

CALIFORNIA COASTAL COMMISSION

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Th17a

LCP-6-ENC-22-0013-1 (Objective Design Standards)

June 9, 2022

EXHIBITS

Table of Contents

EXHIBIT 1: Ordinance No. 2022-02

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS ADOPTING AMENDMENTS TO CHAPTERS 23.08 (DESIGN REVIEW), 30.04 (DEFINITIONS), AND 30.16 (RESIDENTIAL ZONES) OF THE ENCINITAS MUNICIPAL CODE, DOWNTOWN ENCINITAS, NORTH 101 CORRIDOR, ENCINITAS RANCH, AND CARDIFF-BY-THE-SEA SPECIFIC PLANS, AND LOCAL COASTAL IMPLEMENTATION PLAN TO CREATE OBJECTIVE STANDARDS FOR HOUSING DEVELOPMENT

WHEREAS, in 2019 the State of California Legislature declared that “California has a housing supply and affordability crisis of historic proportions;”

WHEREAS, the Housing Accountability Act, Government Code Section 65589.5, restricts the City of Encinitas’s ability to deny or reduce the density of all housing development projects, including residential development, transitional and supportive housing, and residential mixed-use development, that are consistent with objective design and development standards;

WHEREAS, Senate Bill (SB) 35, Government Code Section 65913.4, establishes a developer-initiated process to streamline the approval process for housing developments meeting specific criteria, including affordable housing and labor requirements;

WHEREAS, the City of Encinitas seeks to adopt objective standards to facilitate and accommodate development at the density permitted on the site and proposed by the development in accordance with State and Local Law;

WHEREAS, the 2021-2029 Housing Element approved by the City Council on April 7, 2021 contains Housing Element Program 3B, which provides that the City of Encinitas will revise design guidelines and zoning standards to ensure they are objective standards;

WHEREAS, the City Council and Planning Commission held a joint study session on August 25, 2021, received public comments and provided feedback on the development of draft objective development and design standards;

WHEREAS, the Planning Commission held a study session on October 7, 2021, received public comments, and provided feedback on the draft design standards;

WHEREAS, a Public Notice of Availability of proposed Local Coastal Plan Amendments (LCPA) was issued which opened a six-week public review period that ran from October 15, 2021 and concluded on November 26, 2021;

WHEREAS, the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and does not conflict with any coastal zone regulations or policies with which future development must comply;

WHEREAS, the Planning Commission conducted noticed public hearings on November 4, 2021, November 18, 2021, December 2, 2021, and December 16, 2021, considered public testimony, and made a recommendation to the City Council to approve draft Ordinance No. 2022-02 with modifications, amending Chapters 23.08 (Design Review) and 30.16 (Residential Zones) of the Encinitas Municipal Code, Downtown Encinitas, North 101 Corridor, Encinitas Ranch, and Cardiff-By-The-Sea Specific Plans, which proposes new Objective Design Standards that are applicable to multi-family and mixed-use residential development;

EXHIBIT NO. 1
Ordinance No. 2022-02
Encinitas LCP #LCP-6-ENC-22-0013-1 California Coastal Commission

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. PC 2021-43, on December 16, 2021, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of said Ordinance;

WHEREAS, the City Council conducted public hearings on January 19, 2022 and February 9, 2022 for the purpose of considering amendments to Titles 23 and 30 of the Encinitas Municipal Code;

WHEREAS, the City Council has duly considered the totality of the record and all evidence submitted into the record, including public testimony and the evaluation and recommendations by staff, presented at said hearing;

WHEREAS, notices of said public hearings were made at the time and in the manner required by law;

WHEREAS, the City Council finds that this Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Development Services Director is hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for their review and adoption; 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 amendments are consistent with the purposes of the General Plan, Municipal Code, Specific Plans, and adopted Local Coastal Program.

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

SECTION 1: The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2: Sections 23.08.010 (Purpose), 23.08.080 (Regulatory Conclusions - Generally) and 23.08.100 (Guidelines) of Chapter 23.08 Design Review of the Encinitas Municipal Code is hereby amended to read as follows (underline is used to denote new text being added):

23.08.010 Purpose.

...

1. Determine compliance of development projects with the provisions of this chapter and the design review standards and guidelines of the City of Encinitas as well as other regulations regarding the physical development of the City.

...

3. Encourage the preservation of the distinct and individual character of the various neighborhoods and communities through the prudent administration of this chapter and the design review standards and guidelines.

...

23.08.080 Regulatory Conclusions—Generally.

...

B. The project design is substantially inconsistent with the design review standards and guidelines.

...

23.08.100 Standards and Guidelines.

The City Council shall adopt by resolution design review standards and guidelines setting forth the policies and criteria for this chapter. The person or body authorized to render a final determination shall comply with these standards and guidelines when reviewing applications for permits and shall ensure that the spirit intent of the guidelines are upheld in all design review actions. The City Council may amend the design review standards and guidelines by resolution to keep the guidelines in compliance with the latest City policies.

SECTION 3: Chapter 30.04, Definitions of Title 30 of the Encinitas Municipal Code is hereby amended by adding the following definitions, and shall be integrated into the existing Section in alphabetical order, to read as follows (underline is used to denote new text being added):

DEEMED SUBMITTED shall mean a determination by the City that an applicant has submitted a preliminary application, pursuant to Government Code Section 65941.1, that contains all information in accordance with their SB 330 checklist (including payment of a fee), and accordingly that the preliminary application is subject to all applicable allowances and benefits afforded by the statute.

DESIGN GUIDELINES shall convey general policies about the design of alterations to existing structures, additions, new construction and site work.

DESIGN STANDARDS shall have the same meaning as defined in Government Code Sections 65913.4 and 66300(a)(7) as standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.

SECTION 4: Section 30.16.010 (Development Standards) of Chapter 30.16 Residential Zones of the Encinitas Municipal Code is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

A. The development standards described in the tables below shall apply to the residential zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. In addition to the development standards provided in this chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for residential zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in residential zones within adopted specific plans. All buildings, grading, landscaping, or construction projects, whether they require any other City permit or not, are subject to design review, as referenced in Chapter 23.08, Design Review, unless exempted by that chapter. The City's Design Standards and Guidelines contain additional design and development standards that shall apply to all residential development.

...

11. For single-family residential zones, the following development standards shall apply:

a. Front yard setbacks within subdivisions of five or more lots ~~should~~ shall vary in a manner consistent with the pattern of development in the surrounding neighborhood and consistent with the provisions of the underlying zoning.

b. Garage placement/design standards for single-family subdivisions:

i. Garages shall be located to minimize or reduce their visual presence, ~~to the extent practical.~~

ii. In RR to ~~RS-113~~ Zones, the placement of garages on a single-family lot shall vary; e.g., (a) located in the rear of the lot but accessed from the front; (b) located in the front portion of the lot with either direct access or side loaded; or (c) accessed from the alley or side street, or combination. ~~In R-5 to RS-11 Zones, the placement of garages on the lot is encouraged to vary, to the extent practical.~~

iii. ~~To the extent practical,~~ access to the garage shall be from the alley or side street, if available.

c. For a new tract front yard setbacks may be reduced up to 25% on a maximum of one-half of the dwelling units within a residential tract; however, no street setbacks shall be less than 20 feet to the garage for front entry garages, and 15 feet to the garage for side entry garages.

d. For single-family housing developments, variety of housing designs shall be provided. Each house design shall provide and exhibit at least three of the following features that clearly and obviously distinguish them from other house designs within the development:

- (i) Building mass. Building mass is considered to be the outline of the structure. This is determined by the height, width, and depth of the structure.
- (ii) Roof type. Roof types consist of mansard, hip (full or clip), flat, gambrel, gable, and front-to-back (shed style). Differentiation may also be achieved through the use of roof dormers, gables, and hips.
- (iii) Windows and doors. The vertical or horizontal variation in the placement of at least two windows and/or doors on the front façade elevation or window shapes that are substantially different.
- (iv) Materials. The use of different materials on the front façade elevation.
- (v) Garages. Substantial variation in the location and/or proportion of garages and garage doors, such as alley-loaded garages, side-loaded garages, single vs. double garages, etc.
- (vi) Porches. Variation in the location, width, and proportion of front porches.

The sole use of minor cosmetic changes such as different paint color, reversing or creating mirrored images of the exterior architectural elevations, shutters, decorative brackets, or using different brick or stone color shall not meet the intent of this section.

e. The same house design with the identical street elevation design (or substantially identical) shall not be placed directly adjacent to one another or directly across the street from one another. Identical or nearly identical street elevation design means little or no variation in the horizontal and vertical articulations of the building walls and rooflines, height or width of the façade, placement of the primary entrances, porches, number and placement of windows, and other major architectural features. It does not mean similar colors, materials, or small details.

f. Each of the elevations of a house design shall have a minimum of two differentiated planes to relieve flat, monotonous facades.

(i) Differentiation may include incorporation of an architectural feature such as a bay window, entry, porch, overhang, or chimney.

(ii) All differentiation shall be a minimum of 12 inches on at least 20 percent of the overall elevation.

...

C. Single-Family Residential Zones (/RR-2/R-3/R-5/R-8/RS-11). In the single-family residential zones, the following development standards shall apply in addition to subsections A and B of this section:

1. Residences shall be oriented with the rear of the residence toward collector and larger streets where possible, consistent with the pattern of development in the neighborhood.

2. Walkways connecting with city sidewalk/trail systems shall ~~where practical~~ be provided in new residential developments.

3. Driveway or other concrete or asphalt concrete areas available for parking shall not exceed 50% where practical of the required front yard area.

4. ~~To the extent practical,~~ Access to the garage shall be from the alley or side street, if available.

...

D. Higher Density Single-Family and Multiple-Family Residential Zones (R-11/R-15/R-20/R-25).

...

8. The following recreation facilities/amenities shall be provided for residential developments based on the following number of units unless waived during the design review process:

a. ~~Children's play area;~~

b. ~~Swimming pool;~~

c. ~~Family picnic area.~~

Recreation Amenities Design Matrix

<u>Recreation Amenities (square footage is the active or passive recreational amenities, not including required access paths)</u>	<u>Project Points</u>	<u>Point Values</u>
<u>ACTIVE AMENITIES</u>		
<u>1.A. Children's play area (minimum of 500 square feet, with at least three pieces of play equipment, at least one bench, and a minimum of two evergreen shade trees located adjacent to the play area)</u>		<u>2</u>
<u>1.B. Children's play area (1.A above plus 250 additional square footage for play area, at least two additional pieces of play equipment, at minimum one additional bench, with the entire play area designed for children of all ages and abilities)</u>		<u>3</u>

<u>2.A. Swimming Pool Area - Enclosed/fenced pool area, with a minimum 800-square foot swimming pool, and at least 200 square feet provided for a minimum of two lounge chairs and one side table)</u>		<u>3</u>
<u>2.B. Swimming Pool Area - Enclosed/fenced pool area with a minimum 1,000-square foot swimming pool, minimum one spa, minimum one changing area or restroom within 50 feet of pool area, and at least 400 square feet provided for at least four lounge chairs, three side tables, and one outdoor umbrella.</u>		<u>4</u>
<u>3.A. Basketball Half-Court, Pickleball, or Multi-Sport/Game Court - Regulation sized and surfaced court, with at least one bench and waste/recycling receptacle, and a minimum of four evergreen shade trees located adjacent to the court area)</u>		<u>2</u>
<u>3.B. Basketball Half-Court, Pickleball, or Multi-Sport/Game Court - 3.A. above plus be an illuminated court with shielded cut-off light fixtures except for properties in the Olivenhain Community Area (See Section 30.40.010 of this Code)).</u>		<u>3</u>
<u>4.A. Bocce, Pétanque, or Shuffleboard Court - Regulation size, with at least one bench and waste/recycling receptacle, and a minimum of two evergreen shade trees located adjacent to the court area.</u>		<u>1</u>
<u>4.B. Bocce, Pétanque, or Shuffleboard Court - 4.A. above plus least one additional bench or table that is covered with a shade structure, trellis, or gazebo.</u>		<u>2</u>
<u>5.A. Tennis or Basketball Court - Regulation size full court with at least one bench and waste/recycling receptacle, and a minimum of two evergreen shade trees located adjacent to the court area.</u>		<u>3</u>
<u>5.B. Tennis or Basketball Court - Regulation size full court with at least two benches and waste/recycling receptacle, and a minimum of four evergreen shade trees located adjacent to the court area. Plus be an illuminated court with shielded cut-off light fixtures except for properties in the Olivenhain Community Area (See Section 30.40.010 of this Code).</u>		<u>4</u>
<u>6.A. Fitness Trail - Minimum ¼ mile long paved or decomposed granite, or similar material, and accessible walking path/trail that is at least five-feet wide, with pet waste bag and disposal stations at all trail entrances, and trees located per the Landscape Design Matrix in the City's Design Standards and Guidelines.</u>		<u>2</u>
<u>6.B. Fitness Trail - 6.A. above plus at least two benches located adjacent to, or within five feet of, the path/trail and each placed under an evergreen canopy tree, and pedestrian scale lighting located adjacent to the entire length of the path/trail.</u>		<u>3</u>
<u>PASSIVE AMENITIES</u>		
<u>7.A. Picnic area - Minimum of 500 square feet, with at least two picnic tables with benches, a minimum one waste/recycling receptacle, and at least two evergreen shade trees located adjacent to the picnic area.</u>		<u>2</u>
<u>7.B. Picnic area - 7.A above plus at least one barbeque or fire pit, and at least one additional picnic table with a bench that is covered with a shade structure, trellis, or gazebo.</u>		<u>3</u>
<u>8.A. Dog Park - Enclosed/fenced, minimum 750 square feet, off-leash dog area with pet waste bag and disposal stations adjacent to all entrances/exits, at least one three-dimensional accessory (e.g. rock, jumps,</u>		<u>2</u>

<u>fire hydrant), minimum two benches, at least one potable water connection with dog bowl refilling and dog wash capabilities, and a minimum of three evergreen shade trees located adjacent to the dog park area.</u>		
<u>8.B. Dog Park - 8.A above plus at least 250 additional square feet in size of off-leash dog area, with at least two additional three-dimensional accessories, and a minimum of one additional bench or table that is covered with a shade structure, trellis, or gazebo.</u>		<u>3</u>
<u>9.A. Community Garden - Minimum 500 square feet, with at least four garden beds that are minimum two feet x six feet in size, minimum one compost bin, and one potable water connection and irrigation provided to garden beds.</u>		<u>2</u>
<u>9.B. Community Garden - 9.A. above plus at least one potting station containing a minimum two-foot by four-foot table, and at least one six-foot by six-foot gardening shed designed to match the primary building colors, materials, and architectural style.</u>		<u>3</u>
TOTAL		
<u>Projects with 10 to 49 Units (Choose at least one amenity)</u>		<u>2</u> <u>Required</u>
<u>Projects with 50 to 99 Units (Choose at least two amenities, with minimum one active and one passive)</u>		<u>4</u> <u>Required</u>
<u>Projects with 100 Units or more (Choose at least three amenities, with minimum two active and one passive, and at least two selected from the B categories)</u>		<u>10</u> <u>Required</u>

Amenities must be selected from separate numerical sections (i.e. if 1.A is selected, 1.B may not be used)

SECTION 5: Section 4.2 (Development Subject to Design Review) of Chapter 4.0 Design Recommendation of the Downtown Encinitas Specific Plan is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

...

2. Unless otherwise provided herein, the provisions of this Chapter supersede the provisions of Title 23, Section 23.08 of the Municipal Code for application to the area designated as the Downtown Encinitas Specific Plan. Objective "Standards" included in the City's Design Standards and Guidelines shall apply to all residential development and mixed-use residential development. Where conflicts in objective standards occur, the objective design standards specified in this Chapter shall supersede and apply. The Design Guidelines contained in the City's Design Standards and Guidelines are superseded by the design recommendations contained in this Chapter. Where the Specific Plan is silent, the City's Design Guidelines shall apply. Limitations to uses and approvals required under use regulations, Chapter 3.0 of this specific plan, are not affected by this Design Review exemption.

3. The following sections of the Encinitas Municipal Code apply to the process of design review for properties within the area designated as the Downtown Encinitas Specific Plan area: 23.08.020, Prohibitions; 23.08.040, Authority to Grant Permits; 23.08.050, Notice; 23.08.060, Procedure; 23.08.070, Final Determination; ~~and~~ 23.08.072, Regulatory Conclusions – Generally; and 23.08.100 Standards and Guidelines.

SECTION 6: Section 4.2 (Development Requiring Design Review) of Chapter 4.0 Design Recommendations of the Encinitas North 101 Corridor Specific Plan is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

All new building, landscaping, exterior alterations, signage or construction projects, whether they require any other City permit or not, are subject to design review unless exempted by Section 4.3, Exemptions from Design Review. These recommendations do not affect existing buildings which are not proposing new construction, new signage, new landscaping, or exterior alterations. Except as otherwise specified herein, the provisions of Title 23, Section 23.08 of the Encinitas Municipal Code shall apply to the area designated as the North 101 Corridor Specific Plan. Objective "Standards" included in the City's Design Standards and Guidelines shall apply to all residential development and mixed-use residential development. Where conflicts in objective standards occur, the objective design standards specified in this Chapter shall supersede and apply. Where the Specific Plan is silent, the City's Design Guidelines shall apply.

SECTION 7: Section 4.2 (Development Requiring Design Review) of Chapter 4.0 Design Recommendations of the Encinitas North 101 Corridor Specific Plan is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

...

B. Unless otherwise provided herein, the provisions of this section shall apply in addition to the provisions of Chapter 23.08 of the City Municipal Code and Section 6.0, Encinitas Ranch Zoning Ordinance, in this document. Where conflicts between these sections and documents arise, Section 6.0 in this document and the City's Municipal Code shall take precedence over the Design Guidelines contained in Section 7.0 of this Specific Plan for application to the area designated as the Encinitas Ranch Specific Plan. Objective "Standards" included in the City's Design Standards and Guidelines shall apply to all residential development and mixed-use residential development. Where conflicts in objective standards occur, the objective design standards specified in this Chapter shall supersede and apply. Where the Specific Plan is silent, the City's Design Guidelines shall apply.

SECTION 8: Section 4.2 (Design Review) of Chapter 4.0 Design Recommendations of the Cardiff-by-the-Sea Specific Plan is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

4.2.1 Development Requiring Design Review

All new buildings, landscaping, exterior alterations, signage or construction projects, whether they require any other City permit or not, are subject to design review unless exempted by Section 4.2.3, Development Exemptions from Design Review. These Recommendations do not affect existing buildings, which are not proposing new construction, new signage, new landscaping, or exterior alterations. Except as otherwise specified herein, the provisions of Chapter 23.08 (~~with the exception of Section 23.08.100~~) of the Encinitas Municipal Code shall apply to the Cardiff-by-the-Sea Specific Plan area. Objective "Standards" included in the City's Design Standards and Guidelines shall apply to all residential development and mixed-use residential development. Where conflicts in objective standards occur, the objective design standards specified in this Chapter shall supersede and apply. The Design Guidelines contained in the City's Design

Standards and Guidelines are superseded by the design recommendations contained in this Chapter. Where the Specific Plan is silent, the City's Design Guidelines shall apply.

SECTION 9: This project is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060 (c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and pursuant to CEQA Guidelines section 15061 (b)(3) because there is no possibility the activity in question may have a significant effect on the environment. All projects for which the Objective Design Standards would apply will undergo separate CEQA review and approval.

SECTION 10: 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.

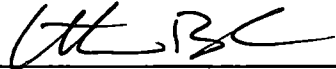
SECTION 11: The City Clerk is directed to prepare and have published a summary of the ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast. This Ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas and California Coastal Act.

INTRODUCED at a regular meeting of the City Council of the City of Encinitas, California, held on this 19th day of January 2022; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Encinitas, California, held on the 9th day of February 2022, by the following roll call vote:

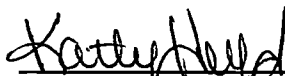
AYES: Blakespear, Hinze, Kranz, Lyndes, Mosca
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:




Catherine S. Blakespear, Mayor

ATTEST:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM:



Leslie E. Devarney, 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 adopted at a meeting of the City Council on this 9th_ day of _February, 2022, by the following vote, to wit:

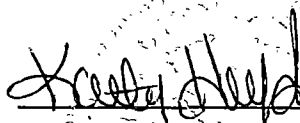
AYES: Blakespear, Hinze, Kranz, Lyndes, Mosca

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this _16th_____ day of _February, 2022.



Kathy Hollywood, City Clerk

