

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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August 22, 2012

W27a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR LCP
AMENDMENT #1-11A (Historic Viewsheds) and B (DESP On-street Parking) for
Commission Meeting of September 12-14, 2012**

SYNOPSIS

The subject LCP amendment was submitted and filed as complete on August 3, 2011; the submittal includes two unrelated amendments. The first component (LCPA #1-11A) involves revisions to both the City's certified land use plan (LUP) and implementation plan (IP) to establish provisions for the protection of historic viewsheds and then identifies the first such viewshed. The second component (LCPA #1-11B) involves revisions to the City's certified Downtown Encinitas Specific Plan (DESP) which was adopted as part of the City's implementation program at the time of the initial LCP certification. This report will address both components. A one year time extension was granted in September 2011. As such, the last date for Commission action on this item is this hearing.

SUMMARY OF AMENDMENT REQUEST

Part A of the amendment request involves revisions first to the Resource Management Element of the certified land use plan to add a new Policy 4.9 regarding historic viewsheds, re-number subsequent policies and amend the adopted Visual Resource Sensitivity Map to recognize the "Station White" Viewshed. In addition, the amendment then proposes a corollary change to the Municipal Code/IP by adding a new sub-section to Section 30.34.080, Scenic/Visual Corridor Overlay Zone, regarding Historic Viewsheds. These revisions are proposed to allow for the designation of historic viewsheds that are of cultural or historic significance to the community.

Part B of the amendment request involves revisions to the City's certified Downtown Encinitas Specific Plan (DESP), adopted as part of its implementation program. The proposed changes reflect the City's intent to maximize the availability of on-street parking along First and Second Streets by completing a restriping program for diagonal parking and providing an incentive for businesses to close driveways along these streets. The proposed revisions also include greater details regarding Streetscape Concepts and

specify such concepts may include, but are not limited to, restriping of on-street parking stalls; traffic flow modification and decorative pavement treatments.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission approve both of the proposed amendments as submitted. Relative to the establishment of Historic Viewsheds (Part A), these LUP and IP revisions serve to expand the scenic and cultural resource protection standards of the LCP and thus are consistent with Sections 30244 and 30251 of the Coastal Act. Relative to the DESP revisions (Part B), these proposals are focused on maximizing the availability of on-street public parking opportunities in the downtown core and continuing the City's efforts to improve circulation through the area. Given that First Street is also the Pacific Coast Highway/Old Highway 101, it is an important coastal access corridor both to the immediate shoreline and along the coast. The City's amendment serves to maximize public parking and also enhance the pedestrian orientation of the downtown business district. Therefore, for both elements, staff is recommending the Commission certify the proposed revisions as submitted.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendments as submitted begin on Page 7.

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) which included the Downtown Encinitas Specific Plan as part of the implementation program. The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits.

ADDITIONAL INFORMATION

Further information on the City of Encinitas LCP Amendment #1-11A and B may be obtained from Deborah Lee, District Manager, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances) which included the Downtown Encinitas Specific Plan as part of the 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.

In February 2010, the Commission approved, as submitted, LCP Amendment #3-08 which also involved the Downtown Encinitas Specific Plan. In that amendment, the City proposed, and the Commission endorsed, additional provisions on the ground floor uses along the First Street Corridor (Highway 101) to prioritize retail and pedestrian-oriented services in order to encourage a pedestrian-oriented environment. The approved amendment also included additional regulations to control accessory and non-conforming uses. Non-conforming uses would be abated if the use was discontinued for more than a year.

In November 2011, the Commission also approved, as submitted, LCP Amendment #2-10A (DESP Historic Preservation Overlay) and B (Valet Parking) which involved two unrelated items. In that amendment, the City proposed, and the Commission endorsed, the establishment of a Historic Preservation Overlay in the DESP to encourage the retention and adaptive reuse of historic structures in the downtown area. The second element of the amendment request sought to allow valet parking, with or without a charge, upon issuance of a Minor Use Permit where the certified LCP then only allowed valet parking as a free service. The Commission approved the request as submitted finding the Minor Use Permit served as an appropriate mechanism to assure that adequate off-street parking was provided and there were no spillover effects.

B. 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 and conforms to 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. (14 CCR § 13542.)

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the proposed land use plan amendment is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. 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.

- I. MOTION:** *I move that the Commission certify the Land Use Plan Amendment #1-11A for the City of Encinitas as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS
SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the City of Encinitas as submitted and adopts the findings set forth below on grounds that the land use plan amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment.

II. MOTION: *I move that the Commission reject the Implementation Program Amendment #1-11A and B for the City of Encinitas as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS
SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of Encinitas as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS LAND
USE PLAN AMENDMENT NO. 1-11A (Historic Viewsheds), AS
SUBMITTED**

A. AMENDMENT DESCRIPTION

The first element of the proposed amendment request (Part A) involves revisions to the Resource Management Element of the certified land use plan to add a new Policy 4.9 regarding historic viewsheds, re-number subsequent policies and amend the adopted Visual Resource Sensitivity Map to recognize the “Station White” Viewshed. Specifically, as shown in the attached exhibits, Policy 4.9 would be incorporated within the “Community Views, Vistas, and Aesthetic Qualities” section of the Resource Management Element under Goal 4. Policy 4.9, as proposed, would read: “The City will designate historic viewsheds in order to preserve historical views which represent a significant cultural or historic resource to the community. [...]” The new policy also then references the first historic viewshed, locally known as “Station White”, to be so designated and also amends Figure 3/Visual Resource Sensitivity Map of the LUP to illustrate the historic viewshed.

**B. CONFORMITY OF THE LAND USE PLAN AMENDMENT WITH
CHAPTER 3**

The standard of review for land use plans or their amendments is whether or not the proposed plan or plan amendment meets the requirements of and conforms to the Chapter 3 policies of the Coastal Act. In this case, such a finding can be made. The proposed revisions have been drafted to allow for the designation of historic viewsheds that are of cultural or historic significance to the community.

Relevant Chapter 3 Policy. The Coastal Act provides:

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, and, where feasible, to restore and enhance visual quality in visually degraded areas. [...]

In response to Section 30251 of the Coastal Act, the “Community Views, Vistas, and Aesthetic Qualities” section of the Resource Management Element was drafted and certified by the Commission to address the protection of public views and scenic resources. In the Introduction, it reads: “The importance of aesthetic resources in the City are underscored by local concerns that significant viewsheds be preserved. The City will undertake a program that involves the acquisition and development of sites for vista points and the establishment of a “Scenic/Visual Corridor Overlay” land use designation

which will ensure that existing views are not compromised by future development. [...]” GOAL 4 of this section then states “[t]he City, with the assistance of the State, Federal and Regional Agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points.” The section continues with specific policies that identify vista points, establish the “Scenic/Visual Corridor Overlay”, designate scenic highway/visual corridors and their viewsheds and establish design criteria for locations along or within identified view corridors or viewsheds. The design criteria include provisions for road design, building setbacks, sign controls, scale/massing, architectural relief and siting of structures to be subordinate to the natural topography.

The primary purpose of establishing historical viewsheds would be to ensure their preservation and, in this specific case, also acknowledge the importance of Station White as a cultural resource within the community. The new policy would provide that the City can designate historic viewsheds to preserve historical views which represent a significant cultural or historic resource to the community. In this amendment, the City also proposes to amend Figure 3 to designate the first site, known locally as “Station White.” Station White, located along Gascony Road in the Leucadia community of the city, was established as a Civilian Corps of Observation Post in 1942. The station, which had panoramic views of the Pacific Ocean, was staffed by local volunteers to alert the public of any approaching enemy aircraft or submarines. The site was identified as part of a previous subdivision and restrictions were imposed on the development to maintain much of the existing view and a plaque was installed to commemorate the location. Section 30251 provides for the preservation of public views to and along the ocean, as well as protecting the scenic amenities of coastal areas that contribute to a community’s character. These amendments would expand the current scope of viewshed protection within the certified LUP and serve to protect important cultural and scenic resources in conformance with Section 30251 of the Coastal Act. Therefore, the proposed land use plan amendment can be approved as submitted.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS IMPLEMENTATION PLAN AMENDMENTS, AS SUBMITTED

A. LCP AMENDMENT #1-11A/ HISTORIC VIEWSHEDS

1. AMENDMENT DESCRIPTION

In this amendment, to implement the establishment of Historic Viewsheds in the Resource Management Element of the certified LUP, the City proposes a corollary change to the Municipal Code/IP by adding a new sub-section to Section 30.34.080, Scenic/Visual Corridor Overlay Zone, regarding Historic Viewsheds. It would read as follows:

C. HISTORIC VIEWSHEDS. Potential historic viewsheds are defined on a case-by-case basis to ensure the preservation of resources which have been found to be

of cultural or historic significance to the community. The Planning Commission shall be the authorized agency for reviewing and designating Historic Viewsheds via Resolution, based on written descriptions, survey information, photos, maps or illustrations in accordance with General Plan Resource Management Element Policy 4.9.”

2. FINDINGS FOR APPROVAL

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 or the certified LUP, as amended.

a) **Purpose and Intent of the Ordinance.** The purpose and intent of the ordinance is to provide regulations for properties within a Scenic View Corridor along Scenic Highways or adjacent to Significant Viewsheds and Vista Points as identified on the Visual Resource Sensitivity Map of the certified LUP. The proposed amendment would add Historic Viewsheds as another property designation where development regulations could be imposed to protect scenic views and cultural resources.

b) **Major Provisions of the Ordinance.** Section 30.34.080.B of the existing code provides that, when development is proposed on any property within the Scenic View Corridor Overlay Zone, consideration will be given to the overall visual impact of the proposed development and conditions may be imposed on the project’s bulk, mass, height, architectural design, grading and other visual factors. This evaluation will occur as part of the design review in the coastal development permitting process.

c) **Adequacy of the Ordinance to Implement the Certified LUP.**

The following policies are part of the certified LUP, as amended herein, and serve as the standard of review for this ordinance:

Resource Management Element

POLICY 4.9: The City will designate historic viewsheds in order to preserve historical views which represent a significant cultural or historic resource to the community. The following historic viewsheds will be developed and maintained as feasible:

- Station White

POLICY 4.10: It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds, historic viewsheds and vista points with the addition of the following design criteria: [...] (emphasis added)

POLICY 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.

The proposed amendment to Section 30.34.080, Scenic/Visual Corridor Overlay Zone, was specifically made to implement the amended land use plan provisions on historic viewsheds and provide the necessary parameters for the establishment of those viewsheds. The Commission thus finds the amendment request is consistent with and adequate to implement the certified LUP, as amended, and can therefore be approved as submitted.

**B. LCP AMENDMENT #1-11B/DOWNTOWN ENCINITAS SPECIFIC
PLAN ON-STREET PARKING**

1. AMENDMENT DESCRIPTION

The second element of the proposed amendment request (Part B) involves revisions to the City's certified Downtown Encinitas Specific Plan (DESP), adopted as part of its implementation program. The proposed changes reflect the City's intent to maximize the availability of on-street parking along First and Second Streets by completing a restriping program for diagonal parking and providing an incentive for businesses to close driveways along these streets. The proposed revisions also include greater details regarding Streetscape Concepts and specify such concepts may include, but are not limited to, restriping of on-street parking stalls; traffic flow modification and decorative pavement treatments. In addition, the City is deleting an existing provision that allowed on-street parking along Second Street and its adjacent side streets to be time-restricted to two hour time limits during daytime hours.

2. FINDINGS FOR APPROVAL

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. The Specific Plan area defines most of the original Encinitas community, a historic beach-oriented settlement in northern San Diego County. The stated purpose of the Specific Plan is to treat the unique aspects, problems and opportunities of the Downtown Encinitas area; to maintain its identity, community character and scale, while fostering rehabilitation and economic revitalization.

b) Major Provisions of the Ordinance. The major provisions of Ordinance No. 2011-05 are as follows:

- To increase the on-street parking yield, mandates the closure of driveways along First and Second Streets unless it is demonstrated that the closure is not feasible;
- Deletes provision for two hour time restrictions on street parking along Second Street and its adjacent side streets;

- Clarifies that the existing proportional parking credit available for non-residential uses is based on the existing supply of on street spaces, rather than after a restriping program has been implemented;
- Establishes a proportional parking credit for non-residential uses that do pursue a driveway closure along First and Second Streets and provides examples and illustrations of such allocations; and
- Provides an expanded explanation of the Streetscape Concepts to specify the inclusion of the restriping program, modification of traffic flow and pavement treatment options.

c) Adequacy of the Ordinance to Implement the Certified LUP.

The following policies are part of the certified LUP, which are the standard of review for this ordinance, and are particularly relevant to promoting visitor uses and coastal access:

Land Use Element

POLICY 1.14: The City will maintain and enhance the Highway 101 commercial corridor by providing appropriate community-serving tourist-related and pedestrian-oriented uses.

Circulation Element

GOAL 1: ENCINITAS SHOULD HAVE A TRANSPORTATION SYSTEM THAT IS SAFE, CONVENIENT AND EFFICIENT, AND SENSITIVE TO AND COMPATIBLE WITH SURROUNDING COMMUNITY CHARACTER.

POLICY 1.4: Require, where feasible, interconnecting offstreet pedestrian and vehicular circulation between adjacent commercial and office land uses. This policy should be required along major transportation corridors to minimize traffic conflicts associated with pedestrian and vehicular movement to and from these properties.

POLICY 1.9: Minimize private driveway access onto both major and collector roads.

POLICY 1.12: The City will promote increased off-street parking for existing and future commercial and residential uses in the near coast areas, 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. [...]

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

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

The overall intent of the Downtown Encinitas Specific Plan is to maintain and enhance pedestrian-activities and the economic viability of the City's downtown environment, as well as preserve the community character within the various subdistricts. As noted above, the Downtown Encinitas Specific Plan was certified with the original certification of the City's LCP in 1995. The DESP established nine subdistricts and provides for a broad mix of commercial uses, including general commercial, visitor commercial and office professional mixed use zones which also allow residential uses as a secondary use.

The DESP covers approximately 200 acres situated in the downtown core of the City of Encinitas, bounded roughly by Encinitas Blvd and Moonlight Beach Park on the north; Cornish Drive on the east; K Street to the south and the Pacific Ocean, beach and bluffs to the west. First Street/Old Highway 101 and the rail corridor run through the plan area. The proposed amendment focuses primarily on the parking regulations for First and Second Streets in the DESP; given that First Street is also Old Highway 101, it is a major coastal access corridor and warrants careful treatment. The Specific Plan was originally certified with the inclusion of mixed use zones in the commercial districts with the intent to provide a balanced mix of commercial uses that would serve both area residents and visitors. Commercial zones within the specific plan area were also custom-tailored to encourage the rehabilitation of existing buildings. Setbacks, minimum lot sizes, landscape and parking requirements were reduced in order to support a more realistic redevelopment of existing properties.

As part of the Specific Plan's design to encourage rehabilitation of existing buildings along the First and Second Street corridors, a number of objectives and provisions were established including mandated use of alley access, where available; interconnected parking areas and shared access points; maintenance of uniform street frontages to support a pedestrian orientation and lot consolidation was discouraged. Relative to parking regulations, although the adopted off-street parking standards are conservative, there were credits provided only for non-residential uses to count the street spaces in front of their sites against their off-street parking requirement. The credit is based on a site's proportional extent of street frontage on the block and all the on-street parking remains public parking. No business can ever reserve or have exclusive use of any on-street parking.

The original certification of the Specific Plan endorsed this provision and the currently proposed amendment augments it in two ways. First, to provide an incentive for businesses to close existing driveways and thus maximize available street parking, the amendment expands the existing parking credit for driveway closures and the property owner would receive proportional credit for the number of street spaces created against their otherwise required off-street parking. Similar to the existing provisions, all on-street parking remains for public use only. Second, the adopted Specific Plan already includes a plan to gain street parking spaces by considering a diagonal restriping program along First and Second Streets. The proposed plan amendment clarifies that the original on-street parking credit available to businesses is predicated on the number of street spaces currently existing on these streets, as opposed to the number potentially available

after any restriping program is completed. This approach is a conservative one that appropriately balances the City's desire to encourage rehabilitation of existing structures while ensuring an adequate supply of public parking is maintained for business patrons and coastal visitors. The certified LUP provisions clearly encourage the closure of driveways to maximize available public parking and the subject amendment specifically mandates measures to accomplish that objective.

The other subject of this amendment involves the Streetscape Concepts section of the Specific Plan. In this portion of the amendment, the City's proposed language clarifies that the streetscape concepts are only concepts and they are subject to change by the City Council. The language continues to provide examples of these concepts and specifies they may include, but are not limited to, restriping programs, modification of traffic flows and decorative pavement treatments. Although revisions to the streetscape concepts are subject to City Council adoption, the Commission also notes that any revisions to the certified Specific Plan would also require an LCP amendment. In addition, given the importance of the First Street/Old Highway 101 corridor as a major coastal access route, any modifications to it, including but not limited to, lane reductions, alterations to the direction of traffic flow and intersection improvements would also necessitate an LCP amendment. With that understanding, these revisions can be found to conform with the certified land use plan and adequate to implement it. The proposed revisions will encourage and support the pedestrian nature of the downtown core consistent with the certified land use plan. As such, the Commission finds the implementation plan amendment to the Downtown Encinitas Specific Plan can be approved as submitted.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The proposed amendments expand the protection of cultural and scenic resources through the establishment of historic viewsheds. In addition, within the downtown area, on-street public parking opportunities will be maximized to both promote coastal access and support visitor commercial uses. No adverse impacts to coastal resources are expected and the Commission therefore finds the subject amendments conform with CEQA provisions.

RESOLUTION 2011-04

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING POLICY 4.9 AND FIGURE 3 OF THE
RESOURCE MANAGEMENT ELEMENT OF THE GENERAL PLAN TO ADD A
POLICY REGARDING HISTORIC VIEWSHEDS AND AMENDING THE VISUAL
RESOURCE SENSITIVITY MAP TO INCLUDE THE STATION WHITE VIEWSHED.
CASE NUMBER: 07-124 GPA/ZCA/LCPA**

WHEREAS, the City Council conducted a Public Hearing on August 15, 2007 and authorized staff to process an amendment to the General Plan and Local Coastal Program to establish a new policy for significant historical viewsheds and list Station White; and

WHEREAS, the Planning Commission conducted a Public Hearing on January 20, 2011, considered public testimony and made a recommendation to approve the amendment to the City Council; and

WHEREAS, the City Council finds that the Resource Management Element of the General Plan should be amended to add Policy 4.9 regarding historic viewsheds and amend the Visual Resource Sensitivity Map to include the Station White Viewshed; and

WHEREAS, the City Council finds that the amendment is consistent with the adopted Local Coastal Program in that the amendment allows for the designation of historic viewsheds which are of cultural or historic significance to the community; and

WHEREAS, this action is consistent with the General Plan, Local Coastal Program and Municipal Code; and

WHEREAS, the Resource Management Element of the General Plan recognizes the importance of aesthetic resources in the City and that significant viewsheds should be preserved; and

WHEREAS, the proposed amendment adds another designation for the preservation of significant views by addressing viewsheds with historical importance; and

WHEREAS, adding Section 30.34.080C to the Municipal Code and Local Coastal Program provides more detail as to the parameters of the establishment of historic viewsheds, as set forth in concurrent Ordinance No. 2011-01; and

WHEREAS, no other General Plan, Local Coastal Program or Municipal Code sections were found to be in conflict with this amendment.

*Encinitas LCPA
#1-11A
Historic Viewsheds LUP*

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas hereby amends the Resource Management Element of the General Plan by adding Policy 4.9 and renumbering the subsequent policies as follows:

See Attachment "A"

BE IT FURTHER RESOLVED that the City Council hereby amends Figure 3 of the Resource Management Element of the General Plan as follows:

See Attachment "B"

BE IT FURTHER RESOLVED that the City Council, in its independent judgment, finds that the amendments are exempt from environmental review pursuant to Section 15308 of the California Environmental Quality Act, which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

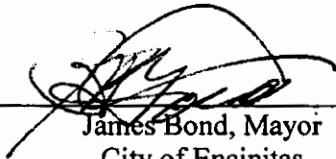
PASSED AND ADOPTED this 9th day of March, 2011 by the following vote to wit:

AYES: Barth, Bond, Gaspar, Houlihan, Stocks.

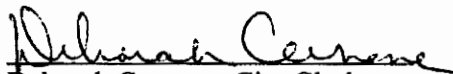
NAYS: None.

ABSTAIN: None.

ABSENT: None.


James Bond, Mayor
City of Encinitas

ATTEST:


Deborah Cervone, City Clerk

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

City Council Resolution No. 2011-04
Attachment "A"

POLICY 4.9: The City will designate historic viewsheds in order to preserve historical views which represent a significant cultural or historic resource to the community. The following historic viewsheds will be developed and maintained as feasible:

- Station White

POLICY 4.910: It is intended that development would be subject to the design review provisions of the Scenic/ Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds, historic viewsheds and vista points with the addition of the following design criteria:

- Road Design

- Type and physical characteristics of roadway should be compatible with natural character of corridor, and with the scenic highway function.

- Development Design

- Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
- Off-site signage should be prohibited and existing billboards removed.
- Development should be minimized and regulated along any bluff silhouette line or on adjacent slopes within view of the lagoon areas and Escondido Creek.
- Where possible, development should be placed and set back from the bases of bluffs, and similarly, set back from bluff or ridge top silhouette lines; shall leave lagoon areas and floodplains open, and shall be sited to provide unobstructed view corridors from the nearest scenic highway.
- Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment. (Coastal Act/30251/30253)

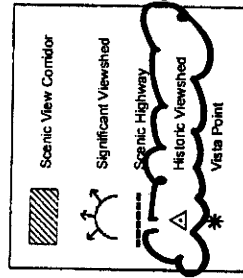
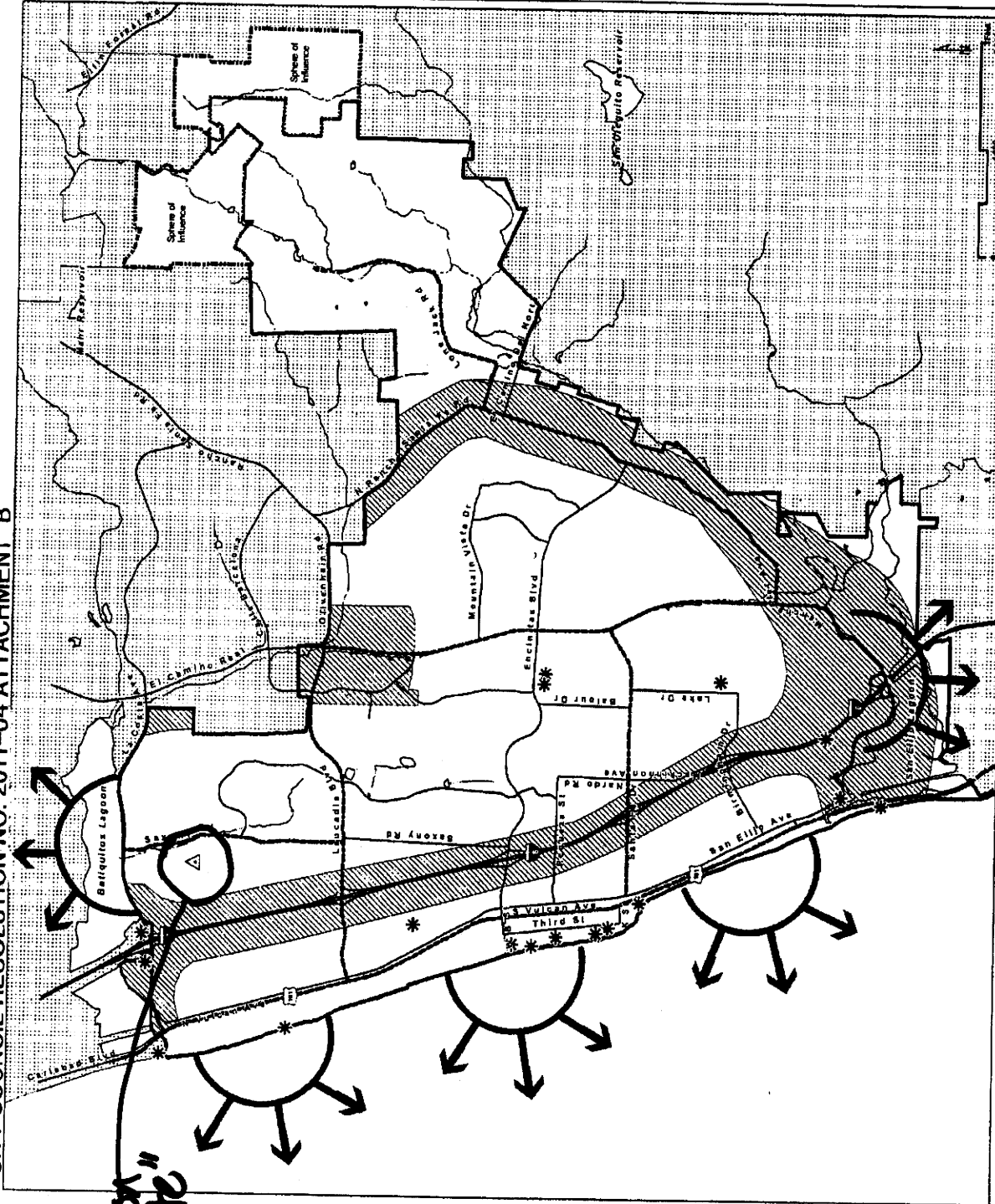
POLICY 4.4011: The City will develop a program to preserve views that also preserves the appropriate vegetation and removes obstacles that impact views. Trees and vegetation which are themselves part of the view quality along the public right-of-way will be retained. (Coastal Act/30251)

"Station"
"White"



Encinitas General Plan

Figure 3
Visual Resource Sensitivity



DISCLAIMER:
This map should not be used for Engineering, Survey, or Site-Specific Analysis.
The map is intended to provide a general overview of the city's visual resources and is not intended to be used for engineering, survey, or site-specific analysis. The map is intended to provide a general overview of the city's visual resources and is not intended to be used for engineering, survey, or site-specific analysis.

RECEIVED

AUG 08 2011

ORDINANCE 2011-01

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING SECTION 30.34.080,
SCENIC/VISUAL CORRIDOR OVERLAY ZONE, OF THE MUNICIPAL CODE.
CASE NUMBER: 07-124 GPA/ZCA/LCPA

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

WHEREAS, on August 15, 2007, the City Council directed staff to move forward with amendments to establish a historic viewshed designation; and

WHEREAS, the Planning Commission conducted a Public Hearing and considered public testimony and made a recommendation to approve the amendment to the City Council on January 20, 2011; and

WHEREAS, the City Council finds that Section 30.34.080 of the Municipal Code should be amended to include a historic viewshed section; and

WHEREAS, this action is consistent with the General Plan, Municipal Code and the Local Coastal Program; and

WHEREAS, the Resource Management Element of the General Plan and Local Coastal Program recognizes the importance of aesthetic resources in the City and that significant viewsheds should be preserved; and

WHEREAS, the amendment is consistent with the adopted Local Coastal Program in that the amendment allows for the designation of historic viewsheds which are of cultural or historic significance to the community; and

WHEREAS, the proposed amendment adds another designation for the preservation of significant views by addressing viewsheds with historical importance (as provided for in concurrent Resolution 2011-04); and

WHEREAS, adding Section 30.34.080C to the Municipal Code and Local Coastal Program provides more detail as to the parameters of the establishment of historic viewsheds; and

WHEREAS, no other General Plan or Local Coastal Program policies were found to be in conflict with this amendment.

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

SECTION ONE:



Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code is hereby amended to add Section 30.34.080C as follows:

C. HISTORIC VIEWSHEDS. Potential historic viewsheds are defined on a case-by case basis to ensure the preservation of resources which have been found to be of cultural or historic significance to the community. The Planning Commission shall be the authorized agency for reviewing and designating Historic Viewsheds via Resolution.

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Historic Viewsheds IP

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based on written descriptions, survey information, photos, maps or illustrations in accordance with General Plan Resource Management Element Policy 4.9.

SECTION TWO:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment, that the amendments are exempt from environmental review pursuant to Section 15308 of the California Environmental Quality Act, which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION THREE:

This ordinance was introduced on March 9, 2011.

SECTION FOUR:

PUBLIC NOTICE AND EFFECTIVE DATE. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five 5 days prior to consideration of its adoption and again within fifteen 15 days following adoption indicating the votes cast. This ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas.

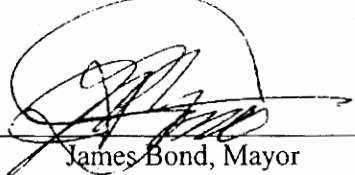
PASSED AND ADOPTED this 13th day of April, 2011 by the following vote to wit:

AYES: Barth, Bond, Gaspar, Houlihan, Stocks.

NAYS: None.

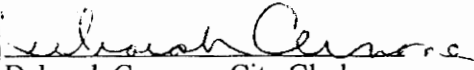
ABSTAIN: None.

ABSENT: None.


James Bond, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2011-01 which has been published pursuant to law.


Deborah Cervone, City Clerk

ORDINANCE NO. 2011-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING
THE DOWNTOWN ENCINITAS SPECIFIC PLAN
AND LOCAL COASTAL PLAN TO MODIFY ON-
STREET PARKING OPTIONS WITHIN THE
DOWNTOWN ENCINITAS SPECIFIC PLAN.**

CASE NUMBER: 10-174 LCPA/SPA

WHEREAS, the Planning Commission conducted Public Hearings on December 16, 2010 and April 7, 2011 and considered public testimony and made a recommendation to approve the amendments to the City Council on April 7, 2011;

WHEREAS, the City Council conducted a Public Hearing on May 25, 2011 and considered public testimony and considered introduction of Ordinance No. 2011-05; and

WHEREAS, the City Council finds that the amendments to the Downtown Encinitas Specific Plan are consistent with the adopted Local Coastal Plan (LCP) applicable goals, policies, and provisions of the LCP that pertain to land use, housing, public safety, resource management, recreation, noise and with the increase of on-street parking results in improving overall access to the coast; and

WHEREAS, The City Council finds the project is exempt from the California Environmental Quality Act (CEQA) as per Section 15061(b)(3) of the CEQA Guidelines, which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

SECTION 1. The DESP and LCP amended language as follows:

See Attachment "1"

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: Environmental Finding: The City Council finds in its independent judgment, that the amendments are exempt from the California Environmental Quality Act (CEQA) as per Section 15061(b)(3) of the CEQA Guidelines, which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment;

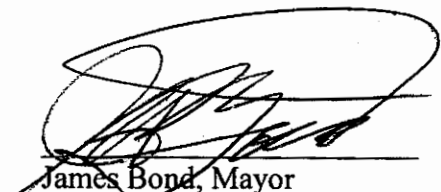
*Encinitas LCPA
#1-11B/DESP
Implementation Plan
revisions*

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 May 25, 2011.

PASSED AND ADOPTED this 15th day of June, 2011 by the following vote to wit:


AYES:	Barth, Bond, Gaspar, Houlihan, Stocks
NAYS:	None
ABSTAIN:	None
ABSENT:	None



James Bond, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2011-05 which has been published pursuant to law.



Deborah Cervone, City Clerk

ORDINANCE NO. 2011-05

Attachment "1"

First & Second Street Parking Amendments

Section 3.3.2.D Parking Strategies (page 3 □ 78; Modify as identified below)

D. First Street Corridor Subdistrict

- The second strategy is to allow on-street parking which is immediately adjacent to a development site to count toward the parking requirement for uses on that site. Usually, parking requirements must be satisfied exclusively by off-street (on-site) parking. This is because of the frequent need to restrict or remove on-street parking in commercial districts over time, as build-out occurs and traffic patterns change. In the Downtown Encinitas area, however, the pattern of development is largely established on First Street, and reliable predictions of future build-out traffic levels are provided. On-street parking on First Street and its side streets is established and will not be required to be removed. This provides a reliable resource of parking which, even if time-restricted, is available for customer use.

This specific plan allows adjacent on-street parking to be proportionally counted toward the parking requirements for commercial and office uses (reference Parking Standards, Section 3.3.3). Related to this, this plan also calls for the pattern of angled parking on First Street to be carried further south, and to be re-stripped to city standards to provide the maximum number of spaces (see Chapter 4.0, streetscape plan for First Street and Chapter 11.0, capital improvement plans for First Street). Parking on First Street is required to be time-restricted to a two-hour limit to insure availability for customer use.

- To increase the on-street parking yield, driveways shall be closed along the corridor unless demonstrated that the closure is not feasible. The closing of driveways over time creates a significant benefit in the form of additional on-street public parking along the First Street corridor.

Section 3.3.2.E Parking Strategies (page 3 □ 80; Modify as identified below)

E. Second Street Corridor Subdistrict

Second Street Corridor Subdistrict, along with First Street, is provided with several parking strategies for land uses to take advantage of.

- ~~#~~ The revised parking ratios under this specific plan will be applied to commercial and offices uses along Second Street.
- ~~#~~ Commercial and office uses in this subdistrict also are allowed to proportionally count on-street parking toward their parking requirement.
- ~~#~~ To increase the yield of on-street parking ~~from the strategy mentioned above~~, the streetscape plan for the Second Street corridor includes ~~a re-striping to create diagonal parking along the east side of the street~~ the greatest gain of on-street parking consistent with City practices. The closing of driveways created over time creates a significant benefit in the form of additional on-street public parking. Driveways shall be closed along the corridor unless demonstrated that the closure is not be feasible.
- ~~#~~ ~~On-street parking along Second Street and its adjacent side streets is to be time-restricted to a two-hour limit during daytime hours to maximize this parking pool for customer convenience.~~
- ~~#~~ As with First Street, a parking incentive is provided for the remodeling and reuse of existing buildings along Second Street.
- ~~#~~ The parking incentive for dwelling units guaranteed as affordable to low or very low income households applies in the Second Street corridor as well as First Street. This applies to units in mixed commercial-residential developments and in stand-alone residential projects. Note that parking required for residential uses in this subdistrict must be provided exclusively off-street. Please refer to the discussion above under First Street Corridor Subdistrict for further details of these parking strategies.
- ~~#~~ A Downtown Encinitas commercial parking district, if established, may apply to Second Street as well as First Street.

Section 3.3.3.C.3 Parking Standards (page 3 □ 85; Modify as identified below)

3. First Street Corridor and Second Street Corridor Subdistricts, Zones D-CM-1 and D-CM-2: The following parking provisions apply to non-residential uses, only. Notwithstanding these provisions, the maximum number of parking spaces shall be provided for each development site, to the maximum number possible based on current site development standards, not to exceed the number required by the schedule of required parking above.

a. A proportional share of on-street parking shall be counted toward the required number of parking spaces for non-residential uses for a development site, as follows: For each block face on which the development has street frontage, the total number of on-street parking spaces ~~after completion of all street improvements under this specific plan~~ shall be calculated. For each frontage, the development site shall count towards its non-residential parking requirement its share of existing on-street spaces based on the proportion of street frontage on that block.

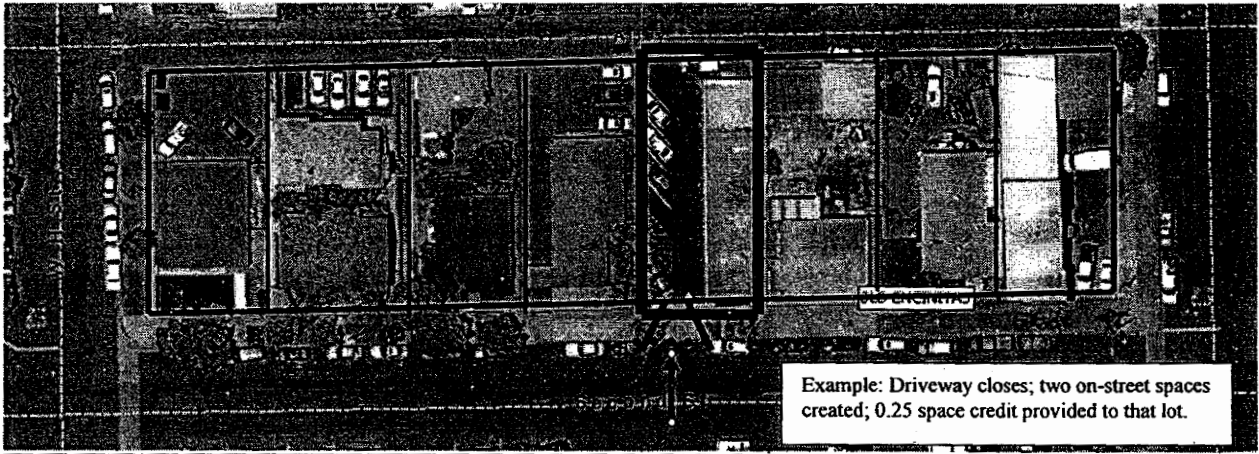
b. To increase the overall yield of on-street parking, the City, through the Engineering Services Department, can initiate a 'Restriping Program'.

1. Restriping Program: The City Council can establish the parking supply counts of on-street parking for each block face within these corridors by resolution upon a City initiated Restriping Program or similar Capital Improvement Project. The resolution shall establish an allocation of existing on-street parking pursuant to the paragraph 3(a) above. Any increase of on-street parking resulting from re-striping of any block face (per applicable City standards) shall not be counted for proportional share calculations of on-street parking. Any reduction of on-street parking shall not reduce the proportional share calculations set by City Council resolution.

2. In addition to the proportional share of parking set in the Restriping Program resolution (outlined in b.1 above), an additional on-street parking credit shall be given for closing driveways for non-residential properties. Only those non-residential properties that close a driveway shall receive a proportional share of parking credit of the resulting on-street parking stalls gained. This shall only occur after the Restriping Program has been established by resolution. The remaining portional share of on-street parking, which is not gained by the development for its proportional share allocation, shall be used as general public parking.

(Modify as identified below. Line up with Section 3.3.3.C.3.b above).

The following example helps to illustrate proportional share of parking credit for driveway closures as outlined above:



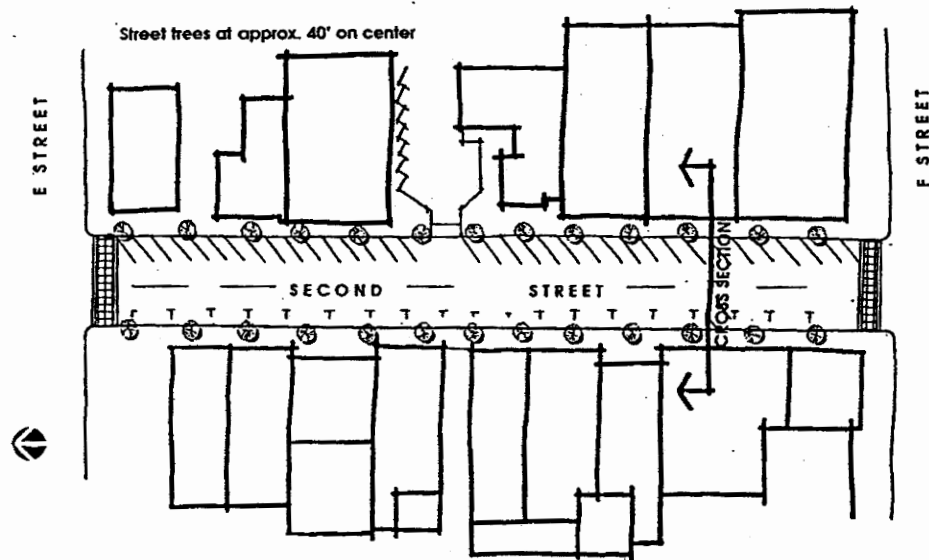
In a typical block within First and Second Street of the Downtown Encinitas Specific Plan, there are typically eight 50-foot wide lots per block. If the driveway closure results in a gain of two spaces on that block, the non-residential property's proportional share allocation would gain a 1/8 credit (or 0.25 space credit) of the two parking stalls gained for that block face. The remaining 7/8 credit (or 1.75 space credit) would be used for general public parking and not be considered on-street parking credit for other lots on that block.

The parking credit for driveway closures is based on the non-residential properties proportional share allocation on that block and is not fixed at a 1/8 credit (or 0.25 space credit). If the frontage for the non-residential lot is more or less than the typical 50-foot wide frontage (for example 100 feet or 25 feet of frontage) then the proportional share allocation would be adjusted accordingly, 1/4 credit or 1/16 credit (or 0.50 or 0.125 space credit), respectively, and the remaining credit would be used for general public parking and not be considered on-street parking credit for other lots on that block.

4.7.2 Applicability (page 4 □ 65; Modify as identified below)

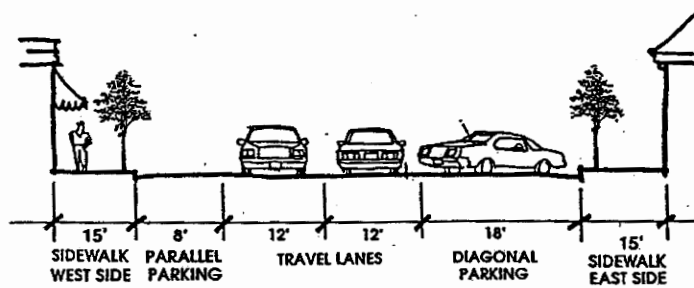
The Streetscape Concepts provided in this section apply to all designated areas of the public rights-of-way within the Specific Plan Area. These are concepts only. They provide the design criteria that the City and future developers will follow in the preparation of plans for improvement of the various rights-of-way. When improvement of designated streets or portions of rights-of-way is proposed by the City, or required of any developer or agency in conjunction with land use or other development, such improvement shall be consistent with these streetscape concepts. These concepts (as noted in Section 4.7.4 Street Design Concepts of this Specific Plan) may be modified by City Council resolution as initiated by the City Engineer in a Restriping Program. Examples of modifications to these concepts include (but are not limited to) the re-striping of on-street parking stalls within the plan, modification of traffic flow (example: allowing one-way traffic flow), and modifications to and/or removal of decorative pavement treatment consistent with City standards. Consistent with City regulations, requirements to install street improvements may be satisfied by ~~convenient~~covenant, lien, and/or other applicable measure(s) when it is determined that incremental improvements are inappropriate.

Section 4.7.4 Streetscape Design Concepts (page 4 □ 71; Modify as identified below)



Plan

Pavement texturing at crosswalks to match First Street design; ref. Fig. 6-l for textures/colors



Cross Section

***DOWNTOWN ENCINITAS
SPECIFIC PLAN***

**Second Street
Streetscape Concept**

Figure 6-e

The City shall have the right to re-stripe on-street parking at any time to allow for the greatest gain of parking consistent with City practices.

5.0 CIRCULATION PLAN (page 5 □ 1; Modify as identified below)

5.1 Introduction

This Circulation Element provides improvement standards intended to promote the efficient and safe movement of people and goods within the Downtown Encinitas Specific Plan area of the City of Encinitas. In addition, it establishes policies and programs which will ensure that all components of the transportation system meet the future transportation needs for the City. The Circulation Element addresses several aspects of circulation throughout the Plan Area.

- Streets and highways
- Transit facilities
- Bicycle facilities planning
- Pedestrian circulation

The Encinitas Traffic Analysis Model (ETAM), originally developed to support the production of the Circulation Element of the City's General Plan from 1987 to 1989, has been refined to focus on the plan area. The detailed analysis can be found in the Technical Appendix B, Sections II, III, and IV.

The Circulation Element identifies improvements for various streets and alleyways located within the plan area. These improvements will be in addition to the improvement standards provided in conjunction with the Streetscape Element- Concepts section (See Section 4.7) of the specific plan. The Streetscape Concepts section is a guidebook to be used by the City in revising its streetscape standards for the Downtown area and as a manual for informing private developers of some of their "off-site" improvement responsibilities. Section 4.7 is conceptual only as it relates to design standards of on-street parking striping methods. The City shall have the right to re-stripe on-street parking stalls at any time to allow for the greatest gain of parking consistent with City practices within this Specific Plan.

Parking strategies are addressed in the Use and Development Regulations section of the specific plan (See Section 3.3). The need for adequate parking adjacent to various businesses throughout the plan area is of paramount concern to the commercial districts.

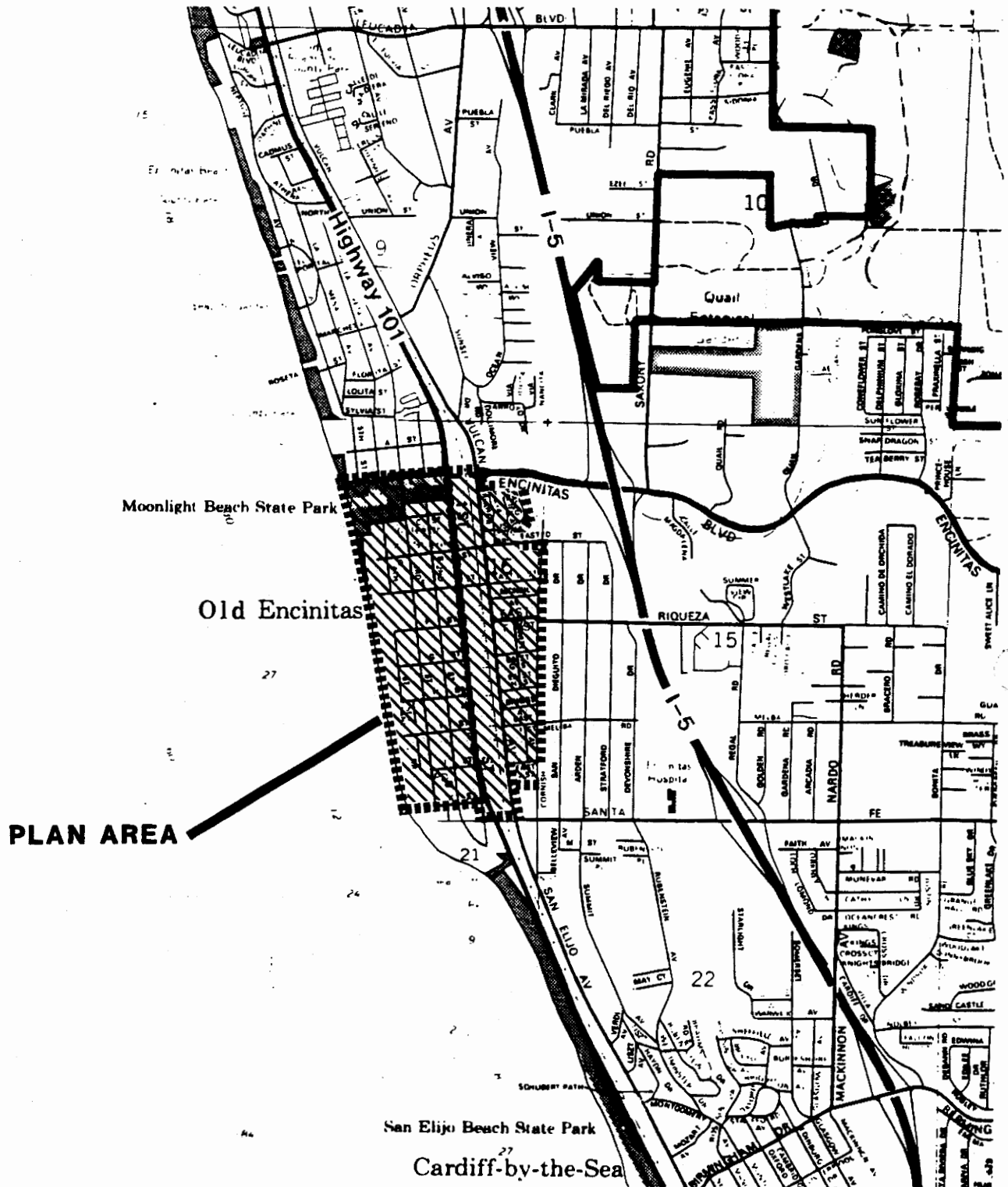
The Circulation Element examines the movement of pedestrians within the plan area with particular emphasis placed on traffic patterns related to the central business district.

The Circulation Element examines the current condition of the bikeway system/network located throughout the plan area and identifies deficiencies and improvements.

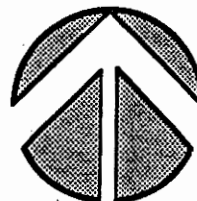


Encinitas LCPA #1-11A/B
regional map

VICINITY MAP



DOWNTOWN ENCINITAS SPECIFIC PLAN

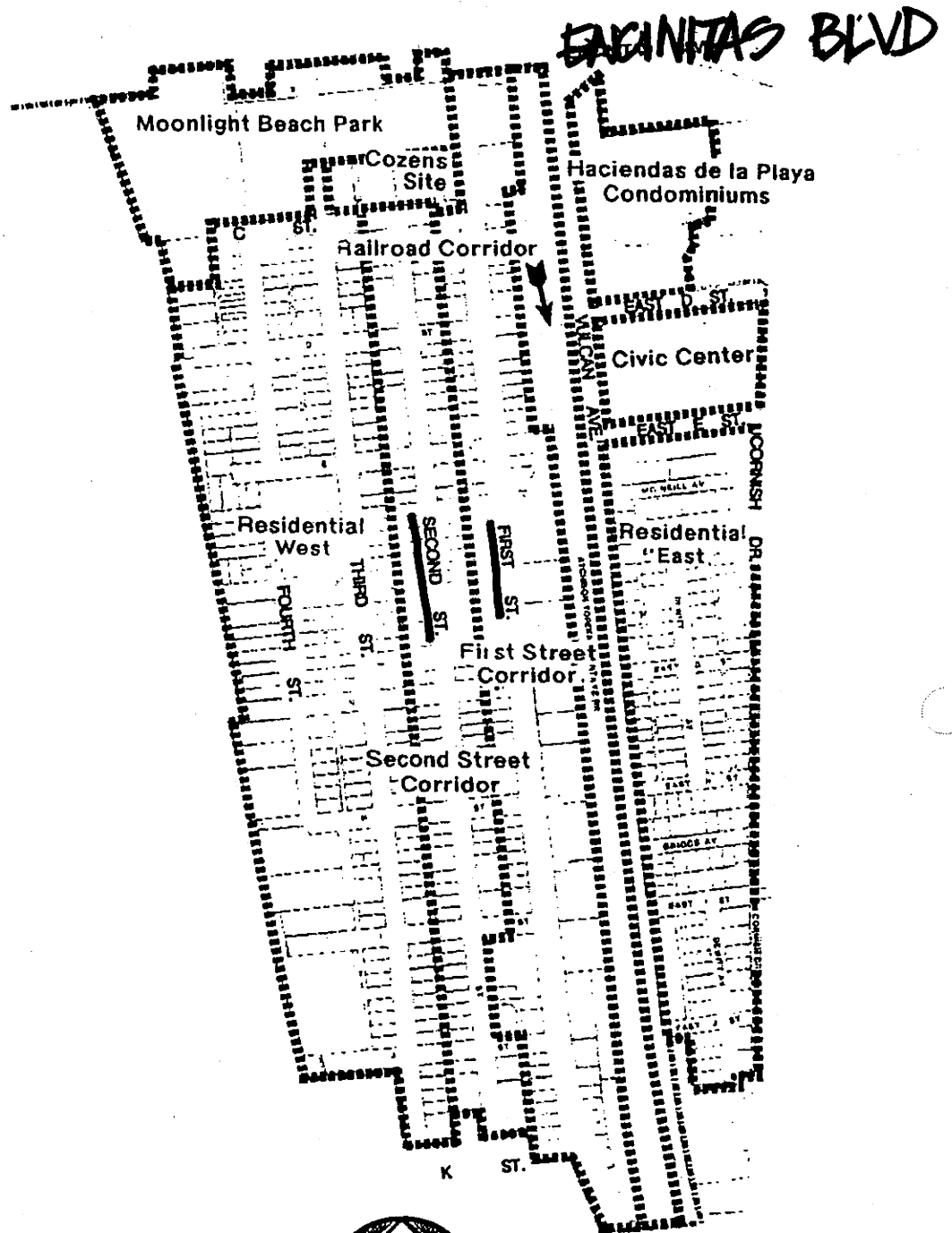


ENCINITAS
LCPA # 1-11B
No Scale

Figure 1

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SUBDISTRICTS



DOWNTOWN ENCINITAS SPECIFIC PLAN



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Figure 4

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