

CALIFORNIA COASTAL COMMISSION

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



November 26, 2018

Th19h

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Encinitas, certifying the City's Local Coastal Program Amendment No. LCP-6-18-0035-1 (ADUs), is adequate to effectively certify its local coastal program (for Commission review at its meeting of December 12-14, 2018)

BACKGROUND

At its September 14, 2018 meeting, the Coastal Commission certified, with suggested modifications, the City of Encinitas' Local Coastal Program Amendment # LCP-6-18-0035-1, regarding changes to the City's certified Implementation Plan zoning ordinances to establish local regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (jrADUs). By its action adopting Ordinance 2018-11 on October 24, 2018, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications improve the organizational flow of the ordinance; clarify that new ADUs and replacement parking must be consistent with all sensitive habitat buffers and setbacks for geologic stability; address preservation of existing coastal views from the roadway and from the beach; remove a restriction related to setback incentives for ADUs constructed over a garage built prior to January 1, 2017; and replace the term "Accessory Structure" with "Accessory Building" throughout the ordinance to ensure internal consistency. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Encinitas is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



December 17, 2018

Mayor Catherine Blakespear
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

RE: Certification of the City of Encinitas Local Coastal Program Amendment
No. LCP-6-18-0035-1 (ADUs)

Dear Mayor Blakespear,

The California Coastal Commission has reviewed the City's Ordinance 2018-11 together with the Commission's action of September 14, 2018 certifying City of Encinitas Local Coastal Program Amendment # LCP-6-18-0035-1 pertaining to revisions to the City's certified Implementation Plan zoning ordinances to establish local regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (jrADUs). In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of December 12-14, 2018.

By its actions on October 24, 2018, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications improve the organizational flow of the ordinance; clarify that new ADUs and replacement parking must be consistent with all sensitive habitat buffers and setbacks for geologic stability; address preservation of existing coastal views from the roadway and from the beach; remove a restriction related to setback incentives for ADUs constructed over a garage built prior to January 1, 2017; and replace the term "Accessory Structure" with "Accessory Building" throughout the ordinance to ensure internal consistency. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist the City in any way possible as it continues to develop and implement the City's local coastal program.

Sincerely,

John Ainsworth
Executive Director

By: Eric Stevens