

**CALIFORNIA COASTAL COMMISSION**

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



September 28, 2018

**Th13h****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SD COAST DISTRICT  
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT  
ERIC STEVENS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR LCP  
AMENDMENT NO. LCP-6-ENC-18-0034-1 (North Coast Highway 101  
Streetscape) for Commission Meeting of October 11, 2018**

---

**SYNOPSIS**

The City of Encinitas submitted Local Coastal Program (LCP) Amendment No. LCP-6-ENC-18-0034-1 on April 27, 2018. The subject LCP amendment submittal is a project driven amendment to the City's Land Use Plan and one of its Implementation Plans to allow for the reduction in the number vehicular travel lanes on a portion of North Coast Highway 101. The submittal was filed as complete on June 21, 2018. This item was previously agendized and a staff report was published for the Commission's August 2018 hearing. However, the City requested that the item be postponed such that it could be heard at the same hearing as the Coastal Development Permit (CDP) Appeal for the North Highway 101 Streetscape Project. The Commission approved a one year time extension for the LCP amendment application at its September 2018 hearing. The date by which the Commission must take action is September 19, 2019. This report addresses the entire submittal.

**SUMMARY OF AMENDMENT REQUEST**

The City of Encinitas proposes revisions to the Circulation Element of the City's certified Land Use Plan (LUP) and to the North 101 Corridor Specific Plan, part of the certified LCP Implementation Plan (IP). Specifically, the City is proposing to add text to Figure 1 of the Circulation Element of the certified LUP. The LUP figure depicts and describes four different roadway classifications, which include Prime Arterial, Major Arterial, Collector, and Local. The LUP figure also includes an existing note which states that "*Variation in right-of-way width and specific roadway improvements will occur within each of the roadway classifications, based on existing conditions and other factors.*" The City's proposed LUP amendment would add the following text to the existing note on the figure: "*See Specific Plans for road section requirements.*"

For the IP amendment, the City is also proposing to modify Figure 5-C of the North 101 Corridor Specific Plan. The specific plan figure depicts a cross section of North Highway 101 and includes general widths for the sidewalk, parking, bike lanes, travel lanes and the median. The City's proposed IP amendment would add a new text note to the figure that states "*Note: Variation in right-of-way width and specific roadway improvements will occur within North Coast Highway 101 as set forth in the Circulation Plan of the Circulation Element of the General Plan. As part of the variation, the number of travel lanes may be reduced as long as the operational characteristics of the intersections are adequate.*" This LCP amendment was proposed in order to facilitate a project that includes the reduction of vehicular travel lanes on North Coast Highway 101 from two vehicular lanes in each direction to one vehicular lane in each direction from La Costa Avenue to A Street, extending approximately 2.5 miles.

The City has already approved a coastal development permit for the reduction in vehicular lanes on North Coast Highway 101. In addition to the proposed lane reductions, the approved project also includes the addition of bike lanes on both sides of the roadway, six new roundabouts, crosswalks, a new median, bus turnout bays, new sidewalks and three parking bays along the east side of Highway 101, improvements to the existing sidewalk on the west side of Coast Highway 101, new landscaping, storm water treatment improvements and other revisions to existing on and off street parking along Highway 101. The City's CDP approval was appealed to the Commission and is scheduled to be heard at the same hearing as the subject LCP amendment (Ref: Appeal #A-6-ENC-18-0019).

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is first recommending denial of the LUP amendment as submitted, and then recommends approval of the LUP amendment with one suggested modification. Second, staff is recommending denial of the IP amendment as submitted, and then recommends approval of the IP amendment with one suggested modification.

In this LUP/IP amendment request, the Commission must consider the possibility of major road modifications to the iconic Coast Highway in the City of Encinitas. When the City's LCP was first certified, there were no specific policies or consideration of future changes to this major coastal access corridor, which extends up and down the state. However, it is now 23 years later, and the City wants to discourage local commuters from using Coast Highway as an alternate route, and redirect these vehicle trips back to Interstate 5 (I-5). To accomplish this, the City prematurely approved a lane diet on the northern section of the highway. When the City took its initial action in 2013, appeals was filed by the Commission and others. Commission staff met with and counseled the City to develop an LCP amendment to establish the planning policies and standards to consider future redesigns for Coast Highway, as well as other east/west coastal access corridors. Rather than developing a comprehensive LUP amendment and companion Specific Plan amendments for the future road designs, the City crafted a very narrow LCP amendment that fails to set goals, standards or an analytical framework to protect public access opportunities.

As presented by the City, the LCP amendment fails to address the potential scope of road modifications on major coastal access routes and the coastal resource impacts that need to be addressed in the context of the LCP. In addition to lane reduction projects, potential road modifications could include installation of roundabouts or stop signs, removal of public parking, non-automobile improvements, such as pedestrian and cycling amenities, removal of major vegetation, or the addition of travel lanes or turn lanes. The City's proposal to allow for roadway variations citywide and to allow for travel lane reductions on Highway 101 in Leucadia raise significant concerns related to coastal access and recreation. Roadway modification projects, especially on a major coastal access roadway like the iconic Highway 101, have the potential to result in adverse impacts to the public's ability to reach the coast and to enjoy a scenic coastal drive on Highway 101. Major roadway modifications also have the potential to adversely impact water quality, biological resources, visual resources, and community character.

Roadway modifications to the Leucadia stretch of Highway 101 also have the potential to create an adverse precedent along this important coastal corridor. While a relatively short travel time delay through one city may not affect the decision of a member of the public to utilize Highway 101 to access the beach or to go for a recreational drive, travel delays in multiple cities along the Highway 101 corridor could have a significant adverse cumulative impact on public access. In addition to the planned Highway 101 vehicle travel lane reductions in Leucadia, the two cities to the north of Encinitas, Carlsbad and Oceanside, are also actively pursuing major redevelopment of their Highway 101 segments, including reductions in the number of vehicle travel lanes on portions of the highway within their jurisdictions.

As submitted, the proposed LUP and IP amendments are not adequate to prevent roadway modification projects from impacting public access and recreation. Therefore, two suggested modifications are included and require that a roadway modification project on a major coastal access roadway may occur only if quantitative analysis shows that regional travel time along the corridor will not be significantly impacted and if significant public benefit enhancements are also proposed. The suggested modifications also clearly describe the minimum requirements for operational characteristics of affected intersections and require that the quantitative travel time analysis include traffic data during prime beach use times on weekends within the summer months. The portion of the suggested modification regarding future requirements for summer traffic surveys is not intended to be retroactively applied to projects already approved by the City. The suggested modifications will clarify the LCP's standard of review applicable to future project proposals, and ensure that major modifications to critical coastal access roadways do not adversely impact coastal mobility and public access opportunities, as required by the Coastal Act and certified LCP.

The City's existing LCP already includes policies related to water quality, biological resources, visual resources, and community character that would apply to a major roadway modification project. Thus, no suggested modifications are required to find the

proposed amendments consistent with the Coastal Act and certified LUP for these coastal resource policy areas.

The proposed IP amendment only applies to the portion of North Coast Highway 101 within the North 101 Corridor Specific Plan area. Because of the narrow geographic scope of the amendment request, proposals to undertake significant modifications to the remainder of North Coast Highway 101 within the City and to other identified major coastal access roadways will likely necessitate future IP amendments. However, the subject LCP amendment will serve as a blueprint to streamline subsequent LCP changes.

The appropriate resolutions and motions begin on Page 6. The suggested modifications begin on Page 9. The findings for denial of the LUP Amendment as submitted begin on Page 10. The findings for approval of the LUP Amendment, if modified, begin on Page 13. The findings for denial of the IP Amendment as submitted begin on Page 17. The findings for approval of the IP Amendment, if modified, begin on Page 21.

#### **ADDITIONAL INFORMATION**

Further information on the City of Encinitas's LCP Amendment No. LCP-6-ENC-18-0034-1 may be obtained from **Eric Stevens**, Coastal Planner, at (562) 590-5071.

---

## **PART I. OVERVIEW**

### **A. LCP HISTORY**

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas LCP (both LUP and IP 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.

### **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 with 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. (Cal. Code of Regs., § 13542(b).)

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 land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

Project opponents have raised concerns that the subject LCP amendment application is inconsistent with the City's Municipal Code Zoning Chapter 30.00 (Encinitas Right to Vote Amendment) because the City did not require a public vote prior to the local approval. The subject Municipal Code chapter was the result of a local initiative (Proposition A), which was approved by City voters in 2013. The Municipal Code chapter, in part, requires voter approval for a "Major Amendment" to any planning policy document. A Major Amendment is defined as any amendment that increases the maximum allowable number of residential units which may be constructed on any parcel

or group of parcels, increases the maximum allowable number of separate parcels which may be created from an existing parcel or group of parcels, changes zone type for a parcel or parcels from Agricultural, Public/Semi-Public, Ecological Resource/Open Space/Parks or Open Space to a different zone type, changes zone type for a parcel or parcels from a non-mixed-use zone to mixed-use type zone resulting in additional residential units where none were previously permitted, allowing commercial where commercial was not previously permitted or increasing the maximum allowable residential units, changes a parcel or parcels from any residential land use to allow any other nonresidential land use, increases the allowed maximum height of development or changes how height is measured such that additional height could be permitted than previously permitted, increases the maximum allowable commercial or retail square footage for a parcel or group of parcels, or repeals any of the Planning Policy Documents.

The City has determined that a public vote is not required because the proposed LCP Amendment does not constitute a Major Amendment. Chapter 30.00 is not a part of the City's certified LCP and therefore is not the standard of review for this LCP amendment application.

### **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:** *I move that the Commission certify the Land Use Plan Amendment for the City of Encinitas certified LCP as submitted.*

### **STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:**

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN  
AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Encinitas certified LCP as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**II. MOTION:**     *I move that the Commission certify the Land Use Plan Amendment for the City of Encinitas certified LCP if modified in accordance with the suggested changes set forth in the staff report.*

**STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS  
SUGGESTED:**

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF  
MODIFIED AS SUGGESTED:**

Subject to the following modification, the Commission hereby certifies the Land Use Plan Amendment for the City of Encinitas certified LCP and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below 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 or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**III. MOTION:**     *I move that the Commission reject the Implementation Program Amendment for the City of Encinitas certified LCP as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for City of Encinitas certified LCP and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted

**IV. MOTION:**     *I move that the Commission certify the Implementation Program Amendment for the City of Encinitas certified LCP if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the City of Encinitas certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program Amendment 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.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed LCP 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.

1. Add new Policy 6.8 to the Circulation Element of the certified LUP as follows:

To foster access to shoreline recreation areas, while maintaining adequate circulation on major coastal access roadways, development shall target equity among all modes of travel, including, by vehicle, biking, walking, and public transportation. Major coastal access roadways include Coast Highway 101 and the portions of the following roadways that are located west of Interstate 5: Manchester Avenue, Birmingham Drive, Santa Fe Drive, Encinitas Boulevard, Leucadia Boulevard, and La Costa Avenue.

Prior to modifying a major coastal access roadway that has a current or projected future Level of Service E or worse at one or more intersections or segments (with or without proposed development), a quantitative analysis projecting the change in travel time resulting from the project along the roadway shall be conducted to determine if coastal access is impacted. Available relevant circulation information from Caltrans, SANDAG, and other Cities along the affected roadway shall be included in the analysis. The quantitative analysis shall be derived from an adequate number of travel time surveys and shall address the prime beach use and peak travel volume periods on at least two weekends between Memorial Day and Labor Day.

Roadway modification projects that significantly impact coastal access shall be avoided. Modification to major coastal access roadways shall be accompanied by public access benefit enhancements promoting multi-modal access. Public access benefit enhancements may include, but are not limited to, increased public transportation services, improved pedestrian and cyclist access, and increased public parking.

2. Figure 5-C of the North 101 Corridor Specific Plan of the certified IP shall be modified as follows:

Note: Variation in right-of-way width and specific roadway improvements will occur within North Coast Highway 101 as set forth in the Policy 6.8 Circulation Plan of the Circulation Element of the General Plan/Certified Land Use Plan. As part of the variation, the number of travel lanes may be reduced as long as the operational characteristic of the intersections are adequate.

**PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF  
ENCINITAS LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The City is proposing to add text to Figure 1 of the Circulation Element of the certified LUP. The LUP figure depicts and describes four different roadway classifications, which include Prime Arterial, Major Arterial, Collector, and Local. The LUP figure also includes an existing note which states that “*Variation in right-of-way width and specific roadway improvements will occur within each of the roadway classifications, based on existing conditions and other factors.*” The City’s proposed LUP amendment would add the following text to the existing note on the figure: “*See Specific Plans for road section requirements.*” This LCP amendment is proposed in order to facilitate the reduction of vehicular travel lanes on North Coast Highway 101 for approximately 2.5 miles from two vehicular lanes in each direction to one vehicular lane in each direction from La Costa Avenue to A Street, within the Leucadia community of the City of Encinitas.

**B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan amendment as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act, which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the proposed amendment to the land use plan does not protect access to the coast as required by the Coastal Act with regards to LCP Amendment Request No. LCP-6-ENC-18-0034-1.

**C. NONCONFORMITY OF THE CITY OF ENCINITAS LAND USE  
PLAN AMENDMENT WITH CHAPTER 3**

The following Chapter 3 public access policies are pertinent to the proposed amendment and state:

Coastal Act Section 30210 states:

*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 states:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5 states:

*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.*

The Coastal Act broadly protects public access for all by providing for maximum access to the coast and enhancing opportunities to recreate at and visit the shoreline. Section 30210 requires that maximum access and recreational opportunities be provided and Section 30212.5 requires that public facilities be distributed throughout an area to mitigate against adverse impacts to the public. The protection of access routes to and along the coast is especially necessary, as coastal and inland populations and visitors to the coast continue to increase.<sup>1</sup> In this amendment, the City is proposing to allow for the

---

<sup>1</sup> SANDAG 2050 Regional Transportation Plan, Chapter 4.13, Population and Housing  
<https://www.sandag.org/uploads/2050RTP/F2050RTPEIR413.pdf>

reduction in the number of travel lanes on a major coastal access route, which has the potential to adversely impact public access to the coast and to adversely impact the coastal route itself as a recreational amenity.

Highway 101 is an iconic highway that runs directly along the Pacific Ocean through California, Oregon, and Washington. The portion of the iconic highway located in California is often referred to as North Coast Highway 101, the Pacific Coast Highway, Route 101, and also as Highway 1 in some stretches. In San Diego County, North Coast Highway 101 serves as an alternate route to Interstate 5 (I-5) and, importantly for access purposes, connects the beach communities of Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar and La Jolla. In many segments, Highway 101 is the first public road parallel to the ocean and is the primary route to many of the County's beaches. In addition to the importance of the Highway for accessing the shoreline, Highway 101 is highly used by the public as a resource in itself for recreational drives along the coast and is lined with numerous visitor-serving commercial businesses.

The City's LCP was certified by the Commission in the mid-1990s. At that time, no consideration was given to the possibility that the City would propose to reduce travel lanes or make any other major road modifications on Highway 101 in the future. As a result, there is no discussion or adopted policies that envision redesigns of this critical corridor or any other major coastal access roadway in the City. The certified LUP policies do not require the City to evaluate the impacts of travel lane reductions or any other possible road modifications, such as lane additions, or installation of stop signs, traffic signals, or roundabouts, or removal of public parking, on public access to or along the coast. The City's LCP therefore needs to be updated to address any significant road modifications to this corridor, as well as other major east/west linkages.

The City's primary objective with the project that precipitated this LCP amendment was to reduce traffic speeds with roundabouts and to decrease the width and number of travel lanes in order to deter commuter traffic and to improve pedestrian and bicyclist access. North Coast Highway 101 is already highly congested during AM and PM peak times on weekdays, during high beach use times on weekends during the summer, and whenever the adjacent I-5 becomes congested. If a roadway project significantly increases traffic congestion through the corridor, it may discourage coastal visitors who want to access the City's beaches and other coastal destinations and visitors wanting to take a scenic drive along the iconic Highway. Furthermore, increased congestion on Highway 101 is likely to divert drivers to I-5. While I-5 is designed for regional trips, a large diversion of traffic from Highway 101 has the potential to affect traffic flow and to result in longer delay times getting on and off interstate on-ramps, which may result in adverse impacts for members of the public who are using I-5 to reach a coastal destination.

In addition, roadway modifications to the Leucadia stretch of Highway 101 have the potential to create an adverse precedent along this important coastal corridor. Although, not approved at the time, the City of Encinitas previously proposed to reduce the number of travel lanes on Highway 101 in the southern portion of the city (Ref: NCC-NOID-0001-17/Cardiff Rail Trail). In addition, Carlsbad and Oceanside, the cities to the north of

Encinitas, are also actively pursuing major redevelopment of their Highway 101 segments, including reductions in the number of vehicle travel lanes on portions of the highway within their jurisdictions. This proposed amendment is likely to influence, in large part, what is allowed in the future elsewhere along the corridor. While a relatively short travel time delay through one City may not affect the decision of a member of the public to utilize Highway 101 to access the beach or to go for a recreational drive, delays in multiple cities along the Highway 101 corridor could have a significant adverse cumulative impact on public access. Thus, in order to ensure consistency with the public access and recreation policies of the Coastal Act, a major road modification project must include a quantitative analysis showing that regional travel time along the corridor will not be significantly impacted. A quantitative analysis of travel time is crucial on a regional perspective for the Highway 101 corridor within San Diego County.

Furthermore, modifications to major coastal access routes, as new development, must also include tangible public benefits. In relation to public access, these public benefits may include, but are not limited to, increased public transportation services, improved pedestrian and cyclist access, or increased public parking. Major coastal access roadways in the City must also be defined to identify when travel time analysis must be undertaken and when public benefits must be provided to counteract any potential impacts to coastal access.

The proposed LUP amendment should establish the policy framework and standards to evaluate and potentially endorse road modifications, especially those involving changes to Highway 101 or other major coastal access routes. However, the proposed amendment does not ensure that major road modification projects, including reductions in travel lanes, adequately protect coastal access as required by Sections 30210 and 30212.5 of the Coastal Act. As such, the LCP must be modified to clarify the roadways that are considered major coastal access roadways, that a quantitative analysis showing travel time will not be significantly impacted is required, and that public access benefit enhancements must be included with projects involving modifications to a major coastal access roadway. In the absence of these elements, the LUP amendment cannot be found consistent with the public access and recreation policies of the Coastal Act and must be denied.

## **PART V. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS LAND USE PLAN AMENDMENT, IF MODIFIED**

### **A. SPECIFIC FINDINGS FOR APPROVAL**

#### **1. Consistency of the LUP Amendment with Chapter 3 Public Access Policies**

Because the City lacks policies that provide adequate policy guidance on when modifications can be made to critical coastal access corridors, including the potential reduction of travel lanes, one suggested modification is being recommended to the City's certified LUP in order to ensure that major road modifications do not result in adverse

impacts to public access and mobility. The suggested modification is necessary in order to ensure that the certified LUP is consistent with Coastal Act Sections 30210 and 31212.5, which require that maximum access and recreational opportunities be provided and that public facilities be distributed throughout an area to mitigate against adverse impacts to the public. It is important to ensure that major coastal access routes retain the capacity to serve both visitors and those that live in the immediate vicinity of major coastal access routes.

Suggested Modification 1 targets equity among all modes of access to shoreline recreation areas by recognizing that in addition to an efficient circulation system for vehicle travel, development of biking, walking, and public transportation amenities should also be considered and where feasible, implemented. In addition, Suggested Modification 1 defines the major coastal access roadways which are subject to the lane reduction policy as North Coast Highway 101 and the portions of the following roadways that are located west of Interstate 5: Manchester Avenue, Birmingham Drive, Santa Fe Drive, Encinitas Boulevard, Leucadia Boulevard, and La Costa Avenue.

Suggested Modification 1 also requires that prior to modifying a major coastal access roadway that has a current or projected future Level of Service E or worse at one or more intersections or roadway segments (with or without proposed development), a quantitative analysis projecting the change in travel time resulting from the project along the roadway shall be conducted to determine if coastal access will be impacted. The travel time analysis shall be derived from an adequate number of travel time surveys and shall address the prime beach use and peak travel volume periods on at least two weekends between Memorial Day and Labor Day. Thus, a minimum of one day of travel time surveys on either a Saturday or a Sunday on separate weekends is required. The portion of the suggested modification regarding future requirements for summer traffic surveys is not intended to be retroactively applied to projects already approved by the City. In addition to evaluation of intersections and roadway segments, traffic studies typically include an analysis of increased freeway on-ramp delays that may result from a project. On-ramp delays do not affect drivers exiting the freeway to go to the beach, but may affect the time it takes someone to get on the freeway when leaving the beach. In addition, on-ramp delays could impact circulation if the queue is sufficiently long that it backs up into nearby intersections. However, the City has indicated that on-ramp delays are unlikely to adversely impact public coastal access, as delays typically occur during weekday peak commute times and not during prime beach use periods.

While a relatively short travel time delay through one city may not affect the decision of a member of the public to utilize Highway 101 to access the beach or for a recreational drive, delays in multiple cities along the Highway 101 corridor could have a significant adverse impact on public access. Thus, Suggested Modification 1 requires that available relevant circulation information from Caltrans, SANDAG, and other Cities along the affected roadway be included in the travel time analysis.

Suggested Modification 1 further requires that a roadway modification project on a major coastal access roadway that significantly impacts coastal access shall be avoided. Projects

that do not result in significant coastal access impacts are required to be accompanied by public access benefit enhancements promoting multi-modal access which may include, but are not limited to, increased public transportation services, improved pedestrian and cyclist access, and increased public parking.

In conclusion, the addition of the new policy will clarify the LCP's standard of review applicable to future proposals and ensure that major modifications to critical coastal access roadways do not adversely impact coastal mobility and public access opportunities, as required by the Coastal Act.

## **2. Consistency of the LUP Amendment with Other Applicable Chapter 3 Policies**

### **Water Quality and Biological Resources**

Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, [...] encouraging waste water reclamation, [...]*

Section 30240 states in part:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Major roadway modification projects often involve significant infrastructure changes within the existing roadway and can adversely impact water quality if impervious surface area is increased or significant landscaped areas are removed. However, roadway modification projects can also result in improved water quality if impervious surface areas are decreased or through the construction of infrastructure to increase the amount of storm water and runoff that is captured and treated before reaching coastal water ways or through the installation of drought-tolerant and native landscaping.

In addition, roadway modifications may also result in the expansion of existing roadway through the addition of vehicular lanes, turn lanes, bicycle lanes, sidewalks, parking areas or landscaped area. The majority of the identified major coastal access roadways are

located adjacent to already developed areas. However, expansion of certain portions of the following coastal access routes could impact wetland, riparian, or other sensitive habitat areas. Specifically, a portion of Manchester Avenue between I-5 and Highway 101 is adjacent to natural vegetation and the San Elijo Lagoon, a portion of Highway 101 at the southern border of the City is located directly adjacent to the San Elijo Lagoon, Encinitas Boulevard is located adjacent to riparian habitat and Cottonwood Creek near Moonlight Beach, and there are also various drainages along the rail corridor to the east of Highway 101 that could be impacted by a roadway expansion project. Thus, a major roadway modification project that included expansion of the footprint of Manchester Avenue or the other identified roadway segments has the potential to adversely impact sensitive habitat.

The City's certified LUP has existing policies that require protection and enhancement of the quality of coastal waters through elimination of pollution that threatens marine or human health and also has policies that promote the use of natural and drought tolerant landscaping. In addition, LUP Resource Management Element Goal 10 and LUP Resource Management Element Policies 10.6 and 10.9 require the preservation of the integrity, function, productivity, and long term viability of wetland, riparian, and other environmentally sensitive habitats. Furthermore, Policy 2.22 of the LUP Circulation Element also states, in part "*To avoid impacts of the expansion and improvement of Manchester Avenue on the San Elijo Lagoon and its environmental resources, right-of-way dedication and widening shall occur to the north, away from the lagoon, rather than toward the lagoon...*" Thus, water quality and biological resources are provided protection under the existing LUP and the proposed LUP amendment can be found consistent with Sections 30231 and 30240 of the Coastal Act.

### **Community Character and Visual Resources**

The Coastal Act requires that the scenic qualities and special character of communities such as the community of Leucadia be protected. Sections 30251 and 30253(5) of the Act state:

Section 30251 states:

*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 30253(e)

*New development shall... where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*



Major roadway modification projects must be sensitive to community character and preserve existing visual resources. Modifications to major coastal access roadways can result in significant changes to community character. The identified major coastal access routes pass through multiple communities of Encinitas, each with its own character that must be considered prior to implementation of a roadway modification project. For example, within the North 101 Corridor Specific Plan area, the mature eucalyptus and cypress trees along the Highway in large part define the area's community character and preservation of the iconic trees should be considered in the design of a roadway project. In addition, Highway 101 is designated as a State Scenic Highway in the Encinitas Resource Management Element and there numerous sections of the Highway and the other major coastal access roadways with views of the shoreline from the Highway.

The City's certified LUP has existing policies that require public view preservation and require that roadways be compatible with the existing community character. Thus, the proposed LUP amendment can be found consistent with Sections 30251 and 30253(e) of the Coastal Act.

In summary, the City's existing LCP already includes policies related to water quality, biological resources, visual resources, and community character that would apply to a major roadway modification project. Thus, no suggested modifications are required to find the proposed LUP amendment consistent with the Coastal Act for these coastal resource policy areas. However, suggested modifications are required in order to clarify the LUP's standard of review applicable to future proposals and ensure that major modifications to critical coastal access roadways do not adversely impact coastal mobility and public access opportunities, as required by the Coastal Act.

## **PART VI. FINDINGS FOR REJECTION OF THE CITY OF ENCINITAS IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

### **A. AMENDMENT DESCRIPTION**

The City is proposing to modify Figure 5-C of the North 101 Corridor Specific Plan, which is a part of the City's certified LCP IP. The specific plan figure depicts a cross section of North Highway 101 and includes general widths for the sidewalk, parking, bike lanes, travel lanes and the median. The City's proposed IP amendment would add a new text note to the figure that states "*Note: Variation in right-of-way width and specific roadway improvements will occur within North Coast Highway 101 as set forth in the Circulation Plan of the Circulation Element of the General Plan. As part of the variation, the number of travel lanes may be reduced as long as the operational characteristic of the intersections are adequate.*" The City has provided supporting documentation to clarify that the operational characteristic of an intersection would be considered "adequate" provided that a project would not result in a Level of Service (LOS) of E or F at any intersection. Traffic impact assessments typically assign LOS grades of A through F to each intersection and roadway segment within a study area, with LOS A representing the best operation (free-flow) conditions and LOS F representing the worst operating

(severely congested/unstable traffic flow) conditions. The proposed CEQA guidelines will replace LOS analysis with analysis of Vehicle Miles Traveled (VMT) as mandated by SB 743 (Steinberg 2013). However, for the purposes of determining potential impacts to coastal access, LOS calculations remain applicable to evaluate traffic flow and project impacts to circulation.

As previously described, this amendment was proposed in order to facilitate a project that includes the reduction of vehicular travel lanes on North Coast Highway 101 from two vehicular lanes in each direction to one vehicular lane in each direction from La Costa Avenue to A Street, extending approximately 2.5 miles. The project is entirely located within the boundaries of the North 101 Corridor Specific Plan and includes nearly the entire stretch of Highway 101 within the Specific Plan area.

### **B. SUMMARY FINDINGS FOR REJECTION**

The proposed implementation plan amendment is not adequate to carry out the goals and policies of the certified LUP, as conditionally certified herein. Therefore, 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.** As submitted by the City, the purpose of the IP amendment is to allow for reductions in the number of travel lanes on Highway 101 within the North 101 Corridor Specific Plan area.

b) **Major Provisions of the Ordinance.** The City proposes to add text to Figure 5-C of the North 101 Corridor Specific Plan, which is a part of the certified IP. The figure depicts a cross section of North Highway 101 and includes general widths for the sidewalk, parking, bike lanes, travel lanes and the median. The added text allows for reductions in the number of travel lanes on Highway 101 within the North 101 Corridor Specific Plan area provided that a lane reduction would not significantly impact the operational characteristics on any affected intersections.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.** The Implementation Plan amendment, as proposed by the City, would allow for the number of travel lanes to be reduced on North Coast Highway 101 provided that the operational characteristics of the affected intersections are not significantly impacted. For the most part, the proposed IP amendment is consistent with and adequate to carry out the certified LUP. However, relative to the public access and recreation policies of the certified LUP, the proposed IP amendment is not consistent with the certified LUP.

### **Public Access and Recreation**

The following goals and policies are part of the certified LUP, which is the standard of review for this IP amendment, and are particularly relevant to promoting coastal access and recreation by requiring that roadways be part of a balanced circulation system that will maintain vehicle movement and coastal access to visitor destinations.

The introduction to the Land Use Plan Circulation Elements states, in part:

*A sound, safe and sensible circulation system which promotes the efficient movement of people and goods in and around the City is the main goals [sic] of this element...The Element establishes a hierarchy of transportation routes with specific development standards described for each category of roadway...*

Circulation Element Goal 3 states:

*The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile. (Coastal Act/30252)*

Circulation Element Policy 3.2 states:

*Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives. (Coastal Act/30252)*

Circulation Element Policy 3.3 states:

*Create a safe and convenient circulation system for pedestrians. (Coastal Act/30252)*

Circulation Element Policy 4.1 states:

*Design roads to enhance scenic areas. (Coastal Act/30251)*

Circulation Element Policy 4.3 states:

*Separate pedestrian, bicycle, and vehicular traffic by encouraging adequate space for walking and biking by striping roadways, excepting freeways.*

Circulation Element Policy 4.14 states:

*Where feasible, minimize the dependence on private motor vehicles. (Coastal Act/30252)*

Circulation Goal 6 of the City's Land Use Plan states that:

*The City will make every effort to provide public access and circulation to the shoreline, through private dedications, easements or other methods, and public transportation or other facilities. (Coastal Act/30211/30212/30212.5/30221)*

Circulation Element Policy 6.1 states:

*The City will continue to defend the public's constitutionally guaranteed right of safe physical access to the shoreline.*

Circulation Element Policy 6.4 states:

*The City will support increased public transportation service to shoreline recreational areas designated for increased visitation, including the following:*

*-Supporting existing and increased levels of service where needed by the North County Transit District;*

*-Supporting low-cost transfers between all transit operators in the Coastal Zone;  
and*

*-Encouraging the provision of safe transit stops and crosswalks at all major beaches. (Coastal Act/30252)*

*-When bus transportation to beaches is deemed feasible, inset bus bays at major beach transit stops shall be considered to provide safer passenger embarkation/debarkation.*

Circulation Element Policy 6.4 states:

*The City will consider improved pedestrian crossings of Pacific Coast Highway.*

Page 4 of the Land Use Element states, in part:

*... While new development can be beneficial to a city, future growth must be managed in a sensible and rational manner. Adequate infrastructure and services must be available to meet any future demand to ensure that the existing levels of service are maintained...*

Section 2.2.3 of the North Corridor 101 Specific Plan includes the following goals:

*CIRCULATION*

*A. Provide for safe pedestrian circulation.*

*B. Improve parking opportunities.*

*C. Improve vehicular traffic circulation.*

*D. Promote and encourage the use of public transportation.*

The City of Encinitas' certified LUP requires that a safe and efficient circulation system be provided and that the public's constitutionally guaranteed right of safe physical access to the shoreline be protected. The proposed amendment to allow lane reductions to Highway 101 within the North 101 Corridor Specific Plan area would result in a major change to the current circulation system of the City. Highway 101 is an important coastal access route for those who live in Encinitas and also for visitors who want to access the City's beaches. In addition, many visitors enjoy driving along the corridor as a recreational experience. The City's proposed IP amendment should specifically reference the new Policy 6.8 of the LUP Circulation Element as the standard of review for roadway modification projects. As described above, Policy 6.8 of the LUP Circulation Element includes the specific standards and conditions that must be met prior to modification of a major coastal access roadway. In addition, the proposed IP amendment references the City's General Plan, but excludes reference to the certified LUP. For the City of Encinitas, the certified LUP is composed of numerous highlighted policies within the City's General Plan. Thus, all LUP policies are General Plan policies, while only some General Plan policies are LUP policies. Therefore, the amendment raises a potential inconsistency with the LUP policies requiring that an efficient circulation system be provided for people to access, recreate and travel along the coast. Thus, the IP amendment must be rejected.

## **PART VII. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

### **A. Summary of Suggested Modification.**

The proposed IP amendment is, for the most part, consistent with and adequate to carry out the certified LUP. However, because of the submitted LCP amendment's failure to provide specific reference to the certified LUP and because it should also reference the new Policy 6.8 of the LUP Circulation Element, establishing the necessary standards and kinds of analysis required to protect coastal access and recreational opportunities, the amendment should be rejected. The proposed modification will bring the amendment request into conformance with the LUP, as conditionally certified herein.

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

#### **Public Access and Recreation**

The City of Encinitas LUP requires that a safe and efficient circulation system be provided and that the public's constitutionally guaranteed right of safe physical access to the shoreline be protected. In addition, Section 2.2.3 of the North Corridor 101 Specific

Plan includes goals to provide safe pedestrian circulation, improve parking opportunities and vehicular traffic circulation, and to promote public transportation. Prior to approval of a major roadway modification project, including a reduction in the number of travel lanes, on Highway 101, a scenic highway and major coastal access roadway, significant analysis must be undertaken to ensure that public access to the coast will not be adversely impacted. The portion of Highway 101 that would be affected by the proposed IP amendment is already highly congested during AM and PM peak times on weekdays, during high beach use times on weekends during the summer, and whenever the adjacent I-5 backs up. As proposed, a lane reduction on Highway 101 could occur so long as the operational characteristics of affected intersections are 'adequate.' As clarified by the City in supporting documentation, "adequate" is defined as a project that would not result in a Level of Service (LOS) of E or F at any intersection. This metric for intersections is based on non-LUP Policy 1.3 of the Circulation Element, which prohibits development which results in LOS of E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.

The City's LUP also includes numerous policies that promote and encourage public transportation and safe pedestrian and bicycle circulation. In order to mitigate any impacts to public access from removal of travel lanes and to ensure consistency with the alternative transit policies of the LUP, Suggested Modification 2 requires that a specific reference be made to new Policy 6.8 of the LUP Circulation Element, which includes standards for major roadway modification projects describes required significant public benefit enhancements. These enhancements may include, but are not limited to, upgraded public transportation services, improved pedestrian and cyclist access, and increased public parking. The Suggested Modification also requires reference to the certified LUP in addition to the proposed reference to the General Plan.

The suggested modification to the IP amendment ensures that a roadway modification project on Highway 101 within the specific plan area will be consistent with the LUP policies that require a safe and efficient circulation system be provided and require that the public's constitutionally guaranteed right of safe physical access to the shoreline be protected. Thus, as modified, the proposed IP amendment is consistent with the public access and recreation policies of the certified LUP.

### **Water Quality and Biological Resources**

Resource Management Goal 1 states:

*The City will conserve, protect, and enhance the water resources in the Planning Area.*

Resource Management Goal 1 states:

*The City shall make every effort to improve ocean water quality.*

Resource Management Policy 2.1 states:

*POLICY 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine or human health.*

Resource Management Goal 3 states:

*The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.*

Resource Management Goal 9 states:

*The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas.*

Resource Management Policy 9.4 states:

*Encourage and adopt standards for the use of drought tolerant and/or natural landscaping and efficient irrigation systems throughout the City.*

Resource Management Goal 10 states:

*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.*

Resource Management Policy 10.6 states, in part:

*The City shall preserve and protect wetlands within the City's planning area...*

*The City shall also control use and development in surrounding area of influence to wetlands with the application of buffer zones. At a minimum, 100-foot wide buffers shall be provided upland of salt-water wetlands, and 50-foot wide buffers shall be provided upland of riparian wetlands...*

Resource Management Policy 10.9 states:

*The City will encourage the function of San Elijo Lagoon and Batiquitos Lagoon and their adjacent uplands as viable wetlands, ecosystems and habitat for resident and*

*migratory wildlife, by prohibiting actions (subject to the detailed provisions of RM policy 10.6) which:*

- *involve wetland fill or increased sedimentation into wetlands;*
- *Adversely decrease stream flow into the wetlands;*
- *Reduce tidal interchange;*
- *Reduce internal water circulation; or*
- *Adversely affect existing wildlife habitats.*

Section 30.34.040 of the Implementation Plan states, in part:

[. . .]

2. Floodplain. *Within the 100-year floodplain, permanent structures and/or fill for permanent structures, roads and other public improvements consistent with the Land Use Element will only be allowed if the applicant can demonstrate the following:*

[. . .]

*b. Existing environmentally sensitive habitat areas will not be significantly adversely affected.*

*c. The development will not result in a net reduction of existing riparian habitat areas within the floodplain.*

[. . .]

3. Wetlands

[. . .]

*All buildings or other improvements proposed to be placed or erected, and all grading activities proposed to be undertaken adjacent to a wetland shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its habitat values, or otherwise impair the functional capacity of the wetland. (emphasis added)*

Section 2.2.3 of the North Corridor 101 Specific Plan includes the following goal:

*INFRASTRUCTURE & PUBLIC SAFETY*

*A. Eliminate flooding and improve drainage...*



The City's certified LUP requires that the City conserve, protect, and enhance water resources and pursue elimination of pollution that adversely impacts marine or human health. In addition, the LUP promotes retention of mature trees and encourages the use of natural and drought tolerant landscaping. Furthermore, the LUP requires that wetland, riparian, and other sensitive habitats be protected throughout the City. In addition, the North 101 Corridor Specific Plan section 2.2.4 includes a goal for infrastructure projects to eliminate flooding and improve drainage. As described previously, major roadway modification projects have the potential to adversely impact water quality if pervious surface area is increased, but can also result in improved water quality if pervious surface areas are decreased or through the construction of infrastructure to increase the amount of storm water and runoff that is captured and treated before reaching coastal water ways or through the installation of drought-tolerant and native landscaping. The existing LUP policies related to water quality would apply to any future roadway modification project.

The portion of Highway 101 within the North 101 Corridor Specific Plan area is adjacent to a flat dirt area that is currently used for informal parking on the east side and is bordered on the west side primarily by commercial development. Therefore, there is no risk of a future roadway expansion project within the Specific Plan area resulting in impacts to sensitive habitat and no suggested modifications related to habitat protection are necessary.

The existing LUP and IP policies will adequately protect water quality and biological resources. The proposed IP amendment can be found consistent with the water quality and biological resource policies of the LUP.

### **Community Character and Visual Resources**

Resource Management Goal 3 states:

*The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.*

Resource Management Policy 4.7 states, in part:

*The City will designate the following view corridors as scenic Highway/visual corridor viewsheds:*

*[...]*

*-Highway 101, La Costa Ave. to South Carlsbad Beach...*

*-La Costa Ave. from just west of I-5 to El Camino Real*

*-Highway 101, from Encinitas Blvd. to La Costa Ave...*

*-Leucadia Blvd. between Hwy 101 and El Camino Real*

*-San Elijo Ave. (and Hwy 101) south of Cardiff Beach State Park to Santa Fe Drive*

*-Manchester Ave. from San Elijo Ave. to Encinitas Blvd...*

Resource Management Policy 4.9 states, in part:

*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 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...*

Resource Management Policy 4.10 states:

*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.*

Circulation Element Goal 1 states:

*Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character. (Coastal Act/30252)*

Goal 2 of the Circulation Element states:

*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.*

Goal 7 of the Land Use Element states:

*Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities.*

The community vision statement of the North Corridor 101 Specific Plan states:

- *promote a community where individuals can afford to live, as well as own and operate commercial establishments;*
- *encourage architectural quality and creativity without discouraging development or dictating a specific style or theme;*
- *establish a streetscape enhancement program along the North 101 corridor;*
- *provide a commercial corridor that serves both the needs of the neighborhood residents as well as visitors to the community;*
- *encourage diverse, small-scale uses and family-owned businesses;*
- *preserve and maintain the existing mature eucalyptus and cypress trees and establish a street tree program for the entire North 101 corridor;*
- *provide for safe pedestrian and traffic circulation;*
- *consider opportunities for mixed-use development; and*
- *to enhance the artistic community.*

The City's certified LUP designates the entire Highway 101 corridor within the Special Plan area as a scenic Highway and requires consideration of preservation of mature trees. The LUP also has numerous policies that require preservation of existing community character. In addition, the North 101 Specific Plan vision statement endeavors to establish a streetscape enhancement program along Highway 101, to preserve the existing mature eucalyptus and cypress trees and develop a street tree program along Highway 101. As described previously, modifications to major coastal access roadways can result in significant changes to community character.

The proposed IP amendment will only apply to Highway 101 within the Specific Plan area. Along this stretch of the Highway, there are no views of the ocean or the shoreline due to the elevated topography between Coast Highway and the coast. However, the northern portion of the project corridor is defined by large eucalyptus and cypress trees, which are an important aspect of the community character of the coastal community of Leucadia.

The certified LUP and IP already have robust community character and visual resource protection policies that would apply to any future roadway modification project on Highway 101 within the North 101 Corridor Specific Plan area. Thus, the proposed IP amendment can be found consistent with the community character and visual resource protection policies of the LUP.

In summary, the City's existing LCP already includes policies related to water quality, biological resources, visual resources, and community character that would apply to a major roadway modification project. Thus, no suggested modifications are required to find the proposed IP amendment consistent with the certified LUP for these coastal resource policy areas. However, suggested modifications are required in order to clarify the IP's standard of review applicable to future proposals and ensure that major modifications to critical coastal access roadways do not adversely impact coastal mobility and public access opportunities, as required by the certified LUP.

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

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an (EIR) in connection with its LCP. 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 submission.

The City prepared and certified Environmental Impact Report (EIR) No. 2015091084 for the Highway 101 Streetscape project underlying this LCP amendment request. The EIR concluded that the project would result in potentially significant effects on traffic circulation and fire protection services. The effects on fire protection services would be mitigated to below a level of significance by staging of emergency response vehicles by the Fire Department in the project corridor prior to construction of the northern four roundabouts. However, the EIR identified significant and unavoidable impacts to the southbound North Highway 101 segment between Leucadia Boulevard and El Portal Street (during Year 2035 Alternative 1 Plus Sustainable Mixed-Use Places (SMUP) AM peak hours); and the southbound 1-5 on-ramp from Leucadia Boulevard (during the Year 2035 Plus Project AM peak hours for both Alternatives 1 and 2 scenarios). The City found that there were no feasible mitigation measures or design alternatives available to reduce effects on traffic circulation to below a level of significance. Thus, the City certified the Final Environmental Impact Report (FEIR) on March 30, 2018 with overriding considerations regarding those unavoidable impacts. In the Statement of Overriding Considerations, the City found that the project benefits would outweigh the unavoidable impacts to traffic circulation.

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. (Cal. Code of Regs., tit. 14 §§ 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, relative to the LUP, one modification is proposed. This modification addresses requirements that must be satisfied for a roadway modification project to occur

on a major coastal access roadway. These requirements include a quantitative study showing that the roadway modification will not result in significant impacts to public access and the provision of public access benefit enhancements promoting multi-modal access. Relative to the IP, one modification is proposed. This modification requires that a specific reference be made to Policy 6.8 of the LUP Circulation Element and also requires reference to the certified LUP.

Given the proposed mitigation measures, the Commission finds the proposed LCP 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, is consistent with CEQA.