent approval, with suggested modifications, of the proposed Specific Plan.

The appropriate resolutions and motions begin on Page 6. The suggested modifications begin on Page 8. The findings for approval, as submitted, of the Land Use Plan revisions begin on Page 10. The findings for denial, as submitted, of the Cardiff-by-the-Sea Specific Plan begin on Page 13. The findings for approval, if modified, of the Cardiff-by-the-Sea Specific Plan begin on Page 20.

BACKGROUND

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances). The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits for those areas of the City within the Coastal Zone.

ADDITIONAL INFORMATION

Further information on the Encinitas LCP Amendment # ENC-MAJ-2-11 may be obtained from Eric Stevens, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

A. RESOLUTION I (Resolution to approve certification of the City of Encinitas Land Use Plan Amendment #ENC-MAJ-2-11, as submitted)

MOTION I

I move that the Commission certify the City of Encinitas Land Use Plan Amendment #ENC-MAJ-2-11, as submitted.

Staff Recommendation

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby certifies the amendment request to the City of Encinitas Land Use Plan, as submitted, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II** (Resolution to deny certification of the City of Encinitas Implementation Plan Amendment #ENC-MAJ-2-11, as submitted)

MOTION II

I move that the Commission reject the City of Encinitas Implementation Plan Amendment #ENC-MAJ-2-11, as submitted.

Staff Recommendation

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby rejects the amendment request to the Implementation Plan of the City of Encinitas LCP on the grounds that it does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures which would substantially lessen any significant adverse impacts which the approval would have on the environment.

C. RESOLUTION III (Resolution to approve certification of the City of Encinitas Implementation Plan Amendment #ENC-MAJ-2-11, if modified)

MOTION III

I move that the Commission approve the City of Encinitas Implementation Plan Amendment #ENC-MAJ-2-11, if it is modified in conformity with the suggested modifications set forth in this report.

Staff Recommendation

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution III

The Commission hereby approves certification of the amendment request to the Implementation Plan of the City of Encinitas LCP, if modified, on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the City of Encinitas Cardiff-by-the-Sea Specific Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

Implementation Plan

1. On Page 3-23, Figure 6 ‘Corner Treatments,’ which depicts the Primary and Secondary View Corners on a map of the Specific Plan area, shall be revised to incorporate two new ‘Coastal View Corners’ at San Elijo Avenue and Birmingham Drive (southeastern corner only) and at San Elijo Avenue and Chesterfield Drive (southeastern corner only).

2. On Page 3-26, Policy 3.5.2.C.3 shall be added following the Specific Plan regulations related to Primary and Secondary View Corners (3.5.2.C.1 and 3.5.2.C.2):

(3) Coastal View Corner

- (a.) These regulations shall apply to San Elijo Avenue at Birmingham Drive (southeastern corner only) and to San Elijo Avenue at Chesterfield Drive (southeastern corner only).
- (b.) No building may encroach within a triangular area created by connecting two imaginary points, each measured 100 feet back from the property corner. This area is designated a Coastal View Corner.
- (c.) Within the Coastal View Corner, no portion of any fence, wall, or similar construction shall exceed three feet in height in order to protect public views to the ocean.
- (d.) Within the Coastal View Corner, all landscaping shall be maintained at a height 3 feet or lower (including raised planters) and/or shall consist of tall trees with taller canopy areas (rather than short bushy trees) to preserve and enhance public views of the ocean. Landscaping shall be designed to effectively enhance existing public views or provide new public view corridor opportunities of the ocean
- (e.) Within the Coastal View Corner, permitted uses shall be:
 - Landscaping; and,
 - Surface parking lots

3. On Page 3-33, Section 3.8, which clarifies policies related to Sidewalk Dining within the Specific Plan area, shall be revised as follows:

3.8 SIDEWALK CAFES & OUTDOOR DINING

In the General Commercial (C-GC) and Commercial Mixed (C-CM) zones and except as otherwise specified herein, all provisions of Section 30.48.050 (A) of the Encinitas Municipal Code applicable to sidewalk/outdoor cafes shall apply in addition to the following provisions:

[...]

4. On Page 4-38, Section 4.11.4, 'General Recommendations for Plant Palette,' shall be revised as follows:

Trees

[...]

Prunus spp. (Prunus illicipolia ssp. and Prunus cerasifera are prohibited)

[...]

Shrubs

[...]

Callistemon spp. (Callistemon viminalis is prohibited)

5. On Page 5-20, Table 5.2, which defines the required off-street parking ratios within the Specific Plan area, shall be revised as follows:

**** Outdoor dining space on the public right-of-way (ROW) is limited to your storefront and shall not count towards required parking. Those properties that do not have availability of public ROW – can put outdoor dining adjacent to their storefront without extending more than 5' from the building. Tables extending beyond the 5' shall meet the parking requirements within Section 30.54 of the Municipal Code.**

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS LCPA # ENC-MAJ-2-11 LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment to the City's certified Land Use Plan consists of the redesignation of 16 separate lots (Exhibit 5). These changes are necessary to recognize existing land uses and support zoning changes proposed in the Cardiff-by-the-Sea Specific Plan. No change to any existing LUP goal or policy language is proposed. Eleven of the properties are currently designated as General Commercial and five of the properties are currently designated as Office Professional. All 16 properties are proposed to be designated as Residential-11.

The subject properties are all located on the perimeter of the Specific Plan area adjacent to existing residential designated areas. Thirteen of the 16 properties currently contain residential uses, while three properties contain a day care center. The day care center will still be allowed following adoption of the Specific Plan with a Minor Conditional Use Permit.

B. CHAPTER 3 CONSISTENCY

The following Chapter 3 policies are applicable to the proposed amendment and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

1. Land Use Amendment Summary

As stated above, the proposed amendment involves the redesignation of 16 properties. The land use changes are proposed to support zoning changes proposed in the Cardiff-by-the-Sea Specific Plan (proposed as the implementing document for a portion of the Cardiff-by-the-Sea area as part of this LCP amendment). No changes are proposed to existing LUP goals and policies. The proposed land use changes will result in a net increase in the amount of area designated for residential use. Due to the fact that 13 of the 16 lots already contain residential development and the other three lots will be able to continue the current day care use, the land use changes will continue the existing development pattern.

2. Visitor-Serving Land Use Priorities

The Commission, in approving the City of Encinitas LCP in 1994, noted that while the City's proposed LUP was acceptable, the amount of area assigned to visitor-serving commercial uses was minimal. In the case of the proposed LUP revision, the amendment will not alter the amount of lands designated or reserved for visitor-serving commercial. In addition, as noted above, the affected properties already support residential use and a child care facility and the parcels are located at the perimeter of the business district contiguous with other residential uses. Therefore, as the amount of area designated for visitor-serving uses will not change, the Commission finds the proposed change consistent with Sections 30213, 30222 and 30250 of the Coastal Act.

3. Public Access

None of the areas proposed for redesignation include any beach area or areas with direct beach access. However, there are several public beach access points located just west of the Specific Plan area, where the proposed land use changes occur (San Elijo State Beach and Cardiff State Beach). In addition, Birmingham Avenue and Chesterfield Avenue are major east/west coastal access routes, providing access to San Elijo State Beach and Cardiff State Beach and portions of the Specific Plan area are important public beach parking reservoirs. As such, any increased intensity of development resulting from the proposed changes could have adverse impacts on public access. However, in the case of the subject amendment, the City has provided information which documents that at build out, with the proposed land use changes, while the number of residential units may be greater than currently planned (approximately 33 more), overall land use intensity, as measured from traffic generation standpoint, will actually be reduced because residential uses generate fewer trips. Therefore, the proposed changes will not adversely affect public access, consistent with Sections 30210 and 30252 of the Coastal Act.

4. Coastal Resources

The proposed amendment is also consistent with Section 30250 of the Act which requires that new development be located in close proximity to existing developed areas where adverse impacts on coastal resources are less likely to occur. The area where the changes are proposed is urbanized, almost entirely “built-out” and no land use changes are proposed which could adversely impact any sensitive habitat areas. Additionally, all existing LUP goals and policies pertaining to protection of sensitive coastal resources, which the Commission has previously found acceptable, will remain unchanged. Based on the above review, the Commission finds the proposed amendment to redesignate 16 lots is consistent with all applicable Coastal Act policies and no adverse impacts on coastal resources are anticipated. The proposed land use plan amendment can therefore be approved as submitted.

PART V. FINDINGS FOR DENIAL OF THE CARDIFF-BY-THE-SEA SPECIFIC PLAN, AS SUBMITTED

A. AMENDMENT/SPECIFIC PLAN DESCRIPTION

The proposed amendment to the City’s certified Implementation Plan involves adoption of the Cardiff-by-the-Sea Specific Plan as the Implementation Plan for the approximately 17.09 acre area it covers. The Specific Plan area is entirely within the Coastal Zone and is bounded by the west side of San Elijo Avenue and the west side of the alley between Newcastle Avenue and Manchester Avenue, and from the south side of Mozart Avenue to the north side of Orinda Drive. In addition, in the event that the Cardiff Elementary School, the San Elijo Campgrounds, and/or the North County Transit District (NCTD) Right-Of-Way change their current use, the sites would be subject to the General Plan and Specific Plan Amendment process in order to be included as part of the Specific Plan (Exhibit 7).

The Specific Plan area is characterized by residential development and both large and small scale commercial and office uses. To achieve its goals and purpose, the Specific Plan proposes a number of distinct zones (each with its own specific development standards). Two zones with residential density of 11 dwelling units per acre (dua) and small scale commercial and office use, one zone with both large and small scale commercial and office use, and one zone with primarily small scale commercial and office use (Exhibit 12). The intent of the proposed zones is summarized as follows:

C-R-11: “This zone is intended to provide for residential development including single-family detached and attached housing, and multi-family housing. The planned density is 8.01 to 11 dwelling units per net acre.

C-OP: “This zone is intended to provide primarily for the development of professional and administrative offices, with some accessory retail and service uses.”

C-GC-1: “This zone is intended to create a primarily retail commercial district.”

C-GC-2: “This zone is intended to create a retail commercial and office professional district. Retail commercial and office uses may occupy the same or separate structures.”

B. SUMMARY FINDINGS FOR REJECTION

Some portions of the Cardiff-by-the-Sea Specific Plan are acceptable as submitted. However, because portions of the Implementation Plan submittal do not conform with and are not adequate to carry out the goals and policies of the certified LUP, the entire submittal is recommended for rejection.

C. SPECIFIC FINDINGS FOR REJECTION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. Preparation of a Specific Plan for the downtown area is called for in the Encinitas LCP in recognition of Cardiff-by-the-Sea’s unique character and needs. The purpose of the Cardiff-by-the-Sea Specific Plan is to address the unique aspects, problems and opportunities of this portion of Cardiff-by-the-Sea and to maintain its identity, community character and scale while fostering its revitalization. The intent is to maintain the unique and desirable aspects of the plan area, while providing continued private land use and investment, public improvements, and the economic revitalization of the Cardiff-by-the-Sea Specific Plan area.

b) Major Provisions of the Ordinance. The Specific Plan contains a number of major provisions which:

- specifies development standards for each of the zones including parking regulations;
- details permitted uses and those subject to Minor and Major Use Permits for each of the zones; and
- contains design standards, a circulation plan, an infrastructure discussion, and implementation strategies.

c) Adequacy of the Ordinance to Implement the Certified LUP. The Cardiff-by-the-Sea Specific Plan is divided into several chapters and includes detailed design review standards for residential and commercial development as well as streetscape concepts and general landscape requirements. The plan encourages and promotes pedestrian and non-vehicular access and addresses the provision of public services and infrastructure improvements. The Specific Plan also includes chapters that address circulation (vehicular, bicycle and pedestrian), public facilities and infrastructure, housing and implementation. For the most part, the proposed Implementation Plan is consistent with and adequate to carry out the certified LUP in that they address community character by establishing standards for signage, building height, bulk and design, and setbacks and view corners. However, three areas, related to off-street parking requirements, public ocean view preservation and enhancement, and non-invasive landscaping are not consistent with the certified LUP, as proposed.

1. Public Access to the Coast/Off-street Parking Requirements

The following goals and policies are part of the certified LUP, which is the standard of review for this Specific Plan, and are particularly relevant to promoting coastal access by requiring adequate off-street parking in association with sidewalk dining and outdoor cafes near the coast:

Page LU-31 of the LUP states:

[...]

While the Land Use Element establishes basic criteria and guidelines for future development, the Zoning Code and specific plans contain specific development standards that expand the definition of development standards contained in the base land use designations. The standards contained in the Zoning Code and specific plans include permitted uses, setback distances from adjacent lots and streets, building heights, lot coverage, parking requirements, etc. [emphasis added]

Circulation Policy 1.12 of the LUP states:

The City will require increased off-street parking for expansions and additions to existing and future commercial and residential uses in the near coast area, will minimize curb cuts for new development in the vicinity of beach access points in order that the maximum amount of curb parking will be available to

beach users, and will encourage remote parking/shuttle service and park-and-ride facilities in the Coastal Zone. The City will require that all commercial, industrial and residential uses be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code and in implementing Specific Plans which provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses or street and other public parking that should otherwise be available for public use.

While the proposed Specific Plan is for the most part acceptable, the policy that addresses sidewalk dining raises some questions pertaining to the retention of existing parking spaces.

The existing City of Encinitas Implementation Plan requires that all outdoor dining and/or sidewalk dining areas be included in calculating the parking requirements. The Specific Plan contains a provision that states: "*** Outdoor dining space is limited to your storefront and shall not count towards required parking." This proposed policy is unclear and could be interpreted to allow large outdoor dining areas without the provision of any off-street parking. A major increase space used for restaurant use within the Specific Plan area, without the provision of additional off-street parking, has the potential to adversely impact public on-street parking, which is used for coastal access. Therefore, the Specific Plan must be rejected.

2. Public Coastal Views

The following policies are part of the certified LUP, which is the standard of review for this Specific Plan, and are particularly relevant to promoting retention and enhancement of public coastal views:

LUP Policy 8.6 states:

Significant natural features shall be preserved and incorporated into all development. Such features may include bluffs, rock outcroppings, natural drainage courses, wetland and riparian area, steep topography, trees, and views. (emphasis added)

Resource Management Policy 4.7 states:

Building and vegetation setbacks, scenic easements, and height and build restrictions should be used to maintain existing views and vistas from the roadway.

LUP Policy 6.6 states:

The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and non-residential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance.

One of the Commercial Revitalization LUP objectives for the Community of Cardiff-By-The-Sea states:

View preservation standards will be developed that preserve existing public views...

The Specific Plan area is located on elevated terrain. The Specific Plan states that the Specific Plan area offers 'distinct and panoramic views' of the ocean. Development between the Ocean and the Specific Plan area consists of only railroad tracks and a public campground, which prevents views of the ocean from being blocked by tall buildings. However, tall trees between the ocean and the Specific Plan area do block ocean views in some locations. The Specific Plan includes numerous policies intended to preserve public views to the ocean. The Specific Plan states "...Encourage the use of view sensitive landscaping through Design Review Guidelines to look at preserving the view corridors..." and "...Protect the ocean views within the Specific Plan area from future development through the policies of the Specific Plan." The referenced Design Review Guidelines include policies that state applicants *should* preserve views when designing projects and selecting landscaping. The Design Review Guidelines are used for reference only, as the document was never incorporated in the City's certified LCP. However, it appears that the Design Review Guidelines are based on the City's Design Review Ordinance which is a part of the certified LCP.

The only north/south road alignments in the Specific Plan area are Newcastle Avenue and San Elijo Avenue (the eastern border of the Specific Plan area is the western side of the alley between Newcastle Avenue and Manchester Avenue). Ocean views from Newcastle Avenue are limited due to existing development. Although there are a limited number of ocean view pockets looking south from Newcastle Avenue between Birmingham Drive and Chesterfield Drive, the building height policies contained within the proposed Specific Plan are more conservative than the current City standards and future redevelopment will not adversely impact ocean views. The Specific Plan allows 18 ft. high one story buildings and 30 ft. high two story buildings in Office Professional and General Commercial areas. To incentivize one story development, the Specific Plan allows for a larger floor area ratio (General Commercial only) and a higher lot coverage percentage than would otherwise be permitted with a two story structure. The City's certified Implementation Plan does not limit the height of a one story buildings or offer incentives, currently allowing office and commercial buildings to be 30 ft. high or two stories, whichever is less. Maximum building height for residential structures is not proposed to change through the Specific Plan and will remain at 22 ft. for flat roofs and 26 ft. for pitched roofs in the R11 zone.

Detailed Specific Plan policies for view protection include required building setbacks and stepbacks. Setbacks range from zero to 20 feet and no new construction may encroach within the minimum setback requirements of the Specific Plan. Stepbacks also range from zero to 20 feet and apply to the second floor of a building. The intent of a stepback is to reduce the bulk and mass of a structure (Exhibit 8).

Corner setbacks, classified as Primary or Secondary Corner Setbacks, for new development are also included within the Specific Plan in order to enhance view opportunities and provide pedestrian gathering spaces (Exhibit 9). Primary corner setbacks are required for most connecting streets, while secondary corner setbacks are required when an alley intersects a public-right-of-way. Primary Corner Setbacks are proposed in the Specific Plan, in part, as follows:

“No building may encroach within a triangular area created by connecting two imaginary points, each measured 20 feet back from the property corner...no portion of any fence, wall, or similar construction shall exceed three feet in height.”

Secondary Corner Setbacks differ from Primary Corner Setbacks in that they are measured only 10 feet back from the property corner and the three feet maximum fence, wall, or similar construction provision does not apply.

The most prominent public views to the ocean in the Specific Plan area consist of the east/west streets, which include Birmingham Drive, Liverpool Drive, Aberdeen Drive, and Chesterfield Drive. These streets provide direct public views of the ocean and will eventually be enhanced as non-conforming structures which are currently located within the proposed setbacks, stepbacks, and corner setbacks redevelop.

Throughout the majority of the Specific Plan area, ocean views looking southwest or northwest from public roads across properties that border San Elijo Avenue are either non-existent or very limited due to existing development, sloped banks, and/or dense vegetation to the west of San Elijo Avenue. The proposed setbacks, stepbacks, and corner setbacks adequately protect public views within the majority of the Specific Plan area. However, through multiple visits to the Specific Plan area, Commission staff has determined that there are two prominent public ocean view areas that require additional protection. The view areas are located at the southeast corner of Birmingham Drive and San Elijo Avenue and at the southeast corner of Chesterfield Drive and San Elijo Avenue. These two public ocean view areas are especially important because they are both located adjacent to “Major Gateways” into and out of the Cardiff community as defined by the Specific Plan. Automobile drivers, bicyclists, and pedestrians currently have blue water ocean views looking southwest across the corner properties in both of these locations.

The first prominent view area is along the western terminus of Birmingham Drive, approximately 100 feet before one reaches San Elijo Avenue looking southwest. The property at the southeast corner of San Elijo Avenue and Birmingham Drive is the Cardiff Towne Center, which is a large retail complex with approximately 50,000 sq. ft. of retail stores, restaurants, and offices. The commercial development is constructed

along the eastern portion of the lot and the western portion of the lot adjacent to San Elijo Avenue is used for off-street parking. The subject view is from the street or sidewalk looking southwest across the parking area as shown in the attached Google Street View image which is consistent with staff observations of the sight (Exhibit 1).

The second prominent view area is along Chesterfield Drive near its western terminus, approximately 100 feet before San Elijo Avenue, looking southwest. The property at the southeast corner of San Elijo Avenue and Chesterfield Drive is developed with a convenience store in the southeast corner of the lot and an open air covered gas pump area in the northwestern corner of the lot. The public ocean views can be seen by looking through the gas pumps and between the gas pumps and the convenience store as shown in the attached Google Street View image which is consistent with staff observations of the sight (Exhibit 2).

The Specific Plan also includes the following provisions regarding corner setbacks:

“...Corner setbacks, classified as either primary or secondary, are considered minimums, and may be increased by the Setback Overlay requirements...”

“In addition to these minimum requirements, corner setbacks may be increased to achieve a minimum visibility triangle as required in Chapter 14.54 of the Encinitas Municipal Code.”

Although increasing the size of a corner setback to the location of the setback overlay would preserve a larger portion of a public view of the ocean, it will still not adequately maintain the prominent public ocean views identified near the terminus of Chesterfield Drive and Birmingham Drive (Exhibits 3**-4**).

In addition, Chapter 14.54 of the Encinitas Municipal Traffic Code, which is not a part of the certified LCP, requires that a visibility triangle on street corner properties be maintained for a length of 45 ft. from the “...point of intersection of the extended curb lines or edges of roadway.” It is pertinent to note that the visibility corners are measured 45 ft. back from the curbs or edges of the roadway, while the proposed view corners and views corners setback to the setback overlay are measured from the property corners. These required traffic sight lines appear to restrict less area than would be restricted by increasing the size of a corner setback to the setback overlay; and would thus, not adequately maintain the two public ocean views specified above (Exhibits 3**-4**).

**The approximate View Corners shown in Exhibits 3-4 are not ‘ground truthed’ and are for reference only.

As currently proposed in the Specific Plan, the property owners would be permitted in the future to redevelop and block these important public views. Therefore, the Specific Plan is inconsistent with the certified LUP because it does not adequately protect public views of the coast, and therefore, must be rejected.

3. Protection of Coastal Resources/Non-Invasive Landscaping

The following goal is part of the certified LUP, which is the standard of review for this Specific Plan, and is particularly relevant to the selection of appropriate vegetation in close proximity to sensitive coastal habitats:

GOAL 10: The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats.

While the proposed Specific Plan is for the most part acceptable in terms of landscaping, it is not clear that all invasive plant species are prohibited. The Specific Plan area is located within 1,000 ft. of the San Elijo Lagoon. Invasive landscaping within the Specific Plan area has the potential to impact the lagoon either through runoff from the site or seeds that could be transported offsite by winds or animals. The Specific Plan provides a list of general recommendations for plant palette that includes two invasive plant species, which is inconsistent with the resource protection goals of the certified LUP. Therefore, the Specific Plan must be rejected, as submitted.

PART VI. FINDINGS FOR APPROVAL OF THE CARDIFF-BY-THE-SEA SPECIFIC PLAN, IF MODIFIED

A. Summary of Suggested Modifications.

As stated previously, the Cardiff-by-the-Sea Specific Plan is for the most part consistent with and adequate to carry out the certified LUP. However, because of the inadequacy of three areas, related to off-street parking requirements, public ocean view preservation and enhancement, and non-invasive landscaping, the Specific Plan was rejected. The proposed modifications will bring this Specific Plan into conformance with the LUP.

B. Adequacy of the Modified Ordinance to Implement the Certified LUP Segments.

1. Public Access to the Coast/Off-street Parking Requirements

Public parking within the Specific Plan area is regularly used as overflow parking for members of the public who use San Elijo State Beach and Cardiff State Beach. Although there is street parking along Highway 101, and both paid and free parking areas closer to the beaches, these spaces often fill up during the summer and beach users park within the Specific Plan area and walk to the beaches. The Specific Plan incorporates a number of programs which will improve pedestrian access within the Specific Plan area and thus, increase the amount of public parking opportunities in this area. The plan proposes improvements to the public streetscape, pedestrian safety enhancements to intersection crossings, installation of signage and 'way finding' graphics, and improved pedestrian and bicycle pathways throughout the Specific Plan area. These streetscape improvements are intended to encourage the public to employ a 'park once' strategy and to feel more

comfortable parking slightly further from intended destinations. Many of the businesses in the Specific Plan area are located on San Elijo Avenue, which is also the most convenient place in the Specific Plan area for the public to park when going to the beach. By increasing parking/pedestrian opportunities inland of San Elijo Avenue, parking may become less impacted on and nearby San Elijo Avenue.

To accommodate the unique parking needs of various commercial and residential uses within the plan area, the Specific Plan proposes a variety of parking strategies. The Specific Plan includes multiple policies that reduce required off-street parking standards under certain circumstances. Typically, a reduction in the required off-street parking spaces can have an impact on public access to the coast, as more on-street/public parking spaces are used to accommodate residential and commercial development and fewer are available for beach parking. However, the reductions to required off-street parking in the Specific Plan area are supported by a parking study undertaken by San Diego Association of Governments Service Bureau (SANDAG) in 2005, titled “Cardiff Business District Parking Study” (Parking Study). The Commission understands the need and desire to provide parking incentives and programs that take into consideration the special needs of the Specific Plan area. Nonetheless, in the near coast areas, such as the Cardiff-by-the-Sea Specific Plan area, the Commission must also consider the impacts such incentives will have on public parking and beach access.

The Parking Study consisted of an inventory of existing parking spaces and showed that while 1,294 off-street parking spaces are currently required by City parking standards in the Specific Plan Area; only 960 off-street parking spaces exist. However, on-the-ground counts within the Specific Plan area found that, even at peak usage times, there was ample available on-street and off-street parking. The Parking Study was conducted over the course of four days and consisted of eleven counts each day at 1 hour intervals between 9 AM and 7 PM. The days included a Saturday and a Thursday in the spring (4/30/2005 and 5/12/2005, respectively) and a Saturday and a Thursday in the Summer (7/21/2005 and 7/23/2012, respectively). The Parking Study found that spring and summer occupancy rates were very similar and, on average, weekday occupancy rates are higher than weekend occupancy rates for both seasons. The Parking Study found that spring peak occupancy ranged from 43% to 75% for the four planning areas and that summer peak occupancy ranged from 45% to 70% for the four planning areas. Some individual blocks within planning areas exceeded 75% occupancy, although nearby blocks were always available to absorb parking demand.

As part of the Parking Study, a survey was conducted with 126 respondents. A majority of the respondents reported that they never, rarely, or only sometimes have difficulty finding parking, although a minority of respondents reported trouble finding parking and expressed a desire that more parking for new development be provided. The Parking Study surmised that the respondents that had difficulty parking, likely wanted prime parking and did not want to walk 1-2 blocks to find parking. The Parking Study recommended that signage directing drivers to less used parking areas and shared parking strategies be implemented in the Specific Plan area. In addition, the Parking Study predicted that existing parking would be able to absorb future parking demand.

The majority of the proposed policies related to parking standards are consistent with the certified LUP. However, the Specific Plan policy related to sidewalk dining, as proposed, does not adequately protect public access (on-street parking) to the coast. Suggested Modifications Nos. 3 and 5 require that the Specific Plan be revised to clarify that outdoor dining in the public ROW is limited to the storefront, while outdoor dining for those properties that are not able to use the public ROW can put outdoor dining adjacent to the storefront extending a maximum of 5 ft. from the building, without providing additional off-street parking. In most cases the storefront would be considered the front of a building. The City currently has Side Café Policy Guidelines, which require that a pedestrian pathway width of five ft. be maintained for pedestrian passage at all times. Based on the Parking Study conducted in 2005, the Specific Plan area currently has an adequate supply of on-street and off-street parking for existing uses. The clarifying language in Suggested Modifications Nos. 3 and 5 was provided by the City. As modified, the impact to available public parking as a result of outdoor dining will be minimal. Therefore, allowing a limited amount of storefront dining to be exempt from required off-street parking standards will not adversely affect on-street parking available for the beach going public, consistent with the requirements of the certified LUP.

Additional policies related to off-street parking requirements that are proposed to be implemented upon approval of the Specific Plan redefine parking ratios for commercial uses and allow for the re-use of existing structures with a use that has a higher parking ratio requirement without providing additional off-street parking.

The existing Implementation Plan for Encinitas requires one parking space per 250 sq. ft. of general office space and professional service space and one parking space per 200 sq. ft. of health office space and government office space. The Specific Plan proposes to relax these standards and only requires one parking space per 300 sq. ft. for each of the uses. Restaurant space in the existing Implementation Plan and the proposed Specific Plan require 1 parking space per 100 sq. ft. The redefined commercial parking ratios are consistent with what the Commission has approved in other San Diego County jurisdictions and are consistent with the certified LUP.

The existing Implementation Plan and the proposed Specific Plan both require that parking be provided for any increase in square footage. However, in circumstances where the square footage of the structure is not increased, the Specific Plan includes a development incentive which does not require additional parking be provided if it cannot be feasibly provided on-site. The existing Implementation Plan requires that when there is a change of use, any additional required parking must be provided.

The Specific Plan incentive is intended to promote re-use of commercial buildings in order to maintain the desired physical look of the Specific Plan area. An example of change of use requiring additional parking would be if a 3,000 sq. ft. of general office space converted to a restaurant. As proposed in the Specific Plan, general office space only requires 1 parking space per 300 sq. ft. of gross floor area, which would be 10 parking spaces, while restaurant space requires 1 parking space per 100 sq. ft. of gross floor area, which would be 30 parking spaces. Under the existing Implementation Plan, the restaurant use would be required to provide the entire 30 off-street parking spaces

with the change of use to meet the parking standard, unless a site specific study showed that additional parking was not required. However, under the proposed Specific Plan, no additional spaces would be required, if the spaces could not be feasibly provided on-site, and no site specific study would be required.

Based on the 2005 Parking Study, adequate on-street and off-street parking exists to accommodate the proposed change of use policy. As previously stated, the Parking Study found that even during peak use times, public off-street parking was available in the Specific Plan area. In addition, the Commission has approved comparable change of use policies for the Downtown Encinitas Specific Plan and for the North Highway 101 Corridor Specific Plan. Thus, the proposed change of use policy is consistent with past Commission action in the City of Encinitas and is consistent with the certified LUP.

The Specific Plan also includes policies related to on-street and off-street parking that are not proposed to be implemented upon approval of the Specific Plan, but may be considered in the future. These policies include the implementation of timed parking restrictions for on-street parking, relaxed parking ratios for developments that convert reserved parking spaces to non-exclusive use spaces, relaxed parking ratios for shared parking agreements, and the preservation of the existing public parking areas to the west of San Elijo Avenue adjacent to the Specific Plan area.

Timed parking limits can have adverse impacts to public access to the coast, as the beach going public may not have sufficient time to use enjoy coastal resources. The Commission has historically found that in beach impact areas, a site specific study must be undertaken before timed parking can implemented. Under some conditions, timed parking can cause adverse impacts to public access to the coast, as the public may not have sufficient time to use coastal resources. Four hour time limits are typically the minimum amount of time permitted by the Commission for parking areas that are used by the beach going public (CDP #6-11-079/Solana Beach Hwy 101 Improvements; CDP #A-6-DMR-04-024/Del Mar Parking Meters).

Goal 7 Policy 7.5 of the Specific Plan, which is a potential future strategy for addressing parking scarcity within the Specific Plan area, states that the City may “Survey the need for timed parking limits.” At a minimum, a coastal development permit would be required to institute timed parking limits and an LCP amendment might also be required prior to adoption of timed parking limits in any area covered by the Cardiff-by-the-Sea Specific Plan. The requirement to obtain an LCP amendment for any future implementation of timed parking will allow the Commission to evaluate a site specific study to ensure that it will not adversely impact beach parking reservoirs.

The 2005 Parking Study recommended that the City consider relaxed standard parking ratios for developments that convert exclusive use (reserved parking spaces) to non-exclusive uses and for shared parking agreements between two or more off-site users. However, the study did not recommend that these incentives be implanted at this time. These parking incentives have the potential to impact public coastal parking availability and therefore, the City must obtain an LCP amendment prior to implementation.

The Specific Plan states that the shared parking incentive measures listed below are not currently recommended for implementation, but may be considered in the future.

- Relaxing standard parking ratios for developments that convert exclusive use (reserved) parking spaces to non-exclusive spaces;
- Relaxing parking standards for shared parking agreements between two or more off-site users;
- Conditioning new development to limit exclusive-use parking.

Policies that allow “relaxing standard parking ratios for developments that convert exclusive use (reserved) parking spaces to non-exclusive spaces” and “relaxing parking standards for shared parking agreements between two or more off-site users” may adversely impact available public street parking for beach users. These incentives may allow for more intensive development, without the provision of adequate off-street parking. However, conditioning new development to limit exclusive-use parking does not appear to have the potential to impact public parking resources. The City’s certified LCP currently allows for some joint use of parking spaces between businesses. The joint use policy in the certified LCP allows that up to 50% of parking spaces required by a primarily day-time use may be provided for a night-time use and vice versa. The policies suggested in the Specific Plan may allow shared use of on-site parking spaces for uses that operate simultaneously. However, as stated previously, these Specific Plan policies are not currently proposed and more detail will be provided in the future if the City chooses to pursue them. Prior to adoption of the potential future parking incentive options that relate to relaxing standard parking regulations, an LCP amendment must be obtained.

An important public parking reservoir in the Specific Plan area are two existing paved public parking areas on the west side of San Elijo Avenue in the North County Transit District Right-of-Way (NCTD ROW) between Liverpool Drive and Chesterfield Drive and an unimproved parking area on the west side of San Elijo Avenue between Birmingham Drive and Mozart Avenue in the NCTD ROW. NCTD currently has an agreement with the Cardiff Main Street Association for use of the paved parking spaces on the west side of San Elijo Avenue in the NCTD ROW between Liverpool Drive and Chesterfield Drive. In return, the City of Encinitas maintains the park on the west side of San Elijo Avenue. These parking areas are not included within the Specific Plan boundaries, nor were they included in the 2005 SANDAG parking study for the Specific Plan area. As stated previously, if the NCTD ROW changes its current use in the future, the site would be subject to the General Plan and Specific Plan amendment process in order to be included as part of the Specific Plan. These parking reservoirs are used regularly by beach users and should be retained and enhanced in the future. Partnering with NCTD and other railway owners/operators to preserve and enhance public parking availability is an important public access opportunity within the Coastal Zone.

The Specific Plan contains language that states:

“...The City should consider approaching NCTD about possible use of a portion of its ROW for formal public parking. There may be an opportunity to plan for the additional public parking in conjunction with implementation of the Coastal Rail Trail project.”

However, the Specific Plan also proposes improvements to San Elijo Avenue, adjacent to the existing parking in the NCTD ROW, including the addition of northbound and southbound Class II bike paths. San Elijo Avenue does not currently appear to be large enough to facilitate two lanes of traffic and two Class II bike paths. The Specific Plan states:

“² – The easterly San Elijo Avenue ROW line from Chesterfield Drive to Mozart Avenue shall remain fixed in its location as of the adoption date of this Specific Plan. The City should work with the North County Transit District to acquire additional ROW or other access necessary along the westerly edge of San Elijo Avenue to achieve the planned improvements identified in this Specific Plan.”

Therefore, in order to achieve adequate street width to incorporate planned bike ways, the public parking in the NCTD ROW may be jeopardized. Due to dense historic development patterns near the coast, new areas for public parking and access are difficult to obtain. The retention and expansion of public parking opportunities within railway ROW is an opportunity not just in this area, but in many parts of the state where the railway is within the Coastal Zone and within close proximity to the coast. Although the existing public parking areas within the NCTD ROW on the east side of San Elijo Avenue are not included within the Specific Plan boundaries, it is pertinent to clarify that prior to any modification affecting the existing public parking, an LCP amendment must be obtained. An LCP amendment will allow the Commission to evaluate any proposed changes to these crucial beach parking reservoirs and ensure that public access is not adversely impacted in the future.

2. Public Coastal Views

Suggested Modification #3 requires that the corner setback policies of the Specific Plan be revised to ensure that the two prominent public ocean views at the corner of Birmingham Drive and San Elijo Avenue and at the corner of Chesterfield Drive and San Elijo Avenue will be retained. These public ocean views are also especially important to retain because they are located adjacent to “Major Gateways” into and out of the Cardiff community as defined by the Specific Plan. Specifically, Suggested Modification #3 requires that Coastal View Corners be created that consists of triangles measured 100 ft. back from the respective northwestern property lines corners of the two properties. As with the Primary and Secondary View Corners proposed in the Specific Plan, no buildings are allowed to encroach within the corner setback and no fence, wall, or similar construction may exceed three feet in height. In the Coastal View Corners, the only

allowed uses are landscaping that maintains the public ocean views and surface parking lots.

The existing use within the Coastal View Corner at Birmingham Drive and San Elijo Avenue is a surface parking lot, which is consistent with the suggested modification. The current use within the Coastal View Corner at Chesterfield Drive and San Elijo Avenue are detached gas pumps with an open air cover. The gas pumps will become a legally non-conforming use, subject to the Nonconformities section of this Specific Plan and procedures of the provisions of Chapter 30.76 of the Encinitas Municipal Code.

Although the Coastal View Corners required by Suggested Modification #3 are larger than the required View Corners on other properties within the Specific Plan area, there is still adequate room for redevelopment on both affected properties. If the properties redevelop in the future, the Coastal View Corners can be relatively easily maintained by locating required on-site parking within the Coastal View Corners and developing other portions of the sites. Suggested Modification #2 requires that Figure 6 'Corner Treatments' be revised to incorporate the two Coastal View Corners, in addition to the Primary Corners and Secondary Corners, already depicted. The inclusion of the 100 ft. Coastal View Corners across these properties will ensure that the two existing prominent public ocean views are retained, while still allowing adequate area for redevelopment on both sites.

3. Protection of Coastal Resources/Non-Invasive Landscaping

Suggested Modification #5 requires that the Specific Plan be revised to prohibit two types of invasive trees and one type of invasive shrub. *Prunus illicipolia* ssp. and *Callistemon viminalis* are classified as moderately invasive by the California Native Plant Society (CNPS) and *Prunus cerasifera* is classified as limited invasive by the California Invasive Plant Council (Cal-IPC). The CNPS defines plant species as moderately invasive if they have the potential to spread when planted next to open space or natural areas. The CAL-IPC defines plant species as limited invasive when their ecological impacts are minor on a statewide level and when their reproductive biology and other attributes result in low to moderate rates of invasiveness. The Specific Plan area is in close proximity to the San Elijo Lagoon and therefore, consistent with the requirements of the certified LUP, the prohibition of any plant species that are listed on the CNPS or the Cal-IPC invasive plant directories is necessary to adequately protect coastal resources.

4. Alternative Transportation

The Specific Plan has numerous policies that promote pedestrian and bicycle use. The non-automobile policies are intended to "reduce congestion, provide increased on-street parking, improve bicycle facilities, and create a safe pedestrian environment." The City of Encinitas has also recently approved the construction of three below grade railroad undercrossings to connect the coast to the east side of the railroad tracks (CDP # 07-039). One of the approved undercrossings will be located just west of the intersection of San Elijo Avenue and Montgomery Avenue, less than ½ mile north of the Specific Plan area.

Northbound and southbound bus stops are currently located on Highway 101, less than 1/3 mile from the Specific Plan area, that can connect alternative transit users with other north county cities and various Coaster and Amtrak stations. However, no regular bus service routes run directly through the Specific Plan area. The Specific Plan states that an alternative public transit service is available, called FAST. The FAST service previously sent vans to pick up riders within the Plan area and transport them to strategic drop off locations, such as the Cardiff Towne Center. However, since approval of the Specific Plan by the City, the FAST service has been discontinued in the Specific Plan area.

The following goals and policies are part of the certified LUP, which is the standard of review for this Specific Plan, and are particularly relevant to provision of non-automobile transportation in the Coastal Zone:

Circulation Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

Circulation Goal 2: The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character.

Circulation Goal 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.

Circulation Policy 3.2: Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

Circulation Policy 6.4: The City will support increased public transportation service to shoreline recreational areas designated for increase visitation...

Circulation Policy 6.5: The City will seek additional funding for transit service in the Coastal Zone, including a consideration of light rail transit and other forms of public transportation.

Circulation Policy 6.6: The City will consider improved pedestrian crossings of Pacific Coast Highway.

The Encinitas City Council approved the Specific Plan on June 23, 2010. Since that time, the FAST public transportation vans, referred to in the Specific Plan, have ceased operating within the Specific Plan area. However, NCTD has recently begun operating FLEX Route 374, which will pick up and drop off passengers anywhere within a specified zone. The service area includes the entire Specific Plan area, as well as other areas within Encinitas and Solana Beach. The City continues its commitment to offer alternative transportation options.

The five suggested modifications ensure that off-street parking requirements will not adversely impact the supply of public parking used for beach access; public ocean views throughout the Specific Plan area will be preserved and enhanced, and only non-invasive landscaping will be permitted in order to protect sensitive nearby coastal habitat. Thus, as modified, the Cardiff-by-the-Sea Specific Plan conforms with and is adequate to carry out the certified LUP.

PART VII. 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 a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)). In the case of the subject LCP amendment request, the Commission finds that approval of the amendment, incorporating the suggested modifications listed above, would not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent incorporation of these suggested modifications to effectively mitigate potential adverse impacts to coastal resources, such a finding could not be made.

Specifically, the proposed LUP revisions, which redesignate 16 lots to reflect zoning changes proposed in the Cardiff-by-the-Sea Specific Plan, have been found to be acceptable as submitted as no impacts to coastal resources resulting from the changes have been identified. Relative to the Implementation Plan, five modifications are proposed. These modifications address off-street parking requirements, public ocean view preservation and enhancement, and non-invasive landscaping.

Given the proposed mitigation measures, the Commission finds the proposed local coastal program amendment, as modified, will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of Encinitas. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. 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 LCP Amendment, as modified, can be supported.

To view an electronic copy of the Cardiff-by-the-Sea Specific Plan as proposed by the City, go to the following link:

<http://ci.encinitas.ca.us/index.aspx?page=244>

Birmingham Coastal View Corner

Looking SW

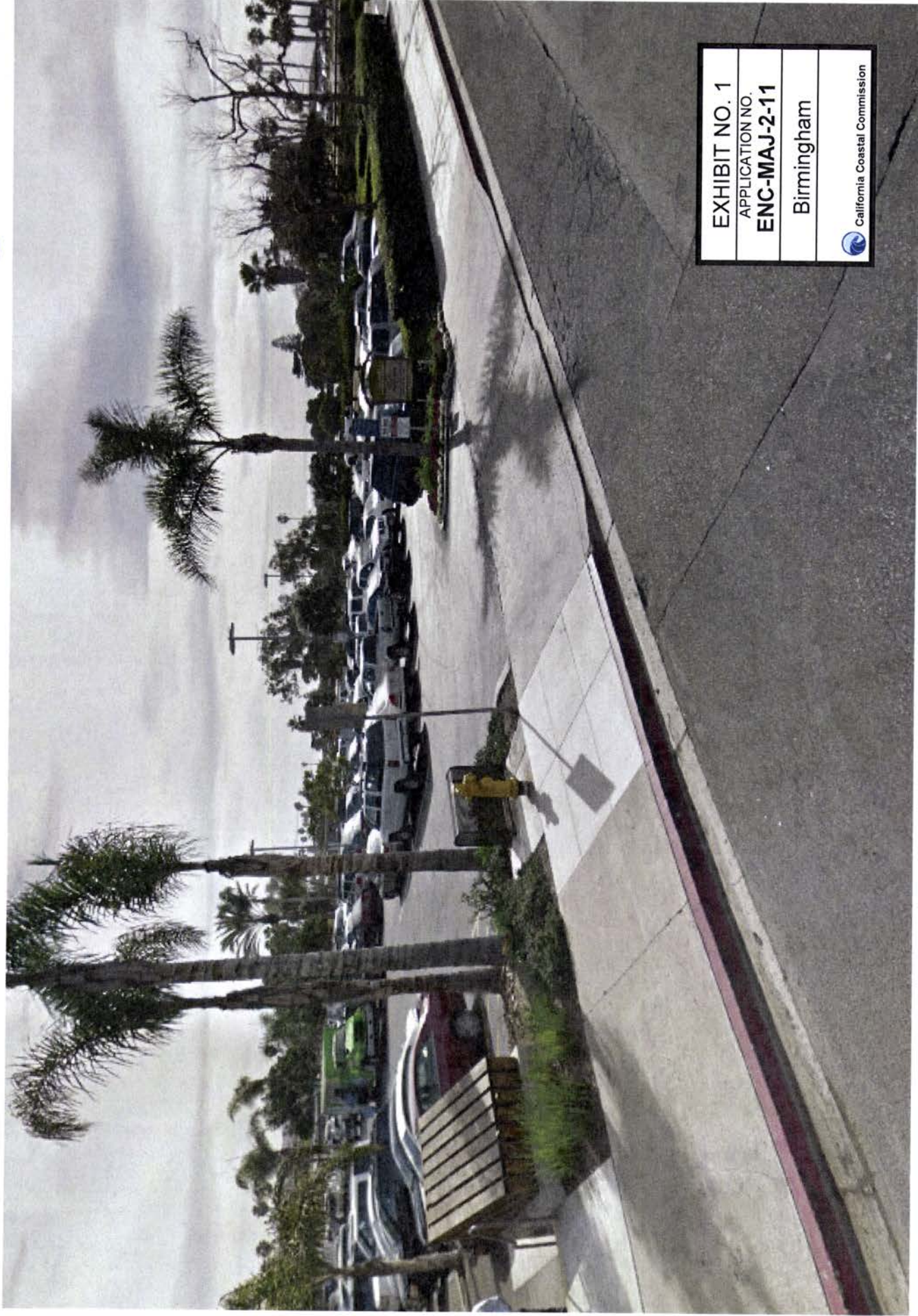



EXHIBIT NO. 1

APPLICATION NO.

ENC-MAJ-2-11

Birmingham

 California Coastal Commission

Chesterfield Coastal View Corner

Looking SW

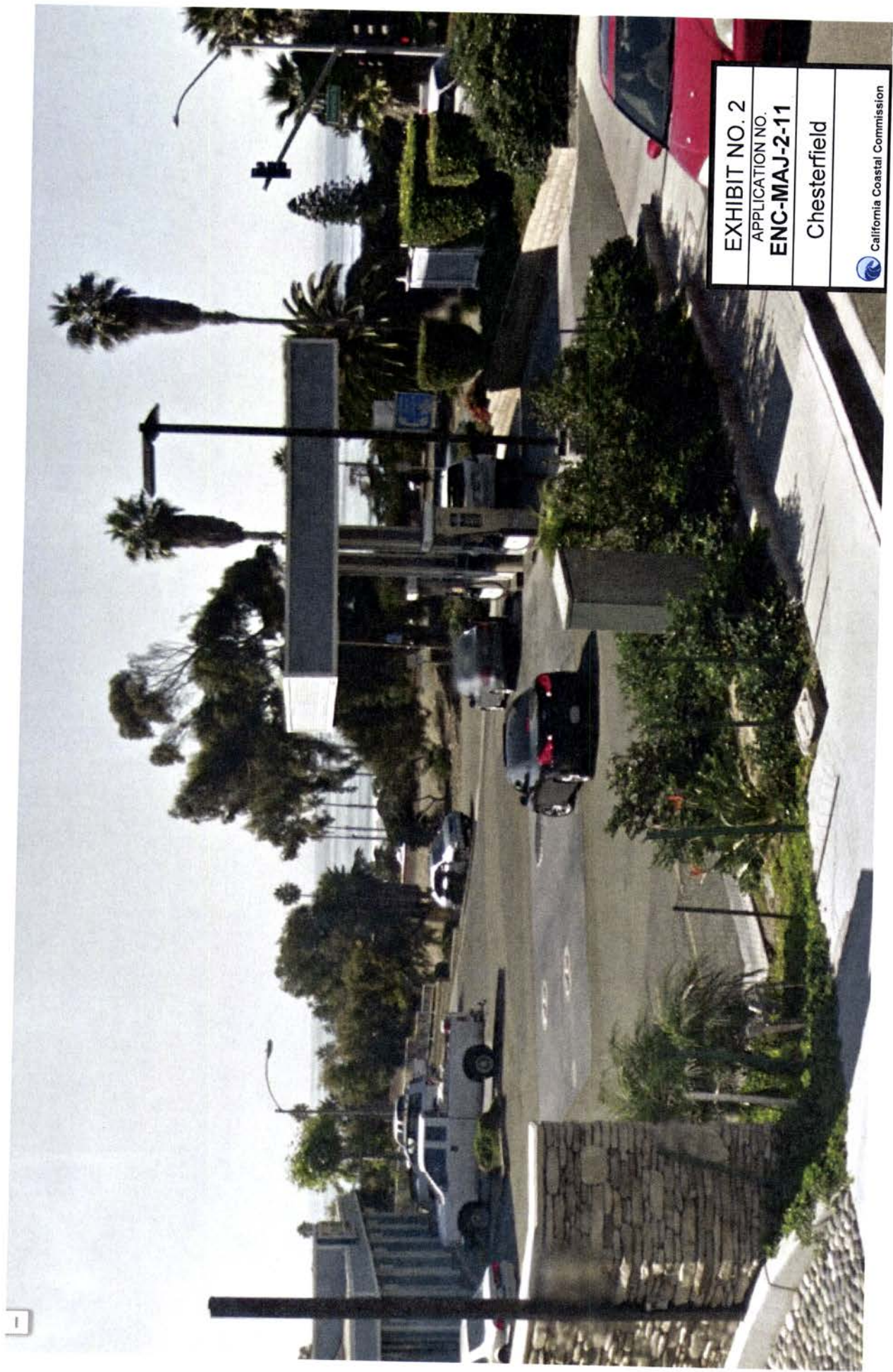

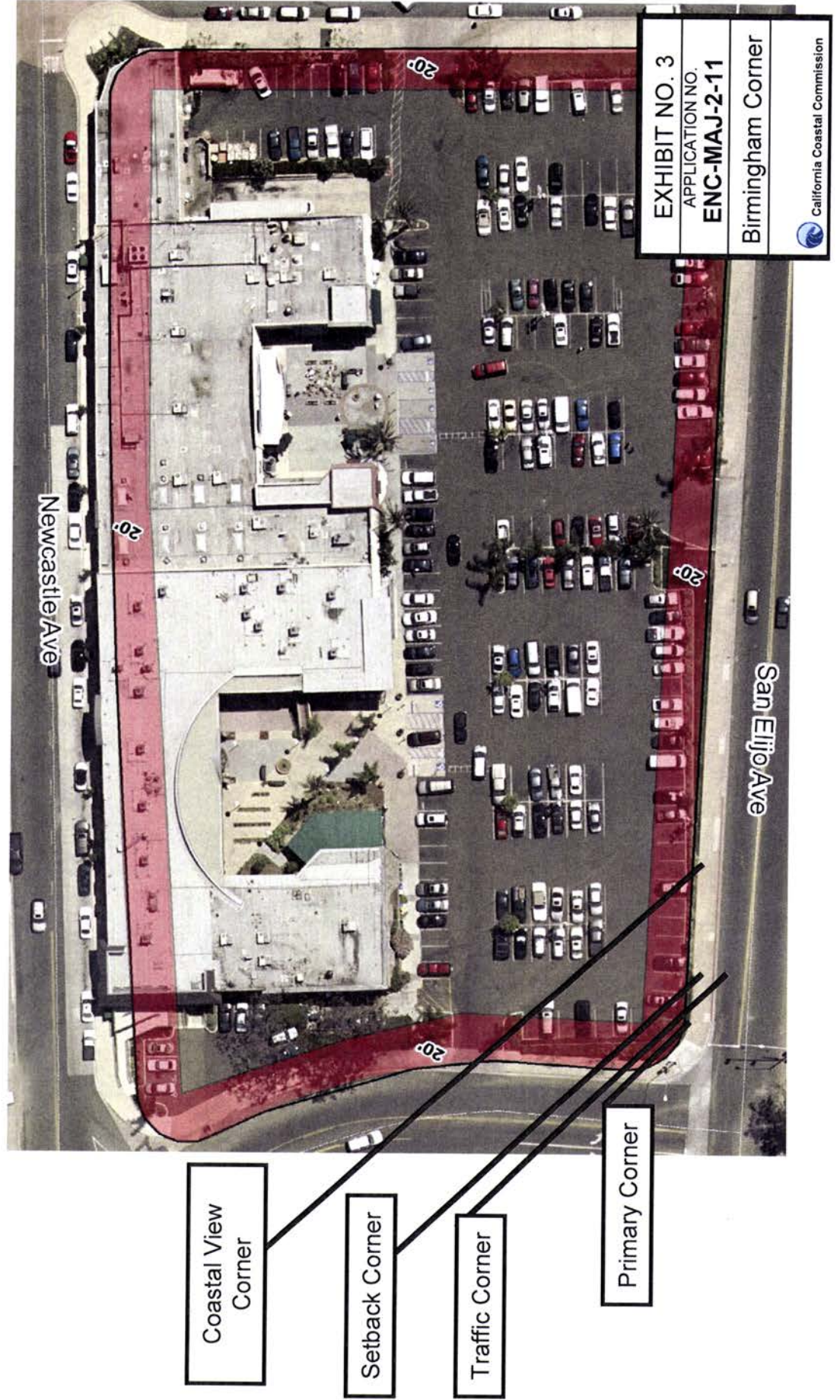


EXHIBIT NO. 2
APPLICATION NO. ENC-MAJ-2-11
Chesterfield
 California Coastal Commission

Birmingham Corner Setbacks



Chesterfield: Corner Setbacks

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Coastal View Corner

Setback Corner

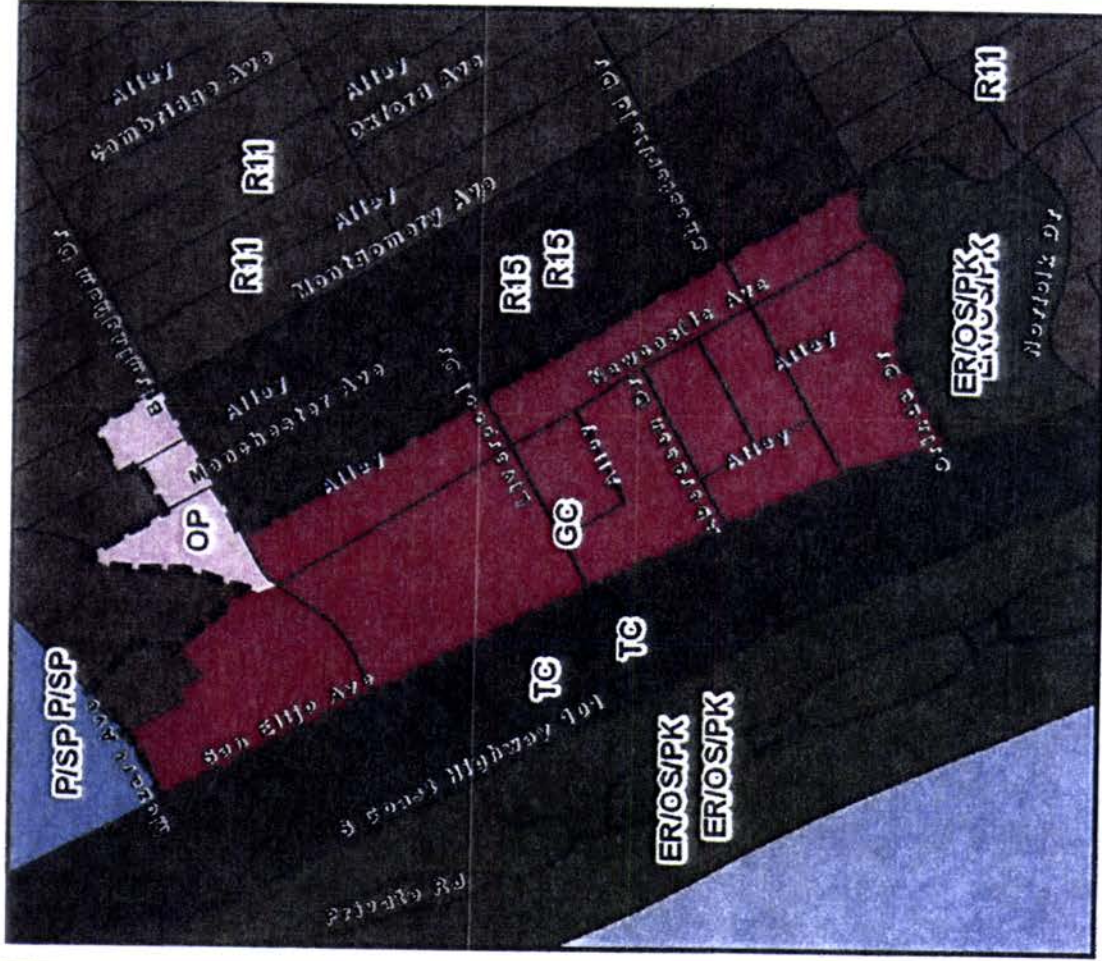
Traffic Corner

Primary Corner

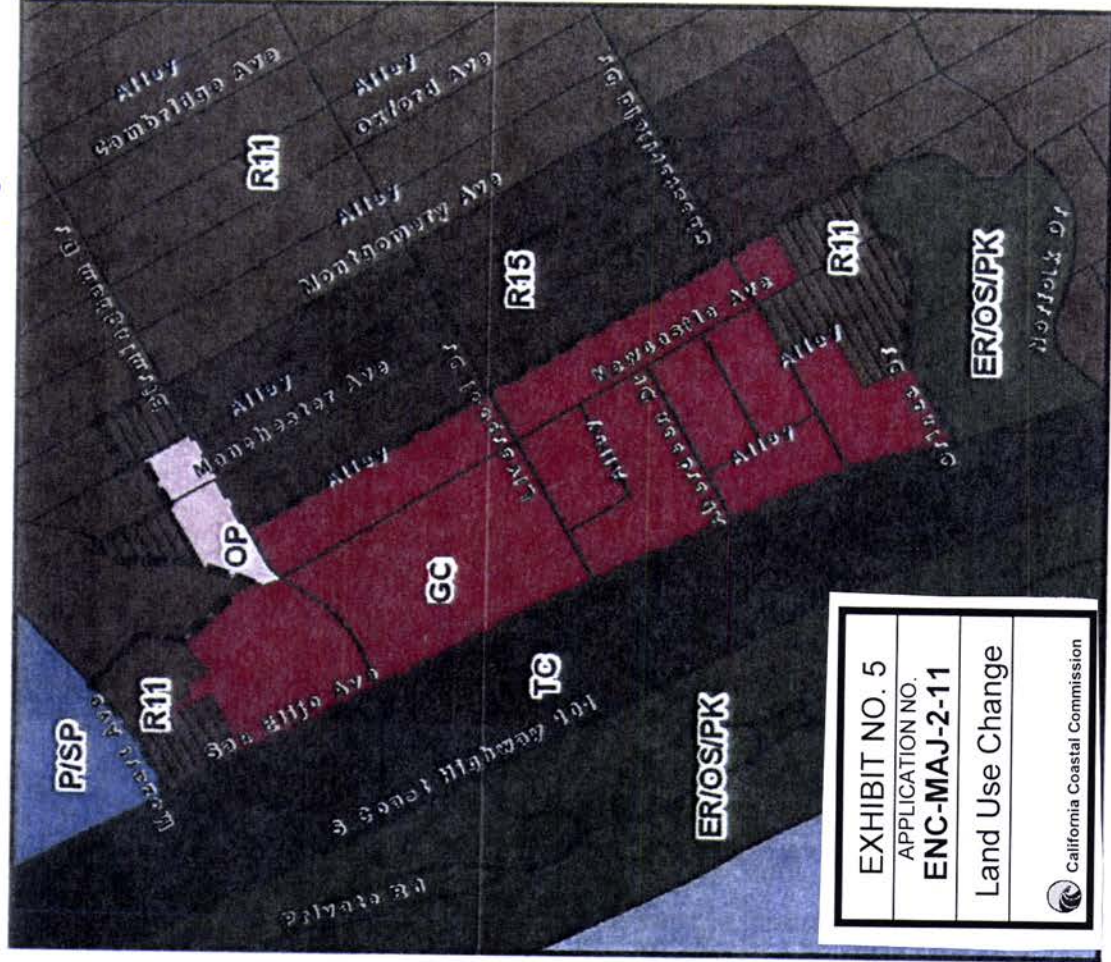


EXHIBIT NO. 4
APPLICATION NO. ENC-MAJ-2-11
Chesterfield Corner
California Coastal Commission

Encinitas General Plan Land Use Map



Existing General Plan Designation



Proposed General Plan Designation

Zoning Change





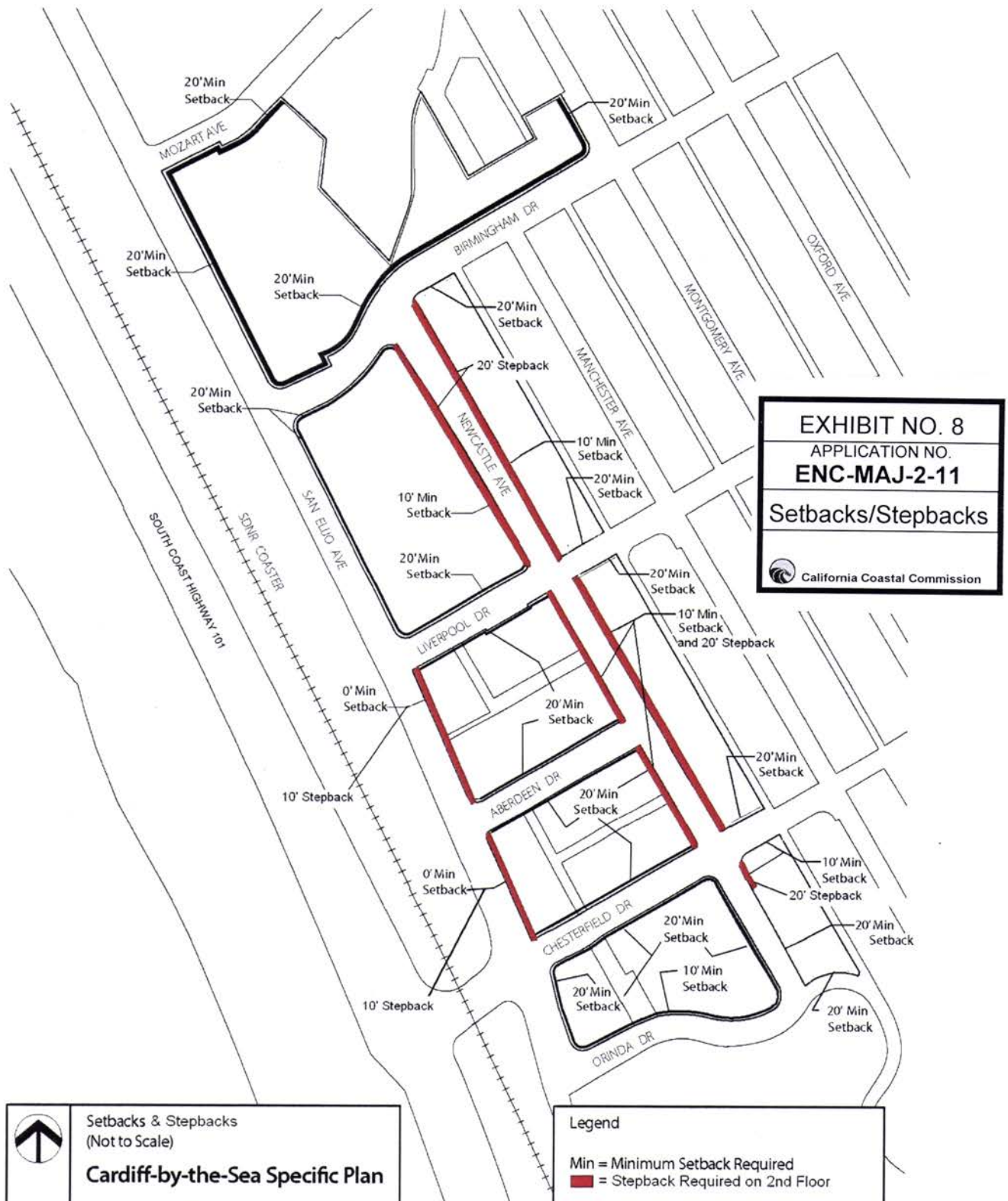
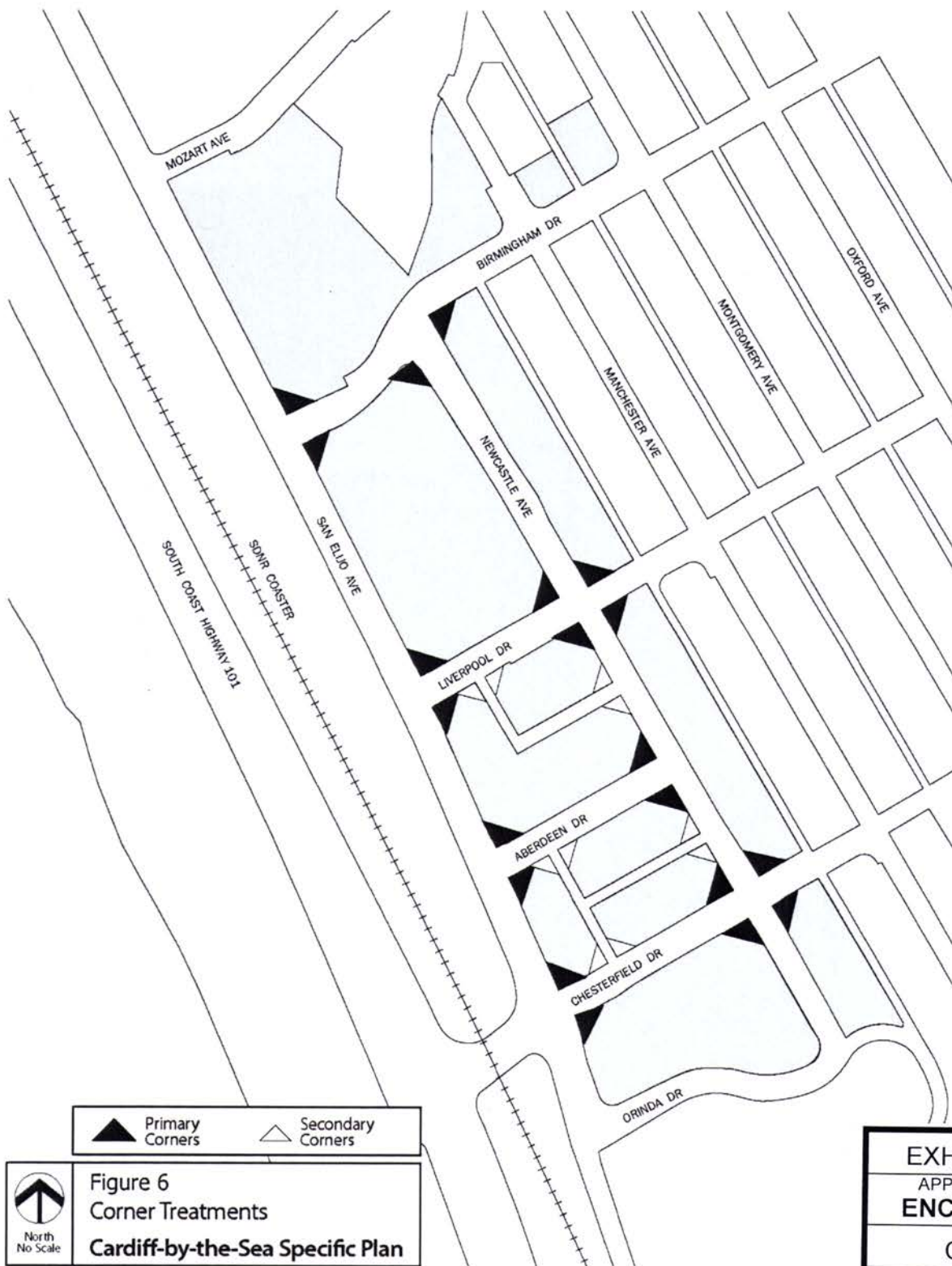


Figure 5



RESOLUTION 2010-04

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ENCINITAS APPROVING AMENDMENTS TO THE GENERAL PLAN
LAND USE MAP AND TABLE 4 OF THE LAND USE ELEMENT OF THE GENERAL
PLAN AND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND
IMPLEMENTATION PLAN**

CASE NO. 04-266 GPA/LCPA/SPA/EIA

WHEREAS, the City of Encinitas General Plan calls for the preparation of a specific plan for the beach-side commercial corridor within the Cardiff-by-the-Sea community; and

WHEREAS, on May 11, 1995, the City of Encinitas Local Coastal Program was formally certified by the California Coastal Commission and the City began issuing coastal development permits for those coastal zone areas within the City; and

WHEREAS, The City Council hereby adopts the Negative Declaration and certifies that the Negative Declaration for the Cardiff-by-the-Sea Specific Plan has been considered and is in compliance with the requirements and provisions of the California Environmental Quality Act (CEQA). The Negative Declaration was prepared and was circulated for public and agency review and comment from December 4, 2009 through January 4, 2010. An additional 30-day review period was extended from January 8, 2010 through February 8, 2010 and then presented for review and consideration by the Planning Commission prior to its consideration and recommendation to the City Council. The Negative Declaration is on file at the City of Encinitas as Case No. 04-266.


WHEREAS, the City of Encinitas distributed a Public Notice of Availability in accordance with the California Coastal Act, opening a six-week public review and comment period from January 21, 2010 through March 4, 2010; and

WHEREAS, on January 21, February 4, and February 18, 2010 the City of Encinitas Planning Commission held a duly noticed public hearing, to consider the staff report, the environmental analysis, all attachments and public testimony, and recommended approval of the proposed General Plan and Local Coastal Program Land Use Plan / Implementation Plan; and

WHEREAS, on April 21 and June 23, 2010, the City Council held a duly-noticed public hearing to consider Resolution No. 2010-04 approving amendments to the General Plan and Local Coastal Program Land Use Plan / Implementation Plan; and

WHEREAS, the City Council, upon the recommendation of the Planning Commission, hereby approves an amendment to the General Plan and Local Coastal Program Land Use Plan, based on the following findings:

SEE ATTACHMENT "3"

EXHIBIT NO. 10
APPLICATION NO.
ENC-MAJ-2-11
Resolution
 California Coastal Commission

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Encinitas, as follows:

1. Text, tables, and figures of the City of Encinitas General Plan and Local Coastal Program Land Use Plan / Implementation Plan are hereby amended as follows:
 - a. Table 4, Distribution of Land Use: Cardiff-by-the-Sea, in the Land Use Element of the General Plan, is hereby amended as shown in Attachment "1" to this Resolution.
 - b. The General Plan Land Use Map of the City of Encinitas is hereby amended to reflect the adoption of the Cardiff-by-the-Sea Specific Plan, noted on the map as SP-5, as shown in Attachment "2" to this Resolution.
2. That the General Plan/Local Coastal Program Land Use Plan / Implementation Plan Amendments are intended to be carried out in a manner in full conformance with the California Coastal Act of 1976;
3. That the Planning & Building Director is hereby authorized to submit the General Plan and Local Coastal Program Land Use Plan / Implementation Plan amendment to the Executive Director of the California Coastal Commission;
4. That the amendments to the General Plan and Local Coastal Program Land Use Plan / Implementation Plan as indicated in Attachments "1" and "2" of this Resolution, are hereby approved and shall become effective upon approval of the Local Coastal Program Amendment by the California Coastal Commission; and
5. Pursuant to the California Environmental Quality Act (CEQA), the City Council of the City of Encinitas has reviewed the proposed applications and has adopted a Negative Declaration finding, in its independent judgment, that the project will not have a significant effect on the environment;
6. The Planning and Building Director and the City Clerk are hereby directed to make all said amendments to the General Plan, if and when the General Plan and Local Coastal Program Land Use Plan Amendment becomes effective; to distribute these to City officers and departments, and agencies as required by law; and to maintain documents accordingly. All documents related to this amendment, including the environmental findings, Negative Declaration, notices, analyses, reports and recommendations, shall be kept on file in the offices of the City of Encinitas as required by law.

PASSED AND ADOPTED this 23rd of June, 2010, by the following vote, to wit:


AYES: Bond, Dalager, Houlihan, Stocks.

NAYS: None.

ABSENT: Barth.

ABSTAIN: None.

ATTEST:

 *Signature on File*
Deborah Cervone, City Clerk

Signature on File

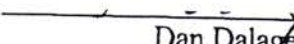

Dan Dalager, Mayor
City of Encinitas

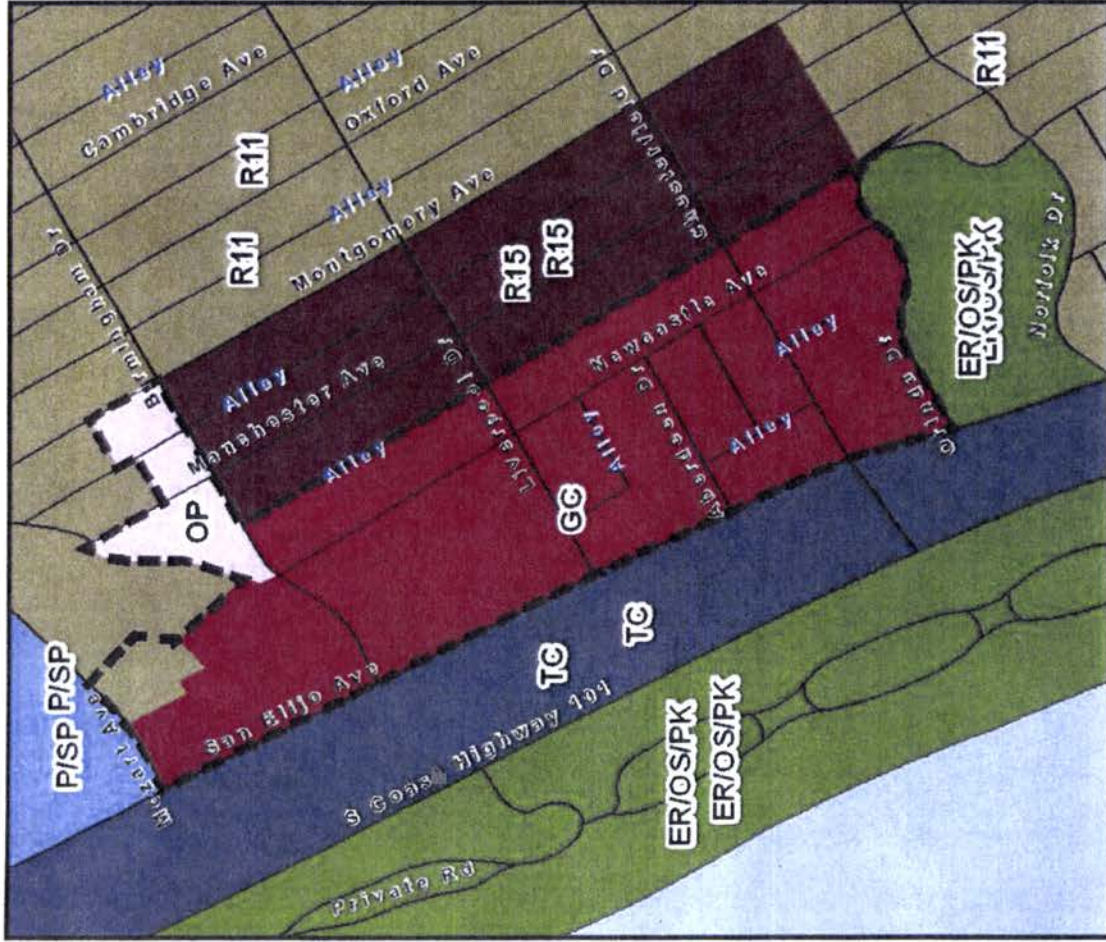
TABLE 4
DISTRIBUTION OF LAND USE: CARDIFF-BY-THE-SEA

Land Use Designation	Area (1)	% of Total Planning Area	Dwelling Units (2)	Population (3)
<u>Residential</u>				
Rural Residential	7	0%	1	4
Rural Residential 1	259	11%	155	390
Rural Residential 2	54	2%	65	163
Residential 3	300	13%	600	1,512
Residential 5	92	4%	294	741
Residential 8	310	14%	1,612	4,062
Residential 11	251 256	11%	1,907 1,945	4,807 4,903
Residential 15	42	2%	437	1,101
Residential 25	0	0%	0	0
Mobile Home Park	0	0%	0	0
<u>Commercial</u>				
Office-Professional	5	0%		
Local Commercial	0	0%		
General Commercial	33 31	2%		
Visitor-serving Commercial	19	1%		
<u>Industrial</u>				
Light Industrial	0	0%		
<u>Public</u>				
Transportation	217	10%		
Public Semi-Public	113	.5%		
Ecological Resource/ Open Space/Parks	563	25%		
Agricultural Preserve	0	0%		
TOTAL	<u>2,267</u>	<u>100%</u>	<u>5,071</u>	<u>12,780</u>

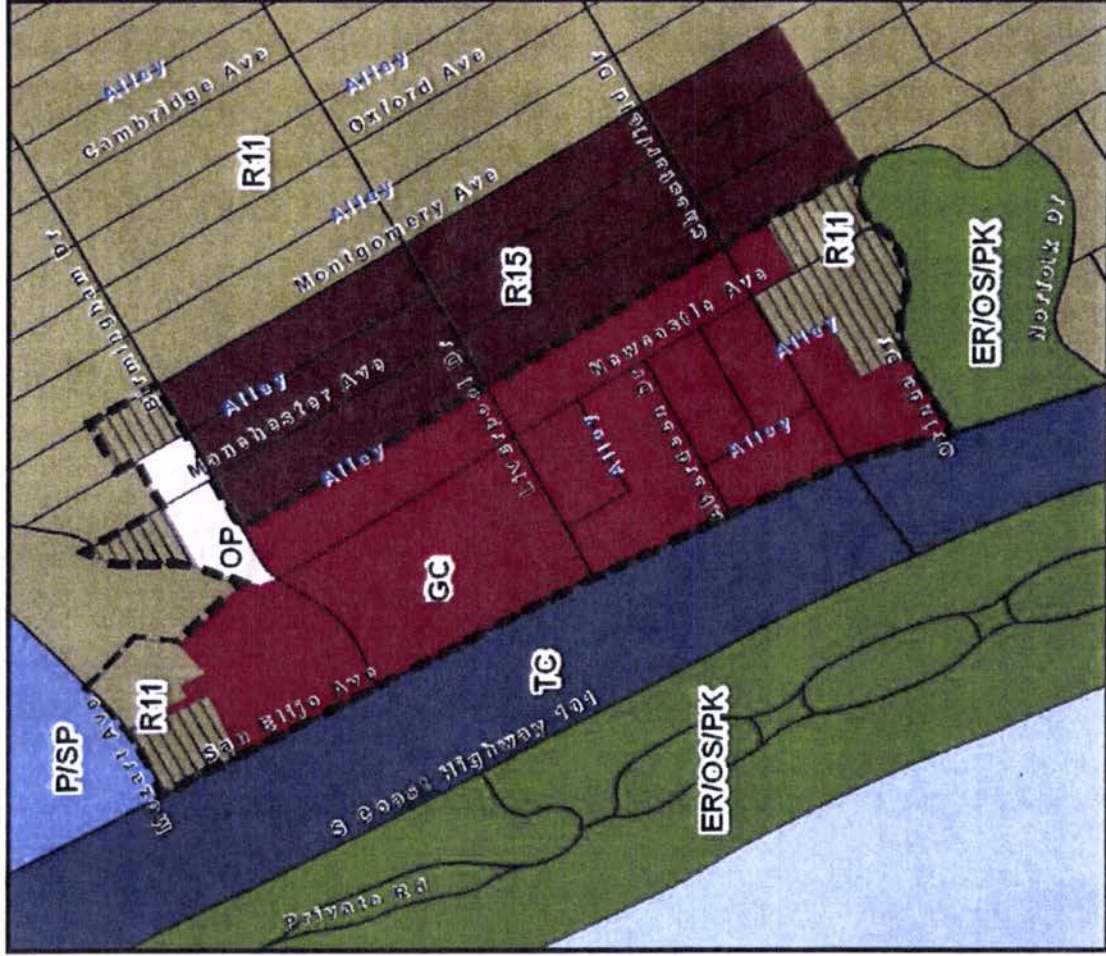
- (1) Area is expressed in gross acreage.
 (2) Based on net acreage (gross minus 20% for constraints, and mid-range density for each residential classification).
 (3) Based on 2010 estimate of 2.52 persons per unit (Final Series 7 Regional Growth Forecasts).

Table Amended 12/4/91 and 7/16/03

Encinitas General Plan Land Use Map



Existing General Plan Designation



Proposed General Plan Designation

Zoning Change



ATTACHMENT "3"

RESOLUTION NO. 2010-04

FINDINGS FOR APPROVAL FOR RESOLUTION 2010-04 OF THE CITY COUNCIL OF
THE CITY OF ENCINITAS APPROVING AMENDMENTS TO
THE LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTATION
PLAN, AND TABLE 4 OF THE LAND USE ELEMENT OF THE GENERAL PLAN
(CASE NO. 04-266 GPA/LCPA/SPA/EIA)

FINDINGS FOR THE GENERAL PLAN AMENDMENT (Government Code Article 6.
Preparation, Adoption and Amendment of the General Plan):

- a. That the proposed amendment is consistent with the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP).

Facts: Pursuant to Government Code Section 65450, the purpose of a Specific Plan is to serve as a guide for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. The Cardiff-by-the-Sea Specific Plan shall be pursuant to, and to execute the provisions and carry out the objectives of the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP).

Discussion: The Encinitas General Plan contains policies that provide for the orderly development of Encinitas. Land Use Element Policy 7.7 requires the City to develop and implement a Specific Plan for the downtown area of Cardiff-by-the-Sea consistent with the goals and policies of the General Plan and the Local Coastal Program.

The primary goal of the Cardiff-by-the-Sea Specific Plan is to maintain the unique and desirable characteristics of the specific plan area, while providing continued private land use and public improvements. The primary objectives of the Specific Plan have been developed to fit the particular circumstances of the area which are consistent with the goal and policies of the General Plan.

The Cardiff-by-the-Sea Specific Plan is proposing amendments to the General Plan Land Use designations within the specific plan area which are consistent with general plan policies for the Cardiff Community. Table 4 of the Land Use Element of the General Plan will be modified to reflect the proposed changes in the distribution of land use in Cardiff-by-the-Sea. In addition, the General Plan Land Use Map of the City of Encinitas will be amended to reflect the adoption of the Cardiff-by-the-Sea Specific Plan. (Attachments "1" and "2" of this Resolution)

Conclusion: The City Council finds that the proposed amendments are consistent with the Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP).

- b. That the proposed amendment is consistent with the Implementation Plan of the Local Coastal Program Implementation Plan.

Facts: Implementation of the Cardiff-by-the-Sea Specific Plan shall be pursuant to, and to execute the provisions and carry out the objectives of the Land Use Plan of the General Plan and the Local Coastal Program Land Use Plan. The proposed amendments are intended to ensure consistency with the Local Coastal Program Implementation Plan, as well as facilitate proper implementation of the policies and provisions of the Land Use Plan of the General Plan and Local Coastal Program Land Use Plan.

Discussion: The Encinitas General Plan contains policies that provide for the orderly development of Encinitas. Land Use Element Policy 7.7 requires the City to develop and implement a Specific Plan for the downtown area of Cardiff-by-the-Sea consistent with the goals and policies of the General Plan and the Local Coastal Program.

The primary goal of the Cardiff-by-the-Sea Specific Plan is to maintain the unique and desirable characteristics of the specific plan area, while providing continued private land use and public improvements. The primary objectives of the Specific Plan have been developed to fit the particular circumstances of the area which are consistent with the goal and policies of the General Plan.

The Cardiff-by-the-Sea Specific Plan is proposing amendments to the General Plan Land Use designations within the specific plan area which are consistent with general plan policies for the Cardiff Community. Table 4 of the Land Use Element of the General Plan will be modified to reflect the proposed changes in the distribution of land use in Cardiff-by-the-Sea. In addition, the General Plan Land Use Map of the City of Encinitas will be amended to reflect the adoption of the Cardiff-by-the-Sea Specific Plan. (Attachments "1" and "2" of this Resolution)

Conclusion: The City Council finds that the proposed amendments are consistent with the approved Local Coastal Program Implementation Plan.

FINDINGS FOR THE LOCAL COASTAL PROGRAM AMENDMENT (Coastal Commission Administrative Regulations Article 15. Amendments to Certified LCPs and LRDPs):

- a. **That the proposed Land Use Plan and Implementation Plan Amendment is internally consistent and compatible with the City of Encinitas General Plan and the Local Coastal Program Land Use Plan (LUP).**

Facts: Implementation of the Cardiff-by-the-Sea Specific Plan shall be pursuant to, and to execute the provisions and carry out the objectives of the Land Use Plan of the General Plan and the Local Coastal Program Land Use Plan. The proposed amendments are intended to ensure consistency with the Local Coastal Program Implementation Plan, as well as facilitate proper implementation of the policies and provisions of the Land Use Plan of the General Plan and Local Coastal Program Land Use Plan.

Discussion: The Encinitas General Plan contains policies that provide for the orderly development of Encinitas. Land Use Element Policy 7.7 requires the City to develop and implement a Specific Plan for the downtown area of Cardiff-by-the-Sea consistent with the goals and policies of the General Plan and the Local Coastal Program.

The primary goal of the Cardiff-by-the-Sea Specific Plan is to maintain the unique and desirable characteristics of the specific plan area, while providing continued private land use and public improvements. The primary objectives of the Specific Plan have been developed to fit the particular circumstances of the area which are consistent with the goal and policies of the General Plan.

The Cardiff-by-the-Sea Specific Plan is proposing amendments to the General Plan Land Use designations within the specific plan area which are consistent with general plan policies for the Cardiff Community. Table 4 of the Land Use Element of the General Plan will be modified to reflect the proposed changes in the distribution of land use in Cardiff-by-the-Sea. In addition, the General Plan Land Use Map of the City of Encinitas will be amended to reflect the adoption of the Cardiff-by-the-Sea Specific Plan. (Attachments "1" and "2" of this Resolution)

Conclusion: The City Council finds that the proposed Land Use Plan and Implementation Plan Amendments are internally consistent and compatible with the City of Encinitas General Plan and the Local Coastal Program Land Use Plan.

b. That the proposed Coastal Program Amendment conforms to the California Coastal Act of 1976.

Facts/Discussion: The Encinitas General Plan contains policies that provide for the orderly development of Encinitas. Land Use Element Policy 7.7 requires the City to develop and implement a Specific Plan for the downtown area of Cardiff-by-the-Sea consistent with the California Coastal Act of 1976. No evidence has been identified or submitted indicating that the proposed Specific Plan Amendments are inconsistent with the California Coastal Act of 1976.

Conclusion: The City Council finds that the proposed Local Coastal Program Amendments conform to the California Coastal Act of 1976.

c. That the proposed Local Coastal Program Amendment is consistent with applicable Resource Planning and Management Policies of Chapter 3 of the California Coastal Act of 1976.

Facts: The Cardiff-by-the-Sea Specific Plan contains a number of policies and implementation measures to enhance public access and development opportunities consistent with Chapter 3 of the California Coastal Act of 1976.

Discussion: The Encinitas General Plan contains policies that provide for the orderly development of Encinitas. Land Use Element Policy 7.7 requires the City to develop and

implement a Specific Plan for the downtown area of Cardiff-by-the-Sea consistent with the goals and policies of the General Plan and the Local Coastal Program. The primary goal of the Cardiff-by-the-Sea Specific Plan is to maintain the unique and desirable characteristics of the specific plan area, while providing continued private land use and public improvements. Design recommendations have been established which address streetscape, landscape, commercial and residential development which are consistent with the Resource Planning and Management Policies of Chapter 3 of the California Coastal Act of 1976.

Conclusion: The City Council finds that the proposed Local Coastal Program Amendments are consistent with the Resource Planning and Management Policies of Chapter 3 of the California Coastal Act of 1976.

ORDINANCE 2010-04

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ENCINITAS, CALIFORNIA
AMENDING THE MUNICIPAL CODE AND
ZONING MAP IN ACCORDANCE WITH THE
ADOPTED CARDIFF-BY-THE-SEA SPECIFIC
PLAN, SP-5**

CASE NUMBER: 04-266 GPA/SPA/LCPA/EIA

EXHIBIT NO. 11
APPLICATION NO. ENC-MAJ-2-11
Ordinance
 California Coastal Commission

WHEREAS, the Planning Commission conducted a Public Hearing on January 21, February 4, and February 18, 2010 and considered public testimony and made a recommendation to approve with suggested modifications to the City Council on February 18, 2010;

WHEREAS, the City Council conducted a Public Hearing on April 21 and June 23, 2010 and considered public testimony and adoption of the Cardiff-by-the-Sea Specific Plan, SP-5; and

WHEREAS, the City Council finds that the Cardiff-by-the-Sea Specific Plan is consistent with the adopted Local Coastal Plan (LCP) in that the Specific Plan addresses applicable goals, policies, and provisions of the LCP that pertain to land use, housing, public safety, resource management, recreation and noise, and the City Council thus adopted the Cardiff-by-the-Sea Specific Plan under City Council Ordinance 2010-03; and

WHEREAS, The City Council hereby adopts the Negative Declaration and certifies that the Negative Declaration for the Cardiff-by-the-Sea Specific Plan has been considered and is in compliance with the requirements and provisions of the California Environmental Quality Act (CEQA). The Negative Declaration was prepared and was circulated for public and agency review and comment from December 4, 2009 through January 4, 2010. An additional 30-day review period was extended from January 8, 2010 through February 8, 2010 and then presented for review and consideration by the Planning Commission prior to its consideration and recommendation to the City Council. The Negative Declaration is on file at the City of Encinitas as Case No. 04-266.

NOW, THEREFORE, the City Council of the City of Encinitas, in order to ensure that the Encinitas Municipal Code is made consistent with the adoption of the Cardiff-by-the-Sea Specific Plan, hereby ordains as follows:

SECTION 1. Title 30, Chapter 30.84 of the City of Encinitas Municipal Code, is hereby amended as shown in Attachment "1" to this Ordinance.

SECTION 2. The Zoning Map of the City of Encinitas is hereby amended to reflect the adoption of the Cardiff-by-the-Sea Specific Plan, noted on the map as SP-5, as shown in Attachment "2" to this Ordinance.

SECTION 3. This Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Planning and Building Director is hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for their review and adoption.

SECTION 4. Pursuant to the California Environmental Quality Act (CEQA), the City Council of the City of Encinitas has reviewed the proposed applications and has adopted a Negative Declaration finding, in its independent judgment, that the project will not have a significant effect on the environment;

SECTION 5. This Ordinance shall take effect on the date of adoption by the California Coastal Commission, but not sooner than thirty (30) days after its adoption by the City Council.

SECTION 6. This Ordinance was introduced on June 23, 2010.

PASSED AND ADOPTED this 21st day of July, 2010, by the following vote to wit:

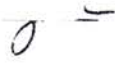
AYES: Bond, Dalager, Houlihan, Stocks.

NAYS: None.

ABSTAIN: None.

ABSENT: Barth.

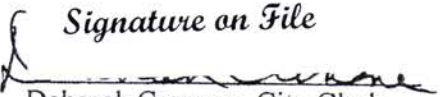
Signature on File

Dan Dalager, Mayor 
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2010-04 which has been published pursuant to law.

Signature on File


Deborah Cervone, City Clerk

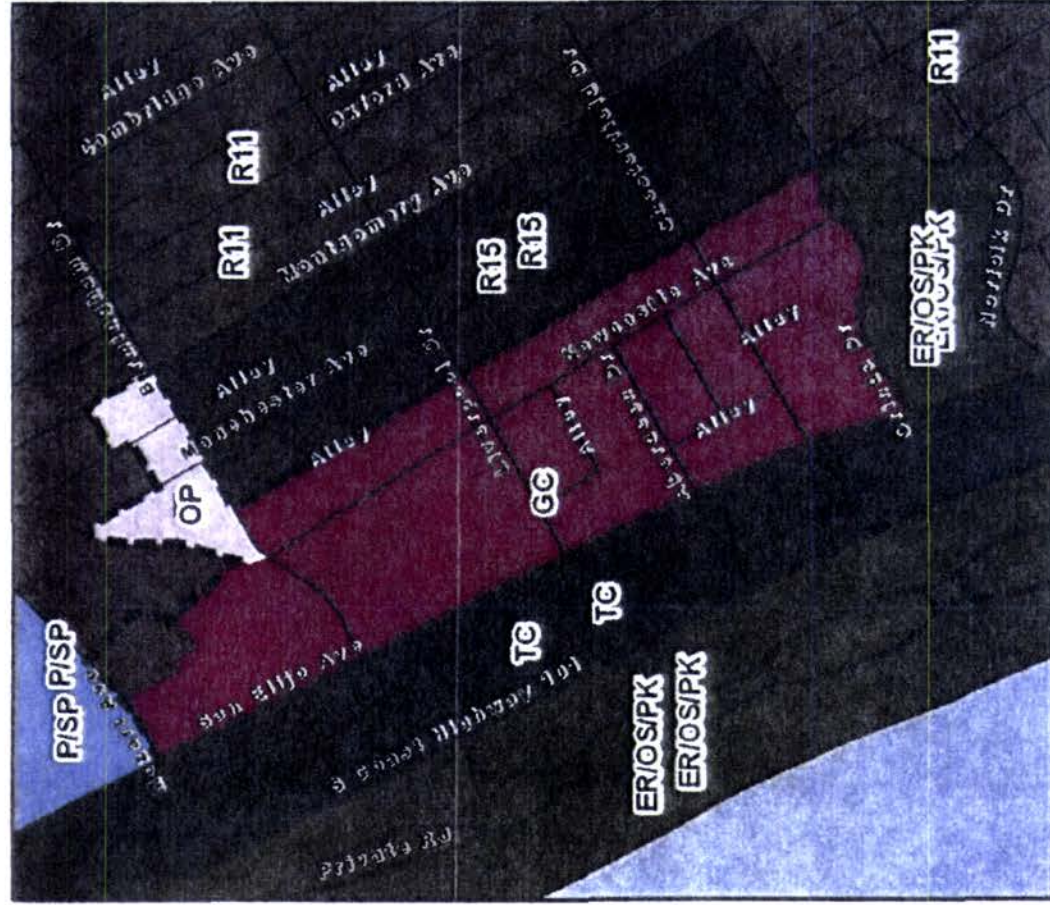
CHAPTER 30.84SPECIFIC PLANS

30.84.010 Purpose In order to address the unique characteristics of particular areas within Encinitas, and to achieve the purposes of this Code and of the General Plan of the City of Encinitas, the following specific plans have been adopted:

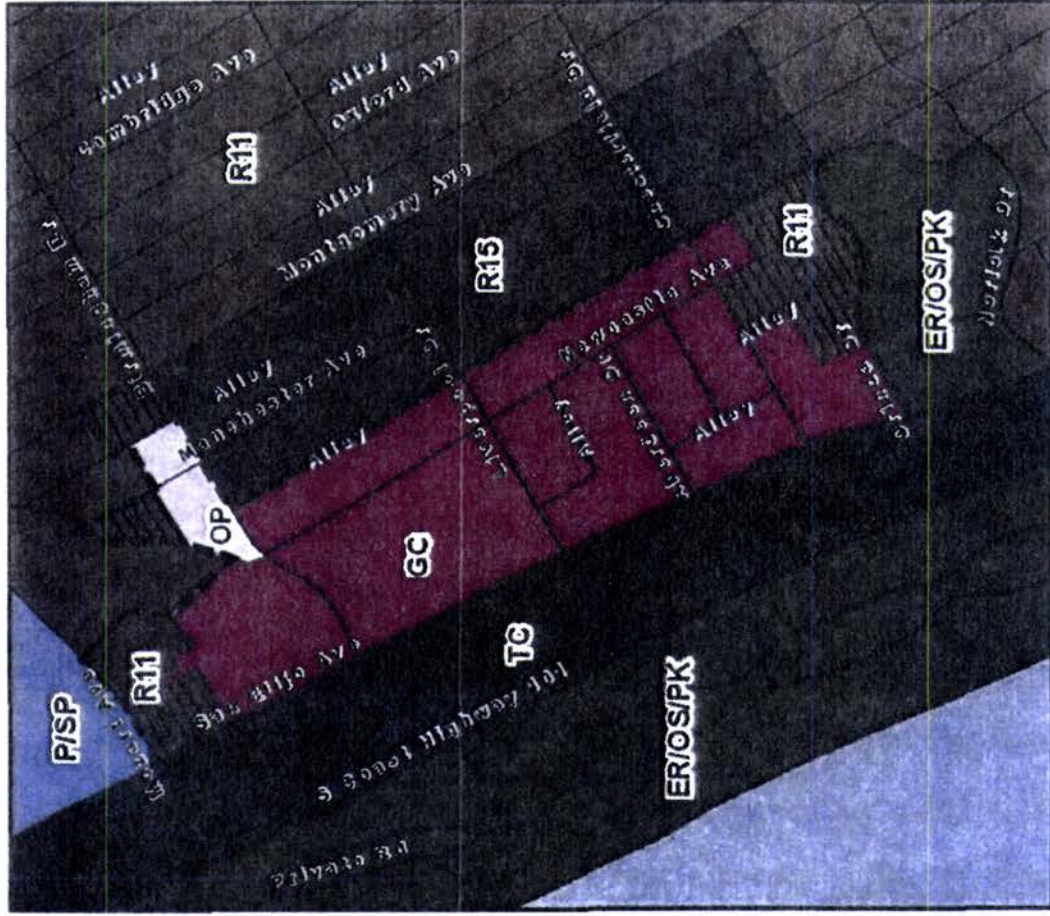
- A. SP1 - Home Depot Specific Plan (Ord. 93-17)
- B. SP2 - Downtown Encinitas Specific Plan (Ord. 93-21)
- C. SP3 - Encinitas Ranch Specific Plan (Ord. 94-08)
- D. SP4 - North 101 Corridor Specific Plan (Ord. 97-13)
- E. SP5 - Cardiff-by-the-Sea Specific Plan (Ord. 2010-03)

30.84.020 General Provisions Notwithstanding the provisions or standards set forth in Title 30 of this Code, individual specific plans may establish additional or separate provisions and standards for said plan area; and may adopt zones and amend the Zoning Map of the City of Encinitas. Refer to the texts and maps of individual specific plans referenced above for regulations within each plan's jurisdictional boundaries. (Ord. 94-02)

Encinitas General Plan Land Use Map



Existing General Plan Designation



Proposed General Plan Designation

Zoning Change



ORDINANCE 2010-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA ADOPTING THE CARDIFF-BY-THE-SEA SPECIFIC PLAN, SP-5; LOCATED BETWEEN THE WEST SIDE OF SAN ELIJO AVENUE AND THE WEST SIDE OF THE ALLEY BETWEEN NEWCASTLE AVENUE AND MANCHESTER AVENUE; AND FROM THE SOUTH SIDE OF MOZART AVENUE TO THE NORTH SIDE OF ORINDA DRIVE.

NOV 15 2010
California
San Diego
Planning Commission

CASE NUMBER: 04-266 GPA/SPA/LCPA/EIA

WHEREAS, the Planning Commission conducted a Public Hearing on January 21, February 4, and February 18, 2010 and considered public testimony and made a recommendation to approve with suggested modifications to the City Council on February 18, 2010;

WHEREAS, the City Council conducted a Public Hearing on April 21 and June 23, 2010 and considered public testimony and adoption of the Cardiff-by-the-Sea Specific Plan, SP-5; and

WHEREAS, the City Council finds that the Cardiff-by-the-Sea Specific Plan is consistent with the adopted Local Coastal Plan (LCP) in that the Specific Plan addresses applicable goals, policies, and provisions of the LCP that pertain to land use, housing, public safety, resource management, recreation and noise; and

WHEREAS, The City Council hereby adopts the Negative Declaration and certifies that the Negative Declaration for the Cardiff-by-the-Sea Specific Plan has been considered and is in compliance with the requirements and provisions of the California Environmental Quality Act (CEQA). The Negative Declaration was prepared and was circulated for public and agency review and comment from December 4, 2009 through January 4, 2010. An additional 30-day review period was extended from January 8, 2010 through February 8, 2010 and then presented for review and consideration by the Planning Commission prior to its consideration and recommendation to the City Council. The Negative Declaration is on file at the City of Encinitas as Case No. 04:266.

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

SECTION 1. The Cardiff-by-the-Sea Specific Plan (SP-5) is hereby adopted as shown in Attachment "1" to this Ordinance which includes the Cardiff-by-the-Sea Specific Plan text changes recommended by the Planning Commission. This Specific Plan is adopted for the purpose of implementing the Encinitas General Plan for the Specific Plan area.

SECTION 2. This Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Planning and Building Director is

hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for their review and adoption.

SECTION 3. Pursuant to the California Environmental Quality Act (CEQA), the City Council of the City of Encinitas has reviewed the proposed applications and has adopted a Negative Declaration finding, in its independent judgment, that the project will not have a significant effect on the environment;

SECTION 4. This Ordinance shall take effect on the date of adoption by the California Coastal Commission, but not sooner than thirty (30) days after its adoption by the City Council.

SECTION 5. This Ordinance was introduced on June 23, 2010.

PASSED AND ADOPTED this 21st day of July, 2010, by the following vote to wit:


AYES: Bond, Dalager, Houlihan, Stocks.

NAYS: None.

ABSTAIN: None.

ABSENT: Barth.

Signature on File

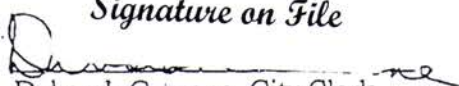


Dan Dalager, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2010-03 which has been published pursuant to law.

Signature on File



Deborah Cervone, City Clerk

