

CALIFORNIA COASTAL COMMISSION

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Date: January 19, 2023

To: COMMISSIONERS AND INTERESTED PERSONS

From: DR. KATE HUCKELBRIDGE, EXECUTIVE DIRECTOR

Subject: CITY OF ENCINITAS DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT LCP-6-ENC-21-0076-2 (Tandem & Inclusionary Parking) FOR COMMISSION REVIEW AT ITS MEETING OF February 9, 2023

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a “de minimis” amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission.

If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (February 9, 2023).

PROPOSED AMENDMENT

The City of Encinitas’s LCP Amendment request was filed on January 11, 2022. At its March 2022 hearing, the Commission approved a one-year time extension to April 8, 2023. As such, the last date for Commission action on this item is the March 2023 meeting.

The City proposes to amend its certified LCP Implementation Plan to update the parking regulations to allow tandem parking in all residential developments and create new parking requirements for inclusionary housing units. The proposed changes would apply to Chapter 30.54 Off-street Parking of the City’s Municipal Code, which serves as the

Implementation Plan component of the City's LCP. The proposed amendment is presented in attached Ordinance Numbers 2021-10 and 2021-12 ([Exhibit #1](#)).

Currently only detached single-family dwellings may provide their required parking in a tandem configuration. The proposed amendment would expand this to all residential developments and would add new standards for tandem parking, including that tandem parking stalls shall only serve the same dwelling unit, provide dimensions for tandem parking stalls, screening provisions, locations where tandem parking spaces may be provided, and clarification that tandem parking spaces shall not be used for required guest parking.

The proposed amendment also establishes new parking requirements for inclusionary housing units. Currently, the LCP does not have parking ratios specific to inclusionary units and inclusionary units are subject to the same parking ratios as market-rate units. The proposed ratios are based on the number of bedrooms provided in a given unit, and are comparable to parking ratios established in the LCP for R-30 Overlay Zone affordable units and Density Bonus units.

DISCUSSION

The City's Housing Element identifies the creation of parking standards appropriate for different kinds of housing as one way to encourage the creation of more affordable housing. The City also conducted outreach with local experts and interested parties to explore potential incentives that would encourage the creation of more affordable housing units than is currently required under the City's inclusionary housing ordinance. Modifications to existing parking standards were proposed as possible incentives.

Tandem Parking

As part of the original certification of the City's LCP, the Off-street Parking Design Manual was adopted as one component of the City's LCP Implementation Plan. The Design Manual establishes the standards for the dimensions of parking spaces, configuration of spaces, surfacing, driveway design and other design criteria for the configuration and layout of off-street parking facilities. The Manual does not establish required parking ratios for various uses; those provisions are found in another section of the Municipal Code. In December 2012, the Commission approved LCP Amendment No. ENC-DM-1-12 to explicitly incorporate the Off-street Parking Design Manual into the LCP Implementation Plan.

Currently, the Off-Street Parking Design Manual allows tandem parking spaces for detached single-family homes only. The proposed amendment would expand this to allow required parking for all residential developments to be provided in a tandem configuration, subject to specific standards and requirements. Allowing tandem parking, as opposed to typical side-by-side spaces, could result in impacts on public access through spillover of residential cars to public on-street parking spaces due to the potential inconvenience in managing tandem parking. This would therefore result in less availability of street parking for the public who use these spaces to access the shoreline. However, the neighborhoods

closest to the coast where this spillover would result in negative impacts are already largely built out. To the extent that the impacts projected above actually do occur as a result of the LCP amendment, the proposed changes are only likely to impact vacant lots (of which there are very few) and redevelopment. Thus, the number of sites where tandem parking would occur is anticipated to be limited. In addition, this amendment would not reduce the number of parking spaces required by the LCP, but would simply allow for some flexibility as to where and how parking is provided on the site. Therefore, the proposed change is unlikely to have a significant adverse impact on public access and is consistent with Chapter 3 of the Coastal Act.

Inclusionary Housing Parking

In March 2019, the Commission approved LCP Amendment No. LCP-6-ENC-18-0068-2 creating a new chapter in the Encinitas Municipal Code (IP) to address regulations and requirements related to the provision of affordable housing. In April 2022, the Commission approved an update of the City's inclusionary housing regulations (LCP Amendment No. LCP-6-ENC-21-0075-2) that expanded the applicability of the requirements, required additional units, and updated the method by which inclusionary housing in-lieu fees are determined.

All residential development must provide parking in accordance with Chapter 30.54 of the Encinitas Municipal Code. Currently the City does not provide separate parking standards for inclusionary housing units. Inclusionary units are subject to the same parking ratios as market-rate units. To encourage the provision of affordable housing, units within the City's R-30 Overlay Zone and Density Bonus units are currently subject to separate parking standards and are generally required to provide less parking than market rate units. The proposed LCPA would create new parking requirements for inclusionary housing units that are consistent with those already established for the R-30 Overlay and Density Bonus and which were approved by the Commission per LCP-6-ENC-19-0014-1 and LCP-6-ENC-17-0070-3. While inclusionary units would be required to provide less parking than traditional market-rate units, which could result in spillover of residential parking into the public street parking, the proposed amendment is not likely to have a significant adverse impacts on public access. The reduced parking ratios would apply to a limited number of inclusionary units. In addition, all future inclusionary housing development projects will be subject to the CDP process at which time impacts to coastal resources would be properly reviewed and analyzed, and ultimately, consistency with the applicable policies of the LUP will be determined. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act

The proposed IP amendment is consistent with the goals and policies of the LUP. The proposed amendment will not change any coastal zone property/land uses or have any potential to impact coastal resources, either individually or cumulatively. While the proposed amendment would make minor modifications to the City's parking regulations, the proposed amendment should not result in any adverse impacts to wetlands, sensitive habitat, designated viewsheds, or coastal access and recreation. Thus, the proposed IP Amendment is found to be consistent with the certified LUP and Chapter 3 of the Coastal Act.

DETERMINATION

The Executive Director determines that the City of Encinitas LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 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. Instead, the CEQA responsibilities are assigned to the Coastal Commission and 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.

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 the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.