

**CITY OF ENCINITAS
PUBLIC NOTICE OF ORDINANCE ADOPTION
ORDINANCE NO. 2022-03**

NOTICE IS HEREBY GIVEN that the City Council of the City of Encinitas has adopted Ordinance No. 2022-03 titled "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, Amending Section 30.48.040 (Accessory Use Regulations) and Section 30.76.120 (Remodeling or Reconstruction of Residential Buildings with Structural/Use Nonconformity) of Title 30, (Zoning) with the Exception of the Provisions Regarding Replacement Parking." Proposed Ordinance No. 2022-03 accepts the Coastal Commission modifications to Ordinance 2020-10 regarding nonconforming conditions and setbacks, without accepting the replacement parking modifications. With the modifications suggested by the Coastal Commission, new construction or conversion of existing nonconforming structures to accessory units will be considered an increase in density or intensity if the project is located on a bluff within a geologic setback, within a public view corridor, or within a setback from a sensitive wetland or upland habitat. Thus, creation of or conversion to an ADU in these locations would be considered an intensification or creation of a nonconformity that must be brought into conformance with the LCP. The Coastal Commission also found that allowing ADUs to encroach into setbacks on properties adjacent to bluffs, hillsides, sensitive habitats, and within view corridors would conflict with coastal resource protection and public access policies of the certified LUP. As such, the Coastal Commission suggested modifications to clarify that reduced setbacks are allowed, except for those associated with coastal bluff and inland hillsides, sensitive habitat, and visual resources protection policies. The proposed Ordinance 2022-03 reflects the original/existing parking replacement language included in Ordinance 2020-10.

Ordinance 2022-03 was introduced at the Regular City Council meeting held on January 26, 2022, and adopted at the February 9, 2022 Regular City Council meeting by the following vote: AYES: Blakespear, Hinze, Kranz, Lyndes, Mosca; NAYS: None; ABSTAIN: None. ABSENT: None. The ordinance is on file in the office of the City Clerk, 505 South Vulcan Avenue and may be viewed between the hours of 8:00 A.M. and 5:00 P.M. In compliance with the Americans with Disabilities Act/Section 504 Rehabilitation Act of 1973 and Title VI, this agency is an equal opportunity public entity and does not discriminate on the basis of race, color, ethnic origin, national origin, sex, religion, veteran status or physical or mental disability in employment or the provision of service. /Kathy Hollywood, City Clerk