

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384

F8a

Date: May 21, 2020

To: **COMMISSIONERS AND INTERESTED PERSONS**

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

Subject: **STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR LCP
AMENDMENT NO. LCP-6-ENC-20-0018-1 (Street Trees) for Commission
Meeting of June 10-12, 2020**

SYNOPSIS

The subject LCP implementation plan amendment was submitted as a standalone amendment request, representing the City's first LCP amendment submittal for the 2020 calendar year. The LCP amendment was filed as complete on February 26, 2020, and a time extension for this item was approved at the May 2020 hearing. This staff report addresses only LCP-6-ENC-20-0018-1 and it involves revisions to the City's certified implementation plan. There are not currently any other pending LCP items from the City of Encinitas.

SUMMARY OF AMENDMENT REQUEST

The City of Encinitas proposes to amend Chapter 4 (Design Recommendations) and Chapter 7 (Street Tree Master Plan) of the Downtown Encinitas Specific Plan (DESP), part of the certified IP, to modify the planting palette, design recommendations, guidelines and requirements for street trees within the DESP planning area. Specifically, this amendment will remove all invasive tree species from the planting palette, add new non-invasive species into the planting palette, and clarify how and when trees shall be planted within the DESP area. The proposed amendment consists of text changes only; the revisions will apply only within the Downtown Encinitas Specific Plan area.

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 tree plantings within the DESP area shall be maintained to preserve scenic coastal areas and

the new plantings will consist primarily of drought-tolerant species and will always consist of non-invasive species.

The proposed amendment to the DESP removes all invasive tree species from its planting palette and adds new species into the palette. The amendment also adds and modifies guidelines and requirements for planting street trees within the Downtown Encinitas Specific Plan area and removes an outdated planting design Figure 9 (Planting Design for Neighborhood Streets) from the DESP.

Removing invasive trees from the DESP planting palette can benefit coastal resources because no more invasive tree species could be planted along street-fronting property within the planning area. Further, 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-20-0018-1 (Street Trees) may be obtained from **Cort Hitchens**, Coastal Planner, at (619) 767-2370.

EXHIBITS

Exhibit 1 – [Ordinance 2019-28](#)

Exhibit 2 – [Downtown Encinitas Specific Plan Boundary Map](#)

TABLE OF CONTENTS

- I. OVERVIEW4**
 - A. LCP HISTORY.....4
 - B. STANDARD OF REVIEW.....4
 - C. PUBLIC PARTICIPATION.....4
- II. MOTION AND RESOLUTIONS.....4**
- III. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED5**
 - A. AMENDMENT DESCRIPTION.....5
 - B. FINDINGS FOR APPROVAL.....5
- IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA).....7**

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-20-0018-1 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 the Downtown Encinitas Specific Plan, part of the certified IP, to modify the planting palette, recommendations, design requirements and guidelines for street trees within the DESP planning area. Specifically, this amendment will remove all invasive tree species from the planting palette and will add new non-invasive species into the planting palette. Additionally, the amendment modifies requirements for street trees within Chapter 4 (Design Recommendations) and Chapter 7 (Street Tree Master Plan) of the DESP, updates design recommendations and guidelines such as plant sizes and spacing for street tree plantings, and removes an outdated Figure 9 (Planting Design for Neighborhood Streets) from the current DESP.

The Downtown Encinitas Specific Plan area is located within the community of Old Encinitas and consists of approximately 198.6 acres. The planning area is bounded by the Pacific Ocean to the west, B Street on the north, Cornish Drive on the east, and K Street on the south. A map of the DESP area is included as [Exhibit 2](#) to this staff report. This specific plan area defines most of the original Encinitas community, a historic beach-oriented settlement along the northern San Diego County coastline. Additionally, this planning area contains a portion of the Coast Highway 101 corridor and a portion of the North County Transit District (NCTD) rail corridor, as well as the popular Moonlight Beach State Park. The proposed amendment consists of text changes only; the revisions will apply only within the Downtown Encinitas Specific Plan area.

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 update the Downtown Encinitas Specific Plan to remove invasive species from the planting palette, add new non-invasive and drought-tolerant species, and update recommendations and requirements for street trees within the planning area.

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

A major provision of the proposed ordinance prohibits the planting of any tree, shrub or plant listed as invasive in the City's invasive plant policy. Additionally, the Ordinance requires that if additional tree species are to be planted within the DESP area, a selected species shall be consistent with the City's most recent overall street tree planting list, and that the priority of additional plantings shall be given to drought tolerant and drought resistant tree species.

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:

Resource Management Element

Goal 3: The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.

Policy 3.3: The City will examine ways to aesthetically trim street trees and vegetation within the public right-of-way including the possibility of using contract services or City personnel.

Policy 9.1: The City will initiate and pursue the landscaping of appropriate median and parking areas with trees on all new and existing arterial streets.

Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/or natural landscaping and efficient irrigation systems throughout the City.

Policy 9.5: Encourage and adopt standards for clean-up, landscaping, beautification, utility undergrounding, and additional landscaping in parking facilities where needed in existing commercial areas.

Policy 9.7: Encourage and adopt standards for landscaping of existing commercial and industrial uses to screen and buffer unsightly and congested commercial/industrial areas from surrounding land uses.

The proposed IP amendment is consistent with the goals and policies of the certified LUP in that the scenic coastal areas within the DESP will be preserved by maintaining only healthy, non-invasive tree species. Also, the majority of new plantings by the City will consist of drought tolerant species. At the discretion of the City Manager or designee, the Ordinance allows for tree species not included in the planting palette to be used in the

DESP area, however no invasive species could be planted and any additional species could only be selected from the City's most recent overall street planting list.

Removing all of the invasive trees from the DESP planting palette protects coastal resources by eliminating the potential planting of invasive species along street-fronting property within the planning area. City staff has communicated that while the proposed planting palette is not composed entirely of drought-tolerant species, it was chosen out of eight possible options as containing the most drought-tolerant trees. These elements serve to protect other sensitive habitats in the community and promote water conservation.

The amendment adds language into the City's Downtown Encinitas Specific Plan to modify the planting palette and design recommendations, guidelines and requirements for street trees within the DESP planning area. Specifically, this amendment removes all invasive tree species from the planting palette, adds new non-invasive species into the planting palette, and clarifies how and when trees shall be planted within the DESP area. 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 modify the Downtown Encinitas Specific Plan to clarify appropriate requirements for planting street trees. Therefore, the Commission finds that the subject IP amendment as proposed conforms to CEQA provisions.