

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
(619) 767-2370 FAX (619) 767-2384  
WWW.COASTAL.CA.GOV



# W15

## San Diego Coast District Deputy Director's Report for November 2022

Prepared November 09, 2022 (for the November 16, 2022 Hearing)

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs and local government acceptance of modifications for LCP certification for the San Diego Coast District Office are being reported to the Commission on November 16, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 16th.

With respect to the November 16th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

### Items being reported on November 16, 2022 (see attached)

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#### Waivers

- 6-22-0771-W, McIntosh Condo Remodel (Solana Beach)
- 6-22-0776-W, City of San Diego Hospitality Point Parking Lot Improvements (San Diego)
- 6-22-0824-W, Peterson Residence Remodel (Solana Beach)
- 6-22-0875-W, UCSD Torrey Pines River Plume Surfzone Experiment (San Diego)

#### Immaterial Extensions

- 6-19-0109-E2, Solana Highlands Apartment Complex (Solana Beach)

#### Emergency Permits

- G-6-22-0005-W, State Parks San Elijo Campground Revetment Repairs (Encinitas)

#### LCP Certification Review

- LCP-6-ENC-22-0014, ADU and JADU Update (Encinitas)

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November 02, 2022

### Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0771-W

**Applicant:** Scott and Kim McIntosh

**Location:** 233 Helix Ave, #21, Solana Beach (San Diego County) (APN: 298-520-01-21)

**Proposed Development:** Interior remodel and replacement and enlargement of exterior doors and windows in an approx. 1,580 sq. ft. 1-story condominium unit.

**Rationale:** The existing condominium building is located within 50 ft. of the coastal bluff, and thus the proposed interior remodel and replacement of exterior doors and windows requires a permit. The proposed development will not increase the size of the unit or impact geologic stability. The development does not result in alteration of greater than 50% of the exterior walls of the existing structure. The proposed development will not affect public views or coastal access, and no adverse impacts to coastal resources are anticipated. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its November 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-22-0771-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Julia Prieto  
Coastal Program Analyst

cc: Commissioners/File

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November 02, 2022

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

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**Waiver:** 6-22-0776-W

**Applicant:** City of San Diego Engineering and Capital Projects Dept: attn Tina Huang

**Location:** Hospitality Point, Mission Bay Park, San Diego, San Diego County  
(APN(s): N/A)

**Proposed Development:** Repair and resurface approx. 44,860 sq. ft. of existing parking lot and roadway, restripe the existing northern and eastern parking lots at Hospitality Point to add two new American with Disabilities Act (ADA)-compliant parking spaces (for a total of six), add conduits for future electric vehicle charging stations, replace gutters and curbs along Quivira Way, clear approx. 3,300 sq. ft. of ornamental vegetation adjacent to the parking lot, and construct approx. 2,500 sq. ft. of new ADA-compliant sidewalks and curb ramps.

**Rationale:** The project sites are a 48-space north public parking lot and 95-space east public parking lot and adjacent roads at Hospitality Point in southwest Mission Bay Park. The project does not include the 52-space western public lot. To accommodate the new ADA parking spaces and curb cuts, restriping of the parking lots will result in a loss of six parking spaces. However, although there will be a minor decrease in the number of public parking spaces, there will still be 189 overall public parking spaces at Hospitality Point, and the new ADA spaces together with new sidewalk will improve access to the coast here for the public. The work will take approximately 8 months but will occur in

**Coastal Development Permit Waiver**  
6-22-0776-W

stages to avoid precluding the public from the entire parking area and will occur outside the summer season between Memorial Day and Labor Day to minimize impacts on public access. Staging will occur on landscaped areas to avoid occupying public parking, and construction Best Management Practices will be implemented to protect water quality, including taking debris to legal sites outside the coastal zone and covering debris to prevent scattering into nearby waters. Therefore, as proposed, the development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its November 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:



Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

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November 02, 2022

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0824-W

**Applicant:** Jeanna and John Peterson

**Location:** 418 Glencrest Dr, Solana Beach (San Diego County) (APN(s): 263-242-05)

**Proposed Development:** Remodel of an existing 1,827 sq. ft., 1-story single family residence with attached 467 sq. ft. garage, including approximately 1,040 sq. ft. of new living area additions, new approximately 220 sq. ft. attached golf garage and storage, a new pool and spa, and site grading, landscape and hardscape, on an approx. 15,300 sq. ft. lot.

**Rationale:** The proposed residential addition requires a permit because the site is located between the first public roadway and sea and involves an increase in more than 10% of the existing floor area. The proposed addition will be located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. There are no steep slopes, native vegetation or public views that will be affected by the addition. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified LUP, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

**Coastal Development Permit Waiver**  
6-22-0824-W

This waiver will not become effective until reported to the Commission at its November 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Julia Prieto  
Coastal Program Analyst

cc: Commissioners/File

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November 4, 2022

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0875-W

**Applicant:** University of California, San Diego

**Location:** River mouth, surf zone, and offshore areas at Los Penasquitos Marsh Natural Preserve and Torrey Pines State Beach and Natural Reserve, San Diego, San Diego County. (APN: 760-257-48-00)

**Proposed Development:** River Plume-Surfzone Interactions project consisting of two to four dye releases and temporary installation of scientific instruments in the estuary, surfzone, and offshore areas, outside of the summer season (Labor Day to Memorial Day). Two to four releases of Rhodamine WT dye will be conducted in the Los Penasquitos river mouth following rainfall events. The dye will be tracked with jetski transects, an unmanned aircraft system, and sensors co-located with oceanographic instruments. Sensors will be deployed in the estuary mouth and a meteorological station will be co-located with an existing pole-mounted camera near the river mouth. Various sensors will also be attached to triangular frames or marker poles and anchored to the seafloor. Staff divers will verify that all sensors are deployed on soft, sandy bottom substrate, and not within 25 feet of sensitive habitats. The instruments will be regularly monitored by researchers using trucks or ATVs to access the beach, an inflatable boat to access the estuary, and jetskis or a boat to access offshore sensors. Staff will be present on the beach during dye releases to inform the public about the project. All equipment will be removed upon completion of the project.

**Rationale:** The goal of this project is to improve understanding of small river plumes as they interact with the surfzone. The project will be conducted outside of the summer season and public access will be maintained along the beach at all times. The use of



**Coastal Development Permit De Minimis Waiver**  
6-22-0875-W

dye has been approved by the Regional Water Quality Control Board. No adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its November 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Stephanie Leach  
Coastal Program Analyst

cc: Commissioners/File

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October 28, 2022

# NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that Fenton Solana Highlands, LLC has applied for a one year extension of 6-19-0109 granted by the California Coastal Commission on May 9, 2019.

for: Demolition of an existing 159,015 sq. ft., 198-unit apartment complex and construction of a new 253,423 sq. ft., 260-unit apartment complex of which 32 units will be reserved as affordable senior units for a 55-year period; consolidation of three underlying lots into two lots; new landscaping and hardscape improvements.

at: 661-781 South Nardo Avenue and 821 Stevens Avenue, Solana Beach, San Diego County (APN(s): 298-260-33, 298-281-10, 298-164-22)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission by email [Melody.Lasiter@coastal.ca.gov](mailto:Melody.Lasiter@coastal.ca.gov) or the phone number above.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Melody Lasiter  
Coastal Program Analyst

cc: Commissioners/File

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November 8, 2022

CA Dept. of Parks and Recreation  
Gina Moran  
4477 Pacific Highway  
San Diego, CA 92110

Re: Request for emergency action at San Elijo State Beach No. G-6-22-0005-W

Dear Ms. Moran:

On September 8, 2022, the Executive Director was informed by the California Department of Parks and Recreation (State Parks) that substantial erosion was occurring at the southern end of the campground at San Elijo State Beach that was threatening a blufftop road and campsites. Due to a major storm that was anticipated to occur in the coming days that threatened to cause a collapse of a portion of the campground, State Parks was requesting permission for emergency restacking of scattered rip rap and sand at the base of the bluff. Emergency work was completed on September 11 - 12, 2022, and took approximately eight hours total. The work consisted of a single excavator restacking scattered rip rap along the bluff edge and depositing beach sand atop it. No import or export of materials occurred. An application for an after-the-fact emergency permit was submitted to the Coastal Commission on November 1, 2022.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons.

1. Immediate action by a public agency, State Parks, is necessary to protect life and public property and maintain public facilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to protect the road and campsites and no substantial impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission hearing on November 16-18, 2022.

Sincerely,  
DocuSigned By:

*Alexander Llerandi*

633E996CF0CA4B3

Alexander Llerandi  
Coastal Program Analyst  
California Coastal Commission  
San Diego District

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# W15

**Prepared October 27, 2022 (for November 16, 2022 Hearing)**

**To:** Commissioners and Interested Persons

**From:** John Ainsworth, Executive Director  
Diana Lilly, San Diego Coast District Manager  
Kaitlin Carney, Coastal Planner

**Subject: Certification Review for City of Encinitas LCP Amendment Number LCP-6-ENC-22-0014-1 (ADU & JADU Resubmittal)**

On July 13, 2022, the California Coastal Commission considered a proposed City of Encinitas LCP amendment (LCP-6-ENC-22-0014-1) designed to update the City's LCP Implementation Plan regulations for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with state law. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Encinitas considered the Commission's conditional certification on August 24, 2022 and September 14, 2022, and approved a modified version of the LCP amendment on September 14, 2022 in response to the Commission's conditional certification, including the one suggested modification.

The Executive Director has reviewed the City's September 14, 2022 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's November meeting on November 16, 2022 as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9am on November 16th, and the District Director's Report is item number W15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the

Commission in the San Diego Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or [SanDiegoCoast@coastal.ca.gov](mailto:SanDiegoCoast@coastal.ca.gov).**

## ORDINANCE NO. 2022-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, ADOPTING THE MODIFICATIONS SUGGESTED BY THE CALIFORNIA COASTAL COMMISSION TO CITY COUNCIL ORDINANCE NO. 2020-10 AND ORDINANCE NO. 2022-03, AMENDING ENCINITAS MUNICIPAL CODE SECTION 30.48.040 (ACCESSORY USE REGULATIONS) OF TITLE 30 (ZONING) TO ADDRESS WHEN A COASTAL DEVELOPMENT PERMIT (CDP) IS REQUIRED FOR THE CONSTRUCTION OF A NEW ACCESSORY DWELLING UNIT/JUNIOR ACCESSORY DWELLING UNIT**

WHEREAS, the City Council conducted public hearings on October 21, 2020 and November 18, 2020, for the purpose of considering amendments to the Local Coastal Program and Title 30 of the Municipal Code, and at which time adopted City Council Ordinance No. 2020-10;

WHEREAS, the California Coastal Commission ("Coastal Commission") held a public hearing to review the proposed amendments in City Council Ordinance No. 2020-10 and certified the Local Coastal Program Amendment No. LCP-6-ENC-21-0002-2 with suggested modifications;

WHEREAS, the City Council conducted public hearings on January 26, 2022 and February 9, 2022, for the purpose of considering Coastal Commission suggested modifications to the Local Coastal Program and Title 30 of the Municipal Code, and at which time adopted City Council Ordinance No. 2022-03;

WHEREAS, the Coastal Commission held a public hearing to review the proposed amendments in City Council Ordinance No. 2022-03 and certified the Local Coastal Program Amendment No. LCP-6-ENC-22-0014 with a suggested modification;

WHEREAS, the suggested modification to the Local Coastal Program and Section 30.48.040 of the Zoning Code is required to address when a coastal development permit (CDP) is required for the construction of a new accessory dwelling unit/junior accessory dwelling unit;

WHEREAS, the City Council conducted a public hearing on August 24, 2022, and September 14, 2022 for the purpose of considering public testimony relative to Ordinance No. 2022-11 regarding the suggested modification by the Coastal Commission;

WHEREAS, the City Council has duly considered all evidence, including testimony and the analysis and recommendations by staff, presented at said hearing;

WHEREAS, the City finds that the proposed amendments to the City's Municipal Code is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code regarding accessory dwelling units. The proposed amendments regarding junior accessory dwelling units are also exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California

Environmental Quality Act (CEQA) Guidelines since it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council finds that the proposed text amendment is consistent with the purposes of the General Plan, Municipal Code, and adopted Local Coastal Program.

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

**SECTION 1:** The foregoing recitals are true and correct.

**SECTION 2:** Section 30.48.040(T)(21) of Chapter 30.48 (Accessory Use Regulations) is hereby amended to read as follows (underline is used to denote new text being added, ~~strikeout~~ is used to denote text being deleted):

Except for required coastal development permits, applications for accessory dwelling units on a lot with an existing single-family residence or multifamily dwelling units that conform to the requirements of this section shall be considered as ministerial permits without discretionary review or a hearing, and the City shall approve or deny such applications within 60 calendar days after receiving the completed application. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall still be considered as a ministerial permit without discretionary review or a hearing. If the application requests a delay, the 60-day time period shall be tolled for the period of the delay.

Coastal development permits: Accessory dwelling units and junior accessory dwelling units that are not completely contained in the existing primary structure, or include increases in habitable area, or include conversion of non-habitable space, are considered self-contained residential units and require a coastal development permit or administrative coastal development permit. The City shall approve or deny coastal development permit applications within 60 calendar days after receiving the completed application to the extent feasible.

**SECTION 3:** This Ordinance is consistent with the intents and purposes of the General Plan, Municipal Code, Specific Plans, and Local Coastal Program. The amendments modify the regulations and requirements for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to address when a coastal development permit is required for the construction of a new accessory dwelling unit/junior accessory dwelling unit.

**SECTION 4:** It has been determined that the proposed Ordinance is statutorily exempt pursuant to Section 21080.17 of the Public Resources Code, and categorically exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 5:** This Ordinance is consistent with the adopted Local Coastal Program in that the amendments will not interfere with the protection and maintenance of the overall quality of the coastal zone environment.

**SECTION 6:** This Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Director of Development Services is hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for its review and adoption.

**SECTION 7:** If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 8:** This Ordinance shall take effect and be in force on the date of adoption by the California Coastal Commission, regardless of whether an area is or is not within the Coastal Zone, but not sooner than thirty (30) days after its passage by the City Council. The City Clerk of the City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code section 36933 utilizing the Coast News, a newspaper of general circulation designated for legal notices publication in the City of Encinitas.

**INTRODUCED** at a regular meeting of the City Council of the City of Encinitas, California, held on this 24<sup>th</sup> day of August, 2022; and

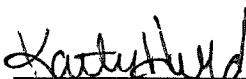
**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Encinitas, California, held on the 14<sup>th</sup> day of September, 2022, by the following roll call vote:

<b>AYES:</b>	<b>Blakespear, Kranz, Lyndes, Mosca</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Hinze</b>
<b>ABSTAIN:</b>	<b>None</b>

**APPROVED:**

  
\_\_\_\_\_  
Catherine S. Blakespear, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kathy Hollywood, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tarquin Preziosi, City Attorney



CERTIFICATION

I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on this 24th day of August, 2022 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on this 14th day of September, 2022 by the following vote, to wit:

AYES:           **Blakespear, Kranz, Lyndes, Mosca**  
NOES:           **None**  
ABSENT:       **Hinze**  
ABSTAIN:       **None**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this 14 day of September, 2022.

  
\_\_\_\_\_  
Kathy Hollywood, City Clerk