

CALIFORNIA COASTAL COMMISSION

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May 28, 2009

TO: COMMISSIONERS AND INTERESTED PERSONS**Th13b****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
LAURINDA OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO COAST
DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT 3-07A (Village Master Plan and Design Manual Amendments) for
Commission Meeting of June 10-12, 2009**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject LCP amendment largely represents revisions to the Village Master Plan and Design Manual to correct or clarify implementation policies and to amend one or more development standards. Revisions are also proposed to two chapters of the Municipal Code to eliminate inconsistencies with regard to the policy addressing signs on public property.

There are no other major changes to the land use district boundaries, permitted height, land use, etc. proposed through the subject LCP amendment. Furthermore, when the update to the Village Master Plan was approved in 1996, the Commission specified that timeshares not be permitted in the Village Area and that any in-lieu fee parking options could only be implemented east of the railroad ROW in order to assure no adverse impacts to public access and/or parking for beach visitors would occur. No changes to either of these requirements are proposed at this time; specifically, timeshares, condo-hotels and fractionals are not permitted or proposed and in-lieu fee parking programs are not permitted west of the railroad ROW.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission deny the land use plan amendment, as submitted, and then approve the land use plan, subject to suggested modifications. Similarly, staff recommends the Commission deny the Implementation Plan as submitted and then approve the implementation plan amendment, as modified. As noted above, the majority of the changes are minor revisions and updating of the documents. However, there are a few issues of concern. The first is with regard to permitted uses in the Transportation Corridor. The Commission previously required that no other non-transportation-related use be permitted in the corridor without completion of a master plan approved by the Commission. The City is proposing to allow permitted,

provisional and accessory uses in the Transportation Corridor that are permitted consistent with the adjacent land use districts (1, 4 & 6). That is, any uses permitted in the adjacent land use districts could be permitted in the Transportation Corridor. Although the City and NCTD have submitted a conceptual plan for the development of the rail corridor with mixed use development, it lacks sufficient detail to assure that adequate land will be reserved for future double-tracking, pedestrian walkways, the coastal rail trail, bikeways, trail systems or potential beach reservoir/public parking. Therefore, staff is suggesting a modification that only transportation related uses shall be permitted in the Transportation Corridor until a master plan is submitted that documents that adequate land in the corridor will be reserved for all of the aforementioned transportation components, as well as more specifically identifying the proposed mixed-use development in the corridor.

The second concern is with regard to pole signs. The City is revising its sign program to permit pole signs in the Village Area provided they do not exceed 10 ft. in height or the roofline of the adjacent structure. Typically, pole signs are not permitted in the coastal zone for any of the local jurisdictions in San Diego County. A suggested modification makes it clear that pole signs shall not be permitted in the coastal zone. The third concern is with regard to the City's proposal to exempt demolition of structures from the requirement for any kind of development permit unless the development has the potential to have an adverse impact on coastal resources and/or access to the coast. A suggested modification requires that the demolition of any structure requires at least an Administrative Redevelopment Permit and coastal development permit. The last concern relates to promoting the use of alternate transportation. Suggested modifications include additional policies and goals that foster use of alternative transportation including employer incentives to increase transit use and/or ridership. These issues will precipitate discussion in the staff report.

The appropriate resolutions and motions begin on Page 5. The suggested modifications begin on Page 7. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 10. The findings for approval of the plan, if modified, begin on Page 18. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 24. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 25.

BACKGROUND

The Carlsbad Village Redevelopment Plan along with the Village Design Manual, comprise the Land Use Plan for the Carlsbad Village Redevelopment Plan Area which is part of the City of Carlsbad's certified LCP. The City's LCP contains six segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis/Properties, East Batiquitos Lagoon/Hunt Properties, and, the subject LCP area, the Carlsbad Village Redevelopment Area. The Commission approved, with suggested modifications, the Carlsbad Village Redevelopment Area and Village Design Manual LCP of the City of Carlsbad's Local Coastal Program on May 14, 1988. In 1996, the Commission approved a comprehensive update to the Carlsbad Village Land Use Plan component as well as an

Implementation Plan for the Village Area consisting of revisions to associated chapters of the Carlsbad Municipal Code that assured consistency with the then new Village Redevelopment Master Plan and Design Manual.

ADDITIONAL INFORMATION

Further information on the Carlsbad LCP Amendment 3-07A (Village Area) may be obtained from Laurinda Owens, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

Carlsbad Local Coastal Program (LCP)

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all remaining segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment remains as a deferred certification area until an implementation plan is certified. Portions of the City's zoning code comprise the bulk of the City's certified implementation plan.

The Carlsbad Village Master Plan Area contains about 90 acres of which approximately half is within the coastal zone (reference Exhibit No. 3). In general, the Village Area is geographically bounded by Carlsbad Boulevard (Highway 101) and Garfield Street to the west, Buena Vista Lagoon to the north, I-5 to the east, and Walnut Avenue to the south. The western boundary of the plan area is only approximately one block inland of the ocean and the first public roadway, Ocean Street. One block southwest of Carlsbad Village Drive is Carlsbad State Beach.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

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.

PART II. LOCAL COASTAL PROGRAM - 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.

- I. MOTION I:** *I move that the Commission certify the Carlsbad Village Master Plan and Design Manual amendments as submitted.*

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Carlsbad Village Master Plan and Design Manual amendments as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any

significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. MOTION: *I move that the Commission certify the Carlsbad Village Master Plan and Design Manual amendments if modified in accordance with the suggested changes set forth in the staff report.*

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:

Subject to the following modifications, the Commission hereby certifies the Carlsbad Village Master Plan and Design Manual amendments and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below complies with 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

III. MOTION: *I move that the Commission reject the Carlsbad LCP Implementation Plan Amendment No. 3-07A, as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment 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 IV

The Commission hereby approves certification of the implementation amendment, as approved with suggested modifications, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does conform with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the approval would have on the environment.

IV. MOTION IV *I move that the Commission approve the Carlsbad Implementation Plan Amendment No. 3-07A, if modified.*

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION IV: TO CERTIFY IF MODIFIED

The Commission hereby approves certification of the implementation amendment, as approved with suggested modifications, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does conform with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the approval would have on the environment.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Carlsbad Implementation Program Amendment submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Land Use Plan be adopted. The underlined sections represent language that the Commission suggests be

added and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

Land Use Plan Changes:

1. Revise Transportation Corridor on Page 2-32 of the Carlsbad Village Redevelopment Master Plan to read:

[...]

~~The permitted, provisional and accessory land uses allowed in Districts 1, 4 and 6, respectively, as set forth in the land use matrix of this Village Master Plan and Design manual will also be allowed on the properties located within the corresponding and adjacent portions of the Transportation corridor. All non-transit related development shall comply with all regulations and procedures set forth within this Village Master Plan and Design Manual.~~

The Transportation Corridor shall be reserved for transportation related uses. Any other use, including commercial and retail businesses, mixed use projects or residential development, shall not be permitted without the completion of a Master Plan for the Transportation Corridor which would need to be reviewed and approved by the California Coastal Commission as a Local Coastal Program Amendment.

[...]

2. Revise Regulations, under Signage, on Page 5-2 in the Carlsbad Village Redevelopment Master Plan to read:

Regulations

The following signs shall be permitted within the Village Redevelopment Area:

[...]

- Pole Signs (limited) (outside Coastal Zone only)

[...]

3. Revise table for Permit Types under “Exempt” projects, on Page 7-2 in the Carlsbad Village Redevelopment Master Plan to read: (This action would delete demolition as “exempt” development activity and the sub-sections would need to be re-numbered accordingly):

Exempt

[...]

~~3. Demolition of structure that has no potential to create an adverse impact on coastal resources or public access to the coast; and/or...~~

4. Revise table for Permit Types, under Administrative Redevelopment Projects on Page 7-2 in the Carlsbad Village Redevelopment Master Plan to read: (and renumbering of items accordingly)

Administrative Redevelopment

[...]

5. Demolition of structure provided that said demolition has no that may have the potential to create an adverse impact on coastal resources or public access to the coast; and does not include any overnight accommodations.

5. Incorporate the following policies to “TRANSPORTATION” on Page 9-3 of the Carlsbad Village Redevelopment Master Plan to read:

The City shall actively encourage convenient alternatives to automobile use throughout the Village Area by implementing the following measures:

- The City shall encourage transit operators to provide low-cost transit service to beaches and visitor-serving areas, and to provide transit service within walking distance of higher density residential areas within the City.
- The City shall support higher density and mixed-use development within walking distance of the transit station.
- The City shall require employers to provide incentives for ALTERNATE transit use such as providing employee transit passes or subsidies, ridersharing programs, preferred parking for carpooling and on-site shower facilities.

Implementation Plan Changes:

6. Revise the following change to Section 21.35.080, Redevelopment projects to read:

- (a) Exempt Projects. No redevelopment permit shall be required for an exempt project. An exempt project is one which is exempt from the requirement to obtain a coastal development permit in accordance with Section 21.81.030; and requires no redevelopment permit or other discretionary approvals and includes but is not limited to:

[...]

~~(8) Demolition of a structure, unless such demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast.~~

[...]

(b) Nonexempt Projects. There are three types of redevelopment permits required for nonexempt projects. One permit for each type of redevelopment project described as follows:

(1) Administrative Redevelopment Project [...]

(G) Demolition of a structure provided that such demolition has no the potential to have an adverse impact on coastal resources and/or public access to the coast and does not include any overnight accommodations.

[...]

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CARLSBAD VILLAGE MASTER PLAN/DESIGN MANUAL REVISIONS, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject amendment request includes revisions to the Village Master Plan and Design Manual to correct or to clarify implementing policies and to amend one or more development standards. Both the Village Master Plan and Design Manual along with the Village Redevelopment Plan and implementing ordinances represent the Local Coastal program for the Village Redevelopment Area. Also proposed are revisions to Chapters 2.24 and 21.35 of the Carlsbad Municipal Code to eliminate inconsistencies or process amendments, and revisions to City Council Policy No. 65 – Signs on Public Property.

The most significant changes are 1) to permit property within the Transportation Corridor of the Village Area to develop with residential, commercial and other uses that are consistent with the land uses allowed on the adjacent properties in Land Use Districts 1, 4 and 6 and 2) to clarify signage regulations, to define roof top signs and to allow pole signs under limited circumstances and to amend language in the Village Master Plan and Design Manual.

B. NONCONFORMITY OF THE VILLAGE MASTER PLAN/DESIGN MANUAL REVISIONS, WITH CHAPTER 3

1. Transportation Corridor/Public Facilities/Use Priorities. Section 30252 states:

“The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities...”

Section 30253 states:

New development shall:

[...]

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

[...]

Section 30212.2 states, in part:

Wherever appropriate or feasible, public facilities, including parking areas, or facilities, shall be distributed throughout an area so as to militate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Also, Section 30213 provides that lower cost visitor and recreational facilities shall be protected and that development providing public recreational opportunities are preferred. In addition, Section 30222 generally provides that private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private development except for agricultural uses or coastal-dependent uses.

One of the concerns raised by the LUP—which was an issue when the Coastal Commission reviewed and approved a previous update to the Carlsbad Village Redevelopment Plan 13 years ago, is with regard to the permitted uses within the Transportation Corridor, which consists of the railroad right-of-way. As was stated in the original report and reprised here, the LUP provides that where a property is located within a land use district but also within the Transportation Corridor, only “open space”

types of use can be permitted such as field and seed crops, and related agricultural uses, light rail-related uses such as transmission or repair facilities, light-rail stations, passive open space, bicycle paths, and private or public parking lots. These types of uses are all compatible with the transportation corridor; however, the City sought to allow for provisional type of uses which include commercial and retail businesses, mixed-use projects and residential projects. The Commission in its action found that these latter types of improvements could not be found compatible within the railroad ROW at that time. Only open space, recreational or transit uses were permitted as opposed to permanent structures or large-scale development projects so that adequate land would be reserved for the potential future expansion of existing railroad/transit facilities.

The railroad right-of-way must first be reserved for railroad/transit needs. Then, if those needs are adequately met and provided for including future transit demand (i.e., double-tracking, etc.), then the railroad corridor may be permitted to be used for other public/recreational uses such as public parking, open space, bikeways, and pedestrian paths and possible private development. Public and private parking lots are typically permitted in such areas, as is the case in the Carlsbad Village Redevelopment Area. The Commission found that such areas should be reserved for potential beach/public parking in these areas. If any other type of use is proposed to be located in such areas, it should be subject to the completion of a master plan for this corridor which was to fully address the suitability of the land for the proposed uses and assess the potential impact to the land's availability for parking, transportation needs or other alternate public uses, such as open space, pedestrian paths or bikeways. As such, the Commission originally approved the Carlsbad Village Redevelopment Master Plan and Design Manual with a suggested modification which struck the language that allowed provisionally permitted uses such as commercial and retail business or mixed use projects. Additional language was inserted that specifically stated:

Any other use, including commercial and retail businesses, mixed use projects or residential projects, shall not be permitted without the completion of a master plan for the transportation corridor which would need to be reviewed and approved by the Coastal Commission as a local coastal program amendment.

As part of the currently proposed LCP amendment for the Village Master Plan and Design Manual, the City is again proposing to expand the permitted land uses for the Transportation Corridor in the Village Area. The additional permitted land uses would allow North County Transit District (NCTD) to develop their surplus land with uses other than transit facilities, such as commercial, residential, and/or mixed uses. In a City memo, dated August 2007, which outlines the proposed changes through the subject LCPA, it is stated that in response to the Commission's earlier direction previously cited, North County Transit District (NCTD) has recently completed a Draft Conceptual Strategy and Transit Center Development Scenario for their property within the Transportation Corridor within the Village Area in June, 2007. The City/NCTD believe the findings of that study indicate that adequate accommodations can be made for transit facilities, while also allowing for commercial, residential and/or similar development in the Transportation Corridor. At this time, the City therefore feels that assurances have

been given that transit facilities can still be accommodated along with other development and that permitted, provisional and accessory land uses allowed within adjoining Land Use Districts 1, 4 and 6 of the Village Area can be allowed in the portions of the Transportation Corridor with the appropriate land use permits. For example, in all three districts, the types of uses that could be permitted provisionally would include, but are not limited to: aerobics studios, ATM machines, beauty parlors, business and professional schools, child care centers, dry cleaners and libraries, to name a few.

According to the City, the large public parking lots near the transit station are under-utilized (in particular, Lot J). The City has several public parking lots (ref. Exhibit No. 4). According to the surveys, as of 8/5/08, the percent occupancy rates ranged from 62%-77%. As of 2/10/09, the percent occupancy rates ranged from 60% to 73%. The City has indicated that the greatest demand for parking is generated by users of public transit, primarily, the Coaster. If the utilization of the NCTD parking lots are not averaged in, the demand for general parking falls. NCTD added 142 parking spaces adjacent to, and north of, its primary surface lot but it is not being utilized. According to their surveys, 0-1% of the lot is being utilized. The reason for under-utilization is attributed to the fact that it is too far north from the core shopping area where people want to go. Even for commuters, it appears to be too far from the commuter rail station.

In addition, SANDAG is doing work with NCTD in their “smart parking program”. The study is to determine how to better manage resources and whether it needs to be accomplished through technology or another incentive program. As part of the SANDAG Smart Parking, NCTD did a Master Plan. The Coastal Rail Trail starts south of Oak Avenue. In addition, it was noted that NCTD can still double-track-- a proposal that is currently being planned along the transportation corridor between L.A. and San Diego Counties--and maintain a station and provide parking in the transportation corridor. Although the City has confirmed that this is the case, none of the information submitted shows the area proposed for double-tracking on the ground or how that would be protected in connection with the proposal to develop the transportation corridor (right-of-way) with mixed uses near the transit center. The City indicated that NCTD is prepared to do market-rate ground leases for the proposed mixed-use development proposals. As part of the conceptual plans, a parking structure (750 spaces) is proposed near the transit station. According to NCTD, this would meet their commuter needs as well as providing additional general public parking near the commuter rail station. However, the City has noted, commuters are parking all day in the public parking lots and on the street which has resulted in less turnover of parking spaces that is available for visitors and shoppers in the Village Area.

The City has submitted several documents which represent NCTD’s Draft Conceptual Study for their property within the Transportation Corridor. The conceptual plans illustrate a mixed use development in the portion of the Transportation Corridor north of Carlsbad Village Drive which also includes the relocation of the existing transit center further north than its present location. The proposed development will largely take place in a large existing parking lot that the City has indicated is presently under-utilized. NCTD recently expanded a public parking lot north of the primary parking area for the

transit center. On a recent Commission staff site inspection, the expanded portion of the lot was nearly empty but the other lot that is closer to the transit station was well utilized demonstrating that clearly people are using the Coaster and making connections to Amtrak or Metrolink from that parking lot. Neither Amtrak or Metrolink services the Carlsbad transit station. According to the City, on the east side of the tracks, the more recently expanded parking lot would be an ideal place for new uses proposed as they would be located more inland and furthest from the center of town and transit station.

The portion of the transportation corridor south of Carlsbad Village appears to be very wide and appears to be able to accommodate double-tracking. In particular, this southern portion of ROW is only three blocks from the beach, which might be an ideal location for a public beach parking lot, pedestrian walkways, etc. However, the Draft Conceptual Study fails to address this area completely.

To address the identified concerns with regard to lack of documentation that there would be adequate room in the railroad ROW for future transportation or public recreational uses, including double-tracking and reservoir beach parking, etc., NCTD recently submitted a letter outlining their goals. In their letter, they state that they would like to allow the development of NCTD excess and developable land (through long-term ground leases) to generate revenues that will cover the cost of structured parking and site redevelopment as well as provide a long-term sustainable revenue stream to NCTD. They have also stated that they are committed to assuring changes do not permanently limit future transit and freight line capabilities. Again, while these goals are commendable, the conceptual plans that have been submitted for the proposed mixed-use development of the transportation corridor do not contain the level of detail that is necessary to assure that land for alternative transit needs or other public uses will be met. For example, the plans do not show land that is reserved for double tracking or other uses such as the pedestrian walkways, the coastal rail trail, bikeways, trail systems or potential beach reservoir parking. While their letter does recognize the priority for transit needs, it doesn't specifically state where those components will be located. All of these components must be identified first before land in the railroad corridor could be permitted to be developed with uses other than transportation-related uses.

Specifically, in consideration of the development of the transportation corridor, the land uses must be reviewed in terms of their connectivity to the coast—not just north and south within the railroad right-of-way itself. The City's proposal to allow alternative uses in the railroad right-of-way would be a good opportunity to begin to address connectivity with a plan that contains much more detail as to the proposed uses as well as the necessary support system that relies on transit. The Commission is not necessarily opposed to the idea of mixed use development or increasing the intensity of development, but it can only be permitted provided that the necessary support system is in place that relies on transit so that it is served by transit without relying on the automobile. The trail system must be designated; all the pedestrian connectivity from the transportation corridor to the coast including pedestrian paths, bicycle lanes and bus routes should be laid out in a public access component. Although the City has numerous policies in its land use plan related to transit, it must be more detailed and specific to make sure that the

priority use of the railroad right-of-way is for transportation and other public access/recreational uses. It must be assured that adequate land is reserved not only for transportation uses already mentioned but also for bus turnaround areas, parking, the Coaster (including future increases in use) which may result in a greater demand for parking associated with it. The study that has been submitted does not contain any of this information and it is therefore premature to allow other uses in the corridor. As such, the amended plan cannot be found consistent with the cited Chapter 3 policies and it must be denied.

2. Visual Resources. Section 30251 of the Act states the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The LUP contains detailed policies regarding permitted signage within the Village Area. The LUP includes the various types of signs which are permitted, maximum allowable sign heights (e.g., five feet for monument signs) with provisions that no pole, roof or off-premise signs (including billboards) will be permitted.

The primary change proposed for this policy group is with regard to permitted signage in the Village Area. Currently, the Village Redevelopment Plan/Design Manual lists all of the kinds of signs which are permitted within the plan area. The list is exhaustive and includes, for example, wall signs, neon signs, hanging signs, window signs, restaurant menu signs, tenant directory signs, monument or ground signs. There is also a list of signs which are prohibited and these include, in part, off-premises signage (including billboards signs and signs which are not located directly in front of a related businesses) and roof signs (which are signs located on the top of any building). Through the proposed amendment, the City is proposing to add pole signs as a permitted sign type (with some limitations), freestanding sidewalk signs and freestanding signs on private property. Revisions are also proposed to the list of prohibited signs to clarify that roof signs are those which are located on the top of any building that extend above the peak of the roofline. In addition, extensive standards are being proposed addressing pole signs including the definition of such signs, the maximum number signs permitted per site, the maximum sign area, maximum sign/letter height and numerous other detailed provisions. It is important to note that it is stated that new pole signs shall be prohibited except in only two situations. These include those cases where the applicant makes a strong showing that a proposed pole sign is the only effective option for adequately identifying the premises and for gas/service stations next to the freeway (Interstate-5) in which case one pole sign would be permitted. The proposed revisions then go on to describe in great detail the standards that will apply to either of the two types of situations.

The City has also indicated that pole signs would not be permitted to exceed 10 feet or the height of the building, whichever is less. In addition, the size of the sign is limited to one sq.ft. per one lineal foot or 50 sq.ft., whichever is less. Applicants are only permitted one pole sign per site.

However, in most coastal communities, pole signs are not a permitted use due to their visual impacts in nearshore areas as a result of their proliferation which detracts from coastal amenities. Approval of pole signs in the Village Area within the coastal zone could set an adverse precedent for other coastal communities and cities to permit pole signs, as well. Allowances for pole signs results in additional free-standing structures that encroach into public views and adversely affect the character of the area. Therefore, as proposed, the Commission finds this policy must be denied.

Relative to community character, the amendment also proposes to expand the definition of exempt development to include “demolitions”. The following two Coastal Act sections are also applicable and state:

Section 30213:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]

Section 30222:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Specifically, the proposed change is to allow for the demolition of structures as an exempt activity within the Village Master Plan and Design Manual, unless the demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast. However, procedurally, the demolition of a structure is defined as “development” and requires a permit unless there are provisions for categorical exclusions which set up the process for excluding certain categories of development (i.e., demolition of structures). Although the Village Master Plan and Design Manual is proposed to be revised such that demolition of structures can be processed as exempt activity unless the activity may have an adverse impact on coastal resources and/or access to the coast, this change does not comply with Coastal Act requirements unless a formal categorical exclusion for such development has first been approved both by the City and the Commission. As such, there is the potential for adverse impacts to coastal resources to occur such as demolition of historic structures, etc, which could adversely affect the community character of an area. In addition, the Commission has also been concerned with the potential for demolition of structures (i.e., hotels, motels, youth hostels) that may provide overnight accommodations to coastal visitors, inconsistent with Sections

30221 and 30222. Therefore, the proposed language cannot be found consistent with Chapter 3.

3. Parking/Public Access/Transportation. Sections 30210, 30211, 30212 and 30252 of the Coastal Act address the protection of coastal access. Sections 30212 and 30252 are most applicable and state, in part:

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby....

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, [...]

As noted above, the Coastal Act has several policies that address the provision and protection of public access and recreation opportunities. The City has submitted documentation that several of the public parking lots in the Village Area are under-utilized at present. This is attributed to several potential factors: 1) the economy resulting in fewer visitors and shoppers; 2) people using transit more instead of their cars to save gas money; or 3) people are parking on the streets closer to businesses as opposed to the larger public City lots. It is possible that due to the economy this has caused people to drive less and also decreased tourism to the community/village area. The City does not charge for parking and all of the public parking lots and on-street parking is free (no parking meters). It appears there is ample parking in the Village Area to serve the needs of the community including retail and commercial establishments as well as visitors and tourists. The City has indicated that the vacancy rate for the Village Area is approximately 5% which is typical for coastal downtown areas and that they have more office vacancies than retail. While the City has many excellent policies regarding providing nonautomobile circulation and its ideal setting/proximity to the transit station naturally lends the Village Area to use of alternative transportation, there are a few deficiencies in the plan amendment. In particular, there are no policies to address employer subsidies or preferred parking for carpooling or provision of on-site shower facilities, as called for in Section 30252 of the Act cited above.

Section 30252 of the Coastal Act requires that the location and amount of new development should maintain and enhance public access to the coast. In addition,

Section 30252(1) of the Coastal Act encourages alternative transit by concentrating development in appropriate areas along existing transit corridors. Furthermore, given that the project site and immediate area is in close proximity to public transit and the trolley lines, it is an ideal location for the concentration of development and construction of affordable housing, which is encouraged pursuant to Section 30604(f) of the Coastal Act, or higher density residential. Therefore, absent any language which encourages use of alternate transit, this policy group cannot be found consistent with or adequate to implement the certified LUP.

PART V. FINDINGS FOR APPROVAL OF THE VILLAGE MASTER PLAN/DESIGN MANUAL, IF MODIFIED

A. SUMMARY FINDING/CONFORMANCE WITH CHAPTER 3 OF THE COASTAL ACT

The Commission finds that the proposed LUP amendment for the City of Carlsbad is approvable, if modified, to include language pertaining to future development of the transportation corridor, prohibition of pole signs in the coastal zone, clarifying demolition of structures is not exempt from a development permit and encouraging use of alternative transportation in the village area. The proposed suggested modifications adequately address these issues/concerns. With the revisions, the Commission can find the amended plan consistent with Chapter 3 policies.

B. SPECIFIC FINDINGS FOR APPROVAL

1. Transportation Corridor/Public Facilities/Use Priorities. A problem with the LUP was that it provisionally permits commercial and retail businesses, mixed use and residential projects within the transportation corridor (railroad right-of-way). As was stated in the Village Area LCPA in 1996, a suggested modification required that only open space types of uses, transportation improvements or other public uses should be allowed in the transportation corridor unless a master plan is developed for the corridor. That policy statement identified a potential impact to the transportation corridor—an impact that has not yet been fully evaluated in terms of assuring that land for alternative transit/transportation and other public access projects will be prioritized. Although the City has submitted information from NCTD that consists of a conceptual plan for the development of the transportation corridor with additional public parking, a new relocated transit center, and a variety of mixed use development along with additional public parking areas, the plan is insufficient in detail to assure that there will be adequate land reserved for other transportation uses including double-tracking proposals or future beach parking reservoirs.

If the City/NCTD could demonstrate that they have enough land for double tracking, etc., such a plan could be supported in the future. The Commission acknowledges that NCTD needs to have some mixed-use kind of development and that it is desirable for a number of reasons, including the fact that it brings ridership to the community and focuses on the

transit corridor. The transportation corridor is a large right-of-way and NCTD should acknowledge that while it may be suitable for commercial development for purposes of generating profit for its continued operation, it should also be recognized that it is a quasi-public entity that should also provide areas that will remain as open space for pedestrian walkways, bicycle paths and public beach parking areas. The conceptual plan is altogether silent about the southern portion of the transportation corridor in the Village Area. Given that the southern portion of the ROW, in particular, is very wide and only three blocks from the beach, any future plans to more intensively develop the public right-of-way should only be considered for that portion of the ROW north of Carlsbad Village Drive at this time. No future plans for development of the transportation corridor should be considered for the southern portion of the corridor and it should be reserved as a future possible location for beach reservoir parking, pedestrian walkways and bicycle routes, while maintaining area for double-tracking and other transportation related needs.

Again, the Commission is supportive of this type of smart growth development that capitalizes on transit links and supports living/working closely to transit facilities. However, because the plans are not sufficiently complete, such development of the transit corridor would need to be reviewed as a separate LCP amendment in the future when the Commission can review the entire transportation corridor. The Commission does support the idea in concept but, at this time, the plan is considered premature, incomplete and the transportation corridor must be reserved for priority transportation needs and public uses. Therefore, only with the above-described suggested modification, can the Commission find the proposed LUP amendment consistent with the applicable public access and recreation policies of Chapter 3 of the Coastal Act.

2. Residential Density. Another change proposed is with regard to residential densities. The City is proposing to increase the residential densities in the village. Districts 1, 2 and 3 are the only districts where residential densities are being increased. The City is not changing any of the residential policies in District 9 which is primarily tourist-serving commercial area. However, residential uses can be permitted on the second floor of projects in this district but projects with 100% residential use are not permitted in this district. The residential density will be increased from 23 du/a to 35 du/a in Districts 1-4. This change would result in higher densities along the transit corridor. Visitor-serving commercial uses will remain the priority use allowed in District 9, consistent with the certified LUP. For Districts 1-4, the maximum density permitted will be 35 du/a (for purposes of encouraging mixed-use); for Districts 5-9, the maximum density will be 23 du/a. The minimum density for all land use districts that include residential use will be 15 du/a. The City has indicated that projects that are 100% residential will most likely be located in District 4 rather than in District 2 or 3 which are more mixed use commercial areas. They wanted to encourage mixed use in those areas. The Commission generally encourages increasing densities especially if they are located near a transit support area, as is the case with the City of Carlsbad.

It is also important to note that no changes are proposed to allow timeshares in the Village Area. Timeshares are still prohibited in District 9 which is the primary visitor-serving district in the Village Area. The City has emphasized that they also do not permit

condo-hotels (or fractionals) because they view them as being a similar type of use as timeshares which are not appropriate for the visitor-serving areas. The only type of hotel/motel that is permitted in the visitor-serving area of the Village Area is a traditional hotel operation. As such, this component of the Land Use Plan can be found consistent with Coastal Act policies.

3. Visual Resources. The bulk of the proposed revisions to the Land Use Plan are acceptable as submitted for this policy group with the exception of the proposal to allow pole signs within the coastal zone area and demolition of structures as an exempt activity. Because the allowance of pole signs in the coastal zone would allow signs that could have an adverse impact on visual resources and would set an adverse precedent, a suggested modification required that pole signs not be permitted in the coastal zone. The City was agreeable to this change and indicated that their main concern with pole signs are those that are located outside of the coastal zone, and they are attempting to reduce visual blight of the community. Although there are several freeway signs that are pole signs, all gas stations in the Carlsbad Village Area are located outside of the coastal zone. In addition, if a business has a non-conforming sign, it must be removed with any new request for new signage. As such, non-conforming signage will gradually be abated over time, thus improving the visual quality of the coastal area. As noted earlier, not all of the Village Area is located within the coastal zone (ref. Exhibit No. 3). In particular, District 3 (Freeway/Commercial) extends all the way to the east to Interstate-5 which is outside of the coastal zone boundary.

Another proposed change is to allow for the demolition of structures as an exempt activity within the plan, unless the demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast. However, unless the City has a Commission-endorsed categorical exclusion, the demolition of structures is defined as development and requires a coastal development permit. Due to the potential for adverse impacts to occur with the demolition of a structure such as a hotel/motel that provides lower cost visitor serving accommodations or a historic structure, for example, such activity must be reviewed through the permit process. Therefore, a suggested modification has removed the demolition of structures as exempt development from the Village Master Plan. The modification further clarifies that demolition of structures may be permitted as an Administrative Permit or Redevelopment Permit provided that the demolition does not have the potential to create an adverse impact on coastal resources or public access to the coast and don't involve any overnight accommodations.

The existing LUP contains numerous policies to enhance the visual quality of the commercial areas. It also contains detailed pages of design and architectural guidelines for the Village Area. The majority of the changes proposed to this policy group are to strengthen existing language or clarify what is permitted. A brief summary of these changes include:

- Setbacks in Land Use Districts 1, 2, 3 & 4 revised to require no front, rear or side setback, but require a 10-foot average front setback for all floors above the first floor;

- Building coverage in Land Use Districts 1, 2, 3 & 4 will be allowed up to 100% (no range);
- Roof pitch requirement for all Land Use Districts will be eliminated; roof pitch will be encouraged through design but not a required development standard;
- A development standard shall be added to all Land Use Districts which limits the height of property line walls/fences (including combination retaining wall and fences) to a maximum of 6 feet unless a taller wall or fence is approved by the appropriate decision making body; and
- Building height permitted to 45 feet in Land Use Districts 1, 2, 3, 4 and 9. All other districts will remain at current permitted heights (30-35 feet). Removal of requirement to build over parking to obtain the 45 foot height limit in Districts 1, 2, 3, 4 and 9.

As noted above, one of the proposed changes is requiring a 0-foot setback for the ground floor with all other floors required to have an average 10 ft. setback on front. This change will not result in any adverse visual impacts or blockage of ocean views as the changes proposed are to the districts where such views to the ocean do not exist in the side yards, etc. Also, the districts where such changes are proposed are located in those that are furthest from the coast. These changes should not result in any adverse impacts to the community character of the Village Area. With regard to building height, design changes are being proposed. Previously, structures were only permitted to be built up to 45 feet high if the building was over parking (i.e., parking structure or underground parking). However, the City found that a high number of “podium” type structures were being constructed which were very unattractive. The building height regulations are proposed to be changed such that structures will now be permitted to be built up to 45 feet high even with surface level parking provided it is located behind the structure. So, the building height limit of 45 feet technically remains unchanged; however, attaining this height limit is dependent on where parking is sited on a lot. There are no changes to the maximum building height—it will remain at 45 feet—the only change is that in order to achieve the 45 foot building height, applicants will not need to construct over a parking garage. In connection with this change, the City is also changing the roof pitch criteria to require that only 50% (rather than 100%) of the roof structure have a roof pitch of 5:12. As such, no adverse impacts to public views or community character will result from the proposed changes.

However, as noted above, the primary concern was with regard to permitted pole signs (even in limited cases) within the coastal zone as it could result in adverse view impacts and could establish an adverse precedent for other cities and local jurisdictions in coastal zone to allow pole signs, as well. Only with a statement that pole signs are not permitted in the coastal zone could the proposal be found consistent with Chapter 3 policies of the Coastal Act.

4. Parking/Public Access. As noted in the findings for denial, one of the problems with the Village Master Plan was the absence of policies or goals which support or encourage alternative transportation in the Village Area. This is a shortcoming given the

fact that the majority of the Village Area itself is located near the transit station and is serviced by buses, etc. which would lend itself to fostering many transportation opportunity. Although the plan document has a section addressing transportation which includes several goals for circulation improvements and public improvements, the City has indicated that most of the measures have not been completed. The City also noted that they have implemented streetscape improvements and enhanced landscaping projects and encourage pedestrian connections whenever new development is approved. The City also noted that their proposal to allow mixed-uses on the NCTD property was also part of their effort to encourage transit-oriented developments. The City has also encouraged NCTD to improve bus transportation services and this has been done over time with the construction of the transit center in the Village Area. With regard to other types of public transportation systems, the City has indicated they have not had much success (i.e., motorized trolley system, horse and carriage service).

With regard to general bus service in the community, there are a number of transit opportunities within Carlsbad Village. These consist of several bicycle and pedestrian routes (Coastal Rail Trail connects residents between Tamarack Avenue to Oak Avenue, bringing both bicyclists and pedestrians directly into the center of Carlsbad Village). The Carlsbad Senior Center also offers transit services to residents over 60 years of age who no longer can drive. There is also the North County Transit District Breeze which provides bus service to residents in North County. In addition, NCTD's Coaster offers rail service along the coast from the Santa Fe Depot in San Diego to Oceanside. The Coaster operates over 20 trains during the weekday, 10 trains on Saturday and service on Sunday has recently been implemented to meet the demand associated with the Padres baseball season.

However, given that the Village Master Plan does not contain specific language that encourages transit usage by including programs that require employers to give or subsidize transit passes or implement other incentives for using alternative transportation, several suggested modifications are proposed which outline specific incentives the City and/or employers should implement to achieve this goal. For example, the City shall encourage employers to provide incentives for transit use, such as employee transit passes and other incentives to encourage transit ridership and ride sharing, etc.

As part of the proposed revisions to the Land Use Plan, the City is also making revisions to some of its parking standards. These include that parking will be calculated based on the net square footage of floor space rather than gross square footage of floor space. Net square footage will be that area that does not generate parking demand. For example, floor area that does not generate parking demand would be restrooms, stairwells, elevators, walkways, etc. However, the parking standards and ratios will remain the same for all permitted uses and it is important to note that these ratios are comparable to what the Commission has certified for other coastal areas (i.e., 1:100 for restaurant use, 1:300 for retail use, etc.). Although ultimately, the calculation of parking based on net square footage could reduce the amount of on-site parking required, it will also promote redevelopment and allow businesses to renovate structures in a manner that will also facilitate adequate on-site parking for patrons. The City did confirm that if any floor area

is associated with food preparation, that area is counted for purposes of parking (i.e., kitchen prep, storage, freezer, etc.). Anywhere where an employee can work or where the public can come into the restaurant for seating (i.e., tables) is kept in the calculation for purposes of determining square footage and required parking.

In addition, the City conducted a parking assessment where they counted all on-street parking within the Village Area which equated to approximately 17 spaces per acre of land was committed to both on- and off-street parking. There are a number of public parking lots within the Village Area and it was determined that all of the lots are currently being under-utilized. The percent occupancy is approximately 63%. Since the parking lots and on-street parking is free, the reason for under-utilization is not connected to any fees or charges for parking but rather, due to economic conditions, fluctuating costs of gasoline or other reasons unknown. There is a 3-hour time limit for on-street parking but none of the large public parking lots in the village area have a time limit associated with them. In any case, there appears to be adequate parking within the Village Area to meet the needs of patrons of businesses as well as public access for the nearshore areas and the proposed change to calculation of parking should not have an adverse effect on availability of parking. In addition, development will also be permitted to use creative parking alternatives such as parking lifts and/or elevators on a case-by-case basis, with facility approval by the Fire Chief and Public Works Director.

In addition, when the Commission reviewed and approved a previous update to the Carlsbad Village Redevelopment Plan, a parking in-lieu fee program was proposed. However, in its action on that update, the Commission approved the plan amendment with a suggested modification that required that such a program could *only* be permitted for those areas east of the railroad right-of-way. The Commission identified concerns with regard to any type of parking in-lieu fee program west of the railroad right-of-way due to its proximity to the beach, potential impacts on beach parking and the lack of information regarding the monetary fee and its feasibility to generate new parking facilities. With the currently proposed amendments to the Carlsbad Village Master Plan and Design Manual, it is important to note that the parking in-lieu fee program will remain unchanged. That is, this program will remain available to all development only in those areas east of the railroad tracks, as was originally required in the Commission's approval of revisions to the Carlsbad LCP Village Redevelopment Area in 1996. There is very little formal parking for beach visitors in the southwest part of the Village Area and nearshore area west of the plan area. Thus, it is important that an in-lieu fee parking program be limited to the east side of the railroad tracks to assure that such a program will be adequate to provide off-street parking and preserve other parking reservoirs for beach visitors. Therefore, with the above described suggested modifications, the Commission finds the proposed LUP amendment consistent with the applicable public access and recreation policies of Chapter 3 of the Coastal Act.

**PART VI. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD'S
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

There are a number of changes proposed to the implementing ordinances and the Council policy on signs in the public right-of-way. As the City has indicated, many of these modifications or changes are proposed to clean up issues related to the implementation of the standards and policies set forth for the Village Area. In some cases, the issues were raised due to ambiguity in the existing language allowing for a difference of opinion on interpretation. In other cases, the issues were raised due to unintended conflicts created by the existing regulations. The remainder of the revisions are proposed to change one or more of the development standards to enhance and encourage development/ redevelopment of property within the Village in a manner that is consistent with the Village Master Plan and Design Manual (land use plan). Most of the proposed revisions to the implementation plan are acceptable as submitted. The only change that is problematic is with regard to the City's proposal to allow for demolition of structures to be categorized as an exempt activity within the ordinance, unless the demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast. In those latter cases, an administrative redevelopment and coastal development permit shall be required. This issue will be discussed in the findings below.

B. SPECIFIC FINDINGS FOR REJECTION

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 and intent of Chapters 2.24 and 21.35 of the Carlsbad Municipal Code are as follows: Chapter 2.24 contains the regulations addressing the Planning Commission. The purpose and intent of Chapter 21.35 is to establish land use classifications and development standards and procedures for that area of the city described in the Carlsbad Village Area Redevelopment Plan, as adopted by City Council ordinance No. 9591. This zone adopts the land use classifications and development standards of the Carlsbad Village Area Redevelopment Plan and of the Village Master Plan and Design Manual adopted pursuant to the redevelopment plan as the zoning for the area designated.

b) Major Provisions of the Ordinance. The major provisions of Chapter 2.24 is to address how the Planning Commission is created, how members are appointed, information related to meetings, duties, quorum and voting procedures and regulations pertaining to the design review board. The major provision of Chapter 21.35 include a description of the land affected by this chapter, the permitted uses and general regulations. Other information pertains to redevelopment permits, redevelopment projects and permit applications. Housing and redevelopment director actions and design review board actions are also addressed. Also included are notice procedures for public

hearings, procedures for consolidation of other permits and discretionary approvals and the findings for and requirements of those permits as well as variance procedures.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed revisions to the above-described chapters of the municipal code are designed to assure consistency with the Village Redevelopment Master Plan and Design Manual and the municipal code. A proposed change is to allow for the demolition of structures to be processed as an exempt development within the ordinance, unless the demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast. However, procedurally, the demolition of a structure is defined as “development” and requires a permit unless there is a Commission-approved categorical exclusion which sets up the process for excluding certain categories of development (i.e., demolition of structures). Although the ordinance is proposed to be revised such that demolition of structures can be an exempt activity unless the activity may have an adverse impact on coastal resources and/or access to the coast, it cannot be exempted unless a categorical exclusion is first endorsed by the Coastal Commission. In addition, there is the potential for adverse impacts to coastal resources to occur such as demolition of historic structures, etc. The Commission has also been concerned with the potential for demolition of structures that may provide lower cost accommodations to coastal visitors. Therefore, the proposed language cannot be found adequate to implement the certified LUP.

PART VII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD’S IMPLEMENTATION PLAN, IF MODIFIED

The proposed amendment seeks to exempt the demolition of structures unless the demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast, in which case an administrative redevelopment and coastal development permit would be required. However, procedurally, development which typically requires a permit cannot be exempt unless categorical exclusions are in place. In this particular case, no such exclusions exist in the City’s Village Area Redevelopment Area or implementation plan. Therefore, a suggested modification deletes the proposed language until such time that a categorical exclusion is approved as part of the LCP program for this area. The Commission can support processing demolitions as administrative redevelopment permits as long as the appropriate findings can be made.

Another change the City is proposing is to a City Council adopted policy (Policy No. 65) dated 10/23/01 to address issues related to “Signs on Public Property”. The policy addresses signs on public property which address different issues related to signage. For example, some of the sections address the fact that signs must be regulated. Other sections address, in part, the requirements for placement of temporary political, regional, labor protect and other noncommercial signs in traditional public form areas, temporary removal of signs, real estate and “kiosk” signs in particular locations, removal of nonconforming signs, signage associated with special events.

The proposed revisions are designed to assure consistency between the Village Master Plan and Design Manual and the municipal code. Specifically, the policy includes standards for A-frame signs in the Carlsbad Village Area and discusses uses of public land for the display of banners. The policy includes some inconsistencies with regulations set forth within the Village Master Plan and Design Manual for A-frame signs which staff is addressing and revising through the LCP amendment. Additional policy language related to the use of public property for the display of banners in the Village Area is also being proposed. Specifically, the language will clarify that city-owned lamp posts are reserved for the exclusive use of the City and the Redevelopment Agency to display their own messages and images. The banner program is not to be used for commercial advertisement for any individual business or private, non-city organization. Display of banners will be for the advertisement of events and/or programs which are officially sponsored or co-sponsored and financially supported by the Carlsbad Redevelopment Agency and/or the City of Carlsbad only.

With regard to the rest of the proposed changes to the implementation plan for the Village Area, only minor typographical corrections are proposed to Chapter 2.24. Chapter 21.35 is being revised to change the description of an “administrative redevelopment project/permit” to be consistent with the language in the Village Master Plan and Design Manual.

In addition, a clarification statement is being made that would indicate that the Design Review Board has the same roles and responsibilities as the Planning Commission for all projects and other activities within the Village; in other words, they function as the Planning Commission does citywide but their focus is only the Village Area. Other changes include outlining the appeals process of the Housing and Redevelopment Director’s decision to the Design Review Board and adds language outlining the process for granting extensions to Redevelopment Permits. Therefore, in summary, the Commission finds that the proposed ordinance revisions, as modified, are in conformity with, and are adequate to implement the certified LUP.

PART VIII. 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.

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. The Commission finds that approval of the proposed LCP and ordinance amendments, as submitted, would result in significant impacts under the

meaning of the California Environmental Quality Act. However, with the inclusion of the suggested modifications, implementation of the revised land use plan and ordinance would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

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1
2 CITY COUNCIL RESOLUTION NO. 2007-273

3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
4 CALIFORNIA, APPROVING A ZONE CODE AMENDMENT (CHAPTER
5 21.35) TO CLARIFY AND/OR REVISE POLICIES FOR CONSISTENCIES
6 WITH DEVELOPMENT STANDARDS WITHIN THE VILLAGE MASTER
7 PLAN AND DESIGN MANUAL AS AMENDED TO FACILITATE THE
8 DEVELOPMENT OF HIGH QUALITY REDEVELOPMENT PROJECTS
9 LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE AREA, IN
10 THE CITY OF CARLSBAD.

CASE NAME: VILLAGE MASTER PLAN AND DESIGN MANUAL
AMENDMENTS

CASE NO.: ZCA 95-10(A)/LCPA 95-10(A)

11 WHEREAS, in accordance with Carlsbad Municipal Code, Title 21, Chapter
12 21.52, Section 21.52.020, the City of Carlsbad has prepared an amendment to Carlsbad
13 Municipal Code Title 21, Chapter 21.35 relating to policies, processes, procedures for
14 the V-R Village Redevelopment Zone (CMC 21.35) and the Village Master Plan and
15 Design Manual, which sets forth the land use classifications and development standards
16 for the Village Redevelopment Zone; and

17 WHEREAS, the proposed amendment is set forth in Ordinance No. NS-862, and
18 noted as Exhibit "X," dated July 13, 2007, and attached hereto V-R VILLAGE
19 REDEVELOPMENT ZONE - ZCA 95-10(A); and

20 WHEREAS, the Design Review Board did on the 6th day of September 2007 hold
21 a duly noticed public hearing as prescribed by law to consider said request and has
22 recommended approval of the proposed V-R Village Redevelopment Zone amendments
23 ZCA 95-10(a); and

24 WHEREAS, the City Council did on the 16th day of October, 2007 hold a duly
25 noticed public hearing as prescribed by law to consider said request; and

26 WHEREAS, at said public hearing, upon hearing and considering all testimony
27 and arguments, if any, of all persons desiring to be heard, analyzing the information
28 submitted by staff, and considering any written comments received, the City Council
considered all factors relating to the Zone Code Amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council
as follows:

a) That the foregoing recitations are true and correct.

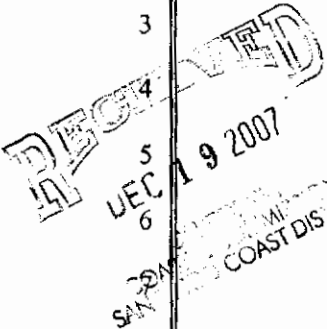
b) That based on the evidence presented at the public hearing and set forth in the
Design Review Board Staff Report dated September 6, 2007, the Council hereby
APPROVES V-R VILLAGE REDEVELOPMENT ZONE AMENDMENTS ZCA 95-
10(A) and INTRODUCES Ordinance No. NS-862 approving ZCA 95-10(a),
subject to the findings and conditions set forth in Design Review Board Resolution
No. 326, dated September 6, 2007.

EXHIBIT #1

Approved Ordinances

CAR-MAJ-3-07-A Village Master Plan Design Manual

California Coastal Commission



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c) That based on the evidence presented at the public hearing and set forth in the Design Review Board Staff Report dated September 6, 2007, the Council hereby APPROVES the Negative Declaration, Exhibit "ND", according to Exhibits "NOI" dated July 23, 2007, and "PII", dated June 29, 2007, attached hereto, and based on the findings set forth in Design Review Board Resolution No. 324.

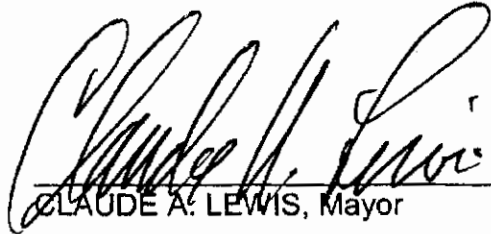
d) The proposed amendments will be effective thirty (30) days after approval date, in all areas of the Village, except those areas of the Village which are located in the Coastal Zone. For properties in the Coastal Zone, the amendments will not be effective until approved and certified by the California Coastal Commission.

PASSED, APPROVED, AND ADOPTED at a Special meeting of the City Council of the City of Carlsbad, California, held on the 6th day of November 2007, by the following vote, to wit:

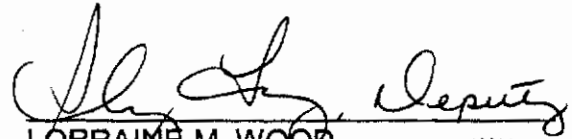
AYES: Council Members Lewis, Kulchin and Nygaard.

NOES: None.

ABSENT: Council Members Hall and Packard.



CLAUDE A. LEWIS, Mayor



LORRAINE M. WOOD
City Clerk



CITY COUNCIL RESOLUTION NO. 2007-274

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS
4 TO CARLSBAD MUNICIPAL CODE CHAPTER 21.35 AND
5 APPROVING A LOCAL COASTAL PROGRAM
6 AMENDMENT FOR THE VILLAGE SEGMENT OF THE
7 CARLSBAD LOCAL COASTAL ZONE THROUGH THOSE
8 AMENDMENTS AND REVISIONS TO THE VILLAGE
9 MASTER PLAN AND DESIGN MANUAL, AND ADOPTING
A NEGATIVE DECLARATION FOR SAID LOCAL COASTAL
PROGRAM AND RELATED ZONE CODE AMENDMENT.
CASE NAME: VILLAGE MASTER PLAN AND DESIGN
MANUAL AMENDMENTS
CASE NO: LCPA 95-10(A)

10 WHEREAS, the City of Carlsbad has filed a verified application for an
11 amendment to the Local Coastal Program for the Village Redevelopment Segment of
12 the Carlsbad Local Coastal Zone (and for all properties located within the Village
13 Redevelopment Project Area) by adoption of amendments to the Village Master Plan
14 and Design Manual and Carlsbad Municipal Code Chapter 21.35 by the Housing and
15 Redevelopment Commission and the City Council respectively; and

16 WHEREAS, said verified application constitutes a request for amendment as
17 provided in Public Resources Code Sections 30510 et.seq.; and

18 WHEREAS, a Negative Declaration was prepared in conjunction with said
19 project; and

20 WHEREAS, the Design Review Board did recommend approval of the subject
21 application and Negative Declaration at their special meeting on September 6, 2007;
22 and

23 WHEREAS, the City Council did on the 16th day of October, 2007 hold a duly
24 noticed public hearing prescribed by law to consider said proposed Local Coastal
25 Program Amendment through amendments to the Village Master Plan and Design
26 Manual and Zone Code Amendment and Negative Declaration; and
27
28

1 WHEREAS, at said public hearing, upon hearing and considering all testimony
2 and arguments, if any, of all persons desiring to be heard, the City Council considered
3 all factors relating to said Local Coastal Program Amendment and Negative Declaration.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Carlsbad, California, as follows:

- 6 1. That the above recitations are true and correct.
- 7 2. That based on the evidence presented at the public hearing and within the
8 Design Review Board Staff Report dated September 6, 2007, the City Council
9 **APPROVES** LCPA 95-10(A), which includes amendments to the Village
10 Master Plan and Design Manual and Carlsbad Municipal Code Chapter 21.35
11 as shown in the exhibits attached to this resolution, dated October 16, 2007,
12 and as recommended for approval by the Design Review Board in
13 Resolutions 325, 326 and 327 and **ADOPTS** the Negative Declaration for said
14 amendments and revisions.
- 15 3. That the City Council finds the proposed amendments to the Local Coastal
16 Program for the Village Redevelopment segment of the Carlsbad Local
17 Coastal Zone are necessary to ensure the continued success of revitalization
18 efforts, through the elimination of blight and economic development activities,
19 within the Village Redevelopment Project Area of the City of Carlsbad.
- 20 4. That the City Council finds that the proposed amendments to the Local
21 Coastal Program provides for the maintenance of public access to local
22 coastal resources and will have no negative impact on these resources.
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5. That the proposed amendments are consistent with the Carlsbad General Plan and the Carlsbad Village Redevelopment Plan/Local Coastal Program Land Use Plan.

6. That the Negative Declaration has been prepared in accordance with requirements of the California Environmental Quality Act, the State Guidelines and the Environmental Protection Procedures of the City of Carlsbad.

7. That the Negative Declaration reflects the independent judgment of the City Council of the City of Carlsbad.

8. That based on the EIA Part II and comments thereon, there is no substantial evidence the project will have a significant effect on the environment.

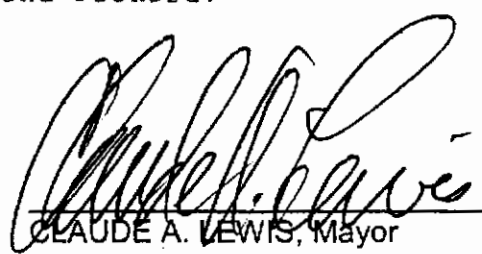
PASSED, APPROVED AND ADOPTED at a ^{Joint} Special Meeting of the City Council and Housing and Redevelopment Commission of the City of Carlsbad on the 6th day of November, 2007, by the following vote, to wit:

2007, by the following vote, to wit:

AYES: Council Members Lewis, Kulchin and Nygaard.

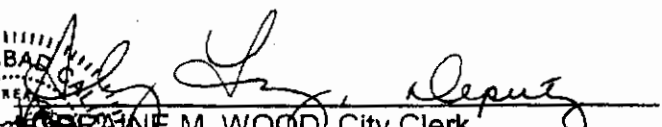
NOES: None.

ABSENT: Council Members Hall and Packard.




CLAUDE A. LEWIS, Mayor

ATTEST:



SPAIN M. WOOD, City Clerk



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CITY COUNCIL RESOLUTION NO. 2007-275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO CITY COUNCIL POLICY NO. 65 – SIGNS ON PUBLIC PROPERTY FOR CONSISTENCY WITH THE VILLAGE MASTER PLAN AND DESIGN MANUAL AND TO ALLOW CITY AND REDEVELOPMENT AGENCY MESSAGE BANNERS ON PUBLIC LAMP POSTS IN THE VILLAGE AREA, WITHIN THE CITY OF CARLSBAD.

CASE NAME: AMENDMENTS TO CITY COUNCIL POLICY NO. 65

WHEREAS, on October 23, 2001, the City Council adopted a policy to address issues related to signs on public property; and

WHEREAS, the Carlsbad Redevelopment Agency has requested that the City Council consider amendments to City Council Policy No. 65 to ensure consistency with the Village Master Plan and Design Manual, specifically on permits for A-Frame signs in the public right of way, and also to add a policy statement related to the display of banners on public property within the Village Redevelopment Area; and

WHEREAS, the Design Review Board did on the 6th day of September 2007 hold a duly noticed public hearing to consider said request and has recommended approval of the proposed revisions to City Council Policy No. 65 – Signs on Public Property; and

WHEREAS, the City Council did on the 16th day of October, 2007 hold a duly noticed public hearing to consider said request from the Carlsbad Redevelopment Agency and the recommendation of the Design Review Board; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, analyzing the information submitted by staff, and considering any written comments received, the City Council considered all factors relating to the City Council Policy No. 65 Amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council as follows:

- a) That the foregoing recitations are true and correct.
- b) That based on the evidence presented at the public hearing and set forth in the Design Review Board Staff Report dated September 6, 2007, the Council hereby APPROVES the amendments to City Council Policy No. 65 – Signs on Public Property.

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PASSED, APPROVED AND ADOPTED at a ^{Joint} Special Meeting of the City Council
and Housing and Redevelopment Commission
of the City of Carlsbad on the 6th day of November, 2007, by the following vote to wit:

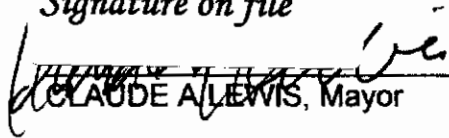
AYES: Council Members Lewis, Kulchin and Nygaard.

NOES: None.

ABSENT: Hall and Packard.

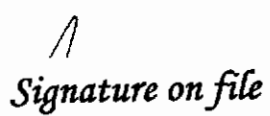


Signature on file

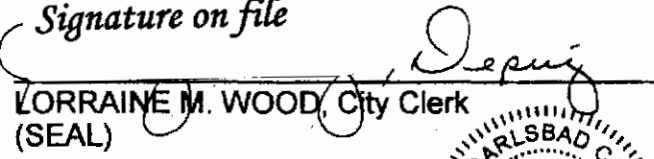


CLAUDE A. LEWIS, Mayor

ATTEST:



Signature on file



LORRAINE M. WOOD, City Clerk
(SEAL)



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CITY COUNCIL RESOLUTION NO. 2007-277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT (CHAPTER 2.24) TO CLARIFY AND/OR REVISE POLICIES FOR ROLES AND RESPONSIBILITIES OF THE DESIGN REVIEW BOARD WHEN DESIGNATED AS THE PLANNING COMMISSION FOR CERTAIN PURPOSES.

CASE NAME: VILLAGE MASTER PLAN AND DESIGN MANUAL AMENDMENTS

CASE NO.: ZCA 95-10(A)/LCPA 95-10(A)/MCA95-01(A)

WHEREAS, the City of Carlsbad has prepared an amendment to Carlsbad Municipal Code Title 2, Chapter 2.24, Section 2.24.080 relating to roles and responsibilities of the Design Review Board when designated as planning commission for certain purposes; and

WHEREAS, the proposed amendment is set forth in Ordinance No. NS-863, and noted as Exhibit "Z," and attached hereto; and

WHEREAS, the City Council did on the 16th day of October, 2007 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, analyzing the information submitted by staff, and considering any written comments received, the City Council considered all factors relating to the Municipal Code Amendments.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council as follows:

- a) That the foregoing recitations are true and correct.
- b) That based on the evidence presented at the public hearing, the City Council hereby APPROVES MUNICIPAL CODE AMENDMENTS MCA 95-01(a) and INTRODUCES Ordinance No. NS-863 approving MCA 95-01(a).
- c) The proposed amendments will be effective thirty (30) days after approval date, in all areas of the Village.

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PASSED, APPROVED AND ADOPTED at a ^{Joint} Special Meeting of the City Council
and Housing and Redevelopment Commission
of the City of Carlsbad on the 6th day of November, 2007, by the following vote to wit:

AYES: Council Members Lewis, Kulchin and Nygaard.

NOES: None.

ABSENT: Hall and Packard.

Signature on file
[Handwritten Signature]

CLAUDE A LEWIS, Mayor

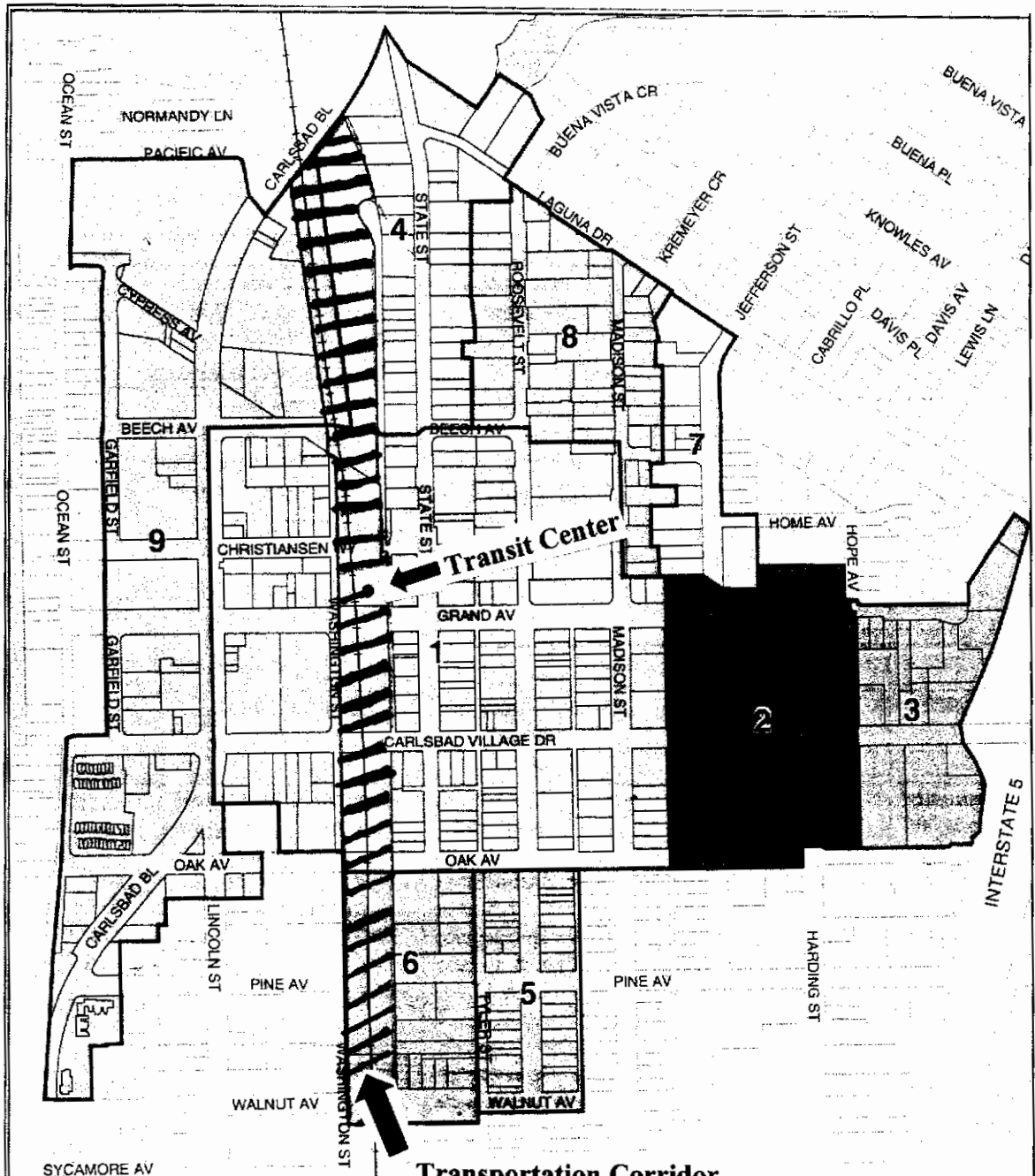
ATTEST:

Signature on file
[Handwritten Signature] Deputy

LORRAINE M. WOOD, City Clerk
(SEAL)

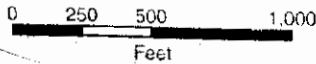


Pacific Ocean



Transportation Corridor

City of Carlsbad Village Redevelopment Zone



- District 1: Carlsbad Village Center
- District 2: Office Support
- District 3: Freeway Commercial Support
- District 4: Residential Support
- District 5: Hispanic Mixed Use Support
- District 6: Service Commercial Support
- District 7: Office Support
- District 8: Residential Support
- District 9: Tourism Support

EXHIBIT #2

Village Redevelopment
Districts/Transportation Corridor/Transit
Center

CAR-MAJ-3-07-A Village Master Plan Design Manual
California Coastal Commission

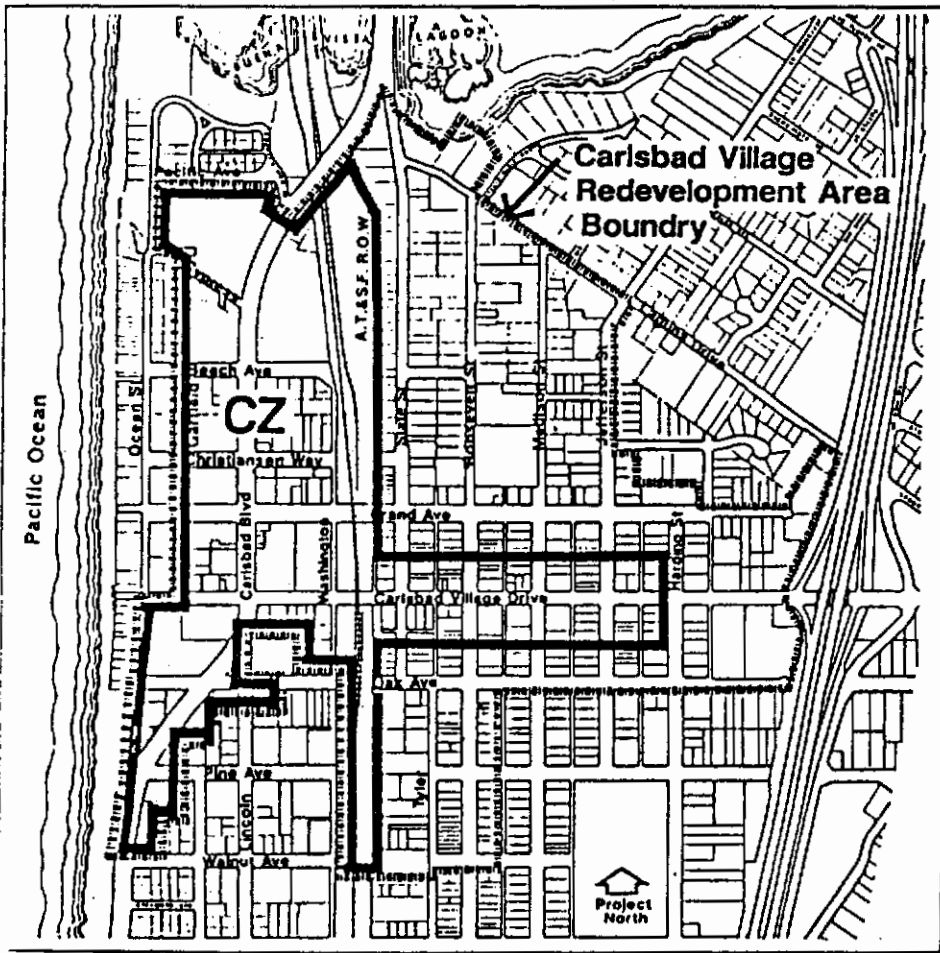


Figure 5. Village Redevelopment Area Boundaries and Coastal Zone Boundaries



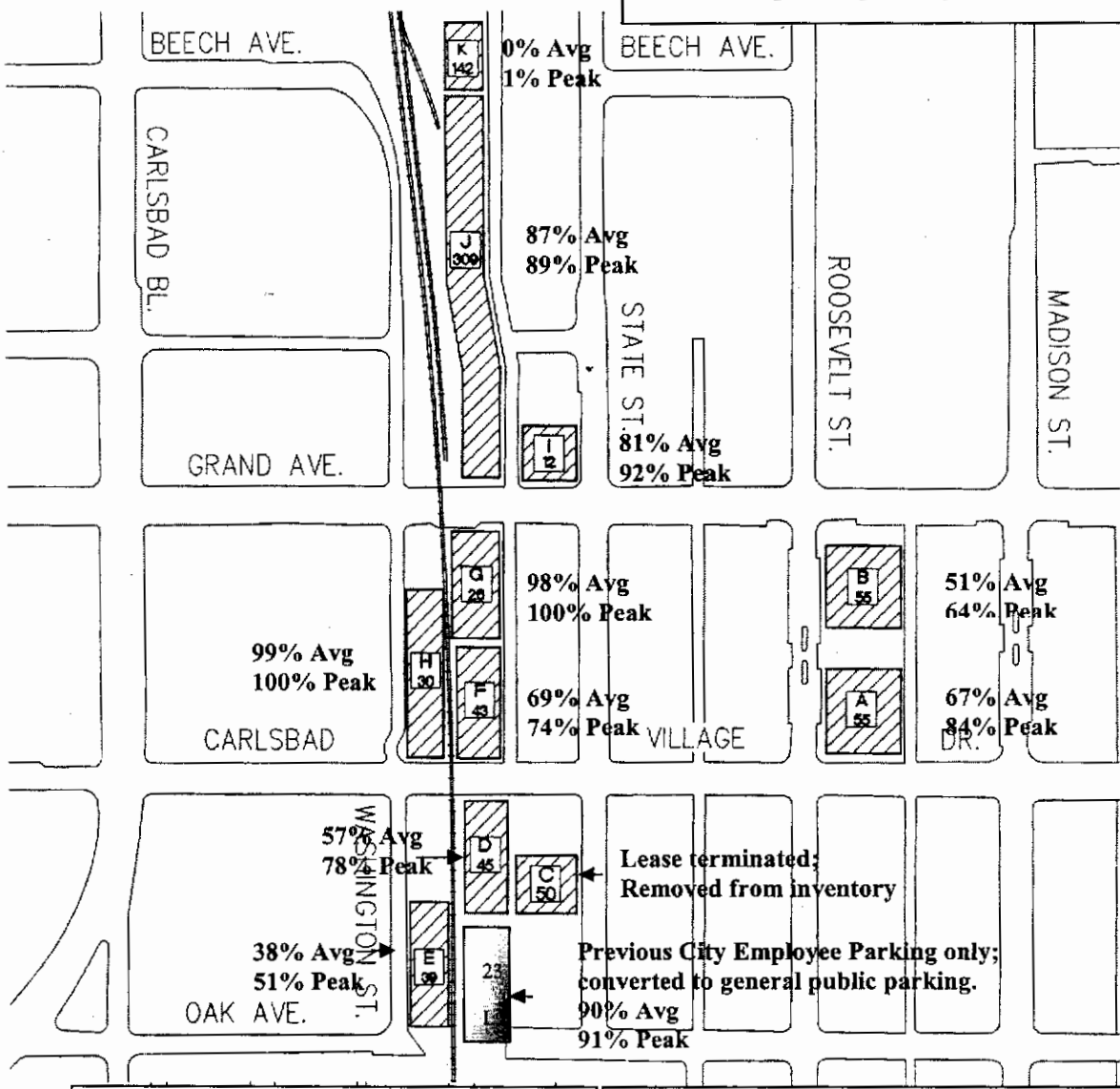
Figure 5. Village Redevelopment Area Boundaries, Land Use District Boundaries and Coastal Zone Boundaries (shaded area).

EXHIBIT #3

Coastal Zone Boundary

LOCATION MAP

1038 on-street public parking spaces
 779 off-street public parking spaces
 1817 total public parking spaces



Utilization Ratios (As of 8/5/08):

All Lots (Average):	72%	(806 spaces)
All Lots (Peak):	77%	(806 spaces)
No NCTD (Average):	62%	(256 spaces)
No NCTD (Peak):	72%	(256 spaces)

Utilization Ratios (As of 2/10/09):

All Lots (Average):	63%	(779 spaces)
All Lots (Peak):	68%	(779 spaces)
No NCTD (Average):	60%	(229 spaces)
No NCTD (Peak):	73%	(229 spaces)



PROJECT: LOCATION OF VILLAGE PARKING LOTS EXHIBIT 1

EXHIBIT #4
 Village Area Parking Lots
 CAR-MAJ-3-07-A Village Master Plan Design Manual
 California Coastal Commission

n:\transportation\AutoCAD\Download\Parking\Village Park Lots Location Map - 4.dwg 7/24/08

This document has been prepared to serve a variety of purposes. First, the Village Master Plan and Design Manual is the City of Carlsbad's Official Statement of design, land use, and redevelopment strategy policy for the Village Redevelopment Area; it implements the Carlsbad Village Area Redevelopment Plan which is the legal document that establishes the boundaries of the redevelopment area and sets forth the framework for redevelopment activities. Second, the Village Master Plan and Design Manual; the Carlsbad Village Area Redevelopment Plan, together with the implementing ordinances and Manual of Policies and Procedures serve as the Local Coastal Plan for the Carlsbad Village Redevelopment Area pursuant to requirements of the California Coastal Act.

For the purposes of this document, the term "Master Plan" shall mean a "plan which gives overall guidance for redevelopment activities within the Village Redevelopment Area." The Village Redevelopment Plan is basically a specific plan which implements the General Plan for the City of Carlsbad within the Village Redevelopment Area. The Village Master Plan and Design Manual document is an implementing document which further specifies the land use policy and Redevelopment Strategy for the Village.

This document establishes a "Vision" for the ideal future character and development of the Village Redevelopment Area and then sets forth an implementation strategy or "roadmap" for obtaining the goals identified for the area by:

- Providing guidance to property owners, merchants, and others interested in development or property improvements within the Village;
- Providing guidance to City Staff members in interpreting planning and zoning requirements for properties within the Village;
- Providing the Design Review Board with principles, standards and design guidelines which may be applied to proposed improvements within the Village; and
- Providing a strategy for implementing various programs/projects to assist in eliminating blight and revitalizing the Village Redevelopment Area.

This document is divided into three (3) general sections. Section 1 contains a brief history of the redevelopment area, a vision for the Village, goals and objectives and instructions for using the manual. Section 2 consists of Chapters 2 through 8 which make up the Village Design Manual for the Village Redevelopment Area. This document is referenced in the Carlsbad Village Redevelopment Plan and serves as the official statement of design and land use policy for the Village. Section 3 contains the Implementation Program, or Strategy, for the redevelopment area for the next approximately ten (10) years of the Village Redevelopment Plan. The Village Design Manual (Section 2) primarily focuses on private development and public improvements related to development within the area. The Implementation Program addresses such issues as cultural activities, historic preservation, business attraction/retention and other activities which assist in the revitalization of the redevelopment area.

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Deleted: Upon approval by the Housing and Redevelopment Commission of the City of Carlsbad, this entire document shall replace the revised Village Design Manual adopted in 1982 and certified by the Coastal Commission in 1988. For portions of the Village which are within the Coastal Zone, the land uses, standards and guidelines contained within this document shall not become effective until this amended document has been approved and certified by the State Coastal Commission or by its Executive Director pursuant to Coastal Commission regulations. 1

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EXHIBIT #5

Master Plan & Design Manual Revisions

CAR-MAJ-3-07-A Village Master Plan Design Manual
California Coastal Commission

Effective Date of Regulations

The policies, regulations, guidelines and procedures set forth within this Village Master Plan and Design Manual are effective within the boundaries of the Village Redevelopment Area only. These policies, regulations, guidelines and procedures are not applicable within the remainder of the City limits of the City of Carlsbad.

The Housing and Redevelopment Commission and the City Council approved the policies, regulations, guidelines and procedures set forth within this Village Redevelopment Master Plan and Design Manual on December 5, 1995. The policies, regulations, guidelines and procedures were effective after a 30 day notice period which was January 5, 1996, in all areas of the Village Redevelopment Area, except those areas of the Village which were also located in the Coastal Zone.

The California Coastal Commission approved and certified the document as of September 12, 1996. As a result of the Coastal Commission's approval and certification of the Village Master Plan and Design Manual, the policies, regulations, guidelines and procedures set forth within this document became fully effective in all areas of the Village, including those areas located within the Coastal Zone, as of September 12, 1996.

This document has been retyped, reformatted and reprinted from its original version which was fully effective on September 12, 1996. The pages were also renumbered. There, however, have been no changes in the approved content set forth within the document. The retyped, reformatted and reprinted version of this document was available for distribution as of April 2, 1998. The original version of the document remains on file for reference purposes.

Fully Effective Date of the Village Master Plan and Design Manual:

For properties within the Village but outside the Coastal Zone: January 12, 1996

For properties within the Village and also within the Coastal Zone: September 15, 1996

Effective Date(s) of Amendments

The Housing and Redevelopment Commission and the City Council approved amendments to the policies, regulations, guidelines and procedures set forth within this Village Master Plan and Design Manual on November 20, 2007. The policies, regulations, guidelines and procedures were effective after a 30 day notice period which was December 20, 2007, in all areas of the Village Redevelopment Area, except those areas of the Village which are located in the Coastal zone. The California Coastal Commission approved and certified the document as of (add the date).

Pages within the document were renumbered as appropriate to accommodate the amendments. The document has been retyped, reformatted and reprinted, as necessary.

Fully Effective Date(s) of the amended Village Master Plan and Design Manual:

For properties within the Village but outside the Coastal Zone: (add the date)

For properties within the Village and also within the Coastal Zone: (add the date)

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On the following pages, land use charts are provided which list the various types of land uses which are permitted, provisional, accessory or not permitted as a result of adoption of this land use plan within the Village Master Plan and Design Manual. The uses are listed alphabetically by category of land use and according to land use district. For example, for information on where a motel could be located within the Village Redevelopment Area, an applicant/ developer would find "motel" (use) under the "commercial services" (category) within the land use chart and learn that motels are permitted by right in Land Use District 9, provisionally in Districts 1 and 3, and not permitted in Districts 2, 4 through 8.

There are eight (8) land use categories listed within the following land use charts. The categories are identified and defined below:

1. Commercial Services. These are uses where there is generally an exchange or buying and selling of a service commodity. This relates specifically to services which a person, or persons, may provide to another person, or persons. As examples, these uses include automotive repair services, beauty salons, health clubs, hotels, travel agents and music schools.
2. Entertainment and Recreation. These are uses which generally provide an activity which is diverting or engaging, usually an activity which is sought for relaxation and amusement. As examples, these uses include: an art gallery, swim club, cinema, and a park.
3. Food Services. These are uses which generally allow for the purchase of food and/or beverage items which have been prepared and served, or made available for purchase, by another person intended to be consumed either on or off the premises. As examples, these uses include fast food restaurants, quick stop food stores, restaurants and sidewalk cafes.
4. Light Industrial. These are uses which generally provide for small scale manufacturing of products through the use of specialized tools and machines. In some cases, these are also uses which result in larger scale commercial operations which are primarily designed to provide services to manufacturers in either the transportation of goods or other types of services. As examples, these uses include cabinet shops, research laboratories, machine shops, parcel delivery services, and wholesale businesses.
5. Offices. These are uses which generally provide for a place where a particular kind of business is transacted or a service is supplied. As examples, these are places where a professional person such as an attorney, contractor, investment officer, or a doctor conducts business.
6. Residential. These are uses which generally provide for a dwelling place. As an example, these are places such as single-family homes or an apartment where a person lives, or persons live, on a permanent or continuous basis.
7. Retail Businesses. These are uses which generally provide for the sell of small quantities of commodities or goods directly to the ultimate consumer. As examples, these uses include appliances, crafts, clothing, florists, hardware, pets or pet supplies, videos, and/or musical recordings.
8. Miscellaneous. The miscellaneous category has been established to encompass the various land uses which do not clearly fit into one of the above categories.

ALLOWABLE LAND USES

The land uses noted below are listed in alphabetical order by category and according to land use district. The chart provides information on the type of land uses which are permitted, provisionally permitted or not permitted within a given land use district. Definitions for these categories can be found on page 2-24. Following the land use charts are "Provisional Land Use Standards" which are listed by either category or specific use; these standards are provided for selected provisional land uses to identify special considerations, findings and conditions which will be used to determine whether or not the identified use will be permitted within the subject land use district.

LAND USES	LAND USE DISTRICTS								
	1	2	3	4	5	6	7	8	9
Video Sales/Rental	•	•	•	•	•	•	•	•	•
MISCELLANEOUS									
Churches (or similar facilities)	•	•	•	•	•	•	•	•	•
Youth Facilities	•	•	•	•	•	•	•	•	•
Trailer Park	•	•	•	•	•	•	•	•	•

Transportation Corridor

Portions of Land Use Districts 1, 4, and 6 which are located within the Village Redevelopment Area are also located within the Transportation Corridor. The highlighted area on the map that follows, indicates the boundaries of the Transportation Corridor.

For those properties which are located both within the boundaries of the Village Redevelopment Area and the Transportation Corridor, the following land uses are the uses which will be permitted:

The following transit-related uses shall be permitted: Field and Seed Crops; Truck Crops; Horticulture Crops; Orchards and Vineyards; Tree Farms; Fallow Lands; Light-Rail and other Public Transit Transmission Facilities; Light-Rail and/or public transportation Maintenance/Repair Facilities; Light-Rail Stations; Passive Open Space; Bicycle Paths; Pedestrian Trails; Private or Public Parking Lots; and Railroad Tracks.

The permitted, provisional and accessory land uses allowed in Districts 1, 4 and 6, respectively, as set forth in the land use matrix of this Village Master Plan and Design Manual will also be allowed on the properties located within the corresponding and adjacent portions of the Transportation Corridor. All non-transit related development shall comply with all regulations and procedures set forth within this Village Master Plan and Design Manual.

DISTRICT USES

The key for the chart is:

•	Permitted Use	A	Accessory Use
o	Provisional Use	X	Not Permitted

Footnotes

- (1) Office uses permitted on Roosevelt Street only.
- (2) The ground floor of all approved mixed use projects shall be devoted to commercial uses.
- (3) No drive-thru.
- *See specific land use under Provisional Use Standards.
- **See Self-Improvement Services under Provisional Use Standards.
- ***See Sport Entertainment Uses under Provisional Use Standards.

General Notes

- ☒ Outdoor seating in ROW is permitted in Districts 1, 2, 5 & 9, only with a provisional use permit approved by the Housing & Redevelopment Director.
- ☒ All existing uses which are noted as "not permitted" within a land use district noted on this land use chart shall be allowed to remain pursuant to the non-conforming regulations set forth within this chapter. No expansion or intensification of non-conforming uses will be permitted.

☒ No Adult Entertainment Uses permitted within any land use district within the Village.

☒ For all Village properties which are also located within the Coastal Zone, the primary permitted land uses for all ground floor space shall be those which are visitor-serving commercial. Visitor-serving commercial uses include but are not limited to: hotels, motels, restaurants, recreational or tourist information facilities, souvenir, gift or novelty shops and/or services which will aid in

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the comfort/enjoyment of a tourist or regional guest's visit to the area. All other land uses, which are not expressly prohibited as noted herein, shall be provisional or accessory uses; these uses must be approved, or conditionally approved, via the redevelopment permit process.

Universal Standards

These standards are applicable to all development in the Village Area.

Development Standard Modifications

Modifications to the development standards may be permitted by the Housing and Redevelopment Commission in all land use districts of the Village Area for developments where the applicant can provide acceptable evidence that a requested development standard modification is 1) necessary to provide housing affordable to low and/or moderate income households, and/or 2) necessary in order for the development to qualify for silver level or higher LEED (Leadership in Energy & Environmental Design) Certification, or a comparable green building rating, and to maintain the financial feasibility of the development with such certification. Development standard modifications may also be permitted by the Housing and Redevelopment Commission if 1) the applicant can provide acceptable evidence that application of the development standards will preclude the construction of a residential development at densities at or above the minimum set forth for the applicable land use district, or 2) for projects that have a significant public benefit as determined by the Housing and Redevelopment Commission or that assist the Commission in meeting the goals and objectives set forth within the Village Master Plan and Design Manual.

Through redevelopment permit approvals, modifications may include, but are not limited to:

1. Density
2. parking standards
3. building setbacks
4. height
5. open space

General Plan

All redevelopment projects must be consistent with all General Plan policies, goals, and action programs.

Residential Density

The properties within the Village Area do not have a residential density assigned to them for Growth Management Program compliance purposes. Therefore, the minimum and maximum densities for development that includes residential within the Village Area are set forth herein. For Land Use Districts 1-4 of the Village Area, the maximum density permitted for a development that includes residential shall be 35 dwelling units per acre. For Land Use Districts 5-9, the maximum density for a development that includes residential shall be 23 dwelling units per acre. The minimum density for all land use districts with development that includes residential in the Village Area shall be 15 dwelling units per acre.

A density bonus may be granted in accordance with Chapter 21.86 of the Carlsbad Municipal Code to exceed the maximum density noted

above. A density increase may also be granted, on a case-by-case basis, for the purposes of providing affordable housing for low and/or moderate income households and/or when an applicant can provide acceptable evidence to the Housing and Redevelopment Commission that the density increase is necessary in order for the development to qualify for silver level or higher LEED Certification, or a comparable green building rating, and assist in maintaining the financial feasibility of the development and/or when the Housing and Redevelopment Commission determines that a project has significant public benefit or assists in meeting the goals and objectives set forth within the Village Master Plan.

To approve a density above the maximum set forth herein, the following findings must be made by the Housing and Redevelopment Commission:

1. That the project will provide sufficient additional public facilities for the density in excess of the maximum permitted to ensure that the adequacy of the City's public facilities plans will not be adversely impacted.
2. That there have been sufficient developments approved in the quadrant below their maximum densities so the approval will not

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The applicable General Plan residential density designation shall be determined for each project based upon compatibility findings with surrounding area.

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The Village Redevelopment Area is exempt from Council Policy No. 43 which regulates and/or prioritizes the use of excess dwelling units throughout the City.

Planned Development 1

Residential units proposed for separate ownership shall comply with the development standards and design criteria set forth by Planned Development Ordinance, Chapter 21.45 of the Carlsbad Municipal Code.

result in exceeding the
quadrant limit.

3. That all necessary public facilities will be constructed, or are guaranteed to be constructed, concurrently with the need for them created by this development and in compliance with the adopted City standards.

The minimum residential density for the Village shall be 15 dwelling units per acre. Pursuant to California Government Code Section 65863, the City utilized 23 dwelling units to an acre in the Village for purposes of determining the adequacy of sites to provide for affordable housing in its 2005-2010 Housing Element. As a result, to approve a development that includes residential density below 23 dwelling units per acre, the following findings must be made by the Housing and Redevelopment Commission:

1. the reduction is consistent with the adopted general plan, including the housing element.
2. the remaining sites identified in the housing element are adequate to accommodate the city's share of the regional housing need pursuant to Government Code Section 65584.

In future Housing Elements, the density may be revised as appropriate and this section of the Village Master Plan and Design Manual shall be revised by reference accordingly. In no case shall the residential density be below the minimum of 15 dwelling units per acre.

Pursuant to City Council Policy No. 43, all housing located in the Village Redevelopment Area qualifies for, and requires, an allocation of excess units from the Proposition E "Excess Dwelling" Unit Bank.

Planned Development

Residential units proposed for separate ownership shall comply with the development standards and design criteria set forth within this Master Plan, and within Carlsbad Municipal Code, Title 20 and the State Subdivision Map Act. A tentative tract map application shall be filed together with the appropriate redevelopment permit. The Design Review Board shall make a recommendation to the Housing and Redevelopment Commission, and the Commission shall be the final decision-making authority, on an application for a tentative tract and/or final map for a development within the boundaries of the Village Redevelopment Area.

All residential units or mixed use projects which are intended to have residential units which are sold for

separate ownership will be subject to the following additional requirements.

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- 1) The storage of large recreational vehicles, such as motor homes, travel trailers, or boats will not be allowed within the residential or mixed use project. These vehicles must be stored off-site and off-street at all times. The storage of small recreational vehicles, such as canoes or a jet ski, may be permitted on site if the vehicles are stored within an area which is screened from adjacent residences and public rights-of-way by either a view-obscuring wall or landscaping.
- 2) Parking garages shall be designed such that they are visually subordinate to the residential structure or mixed use project. Whenever possible, entrances to individual garages or parking stalls shall be located off a rear alley or within an enclosed parking structure.

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Rail Corridor Development

All future development adjacent to or near North County Transit District's Right-of-Way shall be planned with consideration given to the safety of the rail corridor. This consideration will be given at the project-specific level and a determination will be made at that time as to whether or not any additional safety measures are required as a result of the proposed development.

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Inclusionary Housing Requirements

All residential projects including the

Parking

New development and additions to existing buildings within the Village Redevelopment Area will be required to provide parking per the standards contained within Chapter 5 of this Village Master Plan and Design Manual.

Changes of use within an existing structure or building may require additional parking if the new use creates a parking demand greater than the structure or building's previous use or existing on-site parking spaces.

The Parking In-Lieu Fee Program described in Chapter 6 may be available as an option for property owners/tenants who are unable to meet their on-site parking requirements. Requests for variances from the on-site parking requirements shall be processed as set forth in Chapter 6 of this document.

Building Coverage, Building Height and Building Setbacks

The standards for building coverage, height and setbacks are established individually according to the applicable Land Use District within the Village Redevelopment Area. See the appropriate development standards section for the applicable Land Use District to identify the standards which apply to projects within the area.

Where a range is established for the subject standard, the individual project standard may be set anywhere within the range based on findings that the project design or site constraints justify the standard and subject to the findings/criteria outlined below for each type of standard noted.

Building Coverage

In all cases where a range has been established as the appropriate building coverage standard within a given district, the bottom of the range shall be considered the desired standard. However, an increase in the standard to the maximum, or anywhere within the range, may be allowed if the project warrants such an increase due to good project design and/or the provision of other projects features which benefit the Village Redevelopment Area. The benefits realized from the increased standards shall be set forth with the approving resolution for said project.

For approval of a building coverage standard which is above the maximum for the subject land use district, a standards modification or variance must be approved by the authorized approving body/official. Standards modifications shall be granted as set forth within this Village Master Plan and Design Manual. Variances shall be granted according to the regulations set forth in Section 21.35.130 of the Carlsbad Municipal Code.

A variance for a building coverage standard which exceeds the top of the range, or the individual standard set forth, will be granted only if the project meets one or more of the following criteria:

1. The project is a mixed use project which provides for residential living units located in close proximity (reasonable walking distance) to the Village Commuter Rail Station.
2. The project is a hotel facility whose scale, design and auxiliary facilities are judged to be appropriate to the Village.
3. The project is a residential project providing a quality living environment and where increased density would not negatively impact adjacent residential development.
4. The project provides for exceptional public amenities in terms of site design or facilities.

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1. The increased standard will not have an adverse impact on surrounding properties. ¶

Deleted: 2. The increased standard will assist in developing a project which meets the goals of the Village Redevelopment Area and is consistent with the objectives for the land use district in which the project is to be located. ¶

Building Height

The height standard for a building, or buildings, within the Village Redevelopment Area, is noted as a maximum within the individual land use district development standards. The height of a proposed building may not exceed the standard set forth for the given land use district, but it may be set lower if deemed desirable for the project. As a note, additional building height is permitted for all projects in all land use districts for architectural features which are designed as part of the project. For information on architectural features which are exempt from the height limit calculation, see Section 21.46.20 of the Carlsbad Municipal Code.

To exceed the maximum height standard set forth within the development standards for a given land use district, a variance or standards modification must be granted by the appropriate approving body/official for the project.

A variance or modification for a height standard which exceeds the standard set forth for a given land use may be granted only if the project meets one or more of the following criteria:

1. The increased height will be visually compatible with surrounding buildings.
2. The increased height will not unduly impact nearby residential uses.

3. The taller project will not adversely impact views.

4. The project will maintain a scale and character compatible with the Village and the guidelines contained within this Village Master Plan and Design Manual.

5. The project provides for exceptional design quality and is consistent with the goals and objectives of the Village Redevelopment Area.

Building Setbacks

In all cases where a range has been established as the appropriate setback standard within a given district, the top of the range shall be considered the desired standard.

However, a reduction in the standard to the minimum, or anywhere within the range, may be allowed if the project warrants such reduction due to good project design and/or the provision of other projects features which benefit the Village Redevelopment Area. The benefits realized from the reduced standards shall be set forth with the approving resolution for said project.

For approval of a setback standard which is below the minimum for the subject land use district, a variance or standards modification must be approved by the authorized approving body/official. Variances shall be granted according to the regulations set forth in Section 21.35.130 of the Carlsbad Municipal Code. Standards modifications shall be approved as set forth within this Village Master Plan and Design Manual.

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¶ The project is in a location where adjacent buildings are set back further than the permitted standard (range), and setting the structure back to the desired standard will maintain and reinforce the Village character of the area. ¶

¶ The project is in a location which is in a transitional area to residential development and where increased setbacks would soften the visual transition between commercial and residential development or would protect the liveability of the residential development. ¶

¶ Restaurant uses where a ... [1]

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Consistency Determination

In the Village, design of buildings is very important and there is an expectation that the design shall be consistently implemented through all project construction. In other words, there is an expectation that upon completion of the new construction the project will be substantially consistent with the design approved by the appropriate decision-making authority. The following criteria is set forth and must be met in order for the Housing and Redevelopment Director to approve a consistency determination and ensure that the project design is consistently implemented

The Housing and Redevelopment Director may, at an administrative level, make a consistency determination if all of the following criteria are met:

The modified project design is comparable in character, scale, architectural detail and/or other design features to the original project design, or represents an upgrade in overall design features and/or materials as originally approved. The modifications must not be readily discernible to the decision makers as being substantially different from the project as originally approved. The original architectural detail or the design features may be enhanced as long as the character, scale, or theme of the design remains consistent with the original approval.

2. No project condition, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function by the Housing and Redevelopment Director, Design Review Board and/or Housing and Redevelopment Commission.

3. The modified project complies with all applicable development standards or does not exceed the variances in standards as originally approved by the final decision maker.

4. The modified project does not increase the density or intensity of the development. A decrease in the density or intensity of development can be considered an acceptable change for consistency determination purposes, at the discretion of the Housing and Redevelopment Director

5. The proposed modification does not involve the addition of a new land use which was not shown on the original permit.

6. The proposed change will not result in any significant environmental impact, and/or require any additional mitigation.

7. The proposed change will not result in any health, safety or welfare impacts.

8. There were not any major issues or controversies associated with the original project which would be exacerbated with the proposed project modification.

Consistency Determination Application Process

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To request a consistency determination, the applicant shall submit an application and amended exhibits, graphics, statements or other information as may be required to explain and justify the request to the Housing and Redevelopment Director. The Housing and Redevelopment Director will determine the number of copies of the application and exhibits to be submitted for processing.

If the consistency determination can be made by the Housing and Redevelopment Director, the applicant shall receive a letter approving the design modifications, and providing authorization to proceed.

If the Housing and Redevelopment Director is unable to make the consistency determination, the applicant shall receive a letter denying the request and providing instructions as to how to proceed with an amendment of a minor or major redevelopment permit to allow for the design modifications.

If the original permit was a major redevelopment permit and the applicant is proposing a design change only and there are no other changes in land use, intensity of development, etc. the applicant shall submit an application for a major redevelopment permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will be forwarded directly to the Housing and Redevelopment Commission for a public hearing and final action. A recommendation will not be required

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from the Design Review Board. All applicable fees shall be paid and the appropriate public hearing notices shall be provided for the permit amendment.

If the original permit was a major redevelopment permit and the applicant is proposing a design change which results in changes in land use, increased density or increased intensity of development, etc., the applicant shall submit an application for a permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will be forwarded to the Design Review Board for a recommendation and then forwarded to the Housing and Redevelopment Commission for final action. All appropriate public hearing notices shall be provided for the permit amendment.

If the original permit was a minor redevelopment permit, design changes as well as other land use, intensity of development shall be submitted to the Design Review Board for consideration. The applicant shall submit an application for a permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will be forwarded to the Design Review Board for final action. All applicable fees shall be paid and the appropriate public hearing notices shall be provided for the permit amendment. The Design Review Board decision is appealable to the Housing and Redevelopment Commission.

If the subject property is located within the Coastal Zone, the Coastal Commission shall be

appropriately notified of all decisions regarding consistency determinations and/or amendments to minor or major redevelopment permits.

District 1 - Carlsbad Village Center

Following are the individual development standards which have been set forth for all projects to be developed within District 1 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Building Setbacks:

Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor.

A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum setback requirement.

Rear: No minimum or maximum setback requirement.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be dedicated to landscaped planters, open space pockets and/or connections,

roof gardens/patios, balconies, other patios and outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:

All Projects: 100%

Building Height:

45' maximum.

Roof Pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:

All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;
 2. That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor;
 3. That the wall or fence is attractively designed and/or decorated.
- Decorative wall features may extend

no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 1 of the In-lieu Fee Parking Program which means that properties east of the AT&SFT Railroad right-of-way within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The In-lieu Fee parking program shall only be permitted in the remaining redevelopment area west of the railroad right-of-way when it can be demonstrated to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a

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building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy. *

Deleted: roof gardens, balconies, patios and outdoor eating areas. No parking spaces or aisles are permitted in the open space.

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See Chapter 6 of the Village Design Manual for list of parking requirements by land use. ↓

District is located within Zone 1 of the In-lieu Fee Parking Program which means that properties east of the Arsenault Railroad right-of-way within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee. ↓

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District 2 - Office Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 2 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Setbacks:

Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor. A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum.

Rear: No minimum or maximum.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other

patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:

All projects: 100%

Building Height:

45' maximum

Roof Pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:

All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation.
 2. That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor.
 3. That the wall or fence is attractively designed and/or decorated.
- Decorative wall features may extend no more than six (6) inches above

the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:

No outdoor storage is permitted within this District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission.

Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot lines. Also any non-residential development constructed on Oak Avenue shall be designed in a manner which

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pitch for any size project where a residence or commercial/office space is located over a parking structure.

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10 feet minimum street side

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outdoor eating areas. No parking spaces or aisles 3

respects the area's residential character.

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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See Chapter 6 of the Village Design Manual for list of parking requirements by land use. ¶

¶
District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the district may be allowed to meet a portion of their on-site parking requirement by paying a fee. ¶

¶
The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual. ¶

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pitch for any size project where a residence or commercial/office space is located over a parking structure.

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No parking in front or rear setbacks; these areas must be maintained for landscaping only. 1

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Parking Requirements: 1
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District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee. 1
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Other Miscellaneous Requirements:
No outdoor storage is permitted within the District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission. 1
Existing residential structures converted to commercial purposes must be brought in conformance with Title 18 of the Carlsbad Municipal Code. 1
Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or landscaped planters, 1 open space pockets and/... 15

dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:
All projects: 100%

Building Height:
45' maximum.

Property Line Walls/Fences:
All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;

That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best

2. interest of the adjacent neighbor;

3. That the wall or fence is attractively designed and/or decorated.

Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:
See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

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Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or landscaped planters, 1 open space pockets and/... 15

District 3 - Freeway Commercial Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 3 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Building Setbacks:
Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor. A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum.

Rear: No minimum or maximum.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:
A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be

dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:
All projects: 100%

Building Height:
45' maximum.

Property Line Walls/Fences:
All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;

That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best

2. interest of the adjacent neighbor;

3. That the wall or fence is attractively designed and/or decorated.

Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:
See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:
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Existing residential structures converted to commercial purposes must be brought in conformance with Title 18 of the Carlsbad Municipal Code.

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or landscaped planters, 1 open space pockets and/... 15

District 3 - Freeway Commercial Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 3 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Building Setbacks:
Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor. A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum.

Rear: No minimum or maximum.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:
A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be

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Building Coverage:
All projects: 100%

Building Height:
45' maximum.

Property Line Walls/Fences:
All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;

That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best

2. interest of the adjacent neighbor;

3. That the wall or fence is attractively designed and/or decorated.

Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:
See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:
No outdoor storage is permitted within the District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission.

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Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or landscaped planters, 1 open space pockets and/... 15

District 3 - Freeway Commercial Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 3 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Building Setbacks:
Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor. A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum.

Rear: No minimum or maximum.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:
A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be

rehabilitation of a building and/or other
infrastructure within the Village Area and
approved in writing by the Housing and
Redevelopment Director in advance of use.
If a temporary structure is permitted, for
storage or other purposes, in conjunction
with an approved development project, it
will be allowed only until the new
development receives approval for
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District 4 - Residential Support

Area

Following are the individual development standards which have been set forth for all projects to be developed within District 4 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Building Setbacks:

Front: For non-Residential and mixed use development there shall be no minimum or maximum setback for first at grade floor. A 10 foot average setback shall be required for all floors above the first at grade floor. For residential only projects, there shall be a 10 foot average setback for all floors, including the ground floor.

Side: No minimum or maximum.

Rear: No minimum or maximum.

Exception: At Grade Parking lots must be set back a minimum of 5 feet from any property line for landscaping purposes.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be dedicated to landscaped planters, open space pockets and/or connections,

roof gardens/patios, balconies, other patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:

All projects: 100%

Building Height:

45' maximum.

Roof Pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:

All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

1. That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;
2. That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor;
3. That the wall or fence is attractively designed and/or decorated.

Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:

No outdoor storage is permitted within this District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission.

Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot lines. Also any non-residential development constructed shall be

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Residential: 60 to 80%

Mixed Use: 60 to 80%

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designed in a manner which respects the area's residential character.

Temporary building structures and storage containers shall be prohibited unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

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Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot lines. Also any non-residential development constructed in the area shall be designed in a manner which respects the area's transitional or residential character.

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Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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District 6 - Service Commercial Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 6 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Setbacks:

- Front: 5 - 20 feet
- Side: 5 - 10 feet
- Rear: 5 - 10 feet

No parking in front set-backs; this area is to be used primarily for landscaping purposes.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be private or public dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:

All projects: 50 to 80%

Building Height:

35' maximum.

Roof Pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:

All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

- 1 That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;
 - 2 That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor;
 - 3 That the wall or fence is attractively designed and/or decorated.
- Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall

height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-Lieu Fee Parking program which means that properties east of the AT&T Railroad right-of-way within the district may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:

Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

Use of Railroad right-of-way for structures or parking will only be allowed subject to provisions for future public access along the right-of-way, conditions of approval related to future use or a determination by the City that provisions for future public use are not needed.

Existing automotive and light industrial uses in District 6 will be allowed to remain. If a land use change is proposed, the new land use must conform with this Village Design Manual.

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All City ordinances related to health and safety will be strictly enforced.

Owners of existing uses on Tyler Street will be encouraged to relocate parking areas away from street frontages where possible and to improve the appearance of their properties through landscaping and exterior building improvements.

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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¶ See Chapter 6 of the Village Design Manual for list of parking requirements by land use. ¶

¶ District is located within Zone 2 of the In-Lieu Fee Parking Program which means that properties east of the AT&T Railroad right-of-way within the district may be allowed to meet a portion of their on-site parking requirement by paying a fee. ¶

¶ The In-Lieu Fee parking program shall only be permitted in the remaining redevelopment area west of the railroad right-of-way when it can be demonstrated to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information.

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District 7 - Office Support Area

Following are the individual development standards which have been set forth for all projects to be developed within District 7 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Setbacks:

Front: 5 - 20 feet

Side: 5 - 10 feet

Rear: 5 - 10 feet

No parking in front or rear set-back, this area is for landscaped purposes only.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be private or public and may be dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other patios and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

no more than six (6) inches above the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Other Miscellaneous Requirements:

No outdoor storage is permitted within this District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission.

Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot lines. Also any non-residential

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development constructed shall be designed in a manner which respects the area's residential character.

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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¶ See Chapter 6 of the Village Design Manual for list of parking requirements by land use. ¶

¶ District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee. ¶

¶ The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual. ¶

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the maximum height of the wall. Wall height shall be measured from the lowest side of the finished grade to the top of the wall.

Building Coverage:
All projects: 60 to 80%

District 8 - Residential Support Area
Following are the individual development standards which have been set forth for all projects to be developed within District 8 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

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Parking Requirements:
See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

Building Height:
35' maximum.

Setbacks:
Front: 5 - 15 feet

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Roof Pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:
All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

Side: 10% of lot width
5 to 10 feet, street side
Rear: 5 - 10 feet

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Other Miscellaneous Requirements:
No outdoor storage or display is permitted within this District. Display of products outdoors must be consistent with standards set forth within this Design Manual or policies established by the Housing & Redevelopment Commission

1 That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation;

Open Space:
A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be private or public dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, other patios and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

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Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

2 That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor;

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

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Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

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Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot

3 That the wall or fence is attractively designed and/or decorated.
Decorative wall features may extend no more than six (6) inches above

lines. Also any non-residential development constructed shall be designed in a manner which respects the area's residential character.

Temporary building structures and storage containers shall be prohibited unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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See Chapter 6 of the Village Design Manual for list of parking requirements by land use. 1

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee. 1

The details of the In-lieu Fee Parking Program Option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual. 1

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District 9 - Tourism Support

Area

Following are the individual development standards which have been set forth for all projects to be developed within District 9 of the Village Redevelopment Area. Please see the "Universal Standards" section of this Chapter for information on variances and standards modifications, and criteria to be used in setting the standards for individual projects when a range is set forth for the subject standard.

Setbacks:

Front: 5 - 20 feet

Side: 5 - 10 feet

Rear: 5 - 15 feet

No parking will be allowed in the front setback; this area is to primarily be used for landscaping purposes.

Open Space:

A minimum of 20% of property must be maintained as open space. The open space must be devoted to landscaped pedestrian amenities in accordance with the City of Carlsbad's Landscape Manual. Open space may be public or private and may be dedicated to landscaped planters, open space pockets and/or connections, roof gardens/patios, balconies, patios and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Building Coverage:

Commercial: 80 to 100%

Mixed Use: 60 to 80%

Building Height:

45' maximum,

Roof pitch: 50% of the total roof structure (per property) must have a 5:12 roof pitch.

Property Line Walls/Fences:

All property line walls/fences (including combination retaining wall and fences) shall be limited to a maximum of six (6) feet unless a taller wall or fence is approved by the appropriate decision making body. To exceed the wall height of six (6) feet, the decision making body must make the following findings:

- 1 That the purpose for the additional wall height is to enhance adjacent neighbor privacy and/or to provide for noise attenuation,
- 2 That the additional wall height is requested by the adjacent neighbor and/or determined by the decision making body to be in the best interest of the adjacent neighbor;
- 3 That the wall or fence is attractively designed and/or decorated.

Decorative wall features may extend no more than six (6) inches above the maximum height of the wall. Wall

height shall be measured from the lowest side of the finished grade to the top of the wall.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

Properties within this District will not be allowed to meet a portion of their on-site parking requirements by paying an in-lieu fee until the City/Redevelopment Agency can demonstrate to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information. A local coastal program amendment must be approved by the Coastal Commission before the Parking In-Lieu Fee Program may be implemented within this District.

Other Miscellaneous Requirements:

No outdoor storage is permitted within the District. Display of products outdoors will be permitted within this District if it is consistent with standards set forth within this Design Manual or policies established by the Housing and Redevelopment Commission.

Existing residential structures converted to commercial purposes must be brought into conformance with Title 18 of the Carlsbad Municipal Code.

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pitch for any size project where a residence or commercial/office space is located over a parking structure. 1

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Any lot proposed for non-residential development which adjoins an existing residential lot shall have a solid masonry wall installed along common lot lines.

For Army/Navy Academy and Carlsbad-by-the-Sea Retirement Home, a long range master plan must be approved prior to the issuance of any permits for improvements and additions to existing facilities. All future changes must conform to this approved Master Plan, or as amended by the original approving body.

Temporary building structures and storage containers shall be prohibited, unless used in conjunction with new construction and/or rehabilitation of a building and/or other infrastructure within the Village Area and approved in writing by the Housing and Redevelopment Director in advance of use. If a temporary structure is permitted, for storage or other purposes, in conjunction with an approved development project, it will be allowed only until the new development receives approval for occupancy.

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¶ See Chapter 6 of the Village Manual for list of parking requirements by land use. ¶

¶ Properties within this District will not be allowed to meet a portion of their on-site parking requirements by paying an in-lieu fee until the City/Redevelopment Agency can demonstrate to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites ¶

have been identified where parking ¶ facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information. A local coastal program amendment must be approved by the Coastal Commission before the Parking In-Lieu Fee Program may be implemented within this District.

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A variance for a setback standard which exceeds the top of the range, or the individual standard set forth, will be granted only if the project meets one or more of the following criteria:

The project is in a location where adjacent buildings are set back further than the permitted standard (range), and setting the structure back to the desired standard will maintain and reinforce the Village character of the area.

The project is in a location which is in a transition area to residential development and where increased setbacks would soften the visual transition between commercial and residential development or would protect the liveability of the residential development.

Restaurant uses where a larger front setback will be utilized for outdoor dining space subject to approval by the Design Review Board and/or Housing and Redevelopment Commission, whichever is the appropriate approving body.

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such a reduction and appropriate findings are made by the authorized approving body/ official. The authorized approving body/official must find that:

The reduced standard will not have an adverse impact on surrounding properties.

The reduced standard will assist in developing a project which meets the goals of the Village Redevelopment Area and is consistent with the object-tives for the land use dis-trict in which the project is to be located.

patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

dedicated to landscaped planters, open space pockets and/or connections,

roof gardens, balconies, patios, and/or outdoor eating areas. No parking spaces or aisles are permitted in the open space.

Parking Requirements:

See Chapter 6 of the Village Design Manual for list of parking requirements by land use.

District is located within Zone 2 of the In-lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee.

The details of the In-lieu Fee Parking Program option for meeting on-site parking requirements are outlined in Chapter 6 of this Manual.

Regulations

The following signs shall be permitted within the Village Redevelopment Area:

- Wall Signs
- Projecting Signs
- Fabric Awning Signs
- Banner Signs
- Neon Signs
- Marquee Signs
- Hanging Signs
- Window Signs
- Plaque Signs
- Restaurant Menu Signs
- Address Signs
- Tenant Directory Signs
- Monument or Ground Signs (limited)
- Pole Signs (limited)
- Freestanding Sidewalk Signs (public property)
- Freestanding Sign (private property)

The following signs shall be prohibited within the Village Redevelopment Area:

- Interior Illuminated Boxed Display Signs (which are designed to be mounted on the exterior of a building.
- Changeable Letter Signs, except for marquee signs for cinemas or performing arts theatres.
- Off-Premises signage (including billboard signs and signs which are not located directly in front of a related businesses)
- Roof Signs (which are signs located on the top of any building that extend above the peak of the roofline).

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Sign Standards - Pole Signs

Pole Signs shall be defined as a sign that is free standing, greater than five feet in height, and wholly supported by one or more vertical supports in the ground. The sign may or may not be an integral part of one or more buildings.

New Pole Signs shall be prohibited except for:

A. Situations where the sign applicant makes a strong showing that a proposed pole sign is the only effective option for adequately identifying the premises;

B. Gas/service stations located immediately adjacent to Interstate 5; such land uses shall be permitted to install one pole sign which shall be subject to the standards set forth herein.

The following standards shall apply to gas/service stations located immediately adjacent to Interstate 5 only:

1. Maximum Number of Signs: 1 per site.
2. Maximum Sign Area: 1 square foot per 1 lineal foot of building frontage, or 50 square feet, whichever is less.
3. Maximum Sign/Letter Height: 35 feet above average grade; 36 inch letters.

The following standards shall apply to all other business types or commercial developments within the Village Area:

1. Maximum Number of Signs: 1 per individual business or commercial development site.
2. An individual business with a pole sign will not be permitted to also have a free-standing, portable sign either on private or public property, or a monument sign.

3. The pole sign shall be located entirely on private property. It may not overhang the public right-of-way at any point.

4. The base of the pole sign must be located at least 10 feet from the face of curb and must be located within a landscape area or planter (on private property) for pedestrian safety reasons.

5. The pole sign may not exceed the height of the roofline of the business or adjacent buildings and in no circumstance be taller than 10 feet in height from ground to top of sign.

6. The maximum sign area for the pole sign shall be no greater than 1 square foot per 1 lineal foot of building frontage, or 30 square feet in size, whichever is less. The maximum allowable sign area includes any surrounding frame materials, but excludes the pole or base.

7. Letter heights shall not exceed 12 inches.

8. Sign materials shall be consistent with the structure and use of the advertised business or commercial center. The sign shall be exteriorly illuminated by fixtures designed to compliment the appearance of the sign. The sign may not be an internally illuminated can sign.

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9. Existing, non-conforming pole signs with approved sign permits may continue to exist subject to the regulations for non-conforming signs and set forth within this document and subject to the requirement that there shall be no more than 1 pole sign per center or individual business building. New pole signs or existing pole signs without approved permits shall be required to comply with the regulations set forth herein.

Redevelopment Permits

Administrative Responsibilities

The Housing and Redevelopment Director shall have the responsibility for the administration of the Redevelopment Permit process. The Director's duties include, but are not limited to, the following:

1. Reviewing applications and making a determination of completeness for processing purposes;
2. Making project exempt determinations as related to permit requirements or identifying the type of redevelopment/coastal development permit required, if project is not exempt;

3. Maintaining records of project exempt determinations as related to requirements for redevelopment or coastal development permits;
4. Approval or denial of administrative permits and administrative variances;

5. Referral of non-administrative permits to the Design Review Board and Housing and Redevelopment Commission, as appropriate; and

6. Physical preparation and delivery of the approving documents and permits related to the subject project. Staff of the Housing and Redevelopment Department, acting under the supervision of the Housing and Redevelopment Director, shall be responsible for coordinating all activities leading to the approval, conditional approval, or denial of Redevelopment Permits. Such activities may include, but are not limited to, document processing, report writing, scheduling of Design Review Board and Housing and Redevelopment Commission public meetings and hearings, and preparation of recommendations, meeting minutes and resolutions.

Staff of the Housing and Redevelopment Department, acting under the supervision of the Housing and Redevelopment Director, shall be responsible for coordinating all activities leading to the approval, conditional approval, or denial of Redevelopment Permits. Such activities may include, but are not limited to, document processing, report writing, scheduling or Design Review Board and Housing and Redevelopment Commission public meetings and hearings, and preparation of recommendations, meeting minutes and resolutions.

General Policy

Due to the complexity of overlapping areas of authority, the permit process for the Village Redevelopment Area has been designed to address 1) the goals and objectives for the Village Redevelopment Area as a whole; and 2) the goals and objectives of the Coastal Commission for the portion of the Village Redevelopment Area which lies within the Coastal Zone Boundaries.

The permit structure which is summarized on the following page combines the permit requirements for the redevelopment area and the coastal zone.

Unless a project is exempt from the permit requirements noted herein and set forth in Chapter 21.35 of the Carlsbad Municipal Code, a redevelopment permit is required. If the property for the subject project is also located in the Coastal Zone, a coastal development permit is required in addition to the redevelopment permit, unless the project is exempt as noted herein and set forth in Chapter 21.81 of the Carlsbad Municipal Code.

Exempt Projects

Projects in the Village Redevelopment Area which are exempt from Coastal Development Permits, per the Coastal Commission Act, are also exempt from Redevelopment Permit requirements.

Administrative Projects

Projects which are eligible for an administrative redevelopment permit are also eligible for an administrative coastal development permit.

Minor or Major Redevelopment Projects

For projects within the coastal zone, a coastal development permit will be processed concurrently with the minor or major redevelopment permit. As a note, non-administrative variances and standards modifications can only be approved by the Design Review Board or Housing and Redevelopment Commission. A minor or major redevelopment permit, therefore, will be required for any project application which includes a request for a non-administrative variance or standards modification, even if that project would have otherwise been exempt from the permit requirements or eligible for an administrative permit.

The various types of permits required within the Village Redevelopment Area are further defined within Chapters 21.35 and 21.81 of the Carlsbad Municipal Code. The policies and procedures for processing redevelopment and coastal development permits are further defined within the Housing and Redevelopment Commission Policies and Procedures Manual.

Variances

Variances for projects will be processed concurrently with any other administrative or discretionary permits which may be required. However, they will be processed as a separate action item. Chapter 21.35 of the Carlsbad Municipal Code defines the types of variances which can be granted administratively by the Housing and Redevelopment Director and those which must receive approval from the Design Review Board or Housing Commission and Redevelopment Commission.

PERMIT TYPES

Exempt	Administrative Redevelopment	Minor Redevelopment	Major Redevelopment
<p>1. Interior or Exterior improvements to existing structures which do not result in the intensity of use of a structure; and/or</p> <p>2. Additions to existing structures which result in a cumulative increase of less than 10% of the internal floor area; and/or</p> <p>3. Demolition of structure that has no potential to create an adverse impact on coastal resources or public access to the coast; and/or</p> <p>4. Changes in permitted land uses which do not require site changes, result in increased ADT, result in increased parking requirements, or result in compatibility issues or problems; and/or</p> <p>5. Landscaping on the lot unless it will result in erosion or damage to sensitive habitat; and/or</p> <p>6. Repair or Maintenance Activities; and /or</p> <p>7. Activities of public utilities; and</p> <p>8. Project does not require a variance of any type.</p>	<p>1. New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is less than \$60,000; and/or</p> <p>2. Interior or Exterior improvements to existing structures which result in an intensity of use; and/or</p> <p>3. Provisional Land Uses, where a minor or major redevelopment permit is not required.</p> <p>4. Changes in permitted land uses which result in site changes, increased ADT, increased parking requirements, or result in compatibility issues/problems; and/or</p> <p>5. Demolition of structure that may have the potential to create an adverse impact on coastal resources or public access to the coast; and/or</p> <p>6. Signs for existing businesses or facilities; and/or</p> <p>7. Repair or Maintenance Activities which are not exempt; and</p> <p>8. Project requires an</p>	<p>1. New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is equal to or greater than \$60,000 but less than \$150,000.</p> <p>2. Non-Administrative Variances for projects within this category and those which would otherwise be exempt or be eligible for an administrative permit as indicated within this chart.</p>	<p>1. New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is equal to or greater than \$150,000.</p> <p>2. Non-Administrative Variances for projects within this category.</p>

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1 See Section 21.81.030 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for redevelopment and/or coastal development purposes.

2 See Section 21.81.035 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for redevelopment or coastal development purposes.

Redevelopment Permits

Authority for Approval

Exempt Projects. The Housing and Redevelopment Director shall be responsible for determining whether or not a project is exempt from the permit requirements and maintaining the record of exemption.

Administrative Permits The Housing and Redevelopment Director shall have the authority to approve, approve with conditions, or deny an administrative permit for an eligible administrative permit. No action is needed by the Design Review Board or the Housing and Redevelopment Commission, unless appealed to the Design Review Board or Housing and Redevelopment Commission.

Minor Administrative Permits The Design Review Board shall have the authority to approve, approve with conditions, or deny Minor Redevelopment Permits. The Design Review Board shall also act upon appeals from decisions made by the Housing and Redevelopment Director.

Major Redevelopment Permits The Housing and Redevelopment Commission shall have the authority to approve, approve with conditions, or deny Major Redevelopment Permits and/or tentative and final maps, if applicable following receipt of a recommendation from the Design Review Board. The Commission shall also act upon appeals from decisions made by the Design Review Board.

Permit Extensions. A request for an extension of a redevelopment permit shall be approved, approved with conditions, or denied by the original decision-maker with the final permit authority. A recommendation from a lower recommending decision authority shall not be required in advance of this action by the final permit authority. The request for the permit extension may be forwarded directly to the appropriate decision-maker for action.

Consolidation of Permits

Whenever several different types of permits or approvals are required for a project, the decision-making body on all of the permits shall be the body with the highest level authority on any of the individual permits. This means that the Director, or the Design Review Board or the Housing and Redevelopment Commission will be the decision-making body on all actions, including the highest

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Appeal Process

Exempt Projects. For projects within the Coastal Zone, the Executive Director of the Coastal Commission, or the Coastal Commission, shall have the authority to resolve disputes regarding determinations of exemptions. For projects located within the Redevelopment Area but not in the Coastal Zone, the determination of exemption made by the Housing and Redevelopment Director shall be final.

Administrative Permits. An appeal of a decision made by the Housing and Redevelopment Director on administrative permits may be made to the Design Review Board. All appeals must be made in writing within ten (10) calendar days of the decision made by the Housing and Redevelopment Director. The decision of the Design Review Board on appeals is final.

Minor Redevelopment Permits. An appeal of a decision made by the Design Review Board on minor redevelopment permits may be made to the Housing and Redevelopment Commission. All appeals must be made in writing within ten (10) calendar days of the decision made by the Design Review Board. The decision of the Housing and Redevelopment Commission on appeals is final.

Major Redevelopment Permits. There is no appeal from a decision made by the Housing and Redevelopment Commission on major redevelopment permits and/or a tentative or final map, if applicable.

Coastal Development Permits. If a project is located within the Coastal Zone of the Village Redevelopment Area and the local action is appealable to the Coastal Commission, an appeal must be submitted directly to the Coastal Commission. Any person who wishes to appeal a local action which is appealable to the Coastal Commission should contact the Housing and Redevelopment Department or the local Coastal Commission office for more information.

Coastal Development Permits

Unless found to be exempt, all development within the Coastal Zone segment of the Village Redevelopment Area shall be subject to prior issuance of a Coastal Development Permit. This permit may be administratively approved by the Housing and Redevelopment Director or subject to discretionary approval by the Design Review Board or Housing and Redevelopment Commission. The permit summary chart on page 182 outlines the types of permits to be issued for redevelopment projects. These permit types apply to coastal development projects as well. For example, if a redevelopment project is located in the coastal zone and is eligible for an administrative redevelopment permit, then an administrative coastal development permit will also be processed for the project.

The administrative responsibilities identified for the Housing and Redevelopment Director as well as staff of the Housing and Redevelopment Department shall also apply to the processing of coastal development permits.

The appeal process is also the same for coastal development permits, with the exception that some permits issued within the Coastal Zone are appealable to the Coastal Commission.

Village Parking Plan

PARKING within the Village Redevelopment Area has long been a constraint in the revitalization of Carlsbad Village because of the difficulties in accommodating parking requirements on the small parcels throughout the area. This condition substantially inhibits creative and desirable building use changes, expansion of successful businesses and the redevelopment of properties to more appropriate uses. Given the relatively high land costs, small properties have just not been able to generate enough revenue producing space and still accommodate the required parking. In general, the basic parking requirements are reasonable based on parking demand for various land uses. However, the Redevelopment Agency has determined that options need to be available to developers/ property owners for meeting the on-site parking requirements.

The primary purpose of this parking plan is to use parking policies and standards as tools to achieve Village revitalization. The objectives of the parking plan are as follows:

1. To establish parking requirements and options to providing parking that are an incentive for new investment in the Village.
 2. Increase the utility of existing parking resources and the overall supply of parking as needed to accommodate relocated and newly-recruited businesses and new customers.
 3. Control the design and configuration of parking facilities to promote a storefront shopping environment.
- Unless otherwise specified within this Village Master Plan and Design Manual, the parking standard set forth within this Chapter shall apply to all properties within the Village Redevelopment Area for the applicable land use. Chapter 21.44 (parking) of the Carlsbad Municipal Code shall be referenced for regulation purposes only on matters which are not specifically addressed within this Chapter of the Village Master Plan and Design Manual.

Minimum Parking Requirements

The parking standards for on-site parking for the properties located within the Village Redevelopment Area are set forth in the charts which follow this page. The requirements set forth within the following charts reflect the shared trip and high turnover characteristics of parking in a neighborhood-oriented commercial district, such as the Village Redevelopment Area. The applicant for a project or a land use change shall be required to satisfy the on-site parking requirements as set forth within this Chapter. The applicant may satisfy the parking obligation by providing the parking on-site or by receiving approval to implement one or more of the options noted in the "Parking Options" section of this Chapter, provided, however, that the in-lieu fee option shall only be permitted for those properties located east of the AT&SF Railroad right-of-way.

Converting Uses

Space may be converted from one approved use to another approved use without additional parking provided both uses have the same parking requirements according to the parking requirements set forth within this Chapter of the Village Master Plan and Design Manual. If the new use has a higher parking requirement than the existing use, additional parking must be provided. A credit for parking for any existing commercial use will be considered on a case-by-case basis.

The applicant for a change in use must refer to Chapter 7 of this Village Master Plan and Design Manual to determine if a redevelopment permit is required for the subject use conversions. The project may either be exempt from a redevelopment permit or require an administrative redevelopment permit.

Application of Parking Requirements

The parking requirements set forth on the previous pages shall apply to all projects within the Village Redevelopment Area. When the parking requirement is not specified herein, it shall be determined as provided in Chapter 21.44 based upon requirements for the most comparable use specified herein or in Chapter 21.44 of the Carlsbad Municipal Code. If Chapter 21.44 allows the Planning Director to make the determination, the Housing and Redevelopment Director shall be authorized to make the determination for projects within the Village Redevelopment Area.

Mixed Use Parking Ratios may be used for calculating the on-site parking requirements for a project within the Village Redevelopment Area if, and when, there are clearly identifiable service or business areas within a building which justify the mixed parking ratio. No administrative or regular redevelopment permit may be granted, however, unless the decision maker finds that use of the mixed parking ratio will not have an adverse parking impact on surrounding land uses.

A maximum of forty percent (40%) of the total number of parking spaces provided on-site may be constructed to meet the requirements of a small or compact vehicle, as defined in the Carlsbad Municipal Code.

Parking space credit for square footage of any existing commercial (or non-residential) building on site towards the new commercial development parking requirement in all Land Use Districts of the Village Redevelopment Area will be considered on a case-by-case basis as a possible standards modification. The applicable commercial parking space credit may be based on the commercial use of the building at the time of redevelopment permit application. Residential development must provide its parking on site. No parking credit will be given for existing residential units on a site.

Parking based on square footage will be calculated according to net square footage of floor space rather than gross square footage. Net square footage means that area which remains after square footage of spaces that do not generate parking demand are removed from the calculation of total square footage of floor space of a building. Spaces which do not generate parking demand include, but are not limited to, restrooms, stairwells, elevators, walkways, and similar space.

All development will be allowed to use creative parking alternatives such as parking lifts and/or elevators on a case-by-case basis, with facility recommendation of approval by the City's Fire Chief and Public Works Director, and final approval by the decision-making authority.

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Parking Options

Providing required parking on-site is not the only option available for meeting the parking requirements set forth in this Chapter of the Village Master Plan and Design Manual. The following options are also available:

1. Lease arrangements for providing joint or shared parking in existing or new parking lots for one or more developments may be permitted on a case by case basis.

Chapter 21.44 of the Carlsbad Municipal Code outlines the conditions under which a joint/shared parking arrangement may be permitted by the Redevelopment Agency for two or more development projects, or businesses, within the Village Redevelopment Area. In the Village Redevelopment Area, however, shared parking arrangements may be permitted with distances of 300 feet between the parking and the subject developments/ businesses requiring the parking. This is an exception to the regulations outlined in Chapter 21.44 of the Municipal Code for projects located within the Village Redevelopment Area only.

The Housing and Redevelopment Director must evaluate the feasibility of a joint/shared parking arrangement between private parties and then make a recommendation to the Design Review Board for consideration of approval. If the Design Review Board does not have final approving authority, the Board must then make a recommendation to the Housing and Redevelopment Commission as to whether or not the parking arrangement should ultimately be approved to assist in the subject development.

Banks are an example of a type of business that has an on-site parking lot which may be underutilized during the evenings and weekends. A restaurant which is open only evenings and weekends may be able to receive approval for a joint/shared parking arrangement with the bank.

2. Provision of parking for a specific development or business on another private lot within at least 300 feet of the subject development or business.

Under this option, a developer or business owner may purchase additional property, or enter into a long term lease for additional property, within 300 feet of the property for the subject new development or business and meet the required on-site parking on this separate property. This option may be used by several businesses or developers to meet individual parking requirements. One or more developers/business owners could arrange to provide parking for their individual developments or businesses in a central location within 300 feet of each development or business. All of the developers/business would be responsible for on-going maintenance of the joint/shared parking lot.

The Housing and Redevelopment Director must evaluate the feasibility of this type of a joint/shared parking arrangement between private parties and then make a recommendation to the Design Review Board for consideration of approval. If the Design Review Board does not have final approving authority, the Board must then make a recommendation to the Housing and Redevelopment Commission as to whether or not the parking arrangement should ultimately be approved to assist in the subject development. This option would be similar to a parking district which assesses property owners for the provision of parking for customers or patrons to the area.

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3. **In-Lieu Fee** may be paid toward maintenance of existing, or development of future, public parking facilities for properties in areas of the Village Redevelopment Area which are located east of the AT&SF railroad right-of-way. An in-lieu fee parking program shall only be permitted in the remaining redevelopment area west of the railroad right-of-way when it can be demonstrated that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information. The broader program must be first reviewed and approved by the Coastal Commission as a separate LCP Amendment for all areas of the Village west of the AT&SF railroad right-of-way.

Parking In-Lieu Fee Program

The In-lieu (Impact) Fee Program pools fees for all districts within the Village to support the development and maintenance of public parking. Fees are based upon a determination of the estimated cost of providing an above ground structured parking space, including land, construction, soft costs and maintenance. The In-lieu Fee payment will always be made for a whole parking space.

Fees collected will be deposited into an earmarked, interest-bearing fund to be used for construction of new, or maintenance of existing, public parking facilities within the Village Redevelopment Area. The funds are pooled because all of the land use districts within the Village share a common trade area and all are part of a coordinated revitalization strategy. A public parking facility which may have direct benefit for one district will have indirect benefits for other districts and for the Village as a whole.

Two aspects of the In-lieu Fee Program are essential to understand:

1. The funds are put toward development, or maintenance, of shared Village public parking facilities. They do not result in a reserved parking space or spaces for those who pay the fees. Reserved parking conflicts with the objective of maximizing the utility of all parking resources.

2. In-Lieu fees alone are not likely to equal the entire cost of new parking facilities on a per space basis. They will need to be matched or leveraged with other funding sources. Because they are intended to function as an incentive, in-lieu fees are not expected to cover the cost of remedying existing parking deficits. In-lieu fees will also reflect the fact that public parking will be shared resulting in better utilization and relatively lower costs in comparison to the cost of exclusive on-site private parking.

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For the purposes of determining participation in the Village Parking In-Lieu Fee Program, the Village is hereby divided into two (2) parking zones as shown on Figure 16. Developers/property owners will be eligible to participate in the program according to the parking zone in which they are located and if the following findings can be made.

No redevelopment permit will be issued with approval to participate in the in-lieu fee program, unless the appropriate decision-maker finds that:

1. The project is consistent with the goals and objectives of the Village Master Plan and Design Manual; and
2. The use is consistent with the land use district in which the property is located; and
3. Adequate public parking is available within the Village to accommodate the project's parking demand; and
4. The In-Lieu Fee Program has not been suspended or terminated by the Housing and Redevelopment Commission.

Parking Zones

Figure 16 identifies the zones for the In-lieu Fee Parking Program. The participation restrictions outlined below correspond to the appropriate zone number.

ZONE NO. 1

Developers/property owners within this zone may be allowed to make an In-lieu Fee payment for up to one hundred percent (100%) of the on-site parking requirement for the proposed new development, conversion and/or intensification of use if the property is located within 600 feet of an existing public parking facility. (See Figure 17 for existing public parking facility locations.)

If the property is not located within 600 feet of an existing public parking facility but a new facility is proposed to be constructed within a period not to exceed three (3) years, a developer/property owner will be eligible to make an in-lieu fee payment for up to 100% of the on-site parking requirement.

If the property is not, and will not soon be, located within 600 feet of an existing or proposed public parking facility, a developer/property owner will be eligible to make an in-lieu fee payment for a maximum of 50% of the on-site parking requirement.

ZONE NO. 2

Developers/property owners within this zone may be allowed to make an In-lieu Fee payment for up to fifty percent (50%) of the on-site parking requirement for the proposed new development, conversion and/or intensification of use if the property is located within 600 feet of an existing public parking facility. (See Figure 17 for existing public parking facility locations.)

If the property is not located within 600 feet of an existing public parking facility but a new facility is proposed to be constructed and available for use within a period not to exceed three (3) years, a developer/property owner will be eligible to make an in-lieu fee payment for up to 50% of the on-site parking requirement.

If the property is not, and will not soon be, located within 600 feet of an existing or proposed public parking facility, a developer/property owner will be eligible to make an in-lieu fee payment for a maximum of 25% of the on-site parking requirement.

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Public Parking Resource Management

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In order to manage the existing public parking resources for the In-lieu Fee Program and ensure timely construction of new public parking facilities, the Housing and Redevelopment Department shall conduct a Village Parking Utilization Survey. The Housing and Redevelopment Department may conduct the survey at any time when deemed appropriate and/or necessary to ensure the timely construction of new public parking facilities and continuation of the In-lieu Fee Program; this may be on an annual basis or several times a year. Upon reviewing the survey results, if the Department finds that there are insufficient public parking resources to accommodate additional requests from developers/property owners to make an In-lieu Fee payment for on-site parking in either zone, the Department shall recommend to the Housing and Redevelopment Commission that this policy be temporarily suspended until additional parking capacity has been provided or is sufficiently committed to ensure the timely development of additional public parking facilities.

By annually reviewing the status of the In-lieu Fee Program and plans for expanding and/or constructing new public parking facilities as appropriate, the Housing and Redevelopment Commission will ensure that implementation of this parking program/option will not have a significant adverse impact on public parking resources within the Village Redevelopment Area.

Setting the Parking In-lieu Fee.

The methodology for determining the In-lieu Fee Parking Fee and the respective amount of the fee shall be fixed by a schedule adopted from time to time, by resolution of the Housing and Redevelopment Commission, in accordance with the Housing and Redevelopment Commission Policies and Procedures Manual.

The fee shall be set at a given percentage of the total cost of providing a single above ground structured public parking space; the percentage shall be set by the Housing and Redevelopment Commission as part of the "method" for determining the fee. This percentage shall recognize the fact that the in-lieu fees will need to be matched or leveraged in order to produce public parking for the Village and that public parking will be jointly used by developers paying the In-lieu Fee. The fee is not expected to cover the entire cost of providing a single space of public parking. The fees will be pooled and matched/leveraged to produce additional parking facilities.

For more details on the methodology to be used for establishing the fee for the program, reference should be made to the Housing and Redevelopment Commission Policies and Procedures Manual.

Parking Zones for In-Lieu Fee Program

Figure 16 provides a map which sets forth the boundaries for the two (2) zones for the In-Lieu Fee Parking Program. The participation restrictions outlined in the previous pages correspond to the zone number indicated on the following map shown in Figure 16. Figure 17 provides a map of the various public parking lots which are located within the Village Redevelopment Area. As outlined in the previous pages on the In-Lieu Fee Program, the location of the public parking lots is used to determine the percentage of the on-site parking requirement which can be satisfied through payment of a parking in-lieu fee.

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Parking Management Plan

A common problem within downtown areas is that of downtown problems. The compliance measures for the Plan merchant and employee utilization of prime customer could range from employee parking stickers, to license parking. In the Village Redevelopment Area, the Redevelopment Agency will implement two (2) programs for parking management purposes.

First, in the core downtown area (see Figure 18 for the boundaries), all on-street parking will be limited to three (3) hours maximum (no less), unless a street or portion of the street has already been posted as a "no parking area" such as Carlsbad Village Drive or has a more restrictive time constraint. If not already posted, the Redevelopment Agency will work with the City's Traffic Commission and City Traffic Engineer to approve the three (3) hour parking restriction and the appropriate signs in accordance with the policy of so restricting traffic in the areas indicated on Figure 18. The Agency will work with the City's Police Department for enforcement of the three (3) hour parking restriction.

All public parking lots within the core downtown area shall remain with unlimited parking - no time restrictions, unless a determination is made by the City Council that a public parking lot requires time limits for parking management purposes. The lots will be available for merchants/employees in the Village who need all day parking and/or customers who will be in the area for longer than three (3) hours.

Second, in all areas of the Village, the Redevelopment Agency will work with the Village Business Association to establish a program designed to encourage merchants and their employees to use non-prime parking in an effort to make the prime parking available to customers of all businesses in a given area. If efforts to gain voluntary compliance are unsuccessful, the Agency will work with the Village Business Association to establish a Parking Management Plan which may be much more aggressive and tailored to specific

Parking improvements within the Village Redevelopment Area shall reflect the following policies:

1. Improvements should enhance both real and perceived supply of parking.

2. Shared lot arrangements should be established or facilitated wherever possible. Most areas within the Village do not have a supply problem as much as a utility and distribution problem.

3. To minimize visual impacts and disruption of commercial frontages, new lots should be constructed off the main thoroughfares. They should be distributed throughout the Village, rather than concentrated in a single location. They should incorporate attractive design features and landscaping that complements the image of the Village.

4. Parking structures should be used when parking opportunities are constrained by land availability or negative impacts on adjacent commercial or residential fabric. If located on a thoroughfare, they should always include first floor commercial uses.

The map provided in Figure 18 indicates the boundaries of the area for three (3) hour parking restrictions within the Village Redevelopment Area. As shown on the map, the three (3) hour parking restrictions shall be limited to the core downtown area.

All on-street parking within area identified in Figure 18 will be restricted to three (3) hour parking, with approval of the appropriate ordinance by the City Council as recommended by the Traffic Commission. The three (3) hour parking restriction will not apply to public parking lots within the boundaries of the time-

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restricted parking area, unless the City Council determines that short term parking is required within a off-street public parking lot for parking management purposes, and/or to parking meters.

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Bars and Cocktail Lounges

Definition

Any establishment where alcoholic beverages are the primary product sold and those sales are not incidental to the sale of meals. These establishments may not offer live music, recorded music for dancing, comedy or other entertainment.

Considerations

1. Bars are often sources of late night noise near premise exits, around parking areas and on vehicular and pedestrian paths leading away from the premises.

2. Front facades are often largely devoid of windows or covered with signs and other obstructions resulting in a gap in an otherwise interesting street facades.

Location and Development Criteria

1. Bars/Cocktail Lounges should not be located along frontages where they would disrupt retail continuity unless their frontage is limited to 25 feet or less.

2. Bars/Cocktail Lounges should not be located where they are likely to adversely impact residential uses.

3. Bars/Cocktail Lounges should not be located so as to create a concentration of this use in one area. No bar/cocktail lounge shall be located within 500 feet of any other bar/cocktail lounge.

4. An adequate supply of parking, as set forth within this manual, shall be located conveniently nearby.

5. Facades shall be treated in a manner similar to other storefronts and should be designed with a Village character.

6. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the street upon which business fronts.

7. Surrounding grounds, including parking areas, shall be maintained in a neat and orderly condition at all times.

8. Any structure housing such operation shall meet all applicable building code provisions prior to occupancy.

9. Owner shall not permit open containers of alcoholic liquor to be taken from the premises.

Findings

In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:

1. The Bar/Cocktail Lounge will not likely have a negative impact on Village residents.

2. Adequate parking is conveniently located near the premises.

3. The exterior design of the facility and signage are appropriate to the Village and compatible with adjacent uses.

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Night Clubs

Definition

This use shall also be known as a bar or cocktail lounge with entertainment.

Any establishment where alcoholic beverages are the primary product sold, and those sales are not incidental to the sale of meals and also offers live music, recorded music for dancing, a dance floor, comedy or other entertainment on a regular basis. This type of establishment typically has a cover charge for entrance.

Considerations

1. Nightclubs, as nighttime activities, have the potential of creating noise problems for nearby residential areas.
2. Nightclubs, because of their floor show and/or dance floor requirements, often require large blocks of floor area which could displace other desired uses.
3. Nightclubs are generally inactive during normal business hours and can create a gap in interesting activity if located along retail frontages.
4. The intensity of use of nightclubs is generally very high since many patrons may be standing or dancing rather than seated at tables. This intensity can create the need for substantial nearby parking.
5. Sidewalk crowds waiting to enter the nightclub and during intermissions or music breaks are not uncommon and can be a hindrance to normal pedestrian movement if located near other nighttime uses such as restaurants.
6. The total number of night clubs within the Village at any given time shall be limited. An over concentration of night clubs could be detrimental to the Village. Special consideration shall be given to the potential for proliferation of night clubs by assessing the number and type within the Village at any given time and the impact an additional club might have on the environment or atmosphere within the Village.

Location and Development Criteria

1. Nightclubs or parking serving nightclub uses should not generally be located adjacent to residential development.
2. Nightclubs should contain adequate on-site parking or be located near public parking resources with sufficient capacity to serve their parking requirements.
3. The location should be such that conflicts with other nighttime uses are minimized or design steps should be taken to accomplish that goal.

Findings

In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:

1. The site is suitable for a nightclub use and will have a minimal impact upon Village traffic, parking, residents and other adjacent uses.

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Considerations

1. The activity often results in many customers leaving the facility late at night with the potential for noise impacts on nearby residences from patrons and vehicles.
2. Restaurants with entertainment often have a use intensity with a significant number of patrons in the premises at one time. Parking conveniently located to the facility is important.

Location and Development Criteria

1. Restaurants with Entertainment should not be located where they are likely to adversely impact residential uses.
2. An adequate supply of parking should be located conveniently nearby.
3. Consideration must be given to ensure that there will not be an over-concentration of restaurants with entertainment at any given time prior to approving a new restaurant with entertainment.

Findings

In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:

1. The restaurant with entertainment is not likely to have a negative impact on Village residents.
2. Adequate parking is conveniently located near the premises.

Restaurants with Entertainment

Definition of Restaurant:

An establishment at which the primary business is the preparation, service and retail sale of meals comprising a varied selection of foods and nonalcoholic beverages prepared, served and consumed on the premises. The sale of any alcoholic beverages must be incidental to the primary restaurant business at all times that the business is open. "Incidental alcoholic beverage sales" means that these sales are subordinated to a minor position to the sale of meals. The intent is for any alcoholic beverage to be purchased with a meal. No more than twenty-five percent (25%) of the interior area of the restaurant shall be used, designed, arranged or devoted to a use commonly associated with a bar or other establishment primarily engaged in the on-premises sale of alcoholic beverages. The interior area shall include only those portions of the establishment devoted to regular use by the public. These establishments may not offer live music, recorded music for dancing, comedy or other entertainment at any time. No cover charge is permitted at any time for access to the restaurant. These establishments must operate in a manner which is consistent with this definition at all times during posted business hours.

Definition of Restaurant with Entertainment:

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A restaurant whose bar area exceeds 50 seats and which provides live music, recorded music for dancing, comedy or other entertainment on a regular basis.

The same as the definition for restaurant noted above, with the exception that these establishments may offer live music, recorded music for dancing, comedy or other entertainment for their dining guests in addition to food and beverage service.

Sidewalk Cafes

Definition

An outdoor extension of a restaurant, delicatessen, ice cream parlor or similar food service use with the majority of its seating capacity located indoors and where exterior seating occurs partially or wholly on public property.

A delicatessen is defined as an establishment at which the primary business provides for ready-to-eat food products (such as cooked meats or prepared salads) and canned or bottled beverages which are purchased on the premises and typically consumed off-site. They may provide make-to-order sandwiches and/or salads. Serving and eating utensils are typically disposable. Food orders and/or service is not provided to any tables which might be located on the premises. No waiters or waitresses are employed on the premises. A delicatessen is defined as "retail" for land use purposes.

A restaurant is defined under the "Restaurant with Entertainment" provisional use section of this Plan.

Considerations

1. Since all or a portion of sidewalk Cafes occupy public property, tables, chairs and waste receptacles can interfere with normal pedestrian movements.
2. Tables, chairs, waste receptacles and other items, if located near street curbs, can interfere with car doors and pedestrian access to parking spaces.
3. Too many tables and chairs can block access to the business's entry.
4. Since tables, chairs, umbrellas, waste receptacles, planters and other items are prominently located within the public right of way, they can have a substantial impact on the immediate visual environment.

Location and Development Criteria

1. Sidewalk tables should be limited to eating and drinking establishments.
2. Tables and chairs should not unduly disrupt pedestrian and vehicular movement.
3. Tables should be placed a minimum of two feet from the curb to allow adequate space for the opening of vehicle doors.

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4. A clear area of at least five feet in width of linear paved sidewalk, free of all obstructions, must be maintained to allow adequate pedestrian movement on the sidewalk in front of the business.

5. If installed, all fixtures, barriers, railings, landscaping or combination thereof shall be in place when the café is in operation and shall be stationary or permanent, fixed to the sidewalk and contiguous to define the café boundary and may be removed when café is closed.

6. Tables are encouraged to be placed in line with tree wells, street lights and other street furnishing elements in order to maximize a linear unobstructed area.

7. Where tables are placed next to the building facade, a clear area of at least five feet in width should be maintained to building entries.

8. Tables must not block access to fire emergency facilities (e.g., fire hydrants).

9. Tables, chairs and umbrellas should be restricted to the frontage of the business, and should not encroach on the frontage of any adjacent business.

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A restaurant is defined under "Bona Fide Public Eating Establishment" in Section 21.04.056 of the Carlsbad Municipal Code. 1

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PARKING AND ACCESS

8

Provide setbacks and landscaping between any parking lot and adjacent sidewalks, alleys or other paved pedestrian areas.

The visual intrusion of automobile parking within the Village needs to be minimized. Parking lots should be integrated with adjacent buildings by low walls and landscaping to the maximum degree possible.

9

Avoid buildings which devote significant portions of their ground floor space to parking uses.

The placement of buildings over ground level parking limits the accommodation of supportive ground floor uses and detracts from the appearance of the building.

10

Place parking for commercial or larger residential projects below grade whenever feasible.

The vertical stacking of uses will allow greater development intensity in the Village and the provision of more surface area for landscaping.

11

Enhance parking lot surfaces

The use of modular concrete pavers, and the use of brick or concrete bands to divide parking lot paving into small, interrelated segments should be used whenever possible.

12

Safe Access for Parking

If necessary to maintain safe vehicular access for parking purposes on adjacent properties, shared or joint use driveways will be encouraged. In the absence of an agreement between adjacent owners for shared or joint use driveways, setbacks may be adjusted only to the extent necessary to provide safe vehicular access to existing developments, upon a finding that the setback reduction is the only feasible alternative for safe access.

LEGISLATIVE DRAFT – NOVEMBER 20, 2007

Chapter 2.24 PLANNING COMMISSION*

2.24.010 Created.

2.24.020 Composition--Appointment.

2.24.030 Absence from meetings.

2.24.040 Regular and adjourned meetings.*

2.24.050 Officers--Rule adoption--Records.

2.24.060 Duties.

2.24.065 General plan conformance--Time for or waiver of report.

2.24.070 Quorum and vote.

2.24.080 Design review board designated as planning commission for certain purposes.

* For statutory provisions directing the establishment of a planning agency and as to local planning generally, see Gov. Code § 65100 et seq.

2.24.010 Created.

Under and pursuant to an act of the legislature of the state, known as the "conservation and planning law," a planning commission for the city is created and established. (Ord. 1020 § 1)

2.24.020 Composition--Appointment.

The planning commission shall consist of seven members to be appointed by a majority vote of the council, and of four ex officio members who shall be the community development director, the city engineer, the city attorney and the planning director. Of the seven members of the commission first appointed under this chapter, two shall be appointed for one-year terms, two shall be appointed for three-year terms, and one shall be appointed for a four-year term. Their successors shall be appointed for terms of four years. If a vacancy occurs otherwise than by expiration of term, it shall be filled by appointment by a majority vote of the council for the unexpired portion of the term of the member so vacating. The terms of ex officio members shall correspond to their respective official tenures. No ex officio member shall be entitled to a vote. Each member shall hold office until he is reappointed or his successor is appointed. (Ord. NS-676 §§ 1 (part), 2 (part), 2003; Ord. 1256 § 1, 1982; Ord. 1200 § 1, 1977; Ord. 1157 § 1, 1973; Ord. 1020 § 2)

2.24.030 Absence from meetings.

If a member of the planning commission is absent from three successive meetings of the commission without cause, the planning director shall inform the mayor of such absence, who

EXHIBIT #6

Municipal Code Chapter 2.24 Revisions

CAR-MAJ-3-07-A Village Master Plan Design Manual
California Coastal Commission

may therewith remove the member from the commission without further notice. (Ord. NS-676 § 2 (part), 2003; Ord. 1261 § 2, 1983; Ord. 1020 § 3)

2.24.040 Regular and adjourned meetings.*

A regular meeting shall be held at least once a month, or more often if the planning commission may by rule adopt. Any meeting held pursuant to rule of the planning commission, or any special meeting advertised as a public hearing, shall be deemed a regular meeting. The commission may adjourn any regular meeting from time to time to meet at a time and place specified at the regular meeting and any such adjourned meeting shall be deemed to be a regular meeting. (Ord. 1020 § 4)

* For provisions on attendance of city manager at commission meetings, see § 2.12.125 of this code.

2.24.050 Officers--Rule adoption--Records.

The planning commission shall elect from among its appointed members a chairman and vice-chairman to serve for a term of one year. It shall adopt rules for the transaction of business and shall keep a record of the resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 1157 § 2, 1973; Ord. 1020 § 5)

2.24.060 Duties.

In addition to the duties specified by this chapter, the planning commission shall perform the duties and have all the rights, powers and privileges specified and provided for by city or state law. (Ord. 9424 § 1, 1975; Ord. 1020 § 6)

2.24.065 General plan conformance--Time for or waiver of report.

- (a) The planning commission shall report as to conformity to the general plan as required pursuant to Section 65402 of the Government Code. When such report is required as the result of a proposed division of land or some other project for which planning commission action is required, it may be included as part of and at the same time as the action taken by the planning commission on such proposed division of land or other project.
- (b) Pursuant to subdivision (a) of Section 65402 of the Government Code, a report as to conformity to the general plan is not required for a proposed subdivision or other project which involves (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects are of a minor nature. (Ord. 9424 § 2, 1975)

2.24.070 Quorum and vote.

- (a) Four members of the planning commission shall constitute a quorum for the transaction of business.
- (b) Except when otherwise provided by law, a majority vote of the quorum shall be required for any planning commission action, provided that a recommendation for approval of a general plan amendment shall be made by at least four affirmative votes.
- (c) Tie votes shall constitute "no action," and the matter voted upon remains before the commission and is subject to further commission consideration. If the commission is unable to take action on a matter before it because of a tie vote, the matter shall be again

considered at the next regular commission meeting. If the matter receives a tie vote at the subsequent meeting, the matter shall be deemed denied. (d) Every commissioner should vote unless disqualified by reason of conflict of interest. A commissioner who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. NS-135 § 1, 1991; Ord. 1247 § 1, 1982; Ord. 1244 § 1, 1982; Ord. 1159 § 1, 1973)

2.24.080 Design review board designated as planning commission for certain purposes.

Whenever in Title 20 or Title 21 it is provided that an action or a decision on a project, permit, or tentative map shall be taken or made by the planning commission and such permit or project is processed according to Chapter 21.35 and consolidated in the redevelopment permit under Section 21.35.120, then the design review board shall be the planning commission with respect to such project, permit or map. (Ord. NS-330 § 1, 1995; Ord. 1254 § 2, 1982)

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Legislative Draft – Revisions to Chapter 21.35 of CMC

Chapter 21.35 V-R VILLAGE REDEVELOPMENT ZONE

21.35.010 Intent and purpose.

21.35.020 Incorporation of redevelopment plan and village master plan and design manual by reference.

21.35.030 Land affected by this chapter.

21.35.040 Permitted uses.

21.35.050 Provisional uses.

21.35.060 General regulations.

21.35.070 Redevelopment permit.

21.35.080 Redevelopment projects.

21.35.085 Permit application.

21.35.090 Housing and redevelopment director action.

21.35.100 Design review board action.

21.35.110 Effective date of order--Appeal of design review board decision.

21.35.115 Housing and redevelopment commission action.

21.35.117 Notice of public hearings.

21.35.120 Consolidation of other permits and discretionary approvals--Findings requirements.

21.35.130 Variances.

21.35.140 Compliance with other provisions of this code.

21.35.150 Amendments.

21.35.010 Intent and purpose.

The village redevelopment zone is intended to establish land use classifications and develop standards and procedures for that area of the city described in the Carlsbad village area redevelopment plan, as adopted by city council Ordinance No. 9591. This zone adopts the land use classifications and development standards of the Carlsbad village area redevelopment plan and of the village master plan and design manual adopted pursuant to the redevelopment plan as the zoning for the area designated. (Ord. NS-330 § 4 (part), 1995)

EXHIBIT #7

Municipal Code Chapter 21.35 Revisions

CAR-MAJ-3-07-A Village Master Plan Design Manual
California Coastal Commission

21.35.020 Incorporation of redevelopment plan and village master plan and design manual by reference.

The Carlsbad village area redevelopment plan as adopted by Carlsbad city council Ordinance No. 9591 on July 21, 1981, and the village master plan and design manual as adopted by Carlsbad housing and redevelopment commission Resolution No. 271 on November 21, 1995, and modified by Carlsbad housing and redevelopment commission Resolutions No. 280 on August 13, 1996, No. 291 on December 16, 1997, and No. 379 on April 13, 2004, and modified by Carlsbad housing and redevelopment commission Resolution No. _____ on _____, 2007 are hereby adopted by reference and incorporated into this chapter. (Ord. NS-703 § 2, 2004; Ord. NS-439 § 11, 1998; Ord. NS-371 § 3, 1996; Ord. NS-340 § 1, 1995; Ord. NS-330 § 4 (part), 1995)

21.35.030 Land affected by this chapter.

This chapter shall apply only to lands located within the boundaries of the Carlsbad village area, the boundaries of which are described in the Carlsbad village area redevelopment plan. (Ord. NS-330 § 4 (part), 1995)

21.35.040 Permitted uses.

Only those uses specified in the Carlsbad village area redevelopment plan and the village master plan and design manual as permitted uses for particular property in the village redevelopment area shall be permitted. (Ord. NS-330 § 4 (part), 1995)

21.35.050 Provisional uses.

Uses permitted as provisional uses by the Carlsbad village area redevelopment plan and the village master plan and design manual shall be permitted upon issuance of a redevelopment permit approved according to this chapter. (Ord. NS-330 § 4 (part), 1995)

21.35.060 General regulations.

Subject to the provisions of Section 21.35.130 and except as otherwise provided by the Carlsbad village redevelopment plan or the village master plan and design manual, the regulations of this title which apply to uses generally or generally to all zoning classifications shall apply to property and uses in this zone. (Ord. NS-330 § 4 (part), 1995)

21.35.070 Redevelopment permit.

Unless otherwise determined to be an exempt project pursuant to Section 21.35.080, no development shall occur in the area subject to this chapter without a redevelopment permit. (Ord. NS-330 § 4 (part), 1995)

21.35.080 Redevelopment projects.

(a) Exempt Projects. No redevelopment permit shall be required for an exempt project. An exempt project is one which is exempt from the requirement to obtain a coastal development permit in accordance with Section 21.81.030; and requires no redevelopment permit or other discretionary approvals, and includes but is not limited to:

(1) Interior or Exterior improvements to existing structures which do not result in the intensity of use of a structure; and/or

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- (2) Additions to existing structures which result in a cumulative increase of less than 10% of the internal floor area; and/or
- (3) Changes in permitted land uses which do not require site changes, result in increased ADT, result in increased parking requirements, or result in compatibility issues or problems; and/or
- (4) Landscaping on the lot unless it will result in erosion or damage to sensitive habitat; and/or
- (5) Repair or maintenance activities which are exempt from a coastal development permit; and/or
- (6) Activities of public utilities regulated by a government agency; and/or
- (7) A project that requires no variance of any type; and/or
- (8) Demolition of a structure, unless such demolition activity has the potential to have an adverse impact on coastal resources and/or access to the coast.

(b) Nonexempt Projects. There are three types of redevelopment permits required for nonexempt projects. One permit for each type of redevelopment project described as follows:

(1) Administrative Redevelopment Project. An administrative redevelopment project is one which results in minor new construction and/or a change in a development which requires no other discretionary approvals, except an administrative variance within the authority of either the director of planning or the housing and redevelopment director, and includes, but is not limited to:

(A) New construction of building(s) or addition(s) to the building footprint with an estimated permit value of less than sixty thousand dollars; and/or

(B) Interior or exterior improvements to existing structures which result in an intensity of use; and/or

(C) Provisional land uses, where a minor or major redevelopment permit is not required; and/or

(D) Changes in permitted land uses which result in site changes, increased ADT, increased parking requirements, or result in compatibility issues/problems; and/or

(E) Signs for existing businesses or facilities; and/or

(F) Repair or maintenance activities which are not exempt projects; and/or

(G) Demolition of a structure that has the potential to have an adverse impact on coastal resources and/or public access to the coast.

(2) Minor Redevelopment Project. A minor redevelopment project is one which does not qualify as an administrative redevelopment project and involves new construction, with an estimated permit value of sixty thousand dollars or more but less than one hundred fifty thousand dollars.

(3) Major Redevelopment Project. A major redevelopment project is one which involves new construction, with an estimated permit value of one hundred fifty thousand dollars or more. (Ord. NS-330 § 4 (part), 1995)

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21.35.085 Permit application.

(a) An application for a redevelopment permit for a non-exempt project as defined in Section 21.35.080 may be made by the record owner or owners of the property, or the authorized agent or agents for the property, on which the development is proposed. The application shall be filed with the director upon forms provided by the director, and shall be processed in accordance with the provisions of Section 21.54.010 of this code.

(b) If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the design review board and the housing and redevelopment commission.

(c) The application shall be accompanied by a fee in the amount established by city council resolution. No application shall be accepted or deemed accepted until the appropriate fee or fees have been paid. (Ord. NS-330 § 4 (part), 1995)

21.35.090 Housing and redevelopment director action.

(a) After the application has been accepted as complete the director shall determine if the project is exempt from the requirements of this chapter pursuant to Section 21.35.080. No permit shall be required for a project which is exempt from the requirements of this chapter.

The director shall determine the exemption based on the certified local coastal program, including maps, categorical exclusions and other exemptions, land use designations, zoning ordinances and the village master plan and design manual. In granting an exemption, the director may impose such conditions as are necessary to protect the public health, safety and welfare. The director shall inform the applicant whether the project is exempt within ten calendar days of the determination that the application is complete. The decision of the director on all exempt determinations is final, (subject to the potential dispute resolution process as provided in Section 21.81.050).

The director shall maintain a record of all determinations made on projects exempt from the requirements of this chapter. The records shall include the applicant's name, an indication that the project is located in the village area, the location of the project, and a brief description of the project. The record shall also include the reason for exemption.

(b) The director may approve, conditionally approve or deny administrative redevelopment permits as defined in Section 21.35.080, subject to appeal to the design review board.

(c) After all necessary reports and recommendations have been received the director shall transmit the application for a minor or major redevelopment permit together with the reports and the recommendations of the appropriate departments to the design review board for a public hearing.

(d) The director shall transmit to the design review board all timely appeals on administrative permits and administrative variances.

(e) The director may grant, conditionally grant or deny applications for the types of administrative variances set forth in Section 21.51.020 of this code and in accordance with the procedures provided in Chapter 21.51 of this code, except that the director and the design review board shall serve as the appropriate approving bodies for projects within the village redevelopment area. If the project includes other discretionary approvals outside the director's authority, the director shall set the consolidated project for public hearing by the design review board.

(f) The effective date of order of a housing and redevelopment director decision and the method for appeal of such decision shall be governed by Section 21.54.140 of this code. (Ord. NS-675 § 33, 2003; Ord. NS-330 § 4 (part), 1995)

21.35.100 Design review board action.

(a) The design review board shall hold a public hearing on:

(1) Appeals of decisions made by the director on administrative redevelopment permits as defined in Section 21.35.080 or administrative variances;

(2) Minor or major redevelopment permits and tentative maps; and

(3) Nonadministrative variances for which the board has final decision-making authority pursuant to Section 21.35.130(b).

(b) For major redevelopment projects, the board shall consider the evidence and by resolution report and recommend to the housing and redevelopment commission approval, conditional approval, or denial of the project. Such resolution shall state, among other things, the facts and reasons why the board determined the approval, conditional approval or denial to be consistent with this chapter. The action to approve, conditionally approve or deny is advisory to the commission.

(c) The board shall have sole authority to consider the evidence and by resolution report and recommend to the housing and redevelopment commission and/or city council approval, conditional approval, or denial of revisions to applicable chapters of the Carlsbad Municipal Code, Village Redevelopment Plan, Village Master Plan and Design Manual and/or other policy documents specifically related to activities which benefit and/or otherwise impact the Village Redevelopment Area. (Ord. NS-675 § 34, 2003; Ord. NS-330 § 4 (part), 1995)

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21.35.110 Effective date of order--Appeal of design review board decision.

The effective date of the design review board's decision and method for appeal of such decision shall be governed by Section 21.54.150 of this code. (Ord. NS-675 § 35, 2003; Ord. NS-506 § 2, 1999; Ord. NS-330 § 4 (part), 1995)

21.35.115 Housing and redevelopment commission action.

The housing and redevelopment commission shall hold a public hearing on:

- (a) Any major redevelopment permit and/or tentative map for which the design review board has filed a report and recommendation with the city clerk; or
- (b) Any other matter made appealable to the commission by this chapter and which has been timely appealed. (Ord. NS-330 § 4 (part), 1995)

21.35.117 Notice of public hearings.

Notice of any public hearing required by this chapter shall be given as provided in Section 21.54.060(1) of this code. (Ord. NS-330 § 4 (part), 1995)

21.35.120 Consolidation of other permits and discretionary approvals--Findings requirements.

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- (a) Whenever a project would require a permit or approval under the provisions of this title and/or Title 20, notwithstanding this chapter, the redevelopment permit shall be deemed to satisfy the requirements for such permit or approval; provided, however, that in considering the redevelopment permit for said project the director, design review board and the housing and redevelopment commission shall apply the provisions of this chapter and Title 20, if applicable for a tentative or final map, and the provisions of this title and Title 20, otherwise applicable to such other permit or approval for the project.
- (b) Whenever a project consists only of exemption determinations and/or administrative permits or administrative variances within the authority of either the director of planning or the director, they shall be consolidated and considered by the director, subject to appeal to the design review board with regard to determinations other than exemptions.
- (c) If the project includes permits or other discretionary approvals outside the director's administrative permit or administrative variance authority, the administrative permit and/or administrative variance aspects shall be consolidated with the other matters and submitted to the design review board.
- (d) No variance, determination of exemption or administrative, minor or major redevelopment permit shall be granted unless the decisionmaker finds, in addition to any other findings otherwise required for the project, that the project as approved, or conditionally approved is consistent with this code, the general plan, the Carlsbad village area redevelopment plan and the village master plan and design manual. (Ord. NS-330 § 4 (part), 1995)

21.35.130 Variances.

(a) The housing and redevelopment commission may grant variances from the limits, restrictions and controls established by this chapter for major redevelopment permits if the commission finds that:

(1) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zone regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

(2) The variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located and is subject to any conditions necessary to assure compliance with this finding;

(3) The variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the subject property;

(4) The variance is consistent with the general purpose and intent of the general plan, Carlsbad village area redevelopment plan, and the Carlsbad village redevelopment master plan and design manual;

(5) In addition, in the coastal zone, that the variance is consistent with and implements the requirements of the certified local coastal program and that the variance does not reduce or in any manner adversely affect the protection of coastal resources as specified in the zones included in this title, and that the variance implements the purposes of zones adopted to implement the local coastal program land use plan.

(b) An application for a variance shall be processed in the same manner established by this chapter for a redevelopment permit.

(c) The design review board may grant variances from the limits, restrictions and controls established by this chapter for minor redevelopment projects (or otherwise administrative projects consolidated or on appeal from a director decision), if the board makes the variance findings set forth in subsection (a) of this section.

(d) The director may grant administrative variances in accordance with Section 21.35.090(e), if the director makes the findings set forth in subsection (a) of this section. (Ord. NS-675 § 36, 2003; Ord. NS-330 § 4 (part), 1995)

21.35.135 Extension of redevelopment permit

An application for a time extension for a redevelopment permit shall be processed directly by the final approving authority for a redevelopment permit as set forth within this chapter, unless authority is granted otherwise by the final approving authority. For example, the housing and redevelopment commission has final approving authority for all major redevelopment permits and subsequently for all related time extensions. The time extension application may be submitted directly to the housing and redevelopment commission for approval, and/or the commission may grant approval authority to the design review board and/or housing and redevelopment director.

21.35.140 Compliance with other provisions of this code.

Projects developed pursuant to this chapter shall be subject to the provisions of the Carlsbad village area redevelopment plan and the village master plan and design manual

and all other applicable provisions of the Carlsbad Municipal Code, including but not limited to those provisions of Titles 18, 19 and 20. (Ord. NS-330 §.4 (part), 1995)

21.35.150 Amendments.

Amendments to the Carlsbad village area redevelopment plan or the village master plan and design manual shall be deemed to be amendments to this chapter; provided, however, that such amendments are processed and noticed in a manner which meets the requirements of Chapter 21.52 of this code. Amendment of the village master plan and design manual by housing and redevelopment commission resolution, with a recommendation from the design review board, shall be deemed to satisfy the requirements of Chapter 21.52 of this code, provided all other requirements are met. (Ord. NS-330 § 4 (part), 1995)

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COUNCIL POLICY STATEMENT

Policy No.	65
Date Issued	
Effective Date	
Cancellation Date	
Supersedes No.	65, dated 7/18/06

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

SECTION ONE: PROPRIETARY CAPACITY; CHANGES TO POLICY

In adopting this policy, the City Council acts in its proprietary capacity as to Public Property within the City. This Policy Statement may be changed at a regular public meeting of the City Council.

SECTION TWO: INTENT AS TO PUBLIC FORUM

The City declares its intent that all Public Property in the City shall not function as a designated public forum, unless some specific portion of Public Property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any.

SECTION THREE: SIGNS MUST BE PERMITTED OR EXEMPTED

No party other than the City may post, mount or display a "sign," as defined in the sign ordinance, may be displayed on Public Property, unless a Public Property Sign Permit therefore has first been issued, or the subject sign is expressly exempted from the Public Property Sign Permit requirement by this Policy Resolution or another applicable Policy Resolution. For purposes of this provision, a "Public Property" means property, real or personal, in which the City of Carlsbad and/or the Carlsbad Redevelopment Agency holds the present right of present possession and control, as well as all public rights of way.

All Public Property Sign Permits must be consistent with the policies stated herein. Any sign posted on Public Property within the City, contrary to the policies stated herein, may be summarily removed as a trespass and a nuisance by the City.

SECTION FOUR: TEMPORARY POLITICAL, RELIGIOUS, LABOR PROTEST AND OTHER NONCOMMERCIAL SIGNS IN TRADITIONAL PUBLIC FORUM AREAS

This section applies only when the Special Events Chapter of the Carlsbad Municipal Code does not. In areas qualifying as traditional public forums, such as city streets, city parks and public sidewalks, and the area immediately around the exterior of city hall, persons may display non-commercial message signs thereon without first obtaining a Public Property Sign Permit, provided that their sign display on Public Property conforms to all of the following:

1. The signs must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.
2. The signs may be displayed only during the time period of sunrise to sunset.
3. The maximum aggregate size of all signs held by a single person is 10 square feet.
4. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.

EXHIBIT #8

Council Policy Signs on Public Property

CAR-MAJ-3-07-A Village Master Plan Design Manual
California Coastal Commission

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5. The displayed signs may not be inflatable or air-activated.

6. In order to serve the City's interests in traffic flow and safety persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by.

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SECTION FIVE: PUBLIC PROPERTY SIGN PERMITS; APPLICATION FORMS AND PROCEDURES

The Community Development Director shall prepare and make available to the public a form for Application for a Public Property Sign Permit (Permit), which shall, when fully approved, constitute a Permit and indicate the City's consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a sign permit under the sign ordinance. To each application form shall be attached a copy of this Policy Statement. The application form shall require the applicant to indicate that he or she has received a copy of this Policy Statement, and that they shall abide by its terms, as well as any special terms or conditions which may be stated on the Permit, and to abide by any new or different conditions which may be imposed on all permittees who are similarly situated.

Any Public Property Sign Permit issued in error may be summarily revoked by any officer of the City, by simply informing the applicant of the nature of the error in issuance; any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application which cures any deficiencies in the original application. The application fee shall apply separately to each new application. Applications which fully comply with the terms and conditions of this Policy Statement shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in the Sign Ordinance.

SECTION SIX: EXEMPTIONS FROM PERMIT REQUIREMENT

The following signs are exempted from the Permit requirement: Traffic control and traffic directional signs erected by the City or another governmental unit; official notices required by law; signs placed by the City in furtherance of its governmental functions; signs allowable under Section Four of this Policy.

SECTION SEVEN: PERMITS FOR A-FRAME SIGNS IN CARLSBAD VILLAGE REDEVELOPMENT AREA, BEARING COMMERCIAL MESSAGES ONLY

1. INTENT AS TO PUBLIC FORUM

The areas and times controlled by this section are designated to constitute a limited access, non-public forum which is strictly limited to commercial messages, and which is open only to those persons described in this

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section and on the terms stated in this section.

2. WHERE A-FRAMES MAY BE PLACED; PHYSICAL STANDARDS

* A-Frame" signs, as that term is defined in the sign ordinance, may be placed in particular portions of the public right-of-way, within the Carlsbad Village area only, namely, on the public sidewalk directly in front of the store or other establishment displaying the sign.

Such signs may have no more than 2 display faces, every display face shall be a flat, smooth surface, and remain completely free of dangerous protrusions such as tacks, nails or wires however, cutouts of any shape are allowed. Sign faces shall be back to back. No banners, ribbons, streamers, balloons, or attachments of any kind may be affixed to the sign. The sign may not use any moving parts or include a display face which is hinged, or which otherwise swings or hangs from a frame. No glass, breakable materials or illumination is allowed. The signs shall be physically stable and balanced flat on the sidewalk. The sign must be self-supporting, stable and weighted or constructed to withstand overturning by wind or contact.

All such signs may be placed in the permitted space on the public right-of-way only when the retail establishment is actually open for business. The sign must be placed on the public sidewalk in a manner which maintains a clear pedestrian area of at least five (5) feet over the entire length of the sidewalk in front of the business, and be located directly in front of the business which owns the sign.

Deleted: within the 2 feet ¶ closest to the curb or edge of the sidewalk.

Each display face shall have a maximum area of 15 square feet, and shall not exceed 5 feet in height or 3 feet in width. Changeable text area of the sign may not exceed 50% of the display face. No such sign may have special illumination and the display portion may have no parts which move, flash, blink or fluoresce. Fluorescent or "day glow" colors are not allowed. No paper or non-rigid changeable text areas are allowed.

The sign shall not be permanently affixed to any object, structure, or the ground, including utility poles, light poles, trees or other plants, or any merchandise of products displayed outside permanent buildings.

At no time may the sign be placed in the street or in any position which impedes the smooth and safe flow of vehicular and pedestrian traffic, or which interferes with driver or pedestrian sight lines or corner clear zone requirements as specified by the City. No sign shall be placed in such a manner as to obstruct access to a public sidewalk, public street, driveway, parking space, fire door, fire escape or access for persons with disabilities.

Deleted: A clear area of at least 5 feet in width must be maintained for pedestrian use over the entire ¶ length of the sidewalk in front of the business.

Signs shall not obscure or interfere with the effectiveness of any official notice or public safety device. Signs shall not simulate in color or design a traffic sign or signal, or make use of words, symbols, or characters in such a manner as may confuse pedestrians or drivers.

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Every sign and all parts thereof shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from dust, rust and corrosion. Any cracked, broken surfaces, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced or removed within 30 days following notice by the City.

The copy on the sign must be strictly of a commercial nature, must not include copy or messages pertaining to "noncommercial speech" as that term is defined in the Sign Ordinance, and must refer or pertain to goods, activities or services which are actually available in the subject store at the time the sign is displayed.

3. WHO MAY DISPLAY AN A-FRAME SIGN IN THE VILLAGE REDEVELOPMENT AREA

The A-Frame Signs allowed by this section may be displayed only by the operators of a business within the Village Redevelopment Zone, who hold a currently valid City business license, who are not currently in violation of any of the zoning, land use, environmental or business regulatory laws, rules or policies of the City.

Each eligible business location is allowed a maximum of one A-Frame sign. However, when a business is located within a business arcade or courtyard area, in which case only one "tenant directory" sign, which lists all of the businesses within the arcade or courtyard, is allowed. The display area of the permitted A-Frame sign shall not count as part of the total signage for the business, which is allowed under the Sign Ordinance. However, all existing building signage for a business must conform to the sign standards set forth within the Village Master Plan and Design Manual before a permit will be approved for a sign on the public sidewalk.

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4. TRANSFER OF PERMIT

The Permit attaches to the business at the location specified. If the business is sold or transferred, and remains at the same location, then the Permit shall automatically transfer to the new owner or transferee, who shall be bound to the terms and conditions of the original Permit. However, if the business which first obtained the Permit moves to a different location, or if the location is then taken by a new business, a new application and Permit shall be required.

5. TERM OF CONSENT INDICATED BY PERMIT; REVOCATION AND RENEWAL

The Permit is revocable or cancelable at will by the City. However, the City will cancel a Permit without cause only when it does so to all permittees who are similarly situated. Any Permit may be revoked for noncompliance, 30 calendar days after notice of noncompliance remains uncured, or in the case of a noncompliance condition which constitutes a threat to the public health, safety or welfare, summarily. When a Permit is revoked, the owner of the sign must physically remove it from the public right of way within 24 hours of notice of revocation; upon failure to do so, the City may summarily remove the sign and hold it in storage

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until all costs of removal and storage are paid by the sign owner, upon which condition the sign shall then be returned to its owner. There is no guarantee that the City will continue the policy stated herein. Permittees hold no expectation of renewal of any given Permit, acquire no vested right to continue displaying the sign on public land, and waive all claims of inverse condemnation (uncompensated taking of private property) as to the permitted sign, when they submit the original application.

6. TEMPORARY REMOVAL

The City may give notice, by any reasonable means, that consent to display an A-frame is or shall be withdrawn temporarily so as to serve a more urgent or more important public need, such as, without limitation, dealing with a natural disaster, a traffic emergency, a temporary need to make more space available on the public right-of-way, a civil disturbance, a parade, an election, or other special event. In urgent situations, the City may summarily remove a permitted sign without notice, for a time sufficient to deal with the urgency. All permittees shall comply with all notices to temporarily remove the permitted signs, and to return them to display only in accordance with the City's directions.

7. INSURANCE AND INDEMNITY

A Permit under this section will be issued only to an applicant who provides evidence of comprehensive general liability Insurance coverage, in a form satisfactory to the Housing and Redevelopment Director and the Risk Manager, which shall name the City and Carlsbad Redevelopment Agency as an additional insured and provide thirty-day notice of cancellation. The minimum liability coverage on such policy shall be one million dollars; such coverage shall apply to claims of personal injury including death, property damage and advertising injury. Application for a Permit shall constitute an agreement to hold harmless, defend and indemnify the City and Carlsbad Redevelopment Agency against all claims relating to property damage or personal injury, including death, which assert that the permitted sign played any legally significant role in the creation of the liability.

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8. CANCELLATION OR MODIFICATION OR PROGRAM

The City and/or Housing and Redevelopment Commission may, at any time and for any reason, cancel or modify this program allowing commercial A-Frame signs in the public right-of-way in the Village Redevelopment Area.

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SECTION EIGHT: REAL ESTATE FOR SALE "KIOSK" SIGNS IN PARTICULAR LOCATIONS

1. INTENT AS TO PUBLIC FORUM

The City's intent as to this section is to designate a strictly limited public forum, which allows only the posting

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in convenient places of directional information regarding tract housing developments which are currently selling homes located within the City.

2. KIOSK SIGNS FOR NEW TRACT HOUSING DEVELOPMENTS

Kiosk signs are permanent freestanding structures, not exceeding 10 feet in height, 7 feet in width, which contain modular information strips, not exceeding 10 inches in height, 6 feet in width, providing information about tract housing developments (of more than 4 units) which are currently selling new homes located within the City. Such signs may display only the following information: the name of the development, developer and/or marketer thereof, and the direction to the development from the sign.

Each kiosk will have "City of Carlsbad" and the city logo displayed in a prominent location on the sign.

One kiosk design will be utilized throughout the city. This kiosk design is on file in the Planning Department. All tract housing development signs mounted on the kiosks shall be the same design and shall be white wood with black reflective lettering. Letters shall be consistent in size, width and thickness of print. Letters shall be all upper case letters not more than 6 inches in height.

Individual tract housing development directional signs shall be approved by the Planning Director prior to mounting on a kiosk to ensure compliance with this section. In no case shall a sign be mounted on a kiosk before building permits have been issued for the model homes.

There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved. Further, no other off-site directional signing may be used such as posters, trailer signs or temporary subdivision directional signs.

Any sign placed contrary to the provisions of this section may be removed by the city without prior notice.

Each approved tract housing development may have up to a maximum of 8 directional signs. Upon approval by the Planning Director, directional signs shall be permitted until the homes within the housing development are sold or for a period of one year, whichever comes first. Extensions not exceeding one year may be granted by the Planning Director.

A neighborhood shall not be allowed any directional kiosk signs if there are any other offsite signs advertising the housing development anywhere in the City. If any advertising signs are erected and not promptly removed upon demand by the city, all kiosk signs for that subdivision shall be removed, the lease cancelled and no refund given.

3. PRIVATE CONTRACTOR FOR MANAGEMENT OF THE KIOSKS

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The City may enter into a contract with a private contractor to design, erect, modify, replace, maintain and manage the kiosk signs allowed by this section. Such contract must be approved by the City Council, and may require that the contractor pay to the City a rent or royalty on advertising revenues. All the terms of said contract, and all payments to the City hereunder, shall be public information.

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4. INSURANCE REQUIREMENT

In the event the City selects a private party contractor to manage the kiosks, the City may require the private party contractor to provide evidence of comprehensive general liability insurance coverage, in a form satisfactory to the Community Development Director, which shall name the City as an additional insured, and provide 30-day notice to the City of cancellation. The minimum liability coverage on such policy shall be one million dollars. Any private party contract must include a provision for the contractor to hold harmless, defend and indemnify the City against all claims relating to property damage or personal injury, including death, which assert that the kiosk sign played any legally significant role in the creation of the liability.

5. ALLOWABLE LOCATIONS

The kiosks allowed by this section may be located only as shown on Attachment A.

SECTION NINE: TEMPORARY POLITICAL SIGNS IN THE PUBLIC RIGHT OF WAY DURING CAMPAIGN PERIODS

1. INTENT AS TO PUBLIC FORUM

In this section only, the City's intent is to designate a public forum which is available only at limited times and places for sign expression on political and other noncommercial topics, absolutely without favoritism as to any speaker, topic or point of view. The display opportunities afforded by this section are in addition to those in the Sign Ordinance which allow noncommercial speech at all times.

2. TEMPORARY CAMPAIGN SIGN PERMIT; APPLICATION FORMS AND PROCEDURES

The procedure for the approval of a temporary campaign sign permit is as follows:

- The zoning enforcement officer shall notify candidates and/or their state/local campaign committee chairpersons for national, state, local or county office and chairpersons of campaign committees for or against any measure appearing on the ballot for a statewide, local or county election of the temporary campaign sign requirements as provided herein.

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Prior to the posting of any temporary campaign signs, the candidate, the chairperson of a campaign committee or any other person designated by the candidate or chairperson who is responsible for the posting of said sign, shall obtain a temporary campaign sign permit. The permit, on a form prescribed by the community development director or his designee, shall include the name, address and phone number of the candidate or campaign chairperson and any person responsible for the posting of signs. The permit shall be signed by the candidate, chairperson or person responsible for the posting of the signs.

- A nonrefundable processing fee, in an amount established by City Council, shall be paid at the time the application for the permit is made. The fee shall be used to defray the cost of issuing the permit and administering. These fees apply to all signs, which may be displayed under this section for the relevant period, and shall not be assessed on a per sign basis.
- A refundable deposit, in an amount established by City Council, shall be paid at the time the permit is issued. This deposit shall be refunded to the permittee within 5 days after the removal of the permittee's temporary campaign sign or signs. If the permittee does not remove the signs they may be removed by the Community Development Director or designee without further notice. The deposit may be used to defray the cost of removal. The Community Development Director or designee may also charge any expense incurred hereunder to the permittee. Any candidate or campaign committee which is able to show financial inability to pay the refundable deposit may request a waiver from the City Council.
- The Community Development Director or designee is authorized, after giving 2 days written notice to the person or persons who signed the sign permit, to remove any temporary campaign signs that do not conform to the standards herein provided. The cost of such removal may be charged to the permittee.

3. TIME PERIOD

The signs allowable under this section may be displayed only during the period of time 45 days proceeding and 10 days following a general, special or primary election. All political and other noncommercial message signs must be removed from public property, by the permittee or his/her designee, not more than 10 days after the election.

4. LOCATIONS

This section allows the display of signs expressing political or other noncommercial messages. The signs allowable under this section may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or in residentially zoned areas along prime or major arterials as

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shown in the Circulation Element of the General Plan.

5. PERSONS WHO MAY RECEIVE A PERMIT UNDER THIS SECTION

Any person who will abide by the terms and conditions of this section may receive a permit. Removal, defacement, alteration, obliteration, destruction or tampering with signs permitted under this policy without the permission of the owner is prohibited. Such signs may not be placed in such a manner as to obscure or cover, in whole or in part, any other sign permitted under this section.

6. PHYSICAL REQUIREMENTS

Signs which are allowable under this section may not exceed 6 square feet in display area, must be made of materials and construction methods to withstand normal weather conditions for the period of display, and mounted in such a manner that they will not be blown away or dislodged by normal weather and climate conditions for the area. Each sign must be mounted at least 1 foot above grade, and no higher than 6 feet above the grade. Permitted signs may not be specially illuminated.

No sign shall be:

- attached to any utility pole, bus bench, pole or structure supporting a traffic control sign or device, or hydrant.
- placed on any tree or shrub by any nail, tack, spike or other method which will cause physical harm to the tree or shrub.
- placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road right-of-way.
- placed in the roadway or on the sidewalk.
- placed in the portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different than the owner.

7. REMOVAL OF NONCONFORMING SIGNS

Signs which do not conform to this section or any permit issued under this section shall be summarily removed by the City upon discovery of the nonconformance.

SECTION TEN: SIGNAGE ASSOCIATED WITH SPECIAL EVENTS

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When the City allows a special event, the Special Event Committee shall approve the location, number, duration of posting and content for "Road Closure Notification" and "Traffic Control/Directional" signs as described in the Carlsbad Municipal Code. The Special Event Committee shall approve the location and duration of posting for "Promotional" signs as described in the Carlsbad Municipal Code.

Signs within the venue shall conform to size requirement and may only be posted during the time authorized in the Special Event Permit.

SECTION ELEVEN: LAMP POST BANNERS

City-owned lamp posts are reserved for the exclusive use of the City and the Redevelopment Agency to display its own messages and images. The specifics regarding the use of such space for display of banners is delegated to the City Manager or designee, who may detail such specifics in administrative directives.

Banners may be installed by the Carlsbad Redevelopment Agency and/or City of Carlsbad on selected light standards and/or traffic signals within the City. These banners shall be for the advertisement and/or promotion of events and/or programs which are officially sponsored or co-sponsored and financially supported by the Carlsbad Redevelopment Agency and/or the City of Carlsbad. The banners shall not include any commercial advertisement for any individual business or private, non-city organization.

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Deleted: Banners may be placed by the City on Public Property in the public right-of-way only in the Village ¶ Redevelopment Area.