

**CALIFORNIA COASTAL COMMISSION**

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Date: April 24, 2020

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
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CORT HITCHENS, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

Subject: **STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR LCP  
AMENDMENT NO. LCP-6-ENC-19-0158-3 (Bicycle and Pedestrian  
Connectivity) for Commission Meeting of May 13-14, 2020)**

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## SYNOPSIS

The subject LCP implementation plan amendment was submitted as part of the City's third and final LCP amendment package for the 2019 calendar year, along with two other unrelated LCP amendment requests; all three LCP amendments were filed as complete on December 23, 2019. This staff report addresses only LCP-6-ENC-19-0158-3 and it involves revisions to the City's certified implementation plan.<sup>1</sup> In addition to this amendment, there are currently two other pending LCP items from the City of Encinitas: LCPA No. LCP-6-ENC-19-0159-3 (5<sup>th</sup> Street Zone Change), which is a combined LUP/IP amendment, and LCPA No. LCP-6-ENC-20-0018-1 (Street Trees), which is an IP amendment. LCP-6-ENC-19-0159-3 (5<sup>th</sup> Street Zone Change) was submitted and filed on December 23, 2019; however, upon further review, this site is located just outside of the coastal zone and will not require Commission review. LCP-6-ENC-20-0018-1 (Street Trees) was submitted and filed on February 26, 2020; a time extension will be separately requested for it at the May 2020 hearing and the Commission will consider the matter at a future date.

## SUMMARY OF AMENDMENT REQUEST

The City of Encinitas proposes to amend Title 24 (Subdivisions) and Title 30 (Zoning) of the City's Municipal Code, part of the certified IP, to modify design requirements and development standards for pedestrian and bicycle connectivity. Specifically, this amendment will add language into the City's Municipal Code to expand and clarify when new development shall provide interconnection for multimodal circulation between

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<sup>1</sup> Due to the Governor's Executive Order N-52-20 extending certain deadlines in the Coastal Act by 60 days, the deadline for considering this amendment is July 3, 2020.

adjacent land uses. The proposed amendment consists of text changes only; the revisions will apply citywide.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed LCP amendment as submitted. The Commission may reject IP amendments only if the amendment would be inconsistent with the certified Land Use Plan (LUP) or render the IP inadequate to carry out the LUP. The proposed IP Amendment is consistent with the goals and policies of the LUP in that the amendment allows for the enhancement of connectivity and circulation of pedestrian, bicycle, and vehicular transportation between adjacent land uses.

The proposed amendments to both Title 24 and Title 30 of the Encinitas Municipal Code provide consistent language for the requirements of bicycle and pedestrian connectivity throughout Encinitas. These requirements shall be applied to development within all residential, commercial, light industrial, public/semi-public, and ecological reserve/open space/parks zones in the City, and shall also apply when a subdivision is, or is not requested as part of a development application. Development subject to the provisions of this amendment will be required to add interconnection opportunities into a project based on several factors of feasibility, including, but not limited to topography, adjacent land use(s), existing physical barriers, and access to existing trails and public access points.

Additionally, no changes to the City's resource protection measures such as habitat buffers, blufftop setbacks, or grading restrictions on steep slopes are proposed or modified with the subject amendment. Therefore, no adverse impacts to coastal resources are anticipated.

## **ADDITIONAL INFORMATION**

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

Further information on the City of Encinitas LCP Amendment No. LCP-6-ENC-19-0158-3 (Bicycle and Pedestrian Connectivity) may be obtained from **Cort Hitchens**, Coastal Planner, at (619) 767-2370.

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## **EXHIBITS**

Exhibit 1 – [Ordinance 2019-24](#)

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## **I. OVERVIEW**

### **A. LCP HISTORY**

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas' LCP (both LUP and implementing ordinances). The City accepted the suggested modifications; and, on May 15, 1995, began issuing CDPs for those areas of the City within the Coastal Zone. The Commission has certified many amendments to the City's LCP since 1995.

### **B. STANDARD OF REVIEW**

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.

### **C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum amount of opportunities to participate in the development of the LCP amendment prior to 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.

## **II. MOTION AND 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.

### **MOTION:**

I move that the Commission reject the City of Encinitas Implementation Program Amendment No. LCP-6-ENC-19-0158-3 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 AMENDMENT 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 Land Use Plan, 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.

**III. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The City of Encinitas proposes to amend Title 24 (Subdivisions) and Title 30 (Zoning) of the City’s Municipal Code, both part of the certified IP, to modify design requirements and development standards for pedestrian and bicycle connectivity. Specifically, this amendment will add language into the City’s Municipal Code to expand and clarify when new development shall provide interconnection for multimodal circulation between adjacent land uses. Further, if local review determines that a project shall provide an interconnection, the Ordinance requires the newly created linkage to be secured through an easement dedication.

This amendment adds similar language into six Sections of the Encinitas Municipal Code in order to provide consistent requirements for bicycle and pedestrian connectivity in multiple zones of the City. Specifically, the provisions of the amendment would apply to development within all residential, commercial, light industrial, public/semi-public, and ecological reserve/open space/parks zones in the City, and would also apply when a subdivision is, or is not requested as part of a development application.

The proposed amendment consists of text changes only; the revisions will apply citywide.

**B. 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 purpose of the proposed ordinance is to maintain and/or enhance the connectivity and circulation of pedestrian, bicycle and vehicular transportation through new development.

b) **Major Provisions of the Ordinance.**

A major provision of the proposed ordinance provides that connectivity and circulation between adjacent land uses will be reviewed on a project-by-project basis, and that interconnecting circulation for pedestrians and bicycles can include passages, walkways, trails, courtyards, breezeways, and bridges. Additionally, the Ordinance requires the newly created linkage to be secured through an easement dedication and can include easement dedications for future connectivity and circulation.

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

The Commission can only reject the proposed IP amendments where it can be shown that the amendment would be inconsistent with the certified LUP or render the IP inadequate to carry out the LUP. The most applicable LUP standards are as follows:

**Land Use Element**

**Policy 1.15:** Commercial and industrial uses shall be required to provide easy and safe pedestrian, bicycle, and handicapped access.

**Policy 6.5:** The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development.

**Circulation Element**

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

**Policy 3.3:** Create a safe and convenient circulation system for pedestrians.

**Policy 3.11:** The City will strive to implement a safe, direct, and convenient circulation system for commuting and recreational bicycle traffic. The City will support the development of additional bicycle facilities in the Coastal Zone...

The proposed IP amendment is consistent with the goals and policies of the certified LUP in that new development projects, subject to the amendment's provisions, will expand multimodal connectivity citywide. The provisions of this amendment clarify when a project shall provide for multimodal connections through private development, to trails identified in the City's Recreation Trails Master Plan, or to sidewalks as typically required as part of frontage road improvements.

Proposed language within the amendment requires the interconnection of pedestrian and bicycle circulation through projects 'to the extent feasible.' California Public Resources Code Section 30108 defines feasible: "Feasible" means capable of being accomplished in

a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. Development subject to the provisions of this amendment will be required to add interconnection opportunities into a project based on several factors of feasibility, including, but not limited to topography, adjacent land use(s), existing physical barriers, and access to existing trails and public access points. Once interconnection opportunities are deemed appropriate or are required by the City, the outcomes are beneficial to the public as they will encourage alternate means to access the beach and the broader community, as well as reduce vehicle miles travelled.

The amendment adds language into the City's Municipal Code to expand and clarify when new development shall provide interconnection for multimodal circulation between adjacent land uses. This text-only change is intended to modify design requirements and development standards for pedestrian and bicycle connectivity. Therefore, all LCP provisions, including resource protection measures, will continue to be implemented. Thus, the proposed IP amendment is consistent with the goals and policies of the certified LUP and is adequate to carry it out. The LCP amendment can therefore be approved as submitted.

#### **IV. 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 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 submission.

At the local level, the City found that the ordinance revisions were exempt from environmental review pursuant to the CEQA Guidelines Section 15061(b)(3) since there would be no possibility of a significant effect on the environment with the proposed amendment. Environmental review will be considered for any resulting future projects at the time of development.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the LCP amendment as proposed will not have any significant adverse effects on the environment and no significant coastal resource impacts are anticipated. The proposed amendment would only add language to the Municipal Code and clarify when development shall provide interconnection for multimodal circulation between adjacent land uses. Therefore, the Commission finds that the subject IP amendment as proposed conforms to CEQA provisions.