

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



November 22, 2011

W13c

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP AMENDMENT
#2-10 B (Zoning Clean-up) for Commission Meeting of December 7-9, 2011**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on September 22, 2010. A one-year time extension was granted on December 15, 2010; so the last date for Commission action is this hearing (12/2011). This portion of the request involves only changes to the City's certified implementation plan.

The amendment submittal included one unrelated item which is LCP Amendment #2-10A (Adams Street Subdivision). It is also scheduled for Commission review at this hearing and is discussed in a separate report.

SUMMARY OF AMENDMENT REQUEST

This request involves a city-initiated LCP amendment and zoning code amendment to make various minor revisions to the text of the City's Zoning Ordinance which is certified as part of its LCP implementation plan. No changes to land use or the certified LCP land use plan are proposed herein. The primary purpose of the City's amendment is to amend many unrelated sections of the Zoning Ordinance that contain minor errors, need to be clarified, should be updated to reflect current conditions or other "clean-up" revisions. While the vast majority of the proposed revisions are "clean-up" amendments, there are a few new miscellaneous requirements also being proposed. These primarily relate to second dwelling units, outdoor dining areas, child daycare centers and the adoption of additional standards for local appeals. The proposed amendment consists of text changes only; the revisions will apply citywide, as well as affect development in all segments of the City's LCP.

SUMMARY OF STAFF RECOMMENDATION

As noted above, the bulk of the proposed revisions are sought to improve regulatory consistency, provide clarity in the zoning code, improve the usability of the code, correct typographical and other minor errors, along with some other minor amendments. Based

on staff's analysis, all of the proposed revisions conform with and are adequate to carry out the certified land use plans for the City's various segments. No adverse impacts to coastal access or coastal resources are anticipated. Therefore, staff is recommending that the amendment be approved as submitted by the City. The appropriate resolution and motion may be found on Page 4. The findings for approval of the Implementation Plan Amendment as submitted also begin on Page 4.

BACKGROUND

There are six geographic segments in the City's LCP. The City's LCP has a unique history in that special legislation directed the Commission to draft the initial LCP. One segment, the Village Redevelopment Area LCP, was certified in 1988 and 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 of the remaining segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment again affects only the certified Implementation Plan but it is a citywide amendment in scope.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. 2-10B may be obtained from Deborah Lee, District Manager, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad'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 segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment modifies the City's Implementation Plan (IP) only.

B. STANDARD OF REVIEW

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.

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 and no members of the public spoke at any of those hearings. Notice of the subject amendment has been distributed to all known interested parties of record for Carlsbad matters.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - 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 move that the Commission reject the Implementation Program Amendment #2-10B for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted 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 TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of 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 Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT #2-10B, AS SUBMITTED

A. AMENDMENT DESCRIPTION

This request involves a city-initiated LCP amendment and zoning code amendment to make various minor revisions to the text of the City's Zoning Ordinance, which is certified as part of its LCP implementation plan. No changes to land use or the certified LCP land use plan are proposed herein.

The primary purpose of the City's amendment is to amend many unrelated sections of the Zoning Ordinance that contain minor errors, need to be clarified, should be updated to reflect current conditions or other "clean-up" revisions. While the vast majority of the

proposed revisions are “clean-up” amendments, there are a few new miscellaneous requirements also being proposed. These primarily relate to second dwelling units, outdoor dining areas, child daycare centers and the adoption of additional standards for local appeals. The proposed amendment consists of text changes only; the revisions will apply citywide, as well as affect development in all segments of the City’s LCP. Given the bulk of the individual changes being proposed, the City compiled “Table A – Summary of Amendments in the text of the Zoning Ordinance” for its own reporting needs. This Table is attached to this staff report for reference.

B. FINDINGS FOR APPROVAL

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 primary purpose of this proposed amendment is to amend many unrelated sections of the certified Zoning Ordinance that contain minor errors, warrant clarification, need to be updated to reflect current conditions or mandates and require other minor changes as “clean-up” provisions.

b) Major Provisions of the Ordinance.

The major provisions of this proposed amendment request include, but are not limited to, the following:

- Modification of the existing definition of “family” for consistency with State law;
- Deletion of any parking standards cited in the individual zone chapters and relocating them to Chapter 21.44/Parking if they are not already stated there;
- Adding “Residential Care Facilities” to the permitted use tables for all residential zones;
- Clarifications to the regulations for second dwelling units;
- Clarifications to the Community-Facilities (C-F) zone and other sections related to Child Day Care Centers;
- Modification of the definition for “Outdoor Dining (Incidental)”, adding it as a permitted use in all the zones where the use is currently permitted and incorporating the development standards for incidental outdoor dining areas to Chapter 21.26;
- Incorporation of a footnote in all zones to address any “entertainment establishment” and the need to comply with the City’s Entertainment Ordinance;
- Within Chapter 21.44/Parking, specify that the Planning Director may determine the parking requirements for uses where the code does not currently identify a parking standard based on a specific parking study;
- Reformat Chapter 21.52 which relates to the City’s local processing procedures for General Plan, LCP and Zoning Ordinance amendments;

- Clarification of the local provisions for appealing a Planning Director or Planning Commission decision;
- Establishment of additional enforcement provisions to remedy violations of conditions of approval and to revoke permits; and
- Clarification of the existing findings, as well as adding other standard findings typically made by the Planning Commission, for the Floodplain Management regulations.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.**

As noted above, 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. The proposed amendment consists of many unrelated “clean-up” changes to the certified zoning ordinance. Most of the amendments proposed are clarifications or procedural in nature and any new requirements do not differ significantly from existing policy. As a whole, the proposed amendments are drafted and intended to improve code consistency both internally within the municipal code and with the General Plan, LCP and other State laws. The proposed revisions are also intended to improve the usability of the code by clarifying both language and processes and improve the relevancy of the code by recognizing current terms and procedures.

Of the miscellaneous revisions, there are a few that warrant some explanation. First, relative to parking standards, the proposed revisions include a number of deletions throughout the individual zone chapters to relocate and centralize all parking provisions within Chapter 21.44 of the code. This is simply reformatting and no changes to current standards are proposed. Second, it is being clarified that Residential Care Facilities are a permitted use in all residential zones; this is the City’s current practice as mandated by State law and these changes only update the code. Third, in all zones, a footnote is being added to indicate that any use that meets the definition of an “entertainment establishment” must comply with the City’s Entertainment Ordinance. Again, there are no changes to the specific provisions; this just reinforces the land use administration. Fourth, in Chapter 21.44/Parking, the amendment reflects the relocation of parking standards from the other zone chapters mentioned above and there is also a provision added for the Planning Director to establish a parking standard based on a specific parking study for any proposed use that is not otherwise specified in the existing code. This is a reasonable provision to address a unique use and the existing parking standards are both comprehensive and conservative. Fifth, the City is seeking clarification of its own provisions for appealing Planning Director and Planning Commission decisions and require an appellant to demonstrate that there was an abuse of discretion by the decisionmaker or some due process consideration. These are again reasonable and reflect the City’s procedural interests. Lastly, in the City’s Floodplain Management Regulations, the proposed amendment includes additional findings to be made for any special use permit and clarifies existing findings. While the proposed findings may not be the most rigorous, the proposed amendment is simply a reformatting of the existing provisions that were already certified. All of these specific changes and the other miscellaneous revisions can be found in conformance with the certified land use plans as

they represent the adoption of clarifying provisions to the certified municipal code, as opposed to material revisions or changes to development standards, which were already found acceptable.

The one set of provisions that raise possible concerns with the certified land use plans and could potentially result in adverse impacts to coastal access opportunities relates to the proposed revisions for “Outdoor Dining (Incidental)” uses. The certified Mello II Segment LUP contains a number of policies that identify the need for additional shoreline access points; these are contained with Policy Group 7. Policies 7-1 through 7-11 identify specific areas where additional accessways, access points and/or trails are warranted to accommodate and enhance public access opportunities. All of these nearshore and shoreline areas also represent areas of the City where high-priority, visitor commercial uses, such as restaurants and other eating establishments, are encouraged but can also result in possible coastal access conflicts if adequate off-street parking is not provided for these high parking demand uses. Policy 7-10 of the certified Mello II Segment LUP states the following:

POLICY 7-10 PARKING

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

The City’s presently certified zoning ordinance allows incidental outdoor dining areas in its commercial zones and specifies, among other things, that such areas must comply with state mandated disabled access requirements; operate during the same hours of operation as the principal eating establishment; must be located on private property; maintain adequate pedestrian circulation and they cannot exceed 400 sf. area. Historically, for the areas of the City west of the railroad right-of-way, the certified zoning ordinance contained provisions that disallowed the parking exemption for incidental outdoor dining areas because of the concern for restaurant parking demands to usurp and occupy on-street spaces or other public parking facilities and thus deter general coastal access. This was particularly critical if the existing restaurant did not provide adequate off-street parking to meet its demand already. The proposed amendment would delete this restriction and allow limited outdoor dining areas throughout the coastal zone. As proposed, as long as the incidental outdoor dining area did not exceed 400 sf. maximum area and complied with the other code provisions, no parking would be required for the additional square footage. While the Commission was historically concerned about such outdoor dining areas, particularly in Southern California where the weather is more accommodating and visitor demand is high, the City’s parking regulations are very conservative and the Commission is now attempting to promote non-automobile circulation and other transit alternatives. The certified zoning ordinance requires one space per 100 sf. area for restaurants less than 4,000 sf. area and then requires 40 spaces plus one space per 50 sf. area for restaurants larger than 4,000 sf. area. Therefore, the Commission now finds that the proposed parking exemption for such modest outdoor dining areas is acceptable, can be found in conformance with the certified land use plans and will not significantly deter coastal access opportunities.

**PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In its action, the City found that the proposed amendments are exempt from environmental review pursuant to CEQA Section 15061(b)(3), which exempts projects “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The proposed amendments herein are primarily procedural in nature, are not substantial and the Commission finds there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

RESOLUTION NO. 2010-200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A LOCAL COASTAL PROGRAM AMENDMENT TO MAKE VARIOUS MINOR AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE.

CASE NAME: MISCELLANEOUS ZONE CODE
AMENDMENTS

CASE NO.: LCPA 07-03

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did on June 2, 2010, hold a duly noticed public hearing as prescribed by law to consider the Zone Code Amendment (ZCA 07-02), as referenced in Planning Commission Resolution No. 6696, and Local Coastal Program Amendment (LCPA 07-03), as referenced in Planning Commission Resolution No. 6697; and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 6696 and 6697 recommending to the City Council that ZCA 07-02 and LCPA 07-03 be approved; and

WHEREAS, the City Council of the City of Carlsbad, on the 27th day of July 2010, held a duly noticed public hearing to consider the Zone Code Amendment and Local Coastal Program Amendment; and

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

NOW, THEREFORE, the City Council of the City of Carlsbad, California does hereby resolve as follows:

1. That the above recitations are true and correct.
2. That the findings of the Planning Commission in Planning Commission Resolutions No. 6696 and 6697 constitute the findings of the City Council in this matter.
3. That the amendment to the Local Coastal Program (LCPA 07-03), is approved as shown in Planning Commission Resolution No. 6697, on file with the City Clerk and incorporated herein by reference.

City of Carlsbad
LCPA # 2-10B
Zoning Clean-up

1 4. That the approval of LCPA 07-03 shall not become effective until it is
2 approved by the California Coastal Commission and the California Coastal Commission's
3 approval becomes effective.

4 "NOTICE TO APPLICANT"

5 The time within which judicial review of this decision must be sought is governed
6 by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of
7 Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review
8 must be filed in the appropriate court not later than the ninetieth day following the date on which
9 this decision becomes final; however, if within ten days after the decision becomes final a
10 request for the record is filed with a deposit in an amount sufficient to cover the estimated cost
11 or preparation of such record, the time within which such petition may be filed in court is
12 extended to not later than the thirtieth day following the date on which the record is either
13 personally delivered or mailed to the party, or his attorney of record, if he has one. A written
14 request for the preparation of the record of the proceedings shall be filed with the City Clerk,
15 City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA. 92008."

16 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
17 Carlsbad on the 27th day of July 2010, by the following vote, to wit:

18 AYES: Council Members Lewis, Kulchin, Hall, Packard & Blackburn.

19 NOES: None.

20 ABSENT: None.

21 *Signature on file*
22 _____
23 CLAUDE A. LEWIS, Mayor

24 ATTEST:
25 *Signature on file*
26 _____
27 LORRAINE M. WOOD, City Clerk

28 (SEAL)



ZONE CODE AMENDMENT (ZCA 07-02/LCPA 07-03) ANALYSIS

Table A

Summary of Amendments to the text of the Zoning Ordinance

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
1.	Modify the existing definition of a "Family" for consistency with State law.	Through the review of the new Housing Element, the State commented that possible interpretations of the existing definition could be considered discriminatory due to the use of the following terms: "reasonable number of persons" and "bona fide housekeeping unit". This amendment will bring the City's definition of "Family" into conformance with State law and also will implement Housing Element Program 3.11.	21.04.145	Definitions
2.	Amend the definition of Incidental Outdoor Dining: <ul style="list-style-type: none"> a. Delete Sec. 21.04.188.1 and add new Sec. 21.04.290.1 to rename "Incidental Outdoor Dining Areas" to "Outdoor Dining (Incidental)". b. Remove development standards and location criteria from the definition for incidental outdoor eating areas. 	<ul style="list-style-type: none"> a. This use is referred to as "Outdoor Dining (Incidental)" elsewhere in the code and this amendment will ensure the definition is consistent with that terminology. b. The development standards and location criteria listed in the definition are redundant with Sec. 21.26.013 (regulations for Outdoor Dining (Incidental)). Standards and other development criteria generally should not be located in the Definitions Chapter of the Zoning Code. This amendment will clarify the definition and make it easier to read. 	21.04.188.1 21.04.290.1 21.26.013	Definitions C-1

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
3.	<p>Modify the provision for "combination zoning" to ensure consistency with the General Plan:</p> <ul style="list-style-type: none"> a. Specify that the intent of combination zoning is to implement the General Plan provision for combination districts (Land Use Element, Section II.C.11). This amendment will clarify that. b. Delete all criteria for combination zoning that is inconsistent with the General Plan criteria for combination districts c. Specify that development of property with combination zoning of more than 25 acres requires a specific plan and less than 25 acres requires a site development plan. 	<ul style="list-style-type: none"> a. The intent of combination zoning is to implement the General Plan provision for combination districts (Land Use Element, Section II.C.11). This amendment will clarify that. b. The existing criteria required to establish combination zoning does not clearly reflect the intent of the combination district in the General Plan, which is to apply to property that is in the early planning phase and subsequent planning will be necessary to define the boundaries of the appropriate land use designations. This amendment will ensure the use of combination zoning is consistent with the General Plan. c. To define the appropriate land uses and boundaries of a site with a "combination district", the General Plan requires a specific plan (for 25 or more acres) or a site development plan (for less than 25 acres). This amendment will ensure consistency with the General Plan. 	21.05.090	Zone Establish- ment Boundaries
4.	Delete any parking standards located in zone chapters, and relocate them to the Parking chapter (if they are not already specified in the Parking chapter) (see Ref. #30).	This ensures parking standards used in the code are centrally located in the Parking chapter.	21.07.120 21.08.100 21.09.190 21.10.120 21.21.140 21.27.050 21.37.100	E-A R-A R-E R-1 H-O O RMHP

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
5.	Add Residential Care Facilities (serving six or fewer persons) to the use tables for all residential zones.	Residential care facilities serving six or fewer persons are defined as a "family" for purposes of zoning regulation relating to residential use (per the definition of "family" [Section 21.04.145] and State law). Residential dwellings (i.e. one-family, two-family, and multiple-family) are defined as buildings for the occupancy by a family or families. Therefore, residential care facilities serving six or fewer persons (i.e. a "family") must be permitted in any zone where residential dwellings are permitted. Although the use is not currently listed in the use tables, the city interprets that such facilities are permitted in any zone where residential dwellings are permitted because such facilities are considered a "family" by definition. This amendment clarifies that the uses is permitted in all residential zones.	21.08.020 21.09.020 21.10.020 21.12.020 21.16.020 21.22.020 21.24.020	R-A R-E R-1 R-2 R-3 R-W RD-M
6.	For second dwelling units, replace the requirement for an "affidavit" with a "notice of restriction".	A notice of restriction strengthens the requirement that second dwelling units be affordable to potential future lower income renters, as the notice of restriction is recorded against the property and will include successors in interest.	21.10.030	R-1
7.	Clarify that the rental rate for second dwelling units cannot exceed the "allowable housing expense" of a low income household as defined in Chap. 21.85.	This amendment proposes to clarify existing language, which currently implies rent cannot exceed the whole income of a low income household. In practice, the rent should not exceed the "allowable housing expense" (i.e. the <u>portion</u> of an income to be devoted to rent), as defined in Chap. 21.85.	21.10.030	R-1
8.	Specify that second units which are built to satisfy inclusionary requirements are subject to Chap. 21.85 and its specific income restrictions.	This is the current practice of the city, and this amendment proposes to more clearly outline this requirement and link the standards in Section 21.10.030 with Chap. 21.85.	21.10.030	R-1
9.	Delete the requirement that applicant show evidence that a proposed second dwelling unit is consistent with any applicable CC&Rs.	The City is not responsible for the implementation or interpretation of CC&Rs.	21.10.030	R-1

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
10.	Delete the requirement that restricts second dwelling units to lots which meet the minimum lot size required in the zone (See existing Sub-section 21.10.030.E.14).	This requirement prevents a substandard lot from developing with a single family residence and a second dwelling unit. This requirement should be deleted because it conflicts with the recently updated Nonconforming Ordinance, which states a substandard lot can develop consistent with the General Plan and Zoning. Therefore, as long as the second dwelling unit can meet all the development standards of the zone, it would be allowed to develop on a substandard lot according to the new Nonconforming Ordinance.	21.10.030	R-1
11.	Relocate the requirements (a), (b) and (c) currently listed under Sub-section 21.10.030.D.7 (part of application requirements for a second dwelling unit) to Sub-section 21.10.030.E.(requirements for second dwelling units)	The requirements in 21.10.030.D.7 (a), (b), and (c) are standards that second units must comply with rather than items to include with an application to build a second unit. The amendment proposes to locate these requirements in new Sub-section 21.10.030.E.15 to improve the usability of this code section.	21.10.030	R-1
12.	In the R-3 zone, delete the reference to the zoning map for the minimum lot size.	For some R-3 zoned sites, the zoning map (in years past) specified a different minimum lot area than what the code specifies (7,500 square feet); for example, "R-3-10,000" indicated a 10,000 square foot minimum lot size. However, the zoning map no longer specifies the minimum lot size for R-3 zoned sites. This amendment will ensure consistency between the code and the zoning map.	21.16.070	R-3
13.	In the R-3 zone, delete the minimum lot width of fifty feet for lots 6,000 square feet or less.	Lots less than 7,500 square feet are no longer permitted in the R-3 zone; unless created and developed pursuant to a Planned Development Permit, in which case the Planned Development lot width standards will apply.	21.16.080	R-3

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
14.	In the RD-M zone, replace the requirement for a specific plan with the requirement for a "site plan" for approval of a zero foot side yard setback; and required the recordation of an easement or other agreement to provide access on the adjoining lot for maintenance.	<p>The RD-M zone (and the requirement for a "specific plan" to approve a zero foot side yard setback) was created in 1970; at which time, the term "specific plan" was used in the code generally to mean "site plan" (a plan showing the location of property lines, buildings, etc.). Today, a "specific plan" is subject to State law and is a plan that establishes development regulations applicable to a specific area in the city. The requirement of a "site plan" is more appropriate to approve setbacks on a particular lot, and is more consistent with the original intent.</p> <p>To allow for maintenance on the zero-foot side of the house, the proposed easement requirement will ensure access is granted on the adjoining lot.</p>	21.24.050	RD-M
15.	In the C-F zone use table, delete "Biological habitat preserve..." as a conditionally permitted use.	Biological habitat preserves were added, among other zones, to the C-F zone as a conditionally permitted use in the 2004 amendment to the Conditional Use Permits Chapter. However, it was never intended to be allowed in the C-F zone. The use is inconsistent with intent and purpose of the C-F zone, which is to allow uses that satisfy social, religious or human service needs. Furthermore, deleting it from the use table would not preclude its occurrence, as any project which would develop in the zone must comply with the Habitat Management Plan and other regulations which require preservation of sensitive habitat.	21.25.040	C-F
16.	In the C-F zone use table, change Child day care "facility" to Child day care "center" and add references to the Child Care and Definitions chapters.	This amendment ensures that the terminology used in the C-F zone, related to child care centers, is consistent with the terminology used throughout the code. In addition, the reference to the Child Care chapter will ensure that child care centers in the C-F zone are developed consistent with the development standards required for such facilities.	21.25.040	C-F

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
17.	Modify the use table in the C-F zone to clarify that "office area" is permitted as an accessory use.	In the C-F Zone, the use table indicates that "office area" is "permitted" (by the "X" marked in the "p" column), and references a footnote that says office area must be ancillary to the main use. To clarify that office area is only permitted as an ancillary use, this amendment will modify the use table by moving the "X" in the "office area" row from the "p" (permitted) column to "Acc" (permitted as accessory use) column.	21.25.040	C-F
18.	In the C-F zone, for child day care centers, replace the requirement for a Site Development Plan (SDP) with an administrative permit, pursuant to Chap. 21.83 (Child Care regulations).	<p>In all zones (except the C-F zone and industrial zones), child day care centers are subject an administrative permit pursuant to Chapter 21.83 (Child Care regulations). The C-F Zone is the only zone that requires a SDP, which is subject to Planning Commission approval (a conditional use permit is required for child day care centers in the industrial zones, due to potential health and safety issues).</p> <p>However, child day care centers are community serving uses and well suited to the C-F Zone, and should not be subject to any more restrictive process than required in other zones (except industrial zones). This amendment will ensure a more consistent permitting process for child day care centers.</p>	21.25.040	C-F
19.	In the C-F, C-1, and C-2 zones, delete repetitive table footnotes.	<p>The following use table footnotes are redundant because they are also specified in the "Limitations on permitted uses" sections of their respective chapters:</p> <ul style="list-style-type: none"> - Note 3 in 21.25.040 (C-F zone) - Former Note 1 and Notes 2 and 3 in 21.26.010 (C-1 zone) - Former Note 1 and Notes 2 and 3 in 21.28.010 (C-2 zone) 	21.25.040 21.26.010 21.28.010	C-F C-1 C-2

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
20.	Add "outdoor dining (incidental)" to the Permitted Uses tables of all zones where the use is currently permitted, and delete the separate code sections which states the use is permitted in these zones.	The "Permitted Uses" tables are intended to indicate all of the uses allowed in each zone. However, currently, incidental outdoor dining is specified as a permitted use in a separate section (apart from the use table of each zone). This amendment will improve consistency and clarity in regard to what uses are permitted in each zone.	21.26.010 21.27.020 21.28.010 21.30.010 21.32.010 21.34.020	C-1 O C-2 C-M M P-M
21.	In all zones, add a footnote to each use table that indicates any use that is defined as an "entertainment establishment" (per Municipal Code Chapter 8.09) shall be subject to the requirements of CMC 8.09 (Entertainment Ordinance).	The new footnote ensures that the Zoning Ordinance is consistent with the City's Entertainment Ordinance (CMC Chapter 8.09).	21.07.020 21.08.020 21.09.020 21.10.020 21.12.020 21.16.020 21.18.020 21.20.010 21.22.020 21.24.020 21.25.040 21.26.010 21.27.020 21.28.010 21.30.010 21.31.030 21.32.010 21.33.020 21.34.020 21.36.020 21.37.020	E-A R-A R-E R-1 R-2 R-3 R-P R-T R-W RD-M C-F C-1 O C-2 C-M C-L M O-S P-M P-U RMHP

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
22.	<p>In the C-1 zone, modify the administrative permit requirements for incidental outdoor dining:</p> <ul style="list-style-type: none"> a. Delete references to zones which allow Outdoor Dining (Incidental). b. Delete the statement that indicates incidental outdoor dining is not permitted in the coastal zone west of the railroad if the restaurant does not provide the required parking for their existing indoor seating areas. c. Add development standards for incidental outdoor dining areas to Sec. 21.26.013, which were deleted from the definition for Outdoor Dining (Incidental). See Ref. #3. 	<ul style="list-style-type: none"> a. As described above (Ref. #19), Outdoor Dining (Incidental) is proposed to be added to the use tables for each zone where it is allowed. The current language in 21.26.013 is repetitive and should be deleted. b. This sentence is redundant with the recently updated Nonconforming Ordinance and should be deleted. Any existing use or structure that currently does not provide adequate parking per Chap. 21.44, the Nonconforming Ordinance prohibits any expansion that would increase the nonconformity (i.e., in this case, add additional parking demand to an under-parked restaurant). The nonconforming regulations apply citywide; and therefore, it is not necessary to specify the same restriction to only a portion of the city. c. Standards and other development criteria generally should not be located in the Definitions Chapter of the Zoning Code. This amendment will relocate the standards from the definition of incidental outdoor dining to the appropriate section in the C-1 zone chapter that specifies regulations for the use. 	21.26.013	C-1
23.	In the Office zone, add "Child Day Care Centers" to the use table and delete the separate code section that provides for the use in this zone.	The "Permitted Uses" tables are intended to indicate all of the uses allowed in each zone. However, currently in the Office zone, child day care centers are specified as a permitted use in a separate section (apart from the use table). This amendment will improve consistency and clarity in regard to what uses are permitted in the zone.	21.27.020	O

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
24.	Delete the sign requirements specified in the Office zone and replace them with a reference to the sign requirements specified in the Sign Chapter (21.41).	The sign requirements specified in the Office zone are repetitive with Chap. 21.41 (Signs). This amendment proposes to replace the repetitive portions with a reference to Chap. 21.41.	21.27.050	O
25.	In the C-L zone, amend the use table footnotes to no longer reference "schools".	Existing use table footnote #2 states that "educational facilities, other" and "schools" shall not occupy more than 10,000 square feet in a shopping center. "Schools" are not permitted in the C-L zone. Deleting "schools" from the footnote provides better consistency.	21.31.030	C-L
26.	In the C-L zone, clarify use table footnote #4 (proposed to be renumbered as #5).	The existing language is unclear and the amendment proposes to clarify the footnote.	21.31.030	C-L
27.	In the M zone, integrate footnote 1 into the use table to clarify that any use permitted in the C-M zone is permitted in the M zone.	The Permitted Uses table for the M zone currently has a footnote (1) that specifies any use permitted in the C-M zone is permitted in the M zone, with the exception of child day care. As a footnote, the information is less apparent than if it was stated within the use table. This amendment will relocate the information to improve clarity.	21.32.010	M
28.	In the P-U zone, separate the various uses listed under "agriculture" into individual rows in the use table.	The amendment will increase the clarity of the use table.	21.36.020	P-U
29.	In the P-U zone, delete the section in the use table that allows the Planning Commission or City Council to determine if a use not specified is similar to a use listed in the use table. Also delete the associated table footnote.	The section to be deleted conflicts with P-U Zone Section 21.36.020.C, which currently allows the Planning Director to determine if a use not specified is similar to a permitted use listed in the use table, and thereby would be allowed in the zone (which is the case in all other zones, as well).	21.36.020	P-U

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
30.	Delete redundant provisions of the P-C zone.	In the "general provisions" section of the P-C zone (21.38.030), subsection (b) requires all land in a proposed planned community to be under unified control (written agreement by all owners). This is redundant with 21.38.050, which requires all property owners to sign an application for approval of a master plan (the signed application constitutes the written agreement (unified control) of all owners). Subsection 21.38.030(c) states that if the land is transferred, the new owner must comply with the approved master plan. This is redundant with the City's current practice of recording a notice of restriction against the property for all permits approved. The notice of restriction binds all successors in interest to the requirements of the master plan.	21.38.030	P-C
31.	Add parking standards that were deleted from the zone chapters (see Ref. #4) to the Parking Chapter (21.44) if they are not already listed there.	Ensures parking standards used in the code are centrally located in the Parking chapter.	21.44.020	Parking
32.	Add a parking standard for "Educational facilities, other", and delete "Vocational schools" from the listing under "Schools".	Vocational schools meet the definition of "Educational facilities, other", which are educational facilities that are not subject to the California Education Code (i.e. "schools"). The proposed parking standard for "educational facilities, other" is 1 space/200 sf., which is consistent with the parking standard in the Village Master Plan and Design Manual.	21.44.020	Parking
33.	Change the term "village redevelopment" to "village review" in reference to the parking required for "Financial Institutions and Professional Offices" in the Village Review zone.	This amendment changes terminology related to the expiration of the Village Redevelopment Plan. The title of the zoning district applicable to Village area of town has been changed from Village Redevelopment Zone to Village Review Zone.	21.44.020 21.83.040	Parking Child Care

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
34.	Add a parking standard for "Personal and Professional Services" and associated table footnote 3.	The code currently does not contain a parking standard for general commercial type uses. Staff proposes to use the "general commercial" parking standard from Village Master Plan and Design Manual, but suggests using the name "Personal and Professional Services", which is more descriptive of the use.	21.44.020	Parking
35.	For uses which do not have a parking requirement specified in 21.44, this amendment will specify that the Planning Director may determine the parking requirements for such use, based on the most comparable use or a parking study.	Currently, the Planning Commission has the authority to determine which parking requirement to apply to uses that the code does not specify a parking requirement for. This amendment proposes to transfer that authority to the Planning Director, and add a requirement that a parking study be submitted as a means of determining the appropriate parking standard. This is similar to the Planning Director's existing authority to determine whether or not a use, which is not specified as a permitted use, may be permitted because it is similar to a use permitted in the zone.	21.44.030	Parking
36.	Specify that the Planning Director may waive or modify parking standards: a. For electrical power uses and utility uses with a minimal number of employees; and b. When evidence, such as a parking study, demonstrates that adequate parking will be provided and the modification will not adversely affect the neighborhood or the site design and circulation.	Currently, the Planning Commission has the authority to modify parking standards for electrical power and utility uses. This amendment will transfer the authority to the Planning Director, and will add a new provision for the Planning Director to modify standards for other uses if a parking study or other evidence demonstrates the modification will not result in an adverse impact. The requirement for a parking study or other evidence ensures that the Planning Director will have sufficient information to make a determination; and the ability to modify parking standards provides flexibility in site design, which is especially beneficial to infill and other constrained sites that have limited area to develop.	21.44.040	Parking

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
37.	In the "Yards" chapter, delete the last sentence of Section 21.46.130, which requires the Planning Commission to approve a fence or wall in excess of six feet in height in an "R" zone for "special uses" or under "special circumstances".	This section should be deleted because it conflicts with section 21.52.020, which gives the Planning Director authority to approve an administrative variance process, which includes findings that will provide for "special circumstances".	21.46.130	Yards
38.	In Section 21.47.020 (Nonresidential Planned Development Permit), change the reference to state Civil Code "Section 1350" to "Section 1351".	The amendment will fix a typographical error that contains an incorrect Civil Code citation.	21.47.020	Nonres. Planned Dev.
39.	Delete the requirement for the Planning Director to provide a monthly report to the City Council on all nonresidential planned development permits issued by the planning director.	This is not the practice of the City and the requirement should be deleted.	21.47.110	Nonres. Planned Dev.
40.	Clarify that the Planning Commission is not required to hold a "noticed" public hearing for minor amendments to nonresidential planned development projects.	Section 21.47.130(a)(2) currently indicates that a "public hearing" is not required for the Planning Commission to approve a minor amendment to a nonresidential planned development project. However, for the Commission to consider and act on a minor amendment they must do so at a Planning Commission meeting (a public hearing); the distinction is that they do not need to hold a "noticed" public hearing for the amendment. The amendment will clarify this by indicating a "noticed" public hearing is not required.	21.47.130	Nonres. Planned Dev.
41.	In the requirements for amendments to nonresidential planned developments, change the reference to "densities" of the project to "intensity" of the project.	The term "density" typically applies to residential development. For nonresidential development the term "intensity" is more commonly used when referring to the project.	21.47.130	Nonres. Planned Dev.

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
42.	Delete redundant Section 21.47.170, which prevents an applicant from reapplying for a nonresidential planned development permit within one year of having an application for a similar nonresidential planned development permit denied for the same property.	This section is redundant with Section 21.54.130, which prevents reapplying for any type of permit within one year after having a similar permit denied.	21.47.170	Nonres. Planned Dev.
43.	In Section 21.50.010 (Variances - Granting authority), delete the language that indicates the Planning Commission can grant a variance "as an administrative act".	Section 21.50.010 indicates the Planning Commission has the authority to approve variances, "as an administrative act." However, Chapter 21.54 requires the Planning Commission to hold a public hearing and make findings prior to granting a variance, which constitutes a discretionary act. The words, "as an administrative act" should be deleted.	21.50.010	Variances
44.	Reformat Chapter 21.52 (requirements for processing amendments to the Zoning Ordinance, General Plan, and LCP).	This amendment proposes to change the structure and wording in order to make the format of the chapter consistent with others in the code, as well as make it easier to read and implement. No changes are proposed for the code except for those listed below (See Ref #s 44 - 46).	21.52	Amendments
45.	Clarify that the City Council has the final authority to approve or deny amendments to the General Plan, Zoning Ordinance, and LCP.	Section 21.52.050 currently indicates that the Planning Commission shall recommend adoption of an amendment to the City Council, or shall deny the application. California Government Code Section 65354, which mandates that the Planning Commission can only make recommendations for final action to the City Council (for approval or denial) for general plan and zoning amendments. This amendment will ensure consistency with state law.	21.52.050	Amendments

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
46.	<p>Revise the provisions for amendments that are referred back from the City Council to Planning Commission, as follows:</p> <ul style="list-style-type: none"> a. Clarify that the referral provisions apply to all legislative actions b. Indicate that a referral back from City Council to Planning Commission should occur when there is a "substantial" modification that was not considered by the Planning Commission. c. Change the timeframe for Planning Commission reports on referrals from 40 days to 45 days "or within the time set by the city council". 	<ul style="list-style-type: none"> a. The amendment clarifies that referral provisions apply to all legislative actions (General Plan amendments, Local Coastal Program amendments and Zoning amendments) and proposes that they follow the same procedure. b. Section 21.52.050 currently states that after the Planning Commission has made its recommendation on an amendment to the City Council, any "modification" the Council decides to make to the amendment must be referred back to the Planning Commission for consideration. Government Code Section 65356 states that if the Council proposes a "substantial modification" to a General Plan amendment, then the amendment shall be referred back to the Planning Commission. This amendment will add the term "substantial" in reference to modifications to amendments that are referred back to the Planning Commission, consistent with Government Code Section 65356. c. If the amendment referral requires a public hearing by the Planning Commission, the current 40 day timeframe may not be long enough to accomplish this and should be amended to allow additional time for the Planning Commission's consideration. The Government Code indicates the Planning Commission must report back to the City Council within 40 days (Zoning amendments) or 45 days (General Plan amendments), or a longer timeframe specified by the City Council. The proposed amendment is consistent with the Government Code. 	21.52.050	Amendments

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
47.	Delete Section 21.52.140 (Review of zone changes).	This section requires the Planning Commission to review zone changes one year after they have been granted, and if the new zone has not been "utilized" then the Planning Commission can consider whether the zone should revert back to the original zone or change to a different zone. This is not consistent with the process of designating zones or processing amendments to zones. Zoning is intended to implement the General Plan; a zone cannot be changed without ensuring consistency with the General Plan. The land use and zoning designations applied to a property should be based on what is most appropriate for that area, not on whether or not the zone has been "utilized". The Planning Commission currently does not review zone changes annually, and deleting this section will ensure consistency with the current practice of processing zone changes.	21.52.140	Amendments
48.	Delete the section which specifies that the Planning Commission may approve temporary real estate signs for new subdivisions.	This section should be deleted because it conflicts with an existing provision in the Sign ordinance (21.41.095—Table C), which allows for signage on "real property which is for rent, sale, or lease—all zones," through the issuance of a typical sign permit.	21.53.100	Uses Generally

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
49.	Amend Section 21.53.150 to clarify that the Planning Director shall "modify or waive" standards applicable to satellite television antennas.	Federal law preempts local land use law for satellite antennas (i.e. local laws shall not be imposed on satellite antennas if those laws would prevent the installation of an antenna or impose unreasonable costs). Section 21.53.150 (Satellite television antenna – Variance to standards) complies with Federal law by requiring the Planning Director to grant a variance to the satellite antenna standards if they prevent the installation or impose unreasonable costs. The "variance" in this section is intended to mean a waiver or modification of standards; however, the term "variance" is typically interpreted as meaning the formal Variance process required by Chapter 21.50, which is not the appropriate process to modify standards in this case (because the City is preempted by Federal law). Therefore, this amendment will replace the term "variance" with "modify or waive".	21.53.150	Uses Generally
50.	In the Procedures, Hearings, Notices and Fees chapter, change the term "secretary of the planning commission" to "planning director".	The planning director is the secretary of the planning commission, and the amendment proposes to clarify this outdated language.	21.54.064 21.54.140	Procedures Hearings Notices & Fees

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
51.	<p>Clarify the provisions for appealing Planning Director and Planning Commission decisions:</p> <p>a. Specify that the grounds for appeals are limited to an abuse of discretion by the decision maker, or that there wasn't a fair and impartial hearing (Planning Commission).</p> <p>b. Specify that the appeal hearing is de novo but at the appeal hearing, the decision maker can only consider the evidence considered in the original decision being appealed.</p>	<p>a. This amendment places the burden of proof on the appellant to demonstrate that there was an abuse of discretion by the decision maker, which gives greater deference to the original decision as the basis for an appeal.</p> <p>b. The proposed language will clarify that appeal hearings are de novo (i.e. the higher body may overturn the decision of a lower body), and will clarify what information can be considered in the decision on an appeal (only the information considered by the original decision maker) - no new information can be introduced in an appeal hearing.</p>	<p>21.54.140 21.54.150</p>	<p>Procedures Hearings Notices & Fees</p>
52.	In Chapter 21.55 (Dedication of Land and Fees for School Facilities), correct/clarify references to the California Government Code.	Section 21.55.020 indicates that the chapter is adopted pursuant to Section 65970 of the California Government Code; Section 65970 is incorrect; the correct citation is Section 66478.	21.55.020	Dedication of land for School Facilities
53.	In Chapter 21.58, establish/clarify the process to remedy violations of conditions of approval, and to revoke permits.	<p>The proposed new code section (21.58.010) will establish a requirement for the City to issue a Notice of Violation when a property owner or permittee has not complied with the conditions of approval of their permit, which will assist the City in remedying violations of conditions of approval.</p> <p>In addition, the existing provisions for revoking permits are proposed to be clarified.</p>	<p>21.58.010 21.58.020</p>	Revocation -Expiration

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
54.	In Chapter 21.62 (Violations), add a section that indicates the city right to enforce any remedy for violations in accordance with Chapters 1.08 and 1.10 of the Carlsbad Municipal Code, including but not limited to recording a notice of violation.	This new section indicates the City's right to remedy violations.	21.62.020	Violations
55.	Clarify the provisions of Section 21.83.040 (Child Care Use Chart), and add the C-F zone to the list of zones in the use chart which allow child daycare centers.	The C-F zone (Chapter 21.25) lists child daycare centers as a permitted use; however the C-F zone was inadvertently omitted from the use chart in the Child Care chapter (21.83) and should be added. In addition, minor amendments to the wording of this section are proposed to provide better clarity.	21.83.040	Child Care
56.	In the Child Care Use Chart (footnote #1), delete the minimum lot size specified for large family day care homes.	State law specifies that large family day care homes are permitted in any single family dwelling. To be consistent with State law, the City must allow such uses in any single family dwelling, regardless of lot size. The Child Care regulations currently require that large family day care be conducted within single family dwellings located on lots of 7,500 sf. or more; this minimum lot size requirement should be deleted for consistency with State law.	21.83.040	Child Care
57.	In the Senior Housing regulations, clarify that the site development plan findings (in Chapter 21.06) do not apply to senior housing projects.	Section 21.84.080 (application process for senior housing projects) requires a site development plan processed pursuant to Chapter 21.06 (Q-Overlay zone, which specifies the process for approving a SDP); however, 21.84.080 states that the findings of 21.06 (specifically findings: 1, 2, 3, and 4) are not applicable to senior housing projects. After the senior housing ordinance was adopted, a fifth finding was added to Chapter 21.06 for site development plans, which applies to the development of shopping centers. To clarify that this fifth finding is not applicable to senior housing, Section 21.84.080 is proposed to be amended to clarify all findings in 21.06 are not applicable to senior housing.	21.84.080	Housing for Senior Citizens

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
58.	In the occupancy requirements for senior housing, correct a typo to clarify that "more" than, but not less than 80%, of all dwellings must be occupied by a qualifying resident.	This amendment corrects a typographical error; the current text reads "...may result in less than, but not less than 80%..." the correct language should read "...may result in more than, but not less than 80%..."	21.84.100	Housing for Senior Citizens
59.	In the Density Bonus chapter (21.86), change the title of Section 21.86.150 from "Seperability of provisions" to "Severability"	"Severability" is a more appropriate term for this section, and is consistent with other chapters of the code.	21.86.150	Density Bonus
60.	In the Hillside Development regulations (Chapter 21.95), clarify that if a project is exempt from the Hillside Development Permit requirements, but does not comply with the standards in 21.95, then a Hillside Development Permit is required in order to obtain an exclusion or modification to the standards.	The purpose of this amendment is to clearly state when a Hillside Development Permit is required. The existing language is unclear regarding projects that normally would be exempt but are required to obtain a permit because they do not comply with the standards in 21.95.	21.95.040	Hillside Dev.
61.	In the requirements for recycling collection and processing facilities, change the reference to the conditional use permit requirements from Chapter "21.50" to "21.42".	This amendment corrects a typographical error.	21.105.030 21.105.040	Recycling Facilities
62.	In the Floodplain Management Regulations, add findings to be made when approving a floodplain special use permit. Relocate the "Findings of fact" statements made for the establishment of the floodplain regulations into the "Statement of purpose" section of the chapter.	This amendment proposes to clarify existing findings, and add other standard findings made by the Planning Commission when approving a floodplain special use permit. The other proposed changes are to clarify related code sections.	21.110.020 21.110.030 21.110.135	Floodplain Mngt.
63.	Specify that the Planning Commission is the floodplain administrator, and that they may approve floodplain special use permits upon the advice of the city engineer.	The "floodplain administrator" role is not clearly defined in the existing code. The Planning Commission is the floodplain administrator per City Council Agenda Bill 9670, and the language proposed intends to clarify who is the "floodplain administrator", and what their authority is.	21.110.130 21.110.140 21.110.150	Floodplain Mngt.

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
64.	In the requirements for minor coastal permits for second dwelling units (Section 21.201.085), clarify the reference to the second dwelling unit standards located in Chapter 21.10.	This amendment corrects a typographical error to reference the correct code section for second dwelling unit standards (21.10.030), and clarifies that second dwelling units constructed in the Coastal Zone must also be in conformance with the development standards in 21.10.030.	21.201.085	Coastal Dev. Permit Procedures
65.	Delete the timeframes required for submittal and approval of extensions to coastal development permits.	Currently, the code requires an application for an extension to coastal development permit to be submitted not more than 90 days or less than 45 days prior to CDP expiration; the code also requires that a final decision on the application be made no more than 45 days after the expiration. State law does not require these timeframes, and they conflict with other permit extension timeframes. Typically, all permits associated with a single project are extended at the same time. This amendment modifies the timeframes to require an extension application be submitted "prior" to the expiration of the permit, and if the extension application was "timely filed", an extension can be granted by the city after the expiration date; this process is consistent with the extension process of other permits.	21.201.210	Coastal Dev. Permit Procedures
66.	In the Coastal Shoreline Development Overlay Zone, specify that the applicant is responsible for submitting documents to the Coastal Commission for dedication of public accessways.	According to the Coastal Commission Public Access Action Plan, it is the responsibility of the applicant to submit the documents in question to the Coastal Commission.	21.204.080	Coastal Shoreline Dev. Overlay
67.	In the Coastal Shoreline Development Overlay Zone, add language requiring the applicant to indemnify and hold the City harmless from any liability.	Applicants cannot waive claims of liability. It is the City's practice to require applicants to indemnify and hold the City harmless from liability.	21.204.120	Coastal Shoreline Dev. Overlay

ATTACHMENT 3

Ref. #	Proposed Amendment	Discussion/Analysis	Code Section(s)	Zone/Chapter
68.	Amend the Commercial Visitor Overlay Zone to exclude "outdoor dining (incidental)" from the parking required for restaurants.	<p>By excluding incidental outdoor dining (400 square feet maximum) from the parking required for restaurants, restaurants will be encouraged to provide outdoor dining, which is a desirable amenity in coastal southern California.</p> <p>Currently, in all areas of the city, with the exception of the Commercial Visitor Serving Overlay Zone (CVSOZ), outdoor dining areas that do not exceed 400 square feet (incidental) are exempt from the parking required for restaurants. Within the CVSOZ, restaurants are subject to a higher parking requirement than restaurants outside of the CVSOZ; therefore, additional parking is already required, and staff recommends that even more parking for incidental outdoor dining (compared to that required for restaurants outside the CVSOZ) is not necessary. The small space permitted for incidental outdoor dining does not add any significant demand for parking, and the benefit of providing outdoor dining should be encouraged.</p>	<p>21.208.020 21.208.060 21.208.100</p>	Comm./ Visitor Serving Overlay
69.	In Section 21.208.050 (uses permitted by a conditional use permit in the CVSOZ), replace the reference to the conditional use permit requirements in Chap. 21.50 with reference to Chap. 21.42.	This amendment corrects a typographical error.	21.208.050	Comm./ Visitor Serving Overlay

**ZCA 07-02/LCPA 07-03
MISCELLANEOUS ZONE CODE AMENDMENT**

STRIKE-OUT/UNDERLINE

AMENDMENTS TO CHAPTER 21.04

List of Sections in Chapter 21.04

The list of sections in Chapter 21.04 (Definitions) is proposed to be amended by the deletion of the reference to 21.04.188.1, and the addition of a reference to Section 21.04.290.1, as follows:

~~21.04.188.1 Incidental outdoor dining areas.~~

21.04.290.1 Outdoor Dining (Incidental)

21.04.145

Section 21.04.145 (Definitions, "Family") is proposed to be amended as follows:

21.04.145 Family.

"Family" means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. ~~a reasonable number of persons who constitute a bona fide single housekeeping unit.~~ Residents and operators of a residential care facility serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facilities.

21.04.188.1

Section 21.04.188.1 (Definitions, Incidental outdoor dining areas) is proposed to be deleted (see 21.04.290.1, below, for the replacement definition):

~~21.04.188.1 Incidental outdoor dining areas.~~

~~"Incidental outdoor dining area" means, everywhere except within the redevelopment area local coastal program segment and except within the commercial/visitor serving overlay zone, a small extension of an indoor restaurant, bona fide eating establishment, or deli which extends outdoors beyond the walls of the restaurant and which is used exclusively for eating, drinking and pedestrian circulation therein. Incidental outdoor dining areas shall be utilized only as extensions of restaurants providing indoor seating and which are properly licensed for such service. On properties located west of the railroad right of way and outside of the village redevelopment area, incidental outdoor dining areas shall be allowed only where the existing indoor restaurant, bona fide eating establishment, or deli provides on-site parking in compliance with the parking ratios specified in Chapter 21.44 (Parking) of this code. Incidental outdoor dining areas may be located on private property only (not in the public~~

right of way). The maximum number of seats, tables and square feet allowed in an incidental outdoor dining area shall be limited to:

- (i) ~~A maximum of twenty percent of the number of indoor seats or a maximum of twenty seats, whichever is more restrictive; and,~~
- (ii) ~~A maximum of six tables; and~~
- (iii) ~~A maximum of four hundred square feet in area.~~

~~Incidental outdoor dining areas may be allowed pursuant to Chapter 21.26 of this code. Any amount of outdoor dining area exceeding the above limitations shall not be considered "incidental" for purposes of this definition.~~

21.04.290.1

Section 21.04.290.1 (Definitions, Outdoor Dining (Incidental)) is proposed to be added as follows:

21.04.290.1 Outdoor Dining (Incidental).

"Outdoor dining (incidental)" means a small extension of an indoor restaurant, bona fide eating establishment, or deli which extends outdoors beyond the walls of the restaurant, and does not exceed the limitations established in Chapter 21.26.

AMENDMENTS TO CHAPTER 21.05

21.05.095

Section 21.05.095 (Zone Establishments - Boundaries, Combination Zoning) is proposed to be amended as follows:

21.05.095 Combination zoning.

A. As provided by the Carlsbad General Plan, some areas of the city are suitable for more than one land use classification; and often, multiple land use designations are assigned to areas in the early planning stages when it is unclear what the most appropriate designation may be or where the boundaries of such designations should be located. These areas are referred to in the General Plan as "combination districts". It is the intent of this section to implement the General Plan provisions for "combination districts", as follows:

1. Two or more zones (combination zoning) may be permitted on property with two or more General Plan land use designations (combination district), as a means of implementing the combination district.

~~Prior to approval of any combination zoning, it must be found that all of the following circumstances exist on the property where the combination zoning is to be applied:~~

~~(1) The characteristics of the site demonstrate that the use of a single zone is inadequate to allow proper planning and development in conformance with the general plan;~~

~~(2) The area is partially developed under an existing zone, but desirable uses for the infill of this area are not permitted under the existing zone;~~

~~(3) The characteristics of the area are such that a combination zone would allow a greater ability for land uses to be compatible with and protect surrounding land uses.~~

2. The designation of combination zoning requires additional comprehensive planning.
Prior to the approval of any permits for development of property with combination zoning, **the following must occur:**

a. If the combination zoning applies to property consisting of 25 acres or more, a specific plan; shall be approved pursuant to Section 65450 et seq. of the Government Code. The specific plan, shall establish the regulations and development standards for such property and the uses permitted thereon, consistent with the underlying general plan designations.

b. If the combination zoning applies to property consisting of less than 25 acres, a site development plan shall be approved and shall establish the regulations and development standards for such property and the uses permitted thereon shall be consistent with the underlying zoning designations.

~~It is intended that such combination zoning may apply only to nonresidential zones excluding the R-P zone, and that the uses permitted may be any combination of permitted uses as provided in the specific plan.~~

AMENDMENTS TO CHAPTER 21.07

21.07.020

The legend of Table A of Section 21.07.020 (E-A Exclusive Agricultural Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 7 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

21.07.020

Table A of Section 21.07.020 (E-A Exclusive Agricultural Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.07.120

Section 21.07.120(1) (E-A Exclusive Agricultural Zone, Development standards) is proposed to be amended as follows:

(1) **Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, Each dwelling unit shall ~~be~~ have a two-car garage, which is architecturally integrated with and ~~has~~ have an exterior similar to the dwelling unit. Such garage shall have a minimum dimension of twenty feet square.**

AMENDMENTS TO CHAPTER 21.08

21.08.020

The legend of Table A of Section 21.08.020 (R-A Residential Agricultural Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 7 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

21.08.020

Table A of Section 21.08.020 (R-A Residential Agricultural Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Residential care facilities (serving six or fewer persons)</u> <u>(defined: Section 21.04.300)</u>	<u>X</u>		

21.08.020

Table A of Section 21.08.020 (R-A Residential Agricultural Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.08.100

Section 21.08.100.A.1 (R-A Residential Agricultural Zone, Development standards) is proposed to be amended as follows:

1. **Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, shall be have a two-car garage, with a minimum dimension of twenty feet square which is architecturally integrated with and has have an exterior similar to the dwelling unit, with the following exception:**

a. ~~One additional paved off street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;~~

AMENDMENTS TO CHAPTER 21.09

21.09.020

The legend of Table A of Section 21.09.020 (R-E Rural Residential Estate Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 6 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 6 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

21.09.020

Table A of Section 21.09.020 (R-E Rural Residential Estate Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)	X		

21.09.020

Table A of Section 21.09.020 (R-E Rural Residential Estate Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

6. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.09.190

Section 21.09.190(1) (R-E Rural Residential Estate Zone, Development standards) is proposed to be amended as follows:

(1) **Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, Each dwelling unit shall ~~be~~ have a two-car garage, with a minimum dimension of twenty feet square which is architecturally integrated with and ~~has~~ have an exterior similar to the dwelling unit, with the following exception:**

(A) ~~One additional paved off-street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44. The additional~~

ATTACHMENT 4

~~parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;~~

AMENDMENTS TO CHAPTER 21.10

21.10.020

The legend of Table A of Section 21.10.020 (R-1 One-Family Residential Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 4 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 4 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

21.10.020

Table A of Section 21.10.020 (R-1 One-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Residential care facilities (serving six or fewer persons)</u> <u>(defined: Section 21.04.300)</u>	<u>X</u>		

21.10.020

Table A of Section 21.10.020 (R-1 One-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

4. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.10.030

Section 21.10.030 (R-1 One Family Residential Zone, Second dwelling units) is proposed to be amended as follows:

21.10.030 Second dwelling units.

A. The public good is served when there exists in a city housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for affordable rental housing. Therefore, it is in the public interest for the city to promote a range of housing alternatives in order to meet the affordable rental housing needs of its

citizens. This section is intended to provide a rental housing alternative by establishing a procedure to create new second dwelling units.

B. The provisions of this section shall apply to single-family zones R-A, R-E and R-I, areas designated by a master plan for single-family detached dwellings in P-C zones and lots within multifamily zones R-2, R-3, R-P, R-T, R-W and RD-M, which are developed with single-family residences.

C. Second dwelling units developed within the coastal zone require a minor coastal development permit issued according to the provisions of Section 21.201.085 and a building permit. Second dwelling units outside of the coastal zone require a building permit.

D. The completed minor coastal development permit and/or building permit application for a second dwelling unit shall include the following information:

1. The name(s) of the owner(s);
2. The address of the dwelling units;
3. The assessor's parcel number;
4. Building elevations and a general floor plan of the second dwelling unit;
5. A scaled drawing showing the lot dimensions, the location of the primary and second dwelling unit, location of all vehicular parking and the total square footage of both units;
6. Description and location of water and sanitary (sewer) services; and
7. An owner applicant signed and notarized Notice of Restriction, to be recorded against the property, in conformance with Section 21.10.030.E.15 of this Chapter, affidavit of compliance declaring that:
 - (a) ~~the second dwelling unit is not in conflict with existing conditions, covenants and restrictions (CC&Rs) applicable to the title of the subject property;~~
 - (b) ~~the property owner(s) shall reside in either the main dwelling unit or the second dwelling unit, unless a lessee leases both the main dwelling and the second dwelling unit;~~
 - (c) ~~the property owners agree to rent the second dwelling unit at a monthly rental rate which shall not exceed an income of a low income household, adjusted for household size, at eighty percent of the San Diego County median income.~~

E. Second dwelling units shall comply with the following:

1. The second dwelling unit shall either be attached to the main dwelling unit and located within the habitable area of the main dwelling unit or detached from the main dwelling unit and located on the same lot as the main dwelling unit;
2. The second dwelling unit shall have a separate entrance;
3. The second dwelling unit must meet the setback, lot coverage and other development standards applicable to the zone which are not addressed within this subsection. In the coastal zone, any housing development processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density, or as otherwise specified within this subsection;
4. Attached second dwelling units shall conform to the height limits applicable to the zone and detached second dwelling units shall be limited to one story, except that second dwelling units constructed above detached garages shall be permitted and shall conform to the height limits applicable to the zone;
5. Garage conversions are prohibited unless replacement off-street garage parking is provided concurrently and in compliance with the requirements of Chapter 21.44;
6. Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters, or a residential care facility. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met;
7. One additional paved off-street (covered or uncovered) parking space shall be provided for the second dwelling unit and shall comply with the requirements of Chapter 21.44. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;
8. Adequate water and sewer capacity and facilities for the second dwelling unit must be available or made available;
9. All necessary public facilities and services must be available or made available;
10. The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is

located shall not be subdivided unless each lot which would be created by the subdivision will comply with the requirements of this title and Title 20; and further provided, that all structures existing on each proposed lot will comply with the development standards applicable to each lot;

11. The total area of floor space for an attached or detached second unit shall not exceed six hundred forty square feet;

12. The second dwelling unit shall be architecturally compatible with the main dwelling unit, in terms of appearance, materials and finished quality;

13. A second dwelling unit which conforms to the requirements of this section shall be allowed to exceed the permitted density for the lot upon which it is located and shall be deemed to be a residential use consistent with the density requirements of the general plan and the zoning designation for the lot;

~~14. The size of the lot upon which a second dwelling unit is proposed shall not be less than the minimum lot size required of the zone.~~

14. Second dwelling units intended to satisfy an inclusionary requirement shall comply with the requirements of Chapter 21.85, including but not limited to the applicable rental rates and income limit standards.

15. The owner shall sign and notarize a Notice of Restriction, to be recorded against the property, declaring that:

a. If the second dwelling unit is rented, the monthly rental rate shall not exceed the allowable housing expense of a low-income household (defined: Section 21.85.020).

b. The property owner(s) shall reside in either the main dwelling unit or the second dwelling unit, unless a lessee leases both the main dwelling and the second dwelling unit;

c. The obligations and restrictions imposed on the second dwelling unit per this Chapter are binding on all present and future property owners.

21.10.120

Section 21.10.120.A.1. (R-1 One-Family Residential Zone, Development standards) is proposed to be amended as follows:

1. Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, Each dwelling unit shall ~~be have a two car garage, with a minimum dimension of twenty feet square which is architecturally integrated with and has~~ have an exterior similar to the dwelling unit, with the following exception:

a. ~~One additional paved off street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;~~

AMENDMENTS TO CHAPTER 21.12

21.12.020

The legend of Table A of Section 21.12.020 (R-2 Two-Family Residential Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 7 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

21.12.020

Table A of Section 21.12.020 (R-2 Two-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Residential care facilities (serving six or fewer persons)</u> <u>(defined: Section 21.04.300)</u>	<u>X</u>		

21.12.020

Table A of Section 21.12.020 (R-2 Two-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.16

21.16.020

The legend of Table A of Section 21.16.020 (R-3 Multiple-Family Residential Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 7 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.16.020

Table A of Section 21.16.020 (R-3 Multiple-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)	X		

21.16.020

Table A of Section 21.16.020 (R-3 Multiple-Family Residential Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.16.070

Section 21.16.070 (R-3 Multiple-Family Residential Zone, Minimum lot area) is proposed to be amended as follows:

21.16.070 Minimum lot area.

A. The minimum required area of a lot in the R-3 zone shall be not less than seven thousand five hundred square feet, ~~unless otherwise shown on the zoning map.~~

Section 21.16.080 (R-3 Multiple-Family Residential Zone, Lot width) is proposed to be amended as follows:

21.16.080 Lot width.

A. Every lot created after the effective date of the ordinance codified in this chapter shall maintain a width not less than ~~fifty feet at the rear line of the required front yard; provided, however, if the zoning map indicates a minimum required area of six thousand square feet or more, the minimum width of a lot shall be not less than~~ sixty feet at the rear line of the required front yard.

AMENDMENTS TO CHAPTER 21.18

21.18.020

The legend of Table A of Section 21.18.020 (R-P Residential Professional Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Uses Permitted When the R-P Zone Implements the
"O" (Office) General Plan Land Use Designation

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 3 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 3 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.18.020

Table A of Section 21.18.020 (R-P Residential Professional Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

3. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.20

21.20.010

The legend of Table A of Section 21.20.010 (R-T Residential Tourist Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 2 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 2 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.20.010

Table A of Section 21.20.010 (R-T Residential Tourist Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

2. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.21**21.21.140**

Section 21.21.140 (H-O Hospital Overlay Zone, Parking) is proposed to be amended as follows:

21.21.140 Parking.

Minimum:

A. Parking shall be provided subject to the provisions of Chapter 21.44 of this title.

~~(1) Hospitals: three spaces for each bed or one per two hundred square feet of gross floor area, whichever is greater;~~

~~(2) Medical or dental offices or clinics: one space for each two hundred square feet of gross floor area;~~

~~(3) Other uses: parking shall be required pursuant to Chapter 21.44 of this code;~~

~~(4)B. Additional parking may be required as part of the site development plan. Up to twenty-five percent of the required parking may be provided as compact spaces, eight feet by fifteen feet in size.~~

AMENDMENTS TO CHAPTER 21.22

21.22.020

The legend of Table A of Section 21.22.020 (R-W Residential Waterway Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 7 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.22.020

Table A of Section 21.22.020 (R-W Residential Waterway Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Residential care facilities (serving six or fewer persons)</u> <u>(defined: Section 21.04.300)</u>	<u>X</u>		

21.22.020

Table A of Section 21.22.020 (R-W Residential Waterway Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.24

21.24.020

The legend of Table A of Section 21.24.020 (RD-M Residential Density-Multiple Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 6 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 6 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.24.020

Table A of Section 21.24.020 (RD-M Residential Density-Multiple Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Residential care facilities (serving six or fewer persons)</u> <u>(defined: Section 21.04.300)</u>	<u>X</u>		

21.24.020

Table A of Section 21.24.020 (RD-M Residential Density-Multiple Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

6. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.24.050

Section 21.24.050.A.3 (RD-M Residential Density-Multiple Zone, Side yard) is proposed to be amended as follows:

3. A zero foot side yard setback shall be permitted to one interior side yard, provided:
 - a. That the owners of both lots common to the proposed zero foot side yard are in agreement,
 - b. ~~That a specific plan is filed with the city for approval, showing the proposed building locations, parking, and side yard areas for both lots, and~~

eb. That the remaining side yard shall be not less than twenty-five percent of the total lot width measured at the front setback line.

c. That the building permit application and other permit applications required by this code (if any) for the project shall include a site plan that shows the proposed building location, parking, and side yard setback for both lots common with the proposed zero foot side yard, to the satisfaction of the planning director, and

d. That an easement or other recorded agreement for maintenance purposes be granted to provide access to the adjoining lot when there is no side yard.

AMENDMENTS TO CHAPTER 21.25

21.25.040

Table A of Section 21.25.040.D (Community Facilities Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Uses Permitted

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates the use is permitted. (See note 1 below)

"CUP" indicates that the use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates the use is permitted as an accessory use.

Use	P	CUP	Acc
Adult and/or senior day care and/or recreation facility (private or nonprivate)		2	
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.048)		2	
Charitable service (private/semi-private)		2	
Child day care center facility (subject to the requirements of Chapter 21.83) (defined: Section 21.04.086)	X		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Civic associations (e.g., League of Women Voters, etc.)		2	
Clubs -- nonprofit; business, civic, professional, etc. (defined: Section 21.04.090)		2	
Fraternal associations and lodges (except college fraternities/sororities)		2	
Mobile buildings (subject to Section 21.42.140(B)(90)) (defined: Section 21.04.265)		2	
Office area (see note 2 below)	X		X
Religious reading room (separate from church)		1	
Social clubs (noncommercial)		3	
Veterans' organizations (including meeting facilities)		2	
Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler's Aid)		2	
Wireless communications facilities (subject to Section 21.42.140(B)(165)) (defined: Section 21.04.379)		1 / 2	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA and YWCA, except lodgings)		2	

Notes:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

2. +. If any office area is proposed with a use, the office area must be ancillary to the main use; it cannot be the principal use.

~~2. Stand alone child day care facility is permitted subject to the approval of a site development plan pursuant to Chapter 21.06. If a child day care facility is developed in conjunction with another community facilities use, which requires a conditional use permit, then the requirement for a site development plan for the child day care use is waived.~~

~~3. All uses shall be conducted wholly within a building except such uses as athletic fields, outdoor play areas, and other uses customarily conducted in the open.~~

AMENDMENTS TO CHAPTER 21.26

21.26.010

The legend of Table A of Section 21.26.010 (C-1 Neighborhood Commercial Zone, Permitted uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.26.010

Table A of Section 21.26.010 (C-1 Neighborhood Commercial Zone, Permitted uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Outdoor dining (incidental) (subject to Section 21.26.013) (defined: Section 21.04.290.1)			X

21.26.010

The footnotes of Table A of Section 21.26.010 (C-1 Neighborhood Commercial Zone, Permitted uses) are proposed to be amended as follows:

Notes:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09. All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, nurseries for sale of plants and flowers and other enterprises customarily conducted in the open.

2. ~~Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted herein.~~

3. ~~Storage shall be limited to accessory storage of commodities sold at retail on the premises.~~

Section 21.26.013 (C-1 Neighborhood Commercial Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be amended as follows:

21.26.013 **Outdoor dining (incidental)** ~~Incidental outdoor dining areas~~ permitted by administrative permit.

Outdoor dining (incidental) ~~Incidental outdoor dining areas~~ may be approved by administrative permit for restaurants, bona fide eating establishments, and delis in **zones where outdoor dining (incidental) is permitted**. ~~the C-1, O, C-2, C-T, C-M, M, and P-M zones outside of the redevelopment area and outside of the commercial/visitor-serving overlay zone except on those sites located within the coastal zone west of the railroad right-of-way which do not provide parking for their outdoor seating on-site in compliance with Chapter 21.44 (Parking) of this code.~~ The owner of the subject property shall make written application to the planning director. Such application shall include all materials deemed necessary by the director to show that the requirements of subsection (c) of this section are met. If the proposed outdoor dining (incidental) is located in the coastal zone **and is not exempt from a coastal development permit by Chapter 21.201**, the application shall also **include** ~~constitute~~ an application for a coastal development permit **or minor coastal development permit**.

(a) The director shall give written notice to all property owners within three hundred feet of the subject property of pending development decision after the application is complete, at least fifteen calendar days prior to the decision on the application as follows:

(1) Contents. The notice shall include all requirements of Section 21.54.061 of this code, including a notice of a public comment period of at least fifteen calendar days sufficient to receive and consider comments submitted by mail prior to the date established for the decision. The notice shall also include a statement that a public hearing shall be held upon request by any person and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal approval of the administrative permit by the director to the planning commission.

(b) The director may approve, approve with conditions, or deny the permit. The director may waive a public hearing on an administrative permit if notice has been provided in accordance with subsection (a)(1) of this section and a request for a public hearing has not been received by the city within ~~ten~~ **fifteen** calendar days from the date of sending the notice. If a request for a public hearing is received, a public hearing before the director shall be held in the same manner as a planning commission hearing. In either event, the director's decision shall be based upon the requirements of, and shall include, specific factual findings supporting whether the project is or is not in conformity with the requirements of subsection (c) of this section.

The director's decision shall be made in writing. The date of the decision shall be the date the writing containing the decision or determination is mailed or otherwise delivered to the person or persons affected by the decision. If the matter includes a coastal development permit **or minor coastal development permit**, unless the decision is appealed to the ~~planning commission~~, the director shall provide a notice of final action in accordance with Sections 21.201.160 and 21.201.170.

(c) Development Standards. All **areas providing outdoor dining (incidental)** ~~incidental outdoor dining areas~~ shall comply with the following development standards:

(1) **Outdoor dining areas shall comply with all** applicable requirements of the State of California Disabled Access Regulations (Title 24);

(2) **Outdoor dining areas shall comply with all** applicable requirements of the alcoholic beverage commission, if alcoholic beverages are served in the outdoor area;

(3) **Outdoor dining areas shall** be operated only during the hours of operation of the associated restaurant;

(4) **Outdoor dining areas shall be used exclusively for eating and drinking;**

(5) **Outdoor dining areas shall be located on private property only**

(45) **Outdoor dining areas shall** provide adequate circulation to accommodate normal pedestrian traffic and circulation for the outdoor dining area. Pedestrian clearance between tables and/or walls/fences shall be a minimum forty-two inches wide;

(6) **Outdoor dining (incidental) shall be utilized only as extensions of restaurants, bona**

vide eating establishments, or delis that provide indoor seating and are licensed for such service.

(7) The maximum area provided for outdoor dining (incidental) shall be limited to a maximum of four hundred square feet.

(58) Outdoor dining areas shall not be located where the incidental outdoor dining area would:

- (A) Encroach into the public right-of-way,
- (B) Eliminate any existing parking spaces,
- (C) Interfere with vehicle or pedestrian circulation,
- (D) Remove or reduce existing landscaping (unless equivalent additional landscaping is provided elsewhere to the satisfaction of the planning director),
- (E) Present a traffic hazard; or
- (F) Be incompatible with outdoor dining, in the opinion of the city engineer, because of the speed, volume or nearness of vehicular traffic;

(69) When calculating square footage for purposes of determining parking required per Chapter 21.44 of this code, space used for outdoor dining (incidental) ~~outdoor areas~~ pursuant to this section shall be excluded.

AMENDMENTS TO CHAPTER 21.27

List of Sections in Chapter 21.27

The list of sections in Chapter 21.27 (Office Zone) is proposed to be amended as follows:

Sections:

- 21.27.010 Intent and purpose.
- 21.27.020 Permitted uses.
- ~~21.27.021 Child day care centers by administrative permit.~~
- ~~21.27.035 Reserved incidental outdoor dining areas permitted by administrative permit.~~
- 21.27.040 Site development plan required.
- 21.27.050 Development standards.

21.27.020

The legend of Table A of Section 21.27.020 (Office Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.27.020

Table A of Section 21.27.020 (Office Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Child day care centers (subject to Chapter 21.83) (defined: Section 21.04.086)</u>	<u>X</u>		

21.27.020

Table A of Section 21.27.020 (Office Zone, Permitted Uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Outdoor dining (incidental) (subject to Section 21.26.013) (defined: Section 21.04.290.1)			X

21.27.020

Table A of Section 21.27.020 (Office Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

Note:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.27.021

Section 21.27.021 (O Office Zone, Child day care centers by administrative permit) is proposed to be deleted:

~~21.27.021 Child day care centers by administrative permit.~~

~~Child day care centers may be permitted by administrative permit, subject to the provisions of Chapter 21.83 of this title. Application for administrative permit shall demonstrate site design compatibility with surrounding development.~~

21.27.035

Section 21.27.035 (Office Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be amended as follows:

21.27.035 Reserved. Incidental outdoor dining areas permitted by administrative permit.

~~Subject to the development standards set forth in Section 21.26.013(c) an incidental outdoor dining area may be approved by administrative permit pursuant to Section 21.26.013(a).~~

21.27.050

Section 21.27.050(8) (O Office zone, Development Standards) is proposed to be amended as follows:

~~(8) Signs. A detailed sign program shall be submitted to the planning director for approval prior to occupancy of any new building or installation of any new signs. All signs proposed in the O zone shall comply with the following regulations: Chapter 21.41 of this title.~~

~~(A) Total maximum allowable area of all signs, including monument signs, shall not exceed one square foot per lineal foot of building frontage.~~

~~(B) — One freestanding monument sign may be permitted for each lot. The monument sign shall be no greater than six feet in height or six feet in length, including the base, with a maximum of two sign faces. Comprehensively planned developments may be permitted additional monument signs, above the allowable area, through the site development plan process.~~

21.27.050

Section 21.27.050(14) (O Office Zone, Development Standards, Parking Requirements) is proposed to be amended as follows:

(14) Parking Requirements. Off-street parking shall be provided pursuant to Section 21.44.020 of this title, as follows:

~~(A) — Banks and other financial institutions — one space for each two hundred fifty square feet of gross floor area;~~

~~(B) — Professional offices — one space for each three hundred square feet of gross floor area;~~

~~(C) — Medical or dental offices or clinics — one space for each two hundred square feet of gross floor area;~~

~~(D) — Professional offices, except for banks and financial institutions, which are located within the village redevelopment zone or within a three hundred foot radius of the village redevelopment zone — one space for each four hundred square feet of gross floor area;~~

~~(E) — The planning commission may allow up to twenty five percent of the total required parking spaces to be reduced in size to accommodate compact cars.~~

AMENDMENTS TO CHAPTER 21.28

List of Sections in Chapter 21.28

The list of sections in Chapter 21.28 (C-2 General Commercial Zone) is proposed to be amended by the deletion of the reference to 21.28.012:

21.28.012 — ~~Incidental outdoor dining areas permitted by administrative permit.~~

21.28.010

The legend of Table A of Section 21.28.010 (C-2 General Commercial Zone, Permitted uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.28.010

Table A of Section 21.28.010 (C-2 General Commercial Zone, Permitted uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Outdoor dining (incidental) (subject to Section 21.26.013)			X

21.28.010

The footnotes of Table A of Section 21.28.010 (C-2 General Commercial Zone, Permitted uses) are proposed to be amended as follows:

Notes:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09. ~~All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open.~~

2. ~~Products made incident to a permitted use and manufactured or processed on the premises shall be sold only at retail on the premises, and not more than five persons may be employed in such~~

~~manufacturing, processing and treatment of products.~~

3. ~~Storage shall be limited to accessory storage of commodities sold at retail on the premises.~~

21.28.012

Section 21.28.012 (C-2 General Commercial Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be deleted:

~~21.28.012 Incidental outdoor dining areas permitted by administrative permit.~~

~~Subject to the development standards set forth in Section 21.26.013(e), an incidental outdoor dining area may be approved by administrative permit pursuant to Section 21.26.013(a).~~

AMENDMENTS TO CHAPTER 21.30

List of Sections in Chapter 21.30

The list of sections in Chapter 21.30 (C-M Heavy Commercial – Limited Industrial Zone) is proposed to be amended by the deletion of the reference to 21.30.015:

~~21.30.015 — Incidental outdoor dining areas permitted by administrative permit.~~

21.30.010

The legend of Table A of Section 21.30.010 (C-M Heavy Commercial – Limited Industrial Zone, Permitted uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code.

"P" indicates use is permitted. (See notes 2 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See notes 2 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.30.010

Table A of Section 21.30.010 (C-M Heavy Commercial – Limited Industrial Zone, Permitted uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Outdoor dining (incidental) (subject to Section 21.26.013)</u>			X

21.30.010

The footnotes of Table A of Section 21.30.010 (C-M Heavy Commercial – Limited Industrial Zone, Permitted uses) are proposed to be amended as follows:

Notes:

1. Any use permitted in the commercial zones is allowed in the C-M zone, except: (A) Hotels, motels and auto courts, (B) Hospitals (however, industrial emergency hospitals are permitted), (C) Residential care facilities, (D) Professional care facilities, (E) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business, (F) Institutions of a philanthropic or eleemosynary nature, including correctional and mental.

2. Any use meeting the definition of an entertainment establishment, as defined in Section

8.09.020 of the Carlsbad Municipal Code (CMC) shall be subject to the requirements of CMC Chapter 8.09.

21.30.015

Section 21.30.015 (C-M Heavy Commercial – Limited Industrial Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be deleted as follows:

~~21.30.015 Incidental outdoor dining areas permitted by administrative permit.~~

~~Subject to the development standards set forth in Section 21.26.013(c), an incidental outdoor dining area may be approved by administrative permit pursuant to Section 21.26.013(a).~~

AMENDMENTS TO CHAPTER 21.31

21.31.030

The legend of Table A of Section 21.31.030 (C-L Local Shopping Center Zone, Permitted uses) is proposed to be amended as follows:

Table A
Uses Permitted in the C-L Zone

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates the use is permitted. (See note 5 below)

"CUP" indicates that the use is permitted with approval of a conditional use permit. (See note 5 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates the use is permitted as an accessory use.

21.31.030

Table A of Section 21.31.030 (C-L Local Shopping Center Zone, Permitted uses) is proposed to be amended by the amendment of the following use: "Outdoor dining (incidental) (subject to Section 21.26.013)".

Use	P	CUP	Acc
Outdoor dining (incidental) (subject to Section 21.26.013) <u>(defined: Section 21.04.290.1)</u>			X

21.31.030

The footnotes of Table A of Section 21.31.030 (C-L Local Shopping Center Zone, Permitted uses) are proposed to be amended as follows:

Notes:

1. Accessory buildings and structures and ancillary uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.
2. Educational facilities, other/schools. No individual educational facility school shall occupy more than ten thousand square feet of gross leaseable floor area within any local shopping center.
3. Offices. The total floor area of an office uses shall not exceed forty percent of the gross leaseable floor area within any local shopping center.
4. Retail sales may also include those types of goods and services that are typically offered by "community" retail establishments. When "community" retail establishments are included in a the local shopping center, they shall be subject to the following: the definition of a local shopping center, Section 21.31.020, and the function of the local shopping center land use class as described in the Carlsbad general plan.

5. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.32

List of Sections in Chapter 21.32

The list of sections in Chapter 21.32 (M Industrial Zone) is proposed to be amended by the deletion of the reference to 21.32.015:

~~21.32.015 — Incidental outdoor dining areas permitted by administrative permit.~~

21.32.010

That the legend of Table A of Section 21.32.010 (M Industrial Zone, Permitted uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.32.010

That Table A of Section 21.32.010 (M Industrial Zone, Permitted uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Any use permitted in the C-M zone is permitted in the M zone, except child day care centers</u>	<u>X</u>		

21.32.010

That Table A of Section 21.32.010 (M Industrial Zone, Permitted uses) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
<u>Outdoor dining (incidental) (subject to Section 21.26.013) (defined: Section 21.04.290.1)</u>			<u>X</u>

21.32.010

That the footnotes of Table A of Section 21.32.010 (M Industrial Zone, Permitted uses) are proposed to be amended as follows:

Notes:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

~~1. Any use permitted in the C M zone, except child day care centers, except that a dwelling conforming to the yard requirements of the R 3 zone shall be permitted on the same lot on which a factory is located, and which dwelling is used exclusively by a caretaker or superintendent of such factory and his family.~~

21.32.015

Section 21.32.015 (M Industrial Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be deleted as follows:

~~21.32.015 Incidental outdoor dining areas permitted by administrative permit.~~

~~Subject to the development standards set forth in Section 21.26.013(e) an incidental outdoor dining area may be approved by administrative permit pursuant to Section 21.26.013(a).~~

AMENDMENTS TO CHAPTER 21.33

21.33.020

The legend of Table A of Section 21.33.020 (O-S Open Space Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.33.020

Table A of Section 21.33.020 (O-S Open Space Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

Note:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

AMENDMENTS TO CHAPTER 21.34

List of Sections in Chapter 21.34

The list of sections in Chapter 21.34 (Planned Industrial Zone) is proposed to be amended by the deletion of the reference to 21.34.035:

~~21.34.035 — Incidental outdoor dining areas permitted by administrative permit.~~

21.34.020

The legend of Table A of Section 21.34.020 (P-M Planned Industrial Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 2 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 2 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.34.020

Table A of Section 21.34.020 (P-M Planned Industrial Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

2. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.34.035

Section 21.34.035 (P-M Planned Industrial Zone, Incidental outdoor dining areas permitted by administrative permit) is proposed to be deleted as follows:

~~21.34.035 Incidental outdoor dining areas permitted by administrative permit.~~

~~Subject to the development standards set forth in Section 21.26.013(e) an incidental outdoor dining area may be approved by administrative permit pursuant to Section 21.26.013(a).~~

AMENDMENTS TO CHAPTER 21.36

21.36.020

Table A of Section 21.36.020 (P-U Public Utility zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 1 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Accessory uses and structures			X
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	
Agriculture: only the following agricultural uses, and buildings accessory to such agricultural uses, are permitted in the P-U zone: (a) field and seed crops, (b) truck crops, (c) horticultural crops, (d) orchards and vineyards, (e) pasture and rangeland, (f) tree farms, (g) fallow lands, (h) greenhouses	X		
Airports		3	
Alcoholic treatment centers		2	
Any other use which the planning commission or city council may determine to be similar to the permitted uses in the zone and to fall within the intent and purposes of the zone (see note 1)	X		
Aquaculture (defined: Section 21.04.036)		2	
Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.048)		2	
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Cemeteries		3	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Crop production	X		
Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources	X		
Fairgrounds		3	
Floriculture	X		
Generation and transmission of electrical energy	X		

Use	P	CUP	Acc
Golf courses		2	
Governmental maintenance and service facilities	X		
Greenhouses (2,000 square feet maximum)	X		
Greenhouses >2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Hazardous waste facility (subject to Section 21.42.140(B)(75)) (defined: Section 21.04.167)		3	
Hospitals (defined: Section 21.04.170)		2	
Hospitals (mental) (defined: Section 21.04.175)		2	
Mobile buildings (subject to Section 21.42.140(B)(90)) (defined: Section 21.04.265)		2	
Nursery crop production	X		
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Pasture and range land	X		
Petroleum products pipeline booster stations	X		
Processing, using and storage of: (a) natural gas, (b) liquid natural gas, (c) domestic and agricultural water supplies;	X		
Public utility district maintenance, storage and operating facilities	X		
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		2	
Recreational facilities (public or private, passive or active)	X		
Recycling collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		2	
Recycling collection facilities, small (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		1	
Recycling process/transfer facility		2	
Satellite television antennae (subject to the provisions of Section 21.53.130 of this code)	X		
Signs, subject to the provisions of Chapter 21.41	X		
Stadiums		3	
Transit passenger terminals (bus and train)		2	
Tree farms	X		
Truck farms	X		
Using and storage of fuel oils	X		
Wastewater treatment, disposal or reclamation facilities	X		
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		2	
Wireless communications facilities (subject to Section 21.42.140(B)(165)) (defined: Section 21.04.379)		1 / 2	
Zoos (private) (subject to Section 21.42.140(B)(170)) (defined: Section 21.04.400)		2	

Note:

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

1. Providing there shall not be permitted any use which creates noxious gas or odor, excessive sound vibration or significant atmospheric pollution.

AMENDMENTS TO CHAPTER 21.37

21.37.020

The legend of Table A of Section 21.37.020 (RMHP Residential Mobile Home Park Zone, Permitted Uses) is proposed to be amended as follows:

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 4 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 4 below)

1 = Administrative hearing process.

2 = Planning commission hearing process.

3 = City council hearing process.

"Acc" indicates use is permitted as an accessory use.

21.37.020

Table A of Section 21.37.020 (RMHP Residential Mobile Home Park Zone, Permitted Uses) is proposed to be amended by the addition of the following footnote:

4. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.37.100

Section 21.37.100.A.17 (RMHP Residential Mobile Home Park Zone, Development Standards) is proposed to be amended as follows:

17. Parking shall be provided subject to the provisions of Chapter 21.44 of this title.
~~Each mobile home site shall include a paved area suitable for providing automobile shelter with space for at least two automobiles. Recreation and laundry areas combined shall have sufficient parking facilities to accommodate one automobile for every five mobile home sites up to fifty lots and one space for each ten lots thereafter;~~

21.37.100

Section 21.37.100.A.19 (RMHP Residential Mobile Home Park Zone, Development Standards) is proposed to be amended as follows:

19. Reserved ~~Visitor parking shall be provided at a ratio of one space per four mobile home units. On street parking may be counted towards meeting this requirement;~~

AMENDMENTS TO CHAPTER 21.38**21.38.030**

Sections 21.38.030 (P-C Planned Community Zone, General provisions) is proposed to be amended as follows:

21.38.030 General provisions.

(a) The P-C zone may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this chapter. No P-C zone shall include less than one hundred acres of contiguous land.

~~(b) All land in each proposed planned community shall be held in one ownership or shall be under unified control unless otherwise authorized by the city council. For the purposes of this section, the written agreement of all owners in the planned community to develop in accord with the master plan as approved indicates unified control.~~

~~(c) An owner may transfer sections of the development. The transferee shall be required to use the property in accord with the approved master plan.~~

~~(d)~~(b) A planned community shall be subject to all other applicable provisions of Title 20, Subdivisions, and Title 21, Zoning, of this code. Where a conflict in regulation occurs, the regulations specified in this chapter or the approved master plan shall control.

AMENDMENTS TO CHAPTER 21.44

List of Sections in Chapter 21.44

The list of sections in Chapter 21.44 (Parking) is proposed to be amended as follows:

Sections:

- 21.44.010 Required off-street parking.
- 21.44.020 Off-street parking spaces required.
- 21.44.030 Parking requirements for uses not specified.
- 21.44.040 Waiver or modification of parking standards ~~may be waived by planning commission.~~
- 21.44.050 General requirements.
- 21.44.060 Off-street parking--Residential zones.
- 21.44.070 Comprehensive planned facilities.
- 21.44.080 Joint use of off-street parking facilities.
- 21.44.090 Common parking facilities.
- 21.44.100 Parking area plan.

21.44.020

Section 21.44.020 (Parking, Off-street parking spaces required) is proposed to be amended as follows:

21.44.020 Off-street parking spaces required.

A. The number of off-street parking spaces required for the uses or structures designated in this section shall be no less than as set forth in Table A, below.

B. In the case of multiple uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, except as otherwise noted. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified in Section 21.44.080 for joint use.

Table A – Number of Off-Street Parking Spaces Required

USE		NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses	One-family dwellings	Two spaces per unit, provided as either: a two-car garage (minimum interior 20 feet x 20 feet); or two separate one-car garages (minimum interior 12 feet x 20 feet each)	
	Two-family dwellings (apartments only), for condominium projects see "planned developments"	Same as required for one-family dwellings	
		Visitor parking	Same as required for multiple-family dwelling visitor parking.
	Multiple-family dwellings (apartments only), for condominium projects see "planned developments"	Studio and one-bedroom units	1.5 spaces/unit, one of which must be covered
		Units with two or more bedrooms	2 spaces/unit, one of which must be covered

Table A – Number of Off-Street Parking Spaces Required

USE		NUMBER OF OFF-STREET PARKING SPACES		
Residential Uses Cont'd.		Visitor parking	Projects with 10 units or fewer	A .30 space per each unit.
			Projects with 11 units or more	A .25 space per each unit.
	Visitor parking may be covered or uncovered.			
	Second dwelling units	1 space (covered or uncovered), in addition to the parking required for the primary use (single, one-family dwelling). The additional parking space may be provided through tandem parking (provided that the one-family dwelling garage is accessed by a driveway with a minimum depth of 20 feet), or within the front yard setback.		
	Planned Developments	See Chapter 21.45.		
	Fraternities	1.25 spaces for each sleeping room		
	Mobile Home Parks	2 <u>paved and covered</u> spaces per unit, plus 1 visitor parking space for every 4 units		
		1 visitor parking space for every 4 units. On-street parking may be counted towards meeting the visitor parking requirement.		
		Recreation and laundry areas combined shall have sufficient parking facilities to accommodate one automobile for every five mobile home sites up to fifty lots and one space for each ten lots thereafter.		
	Residential Care Facilities	2 spaces, plus 1 space/three beds		
Rooming House	1 space for each sleeping room			
Housing for senior citizens	1.5 covered spaces per unit, plus 1 covered space for an onsite manager's unit (when provided), and 1 visitor parking space per every five units, subject to approval of a site development plan.			
Time-share projects	1.2 spaces per unit			
Commercial, Industrial, and Other Non- Residential Uses	Bed and Breakfast Uses	2 spaces, one of which must be covered for the owner's unit, plus 1 space for each guest room.		
	Bowling Alleys	6 per alley		
	<u>Car Rental Agencies</u>	<u>1 space/250 square feet of gross floor area for the car rental office space and customer waiting area. Adequate rental car fleet parking shall be addressed through a fleet parking plan that shall be reviewed and approved by the Planning Director.</u>		
	<u>Child Day Care Center</u>	<u>1 space/employee plus 1 space for each 10 children</u>		
	Delicatessen	1 space/250 square feet of gross floor area		
	Driving Ranges	1 space/tee plus required parking for accessory uses		
	<u>Educational Facilities, other</u>	<u>1 space/200 square feet of gross floor area</u>		
	<u>Educational institution or school</u>	<u>Preschools/ Nurseries</u>	<u>1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area</u>	
		<u>Elementary Schools</u>	<u>1 space/employee, with an adequate loading and unloading area</u>	

Table A – Number of Off-Street Parking Spaces Required

USE		NUMBER OF OFF-STREET PARKING SPACES	
Commercial, Industrial, and Other Non- Residential Uses Cont'd.	<u>Educational institution or school</u>	<u>High Schools</u>	<u>1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area</u>
		<u>Colleges</u>	<u>1 space/employee plus 1 space for each 3 students, with an adequate loading and unloading area</u>
	Financial Institutions and Professional Offices	Medical Office	1 space/200 square feet of gross floor area
		Financial Institutions	1 space/250 square feet of gross floor area
		Other office uses	1 space/250 square feet of gross floor area
	Financial Institutions and Professional Offices, cont.	Office uses in the village <u>review</u> redevelopment zone and areas within 300 feet of its boundary	1 space/300 square feet of gross floor area
	Furniture and Appliance Sales	1 space/600 square feet of gross floor area	
	Golf Courses	6 spaces/hole plus required parking for accessory uses.	
	Gyms and Health Spas	1 space/200 square feet of gross floor area	
	Hospitals	3 spaces per bed, or 1/200 square feet of gross floor area, whichever is greater.	
	Hotels and Motels	1.2 spaces per unit	
	Industrial building ("spec" – no specific uses identified)	1 space/250 square feet of gross floor area ¹	
	Libraries	1 space/200 square feet of gross floor area	
	Library Substations	1 space/250 square feet of gross floor area	
	Manufacturing	1 space/400 square feet of gross floor area, plus 1 space for each vehicle used in conjunction with the use	
	Mortuaries	1 space/50 square feet of assembly area	
	Motor Vehicle Uses	<u>Gas Stations</u>	<u>1 space/300 square feet of gross floor area, excluding work bays associated with vehicle repair.</u> <u>Gas stations that include motor vehicle repair services shall provide additional parking as required for motor vehicle "repair" uses.</u>
		Sales	1 space/400 square feet of gross floor area
		Repair	4 spaces for every work bay (up through three work bays), plus 2 spaces per bay in excess of three bays. Work bays do not count as parking spaces.
	Museums	1 space/500 square feet of gross floor area	
	<u>Personal and Professional Services</u> ³	<u>1 space/300 square feet of gross floor area</u>	
	Professional Care Facilities	.45 parking spaces per every bed	
	Public Assembly	1 space/5 seats, or 1 space/100 square feet of assembly area, whichever is greater	

Table A – Number of Off-Street Parking Spaces Required

USE		NUMBER OF OFF-STREET PARKING SPACES	
Commercial, Industrial, and Other Non- Residential Uses Cont'd.	Recreational Vehicle Storage Areas	1 space for every 10,000 square feet of storage area, with a minimum of 3 spaces.	
	<u>Recycling Facilities</u>	<u>1 space per employee plus 1 space for each commercial vehicle of the recycling facility; and</u> <u>Space for a minimum of 6 vehicles or the anticipated peak hourly customer load, whichever is greater, as determined by the planning director.</u>	
	Research and Development (R&D)	1 space/250 square feet of gross floor area Bio industrial R&D - 1 space/300 square feet of gross floor area	
	Restaurants	Less than 4,000 square feet in size	1 space/100 square feet of gross floor area
		4,000 square feet or greater	40 spaces plus 1 space/50 square feet of gross floor area in excess of 4,000 square feet.
	Retail Uses	Individual	1 space/300 square feet of gross floor area.
		Shopping Center	1 space/200 square feet of gross floor area ²
	Schools	Preschools/ Nurseries	1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area
		Elementary Schools	1 space/employee, with an adequate loading and unloading area
		High Schools	1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area
		Colleges, Vocational Schools	1 space/employee plus 1 space for each 3 students, with an adequate loading and unloading area
	<u>Visitor/Information Center</u>	<u>One space/four hundred square feet of gross floor area</u>	
	Theaters	1 space/5 seats	
	Warehouse	1 space/1,000 square feet of gross floor area, plus 1 space for each vehicle used in conjunction with the use	

¹ Projects proposing a "spec" industrial building may provide parking at manufacturing or warehouse standards, provided a deed restriction is recorded on the property indicating that these uses on the property will be retained and no other type of use creating a need for additional parking will be permitted, unless more parking area is provided to meet city parking standards.

² Uses permitted in the underlying zone may be allowed in under-parked shopping centers without the need to provide additional parking, provided there is no expansion of floor area (this does not apply to conditionally permitted uses).

³ Personal and professional service uses include, but are not limited to, copying/duplicating services, dry cleaners, laundromats, beauty and barber shops, cosmetic services, nail salons, shoe/garment repair, travel agent, etc.

21.44.030

Section 21.44.030 (Parking, Parking requirements for uses not specified) is proposed to be amended as follows:

21.44.030 Parking requirements for uses not specified.

A. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the planning director. ~~commission, and~~ Such determination shall be based upon the following:

1. The parking requirements for the most comparable use specified in this chapter; and/or
2. A parking study, or other evidence satisfactory to the planning director.

21.44.040

Section 21.44.040 (Parking, Parking provisions may be waived by planning commission) is proposed to be amended as follows:

21.44.040 Waiver or modification of parking standards may be waived by planning commission.

A. The planning director may waive or modify the provisions as set forth in this title establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature where there are a minimal number of employees/occupants, requiring a very limited number of persons.

B. The planning director may modify the required parking standards where it can be demonstrated that adequate parking will be provided and the modification will not adversely affect the neighborhood or the site design and circulation. The modification shall be based on the results of a parking study prepared by a registered traffic engineer or other qualified parking consultant, or other evidence satisfactory to the planning director.

AMENDMENTS TO CHAPTER 21.46**21.46.013**

Section 21.46.130 (Yards, Walls, fences or hedges) is proposed to be amended as follows:

21.46.130 Walls, fences or hedges.

In any "R" zone, no fence, wall or hedge over forty-two inches in height shall be permitted in any required front yard setback. In the required side yard or street side of either a corner lot or reversed corner lot, a six-foot high fence may be permitted when approved by the planning director when the safety and welfare of the general public are not imposed upon. The issuing of a permit upon the approval of the planning director shall be subject to special conditions which may vary due to the topography, building placement and vehicular or pedestrian traffic. On an interior lot, a wall or fence not more than six feet in height may be located anywhere to the rear of the required front yard. ~~In any "R" zone, any fence that exceeds six feet in height, for special uses or under special circumstances, shall be granted by the planning commission and subject to the conditions imposed by this commission.~~

AMENDMENTS TO CHAPTER 21.47

List of Sections in Chapter 21.47

The list of sections in Chapter 21.47 (Nonresidential Planned Developments) is proposed to be amended by the deletion of the reference to 21.47.170:

~~21.47.170 — Restriction on reapplication for a nonresidential planned development permit.~~

21.47.020

Section 21.47.020 (Nonresidential Planned Developments, Nonresidential planned development permit) is proposed to be amended as follows:

21.47.020 Nonresidential planned development permit.

The city council, planning commission or planning director, as provided in this chapter, may approve a permit for a nonresidential planned development in any industrial, commercial or office zone, or combination of zones subject to the requirements thereof except as they may be modified in accord with this chapter.

The application for a nonresidential planned development shall state whether the applicant intends to develop the project as a planned unit development, condominium project or stock cooperative project. For purposes of this chapter, a planned unit development is defined by Section 11003 of the Business and Professions Code of the state and a condominium project is defined by Section 4350 1351 of the Civil Code of the state.

21.47.110

Section 21.47.110(d) (Nonresidential Planned Developments, Approval of projects of four units or less by planning director) is proposed to be deleted:

~~(d) — The planning director shall make a monthly report to the city council of all nonresidential planned development permits issued pursuant to this section.~~

21.47.130

Section 21.47.130(a)(2) (Nonresidential Planned Developments, Amendments) is proposed to be amended as follows:

(2) If the planning commission considers the amendment minor in nature, the additional graphics, statement or other information may be approved by the planning commission resolution and made part of the original city council approval without the necessity of a ~~public hearing~~ noticed public hearing pursuant to Section 21.54.060;

21.47.130

Section 21.47.130(a)(3) (Nonresidential Planned Developments, Amendments) is proposed to be amended as follows:

(3) A minor amendment shall not change the ~~densities~~ intensity or the boundaries of the subject property, or involve an addition of a new use or group of uses not shown on the original permit or the rearrangement of uses within the development. If the planning commission determines that the amendment is not minor or that a hearing is otherwise necessary, it shall set the matter for public hearing;

21.47.170

Section 21.47.170 (Nonresidential Planned Developments, Restriction on reapplication for a nonresidential planned development permit) is proposed to be deleted:

~~21.47.170 Restriction on reapplication for a nonresidential planned development permit.~~

~~No application for a nonresidential planned development permit on the same property or essentially the same property for which a permit has been denied by the city council shall be accepted within twelve months of such denial. This provision may be waived by the affirmative vote of a majority of the city council.~~

AMENDMENTS TO CHAPTER 21.50**21.50.010**

Section 21.50.010 (Variances, Variance--Granting authority) is proposed to be amended as follows:

21.50.010 Variance--Granting authority.

A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this title result through the strict and literal interpretation and enforcement of the provisions hereof, the planning commission shall have authority, ~~as an administrative act~~, subject to the provisions of this title, to grant, upon such conditions as it may determine, such variance from the provisions of this title as may be in harmony with its general purpose and intent, so that the spirit of this title shall be observed, public safety and welfare secured and substantial justice done. In the coastal zone, a variance shall not be allowed to diminish or otherwise adversely affect the substantive requirements for protection of coastal resources.

AMENDMENTS TO CHAPTER 21.52

Chapter 21.52 (Amendments) is proposed to be amended as follows:

Chapter 21.52

AMENDMENTS

Sections:

- 21.52.010 ~~Purpose~~When.
- 21.52.020 Amendment Initiation.
- 21.52.030 Application and fees.
- 21.52.040 AuthorityPlanning commission hearing.
- 21.52.050 Decision-making process~~Commission action~~ Announcement.
- 21.52.060 ~~Commission action~~ Approval of amendment Notice.
- 21.52.070 ~~Denial of amendment~~ Notice.
- 21.52.080 ~~Commission action to be final when denying application.~~
- 21.52.090 ~~Public hearing on commission's recommendations on amendments and appeals.~~
- 21.52.100 ~~Adverse decision to be referred to the planning commission.~~
- 21.52.110 ~~City council announcement of decision.~~
- 21.52.120 ~~Decision of city council to be final.~~
- 21.52.130 ~~Notice of decision of city council.~~
- 21.52.140 ~~Review of zone changes.~~
- 21.52.150 ~~General plan and LCP amendments.~~

21.52.010 When Purpose.

A. The purpose of this chapter is to establish the process and requirements to amend this title, the general plan, and the local coastal program, including amendments to the B boundaries of the land use designations and zones, established by this title, the classification of property uses therein, or other provisions of this title may be amended whenever public necessity, convenience and general welfare require. Within the coastal zone such boundary changes shall not be effective until approved as a local coastal program amendment.

B. The process and requirements established by this chapter regarding amendments to the local coastal program are intended to be consistent with and shall not supersede the requirements of the California Coastal Act.

21.52.020 Amendment Initiation.

A. Amendments of to this title, the general plan, or local coastal program may be initiated by:

- (1)₂ The verified application of one or more owners of property or building proposed to be changed or reclassified;
- (2)₂ Resolution of intention of the city council;
- (3)₂ Resolution of intention of the planning commission;
- (4)₂ The planning director.

21.52.030 Application and fees.

A. An application to amend this title, the general plan, or local coastal program shall be made in writing on a form provided by the planning department. The application shall be accompanied by all materials and information required by the planning department.

B. At the time of filing the application, the applicant shall pay a processing fee in an amount as specified by city council resolution.

C. If the application requests to amend the land use or zone boundaries, designation or classification, or provisions applicable to a specific parcel(s) of land, the application shall be made by the owner of the property or the owner's authorized agent. This paragraph shall not apply to an amendment initiated by the city. Whenever the owner of any land or building desires an amendment, supplement to or change in any of the regulations prescribed for his property, he shall prepare an application requesting such amendment, supplement or change on the prescribed form and forward it with the required fee to the planning director.

21.52.040 Authority-Planning commission hearing.

A. The City Council may, upon the recommendation of the planning commission, approve or deny amendments to this title, the general plan, or local coastal program.

B. Amendments to the local coastal program are also subject to approval by the California Coastal Commission.

21.52.050 Decision-making process-Commission action-Announcement.

A. The planning commission shall consider the application at a public hearing noticed in accordance with chapter 21.54 of this title.

1. The planning commission shall render its decision in the form of a resolution that includes findings and a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

2. The adopted planning commission resolution shall be filed with the city clerk and a copy shall be mailed to the applicant.

B. Following the planning commission's action to recommend approval or denial of the application, the city council shall consider the application at a public hearing noticed in accordance with chapter 21.54 of this title.

1. After considering the recommendation of the planning commission, the city council may approve or deny the application to amend Title 21, the general plan, or local coastal program.

2. The city council may approve, modify or disapprove the recommendation of the planning commission; provided that any substantial modification of the proposed ordinance or amendment by the city council not previously considered by the planning commission during its hearing on the matter, shall first be referred to the planning commission for report and recommendation. The planning commission shall not be required to hold a public hearing thereon unless otherwise required by the city council. Failure of the planning commission to report within forty-five (45) calendar days after the referral, or within the time set by the city council, shall be deemed to be approval of the proposed modification.

3. The city council shall announce its decision to approve or deny the application by adoption of:

a. An ordinance for amendments to:

i. This title.

ii. The local coastal program implementation plan.

b. A resolution for amendments to:

i. The general plan.

ii. The local coastal program land use plan.

4. Following the city council decision, the city clerk shall send written notice of the decision to the applicant and anyone who specifically requests to be notified of the decision.

C. Within the coastal zone, the city council's approval of an amendment to the local coastal program shall not become effective until the amendment is approved by the California Coastal Commission, pursuant to Section 30514 of the Public Resources Code.

21.52.040 Planning commission hearing.

The planning commission shall hold a public hearing on the proposed amendment. Notice of the hearing shall be given pursuant to Section 21.54.060(2) of this code and if the proposed amendment

~~affects the permitted uses of specific real property notice shall also be given pursuant to Section 21.54.060(1) of this code.~~

~~21.52.050 — Commission action — Announcement.~~

~~The planning commission shall announce its action by formal resolution not more than fifteen days following the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the commission, make the approval or denial of the application for amendment necessary to carry out the general purpose of this title, and shall recommend the adoption of the amendment by the city council, or deny the application.~~

~~21.52.060 — Approval of amendment — Notice.~~

~~When the commission's action is to recommend the adoption of the amendment, the commission shall, within seven days from the date of such action, notify the applicant by forwarding a copy of the resolution to the applicant at the address shown upon the application, and shall forward to the city council a copy of the resolution, together with the complete file in the case.~~

~~21.52.070 — Denial of amendment — Notice.~~

~~When the action of the commission is to deny an application, the commission shall, within seven days from the date of the adoption of its resolution, notify the applicant by forwarding a copy of the resolution to the address shown upon the application.~~

~~21.52.080 — Commission action to be final when denying application.~~

~~The action of the planning commission in denying an application for amendment shall be final and conclusive unless appealed. The effective date of the decision and method for appeal of such decision shall be governed by Section 21.54.150 of this code.~~

~~21.52.090 — Public hearing on commission's recommendations on amendments and appeals.~~

~~Following receipt of the resolution from the planning commission recommending the adoption of the amendment, as provided in this chapter, the city council shall conduct a duly advertised public hearing on the matter, public notice of which shall be given as provided in Section 21.52.040.~~

~~21.52.100 — Adverse decision to be referred to the planning commission.~~

~~The city council may approve, disapprove or modify the recommendation of the planning commission, provided that any modification of the proposed ordinance or amendment not previously considered by the planning commission during its hearing shall be referred to the planning commission for further report on the matter. Failure of the planning commission to report to the city council within forty days after reference may be deemed to be approval by the planning commission of any proposed change.~~

~~21.52.110 — City council announcement of decision.~~

~~The city council shall render its decision as soon as practicable following the termination of proceedings of the hearing or upon the receipt of report from the planning commission when a matter has been referred back to the planning commission.~~

~~21.52.120 — Decision of city council to be final.~~

~~The action of the city council (regardless of whether or not it be an approval, reversal, modification, or amendment to the action of the planning commission) on the application for amendment shall be effected by at least three affirmative votes of members of the city council, which action shall be final and conclusive.~~

~~21.52.130 — Notice of decision of city council.~~

~~Not later than seven days following the city council decision, the city clerk shall send written notice of the decision to the applicant at the address shown on the application. The city clerk may then return the complete file to the planning commission.~~

21.52.140 — Review of zone changes.

~~Zone changes, other than those initiated by the city, shall be reviewed by the planning commission one year after the reclassification has been granted. In those cases where the new zoning has not been utilized within the one year period, the planning commission shall consider whether the property should revert back to its original zone, remain as currently zoned, or be changed to a more appropriate zone. The planning commission may grant one extension not to exceed one year.~~

21.52.150 — General plan and LCP amendments.

~~(a) Amendments to the general plan or to any of the elements thereof shall be processed in accord with this chapter. All provisions of this chapter applicable to the amendment of this title shall also apply to general plan amendments with the exception of the time requirement for planning commission and city council hearings. Planning commission and city council hearings on general plan amendments shall be held at such times as the city council shall by motion establish.~~

~~(b) Amendments to the certified local coastal program shall be processed according to Section 30514 of the Public Resources Code.~~

AMENDMENTS TO CHAPTER 21.53

List of Sections in Chapter 21.53

The list of sections in Chapter 21.53 (Uses Generally) is proposed to be amended as follows:

Sections:

- 21.53.010 All zones subject to this chapter.
- 21.53.015 Voter authorization required for airport expansion.
- 21.53.020 Limitation of land use--Sewer availability.
- 21.53.030 Limitation on issuance of building permit.
- 21.53.040 Clarification of ambiguity.
- 21.53.050 Use control in reclassified precise plan.
- 21.53.060 Indicated potential classifications.
- 21.53.070 Translating potential classifications to permissible use.
- 21.53.080 Public utilities.
- 21.53.084 Keeping of dogs, cats and household pets.
- 21.53.085 Wild animals.
- 21.53.090 Temporary real estate office.
- 21.53.100 **Reserved** Temporary real estate signs.
- 21.53.110 Temporary construction buildings.
- 21.53.120 Affordable housing multi-family residential projects--Site development plan required.
- 21.53.130 Satellite television antenna--Purpose.
- 21.53.140 Satellite television antenna--Generally.
- 21.53.150 Satellite television antenna--**Waiver or modification of** Variance to standards.
- 21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.
- 21.53.240 Nonresidential development restrictions on open space and environmentally sensitive lands.
- 21.53.250 On-shore oil and gas facilities.

21.53.100

Section 21.53.100 (Uses Generally, Temporary real estate signs) is proposed to be amended as follows:

21.53.100 **Reserved** Temporary real estate signs:

~~In any newly created subdivision, the subdivider or his assignee may maintain two temporary real estate billboards, not to exceed fifty square feet in area per face, or one billboard not to exceed in area of one hundred square feet per face, for the purpose of selling lots in the subdivision only. Such use shall cease no later than one year from the date of the recording of the final subdivision map of said subdivision, unless the planning commission, for good cause shown, shall allow a longer period of time, up to one year per application therefore, for such use. The procedure for applying for such a longer period of time for such use and for appealing from a decision of the planning commission on such an application shall be the same as that for a variance under Chapters 21.50 and 21.54.~~

21.53.150

Section 21.53.150 (Uses Generally, Satellite television antenna--Variance to standards) is proposed to be amended as follows:

21.53.150 Satellite television antenna—~~Waiver or modification of~~ Waiver or modification of ~~Variance to~~ standards.

If, after application of the standards set forth in Section 21.53.140, a satellite antenna cannot be physically located on the applicant's property or would result in the imposition of unreasonable costs considering the purchase and installation of the equipment, then the planning director shall waive or modify the standard(s) ~~grant a variance to these standards~~, but only to the extent necessary to allow the installation of one satellite television antenna to be located on the applicant's property in such a place and manner as to present the least impact on aesthetics from the neighboring properties, neighborhood and public taking into account all the remaining health, safety or aesthetic regulations set forth in that section.

AMENDMENTS TO CHAPTER 21.54

21.54.064

Section 21.54.064(a) (Procedures, Hearings Notices and Fees, Applicant's responsibilities) is proposed to be amended as follows:

(a) The applicant for any action requiring a noticed public hearing shall provide the city with a list of persons or entities to whom notice must be given and the addresses of such persons. The applicant shall also provide stamped, addressed envelopes for mailing notice. The list and the envelopes, if required, shall be provided to the city not more than forty-five nor less than thirty days prior to the time the matter is scheduled for hearing. If the number of persons to whom notice would be mailed exceeds one thousand the applicant may, in lieu of providing the stamped, addressed envelopes, provide an appropriate display advertisement. The applicant shall verify the accuracy of the list and the addresses. ~~The secretary of the planning commission~~ **planning director** or the city clerk shall be responsible for informing the applicant of the date a matter is scheduled for hearing.

21.54.140

Sections 21.54.140(b) and 21.54.140(c) (Procedures, Hearings Notices and Fees, Effective date of order – Appeal of planning director or housing and redevelopment director decisions) are proposed to be amended as follows:

(b) Whenever the planning director is authorized, pursuant to this title or Title 19, to make a decision or determination, such decision or determination is final and effective when the planning director's written determination is mailed or otherwise delivered to the person(s) affected by the determination, whichever time is least restrictive. Within ten calendar days of the date that a decision or determination becomes final, a written appeal may be filed with the ~~secretary of the planning commission~~ **planning director** by an interested person. An individual member of the city council can be an interested person for purposes of the appeal. Filing of such an appeal within such time limits shall stay the effect of the decision or determination of the planning director until such time as the planning commission has acted on the appeal. The appeal shall specifically state the reason or reasons for the appeal. The burden of proof is on the appellant to establish by substantial evidence that the grounds for the requested action exist. **Grounds for appeal shall be limited to the following: that there was an error or abuse of discretion on the part of the planning director in that the decision was not supported by the facts presented to the planning director prior to the decision being appealed; or that there was not a fair and impartial hearing.** Fees for filing an appeal under this section shall be established by resolution of the city council.

(c) Upon the filing of an appeal, the ~~secretary of the planning commission~~ **planning director** shall schedule the appeal for hearing before the planning commission as soon as practicable. An appeal shall be heard and noticed in the same manner as was required of the determination or decision being appealed. ~~The hearing before the planning commission is de novo, but~~ **The appeal hearing before the planning commission is de novo, however the planning commission shall consider only the evidence presented to the planning director for consideration in the determination or decision being appealed.** The planning commission shall determine all matters not specified in the appeal have been found by the planning director and are supported by substantial evidence. ~~The planning commission shall consider the recommendations of the planning department, the decision of the planning director and all other relevant documentary and oral evidence as presented at the hearing.~~ The planning commission may affirm, modify, or reverse the decision of the planning director, and make such order supported by substantial evidence as it deems appropriate, including remand to the planning director with directions for

further proceedings. The planning commission action on an appeal shall be final unless appealed to the city council, pursuant to the provisions of Section 21.54.150.

21.54.150

Sections 21.54.150(b) and 21.54.150(c) (Procedures, Hearings Notices and Fees, Effective date of order – Appeal of planning commission or design review board decisions) are proposed to be amended as follows:

(b) Whenever the planning commission is authorized pursuant to this title or Title 19 to make a decision or determination, such decision or determination is final and effective upon the adoption of the resolution or decision. Within ten calendar days of the date that a decision or determination becomes final, a written appeal may be filed with the city clerk. An individual member of the city council can be an interested person for purposes of the appeal. Filing of such an appeal within such time limits shall stay the effect of the decision or determination of the planning commission until such time as the city council has acted on the appeal as set forth in this title. The appeal shall specifically state the reason or reasons for the appeal. The burden of proof is on the appellant to establish by substantial evidence that the grounds for the decision or determination exist. Grounds for appeal shall be limited to the following: that there was an error or abuse of discretion on the part of the planning commission in that the decision was not supported by the facts presented to the planning commission prior to the decision being appealed; or that there was not a fair and impartial hearing. Fees for filing an appeal under this section shall be established by resolution of the city council.

(c) Upon the filing of an appeal, the city clerk shall schedule the appeal for hearing before the city council as soon as practicable. An appeal shall be heard and noticed in the same manner as was required of the determination or decision being appealed. The hearing before the city council is de novo; The appeal hearing before the city council is de novo; however, the city council shall consider only the evidence presented to the planning commission for consideration in the determination or decision being appealed. The city council shall determine all matters not specified in the appeal have been found by the planning commission and are supported by substantial evidence. The city council shall consider the recommendations of the planning department, the decision of the planning and all other relevant documentary and oral evidence as presented at the hearing. The city council may affirm, modify, or reverse the action of the planning commission, and make such order supported by substantial evidence as it deems appropriate, including remand to the planning commission with directions for further proceedings. Any action by the city council shall be final and conclusive; provided, however, that any action reversing the decision of the planning commission shall be by the affirmative vote of at least three members of the city council.

AMENDMENTS TO CHAPTER 21.55**21.55.020**

Section 21.55.020 (Dedication of Land and Fees for School Facilities, Authority – Conflict) is proposed to be amended as follows:

21.55.020 Authority—Conflict.

This chapter is adopted pursuant to the provisions of ~~Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7~~ Section 66478 of the California Government Code. In the case of any conflict between the provisions of this chapter, and those of the California Government Code ~~Chapter 4.7~~, the latter shall prevail.

AMENDMENTS TO CHAPTER 21.58

Chapter 21.58 (Revocation—Expiration) is proposed to be amended as follows:

Chapter 21.58

VIOLATION--REVOCATION--EXPIRATION

Sections:

21.58.010 Notice of violation for non-compliance with conditions

21.58.04~~20~~ Revocation of permits or variance.

21.58.02~~30~~ Expiration period.

21.58.010 Notice of Violation for non-compliance with conditions

(a) Failure to comply with the conditions of approval for any discretionary or ministerial permit is unlawful. Whenever the city has knowledge that conditions of approval of any permit or discretionary action issued pursuant to this title have not been complied with, the city shall mail by certified mail a notice of intention to record a notice of violation to the property owner and the permittee. The notice of intention to record a notice of violation shall:

(1) Describe the conditions of development in detail, naming the permittees and owners of the property,

(2) Describe the violation (specifying which condition(s) have not been satisfied),

(3) State that an opportunity will be given to the property owner and/or permittee to present evidence why such notice should not be recorded, and

(4) Specify a place, time, and date, which is not less than thirty days and not more than sixty days from the date of mailing at which the owner may present evidence to the city.

(b) If, after the owner and/or permittee has presented evidence, the city determines that there has been no violation, the city shall mail a clearance letter to the owner and permittee.

(c) If, however, after the owner and/or permittee has presented evidence, the city determines that the owner and/or permittee has in fact not complied with conditions of the subject approval or discretionary action, or if within fifteen days of receipt of a copy of such notice the owner and/or permittee of such real property fails to inform the city of his or her objection to recording the notice of violation, the city shall record the notice of violation with the county recorder.

(d) The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property.

21.58.04~~20~~ Revocation of permits or variance.

(a) The decision-making body who issued a permit pursuant to this title may revoke or modify said permit or variance; except those permits or variances issued by the planning director, in which case the planning commission, may revoke or modify said permit or variance. The revocation hearing shall be noticed consistent with Section 21.54.060, and the revocation shall be based, after a public hearing noticed consistent with Section 21.54.060 held in the manner prescribed in Chapter 21.50 governing variances and conditional use permits, revoke or modify any permit or variance issued on any one or more of the following grounds:

(1) That the approval was obtained by fraud;

(2) That the use for which such approval is granted is not being exercised;

(3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

(4) That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;

- (5) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

21.58. 0230 Expiration period.

(a) Any conditional use permit or variance or other development permit or approval granted pursuant to this title becomes null and void if not exercised within the time period specified in the approval letter or resolution granting the application or, if no time period is specified, within eighteen months of the date of approval.

(b) Unless an earlier expiration date appears on the face of the permit any development permit which is issued in conjunction with tentative subdivision map for a planned unit development as defined by Section 11003 of the State Business and Professions Code shall expire no sooner than the approved tentative map or any extension thereof whichever occurs later. Local coastal development permits issued in conjunction with a tentative subdivision map for a planned unit development shall expire no sooner than the approved tentative map and shall be in accordance with the applicable local coastal program which is in effect at the time of the application for extension.

AMENDMENTS TO CHAPTER 21.62**List of Sections in Chapter 21.62**

The list of sections in Chapter 21.62 (Violations) is proposed to be amended as follows:

Sections:

21.62.010 Violation—Penalty.

21.62.020 Violation—Remedies.

21.62.020

Section 21.62.020 is proposed to be added to Chapter 21.62 (Violations) as follows:

21.62.020 Violation—Remedies.

The city retains the right to enforce any remedy for violations in accordance with Chapters 1.08 and 1.10 of the Carlsbad Municipal Code, including but not limited to recording a notice of violation.

AMENDMENTS TO CHAPTER 21.83

21.83.040

Section 21.83.040 (Child Care, Use chart) is proposed to be amended as follows:

21.83.040 Use Chart.

The following use chart indicates the zones where ~~Zones with small and large family day care homes and child day care centers are permitted, subject to the requirements of this chapter, shown on the following use chart. Permitted, administrative, conditional, and prohibited are authorized as follows:~~

"P" indicates that the use is permitted in the zone.

"A" indicates that the use is permitted subject to approval of an administrative permit.

"C" indicates that the use is permitted subject to approval of a conditional use permit.

"X" indicates that the use is prohibited in the zone.

Zoning	Small Family Day Care Home (8 or fewer children)	Large Family Day Care Home (14 or fewer children)	Child Day Care Center
RA, RE, EA	P	P(1)	X
R-1	P	P(1)	X
R-2	P	P(1)	X
R-3, RD-M, RP	P	P(1)	A(2)
RT, RW, RMHP	P	P(1)	X
O	X	X	A(2)
HO	X	X	P(3)
C-F	X	X	A(2)
C-1, C-2, CL	X	X	P(3)
PM, CM	X	X	C
M, PU, OS, LC, TC, CT	X	X	X
VR, PC	(4)	(4)	(4)

1. Permitted only when the large family day care home is located on a lot occupied by a detached, single-family dwelling ~~on a lot of 7,500 square feet or more~~ by ministerial approval without a public hearing and subject to the provisions of Section 21.83.050 of this chapter.
2. Permitted subject to the provisions of Sections 21.83.070 and 21.83.080 of this chapter.
3. Permitted subject to the provisions of Section 21.83.080 of this chapter and the requirements of any controlling document (e.g., site development plan).
4. Permitted subject to the standards of the controlling document (~~Carlsbad Village redevelopment Master Plan and Design Manual~~ guidelines or designated master plan) and the provisions of Section 21.83.080 of this chapter.

21.83.080

Section 21.83.080.F (Child Care, Development Standards for child day care centers) is proposed to be amended as follows:

- F. The following parking requirements shall apply:

1. Parking shall be provided consistent with the standards specified in Chapter 21.44, unless otherwise specified in this section. ~~Notwithstanding Chapter 21.44 of this title, parking shall be provided at one space/employee plus one space for each ten children, minimum. Such~~

~~1. _____~~ 1. _____ Parking shall not be located in any required front yard setback.

~~2. _____~~ 2. _____ An adequate on-site loading/unloading area shall be provided which can be easily accessed from the child day care center without crossing any driveways or streets. This area may be counted towards the required parking.

~~3. _____~~ 3. _____ Clearly designated pedestrian walkways shall be provided.

~~4. _____~~ 4. _____ Up to fifty percent of the parking facilities required by Chapter 21.44 of this title for a church may be jointly utilized by an on-site, incidental, child day care center provided there is no substantial conflict in the principle operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.

AMENDMENTS TO CHAPTER 21.84

21.84.060

Section 21.84.060.C (Housing for Senior Citizens, Development standards and design criteria) is proposed to be amended as follows:

- C. The following parking requirements shall apply:
1. Parking shall be provided as follows: Parking shall be provided consistent with the standards specified in Chapter 21.44, unless otherwise specified in this section.
 1. ~~A minimum of one and one-half covered spaces per every unit, plus one covered space for an onsite manager's unit (when provided), and one guest parking space per every five units;~~
 2. 1. Whenever possible, parking spaces should be laid out at either a thirty, forty-five or sixty degree angle; and
 3. 2. Required parking spaces shall be available to residents of the project at no fee.

21.84.080

The first paragraph of Section 21.84.080 (Housing for senior citizens, Application process) is proposed to be amended as follows:

B. Formal Application. A proposal to develop housing for senior citizens shall be processed under a site development plan (SDP) application in addition to any otherwise required application(s) (i.e., tentative maps, parcel maps, planned unit developments, etc.). The site development plan application shall be processed according to the provisions of Chapter 21.06 of this code, excluding Section 21.06.020 (b) (1), (2), (3) and (4). The findings for approval of a site development plan for housing for senior citizens are specified in Section 21.84.080 of this chapter.

21.84.100

Section 21.84.100.D.1.e (Housing for senior citizens, Additional requirements) is proposed to be amended as follows:

e. In a "senior citizen housing development," the limitation on occupancy may result in more less than, but not less than eighty percent, all of the dwellings being actually occupied by a qualifying resident;

AMENDMENTS TO CHAPTER 21.86

List of Sections in Chapter 21.86

The list of sections in Chapter 21.86 (Residential Density Bonus Incentives or Concessions) is proposed to be amended as follows:

Sections:

- 21.86.010 Purpose and intent.
- 21.86.020 Definitions.
- 21.86.030 Inclusionary housing.
- 21.86.040 Density bonus for housing developments.
- 21.86.050 Incentives and concessions for housing developments.
- 21.86.060 Waiver or reduction of development standards.
- 21.86.070 Density bonus and incentives for condominium conversions.
- 21.86.080 Housing developments with child day care centers.
- 21.86.090 Density bonus housing standards.
- 21.86.100 Affordability tenure.
- 21.86.110 Application process.
- 21.86.120 Findings for approval.
- 21.86.130 Density bonus housing agreement.
- 21.86.140 Agreement processing fee.
- 21.86.150 ~~Separability of provisions~~ Severability.

21.86.150

Section 21.86.150 (Residential Density Bonus Incentives or Concessions) is proposed to be amended as follows:

21.86.150 ~~Separability of provisions~~ Severability.

A. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

AMENDMENTS TO CHAPTER 21.95**21.95.040**

Sections 21.95.040.B (Hillside Development Regulations, Exemptions from hillside development permit) are proposed to be amended as follows:

B. Any development exempted by 21.95.040(A) above, which does not comply with Section 21.95.120 and the city's hillside development guidelines, must submit an application for obtain a hillside development permit or hillside development permit amendment in order to obtain an exclusion from or modification to the development and design standards pursuant to this chapter.

AMENDMENTS TO CHAPTER 21.105

21.105.030

The first sentence of Section 21.105.030 (Recycling Facilities and Recycling Areas, Recycling collection facilities allowed in commercial and industrial zones) is proposed to be amended as follows:

21.105.030 Recycling collection facilities allowed in commercial and industrial zones.

Recycling collection facilities shall be allowed in commercial and industrial zones upon approval of a conditional use permit pursuant to Chapter ~~21.50~~ 21.42 of this title, and subject to the following:

21.105.030

Section 21.105.030(b)(6) (Recycling Facilities and Recycling Areas, Recycling collection facilities allowed in commercial and industrial zones) is proposed to be amended as follows:

(6) Reserved ~~Space shall be provided on site for a minimum of six vehicles or the anticipated peak hourly customer load, whichever is higher, as determined by the planning director. In addition, parking shall be provided for each employee and for each commercial vehicle of the recycling facility;~~

21.105.040

The first sentence of Section 21.105.040 (Recycling Facilities and Recycling Areas, Recycling processing facilities allowed in industrial zones) is proposed to be amended as follows:

21.105.040 Recycling processing facilities allowed in industrial zones.

Recycling processing facilities shall be allowed in industrial zones upon approval of a conditional use permit pursuant to Chapter ~~21.50~~ 21.42 and subject to the following:

AMENDMENTS TO CHAPTER 21.110

List of Sections in Chapter 21.110

The list of sections in Chapter 21.110 (Floodplain Management Regulations) is proposed to be amended as follows:

Sections:

- 21.110.010 Statutory authorization.
- 21.110.020 **Reserved Findings of fact.**
- 21.110.030 Statement of purpose.
- 21.110.040 Methods of reducing flood losses.
- 21.110.050 Definitions.
- 21.110.060 Lands to which this chapter applies.
- 21.110.070 Basis for establishing the areas of special flood hazard.
- 21.110.080 Compliance.
- 21.110.090 Abrogation and greater regulations.
- 21.110.100 Interpretation.
- 21.110.110 Warning and disclaimer of liability.
- 21.110.120 Severability.
- 21.110.130 Special use permit.
- 21.110.135 Findings for Approval**
- 21.110.140 Designation of floodplain administrator.
- 21.110.150 Duties and responsibilities of the floodplain administrator.
- 21.110.160 Standards of construction.
- 21.110.170 Standards for utilities.
- 21.110.180 Standards for subdivisions.
- 21.110.190 Standards for manufactured homes.
- 21.110.200 Floodways.
- 21.110.210 Coastal high hazard areas.
- 21.110.220 Mudslide (i.e., mudflow) prone areas.
- 21.110.230 Flood-related erosion-prone areas.
- 21.110.240 Appeals.
- 21.110.250 Conditions for variances.

21.110.020

Section 21.110.020 (Floodplain Management Regulations, Findings of fact) is proposed to be amended as follows:

21.110.020 Reserved Findings of fact.

(a) ~~The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~

(b) ~~These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~

21.110.030

Section 21.110.030 (Floodplain Management Regulations, Statement of purpose) is proposed to be amended as follows:

21.110.030 Statement of purpose.

(a) The floodplain management regulations are necessary due to the following facts:

(1) The flood hazard areas of the city are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(b) It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood-control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) Recognize floodplain areas as potential open space resources and encourage compatible open space uses wherever possible.

21.110.130

Section 21.110.130 (Floodplain Management Regulations, Special use permit) is proposed to be amended as follows:

21.110.130 Special use permit.

A special use permit shall be obtained in addition to any other required permits or entitlements before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) hazards established in Section 21.110.070. The filing fees for a special use permit shall be in an amount as the city council may by resolution establish. Applications for a special use permit shall be made on forms furnished by the **planning director** ~~floodplain administrator~~ and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;

- (2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- (3) All appropriate certifications listed in Section 21.110.150(D) of this chapter;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (5) Environmental impact assessment (one copy only); and
- (6) Environmental impact report (twenty copies), if required.

21.110.135

Section 21.110.135 is proposed to be added to Chapter 21.110 (Floodplain Management Regulations) as follows:

21.110.135 Findings for approval.

(a) A special use permit required by this chapter may be approved or conditionally approved only if the following findings are made:

(1) The project is consistent with the general plan, local coastal program, the requirements of this chapter, and any other applicable requirement of this code.

(2) The site is reasonably safe from flooding.

(3) The project is designed to minimize the flood hazard to the habitable portions of the proposed structure.

(4) The proposed project does not create a hazard for adjacent or upstream properties or structures.

(5) The proposed project does not create any additional hazard or cause adverse impacts to downstream properties or structures.

(6) The proposed project does not reduce the ability of the site to pass or handle a base flood of 100-year frequency.

(7) The cumulative effect of the proposed project when combined with all the other existing, proposed, and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(8) The project is contingent upon compliance with other federal and state regulations as required.

21.110.140

Section 21.110.140 (Floodplain Management Regulations, Designation of floodplain administrator) is proposed to be amended as follows:

21.110.140 Designation of floodplain administrator.

The Planning Commission is appointed as the floodplain administrator. ~~to administer and implement this chapter by granting or denying special use permits in accordance with its provisions and upon the advice of the city engineer.~~

21.110.150

Section 21.110.150(1) (Floodplain Management Regulations, Duties and responsibilities of the floodplain administrator) is proposed to be amended as follows:

21.110.150 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

(1) Permit Review Authority. The floodplain administrator may approve, conditionally approve or deny a special use permit required by this chapter upon the advice of the city engineer.

(A) ~~Review all special use permits to determine that the permit requirements of this chapter have been satisfied;~~

(B) ~~All other required state and federal permits have been obtained;~~

(C) ~~The site is reasonably safe from flooding;~~

(D) ~~The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.~~

AMENDMENTS TO CHAPTER 21.201

21.201.085

Section 21.201.085 (Coastal Development Permit Procedures, Minor coastal permits for second dwelling units) is proposed to be amended as follows:

21.201.085 Minor coastal permits for second dwelling units.

A. The planning director may issue minor coastal permits for second dwelling units in the coastal zone which comply with the following criteria:

1. The development is consistent with Section 21.10.045030 of this title and the certified local coastal program as defined in Section 30108.6 of the Coastal Act.
2. The development has no adverse effect individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

B. The director shall give written notice of pending development decision after the application is complete, at least fifteen working days prior to the decision on the application as follows:

1. Contents. The notice shall include: a statement of a public comment period of at least fifteen working days sufficient to receive and consider comments submitted by mail prior to the date established for the decision.

2. Recipients. The notice shall be sent by first class mail to:

- a. Any person requesting to be on the mailing list for the project or for coastal decisions;
- b. All property owners and residents within one hundred feet of the project perimeter;
- c. The Coastal Commission; and
- d. The applicant.

C. The planning director may approve, approve with conditions or deny the permit. The director's decision shall be based upon the requirements of, and shall include specific factual findings supporting whether the project is or is not in conformity with Section 21.10.030 of this title and; the certified local coastal program (and, if applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act).

The planning director's decision shall be made in writing. The date of the decision shall be the date the writing containing the decision or determination is mailed or otherwise delivered to the person or persons affected by the decision or determination. The planning director shall provide a notice of final local action in accordance with Sections 21.201.160 and 21.201.170 of this code, in addition to the director's written decision.

D. Minor coastal permits for second dwelling units are not appealable to the planning commission or city council.

21.201.210

Section 21.201.210 (Coastal Development Permit Procedures, Extensions) is proposed to be amended as follows:

21.201.210 Extensions.

~~Not more than ninety or less than forty five days p~~Prior to the expiration of a coastal development permit the permittee may apply to the director for an extension of the permit. The application for an extension shall be processed pursuant to the provisions of this chapter. An extension shall be approved only if it is found that there has been no change of circumstances in relation to coastal resources per Section 13169 of the California Code of Regulations since the original granting of the permit. If the director finds that there has been a change of circumstances in relation to coastal resources since the original granting of the permit the application for the extension shall be denied or conditionally approved. The decision of the director may be appealed pursuant to the provisions of Section

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21.201.080(D). If a complete application for an extension has been timely filed, the planning commission or the city council on appeal may grant the extension after the expiration date; ~~provided, that the final decision is made not later than forty-five days after the expiration date.~~

AMENDMENTS TO CHAPTER 21.204

21.204.080

Section 21.204.080.C (Coastal Shoreline Development Overlay Zone, Mechanism for guaranteeing public access) is proposed to be amended as follows:

C. Procedure. Copies of the recorded document, title report, and permit shall be forwarded to the California Coastal Commission by the applicant within ten days after submission of the recorded document for preparation of the coastal access inventory as required by Section 30530 of the Coastal Act. The accepting agency or Commission staff may make minor revisions to the documents (such as corrections in the legal descriptions, minor revisions to the location and use of the accessways in order to open the area up for public use) to assure that the public right-of-access along dry sandy beaches, bluff top parcels, or the vertical accessways is protected and capable of being implemented.

21.204.120

Section 21.204.120 (Coastal Development Permit Procedures. Waiver of public liability) is proposed to be amended as follows:

21.204.120 Waiver of public liability.

As part of the coastal development permit for a coastal shoreline development, the following requirement shall be completed:

That prior to the transmittal of the coastal development permit, the applicant shall submit to the planning director a deed restriction for recording, free of prior liens except for tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the planning director. The deed restriction shall provide:

A. That the applicants understand that the site may be subject to extraordinary hazard from waves during storms, from erosion, and from landslides, and the applicants assume the liability from those hazards;

B. The applicants shall unconditionally agree to indemnify and hold the city ~~waive any claim of liability on the part of the California Coastal Commission or the city for~~ harmless from liability ~~for~~ any damage from such hazards; and

C. The applicants understand that construction in the face of these probable hazards may make them ineligible for public disaster funds or loans for repair, replacement or rehabilitation of the property in the event of storms and landslides.

AMENDMENTS TO CHAPTER 21.208

21.208.050

Section 21.208.050 (Commercial/Visitor-Serving Overlay Zone Uses permitted by conditional use permit) is proposed to be amended as follows:

21.208.050 Uses permitted by conditional use permit.

Commercial/visitor-serving uses may be permitted within the overlay zone by approval of a conditional use permit pursuant to this chapter, excluding outdoor dining (incidental), which is subject to an administrative permit pursuant to Section 21.26.013 of this title. Conditional uses otherwise allowed by underlying zoning designations, within the overlay zone, that are not commercial/visitor-serving uses, are not subject to this chapter. Where the underlying zoning authorizes conditionally approved uses (other than commercial/visitor-serving uses) Chapter ~~21.50~~ 21.42, not this chapter, applies.

21.208.060

Section 21.208.060.D (Commercial/Visitor-Serving Overlay Zone, Prohibited uses) is proposed to be deleted:

~~D. — Incidental outdoor dining areas (which waive parking requirements for small outdoor eating areas up to four hundred square feet in size) are prohibited. All indoor and outdoor eating areas shall provide parking as required by Section 21.208.100(A)(4) of this chapter.~~

21.208.100

Sections 21.208.100.A.4 and 21.208.100.A.5 (Commercial/Visitor-Serving Overlay Zone, Development standards) is proposed to be amended as follows:

4. Restaurant. One space/one hundred square feet of gross floor area up to two thousand square feet. Two thousand square feet or greater: twenty spaces plus one space/fifty square feet in excess of two thousand square feet. Space used for outdoor dining (incidental), pursuant to Section 21.26.013 of this title, shall be exempt from these parking requirements. ~~Outdoor eating areas require one space/one hundred square feet of gross floor area specifically designed, designated and approved for outdoor dining.~~ Recommended design features include adequate shuttle bus circulation and passenger drop-off/pick-up facilities in addition to tour bus/passenger bus parking provisions.

5. Coffee Shop/Beverage-Serving Use/Delicatessen. One space/three hundred square feet of gross floor area excluding seating areas for eating and/or drinking. ~~Indoor and outdoor Seating areas shall park at one space/one hundred square feet of area.~~ Space used for outdoor dining (incidental), pursuant to Section 21.26.013 of this title, shall be exempt from these parking requirements.