

**CALIFORNIA COASTAL COMMISSION**

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

**Th12c**

May 28, 2014

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
RICK CASSWELL, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP  
AMENDMENT NO. CAR-MAJ-2-13A (CUP Code Amendments) for  
Commission Meeting of June 11-13, 2014**

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**SYNOPSIS**

The City of Carlsbad's Local Coastal Program (LCP) Amendment request #2-13 involves three unrelated items including the subject revisions to the City's Conditional Use Permit (CUP) provisions (#2-13A), a Sign Ordinance update (#2-13B) and a site specific amendment for the Kelly Corporate Center along Palomar Airport Road (#2-13C). As a whole, the submittal contains components that modify both the certified Land Use Plans (LUPs) and the City's certified Implementation Plan (IP). This staff report addresses LCP Amendment #2-13A, which will involve revisions to the certified IP only. LCP Amendment #2-13B is expected to be reviewed at the June 2014 Commission meeting as a separate hearing item. LCP Amendment #2-13C was reviewed and approved as submitted at the January 2014 hearing.

The subject request was filed as complete on October 22, 2013, and a one-year extension was granted on January 9, 2014. The Commission must act on the amendment request by no later than the January 2015 hearing.

**SUMMARY OF AMENDMENT REQUEST**

The City of Carlsbad is requesting an amendment to the City's IP (which, in this case, is the City of Carlsbad's Zoning Ordinance) in order to implement revisions to the City's conditional use permitting review process/decision-making authority, as well as revisions to the P-M (Planned Industrial) zone and Commercial Visitor-Serving Overlay Zone (CVSOZ), along with general text cleanup and elimination of errors relating to the language and specification of permitted/conditionally-permitted uses within non-residential zones.

As a result of public outreach by the City in 2009, one of the initiatives established was to streamline the discretionary permit approval process by reassigning authority to the lowest appropriate decision-making body. The City is proposing to do this for a number of conditionally-permitted uses within non-residential zones, as well as reassigning authority to a higher decision-making body for a small number of conditionally permitted uses within both residential and non-residential zones. Revisions to the P-M zone are also proposed as part of this LCP Amendment, and include revising Section 21.34.010 of the code to allow for greater flexibility in the types of land uses that could be located within the P-M zone, as well as adding new types of uses that could be permitted (either by right or conditionally) within the P-M zone. In addition, revisions to the development standards within the CVSOZ are also proposed, along with minor text changes to the Cannon Road-Agricultural/Open Space (CR-A/OS) zone. However, the CR-A/OS zone is not being reviewed by this report since it is not yet certified as part of the City's LCP.

### **SUMMARY OF STAFF RECOMMENDATION**

The proposed amendment to the IP will maintain consistency with the certified LUPs, in that the City has carefully selected uses that are highly compatible with the underlying land use designations. Conversely, the proposed amendment would also result in the elimination of several uses that are presently incompatible with their surrounding uses. This amendment also does not propose to modify any of the present development standards for any of the new permitted or conditionally permitted uses; instead, the existing development standards of the respective zoning designation will be maintained. The exception to this would be the Commercial Visitor-Serving Overlay Zone; minor revisions to the development standards are proposed that are expected to encourage hotel and motel development within this overlay zone. Additionally, where existing conditionally permitted uses within non-residential zones have been assigned a lower level of decision-making authority, a CUP would still be required and the regulations (including development and parking standards) of the established Zoning Ordinance would continue to be applied. Finally, a number of visitor-serving types of uses are proposed to be added to several non-residential zones, which has the potential to enhance the visitor-serving development opportunities in the City. As such, the proposed amendment should not result in any adverse impacts to community character, public views, or parking and it would be consistent with the policies of the applicable certified LUPs, especially those encouraging more visitor uses.

Staff recommends that the Commission find that the City's request to amend the City's Zoning Ordinance conforms with and is adequate to carry out the certified LUPs. No adverse impacts to coastal access or coastal resources are anticipated.

Staff is therefore 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 begin on Page 5.

## **BACKGROUND**

LCP Amendment #2-13A was submitted with LCP Amendments #2-13B and #2-13C, which were all filed as complete on October 22, 2013, with a one-year extension being granted on January 9, 2014. The Commission must act on the amendment request by no later than the January 2015 hearing. Commission staff has worked with Planning staff from the City of Carlsbad during the review of this proposed amendment.

## **ADDITIONAL INFORMATION**

Further information on the City of Carlsbad's LCP Amendment #2-13A may be obtained from Rick Casswell, Coastal Planner, at (619) 767-2370.

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## **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**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission

and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

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**PART II. LOCAL COASTAL PROGRAM SUBMITTAL – RESOLUTION**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided.

**MOTION:** *I move that the Commission approve the Implementation Program Amendment No. 2-13A for City of Carlsbad as submitted.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Following the staff recommendation 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 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 Amendment.

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**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD  
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

This request involves a city-initiated LCP amendment to the City's Zoning Ordinance (Municipal Code), which is certified as part of its LCP Implementation Plan. No changes to the City's certified LCP Land Use Plans are proposed herein.

The City of Carlsbad is requesting an amendment to the City's IP in order to implement revisions to the City's CUP review process/decision-making authority in non-residential zones, as well as revisions to the P-M (Planned Industrial) zone and Commercial Visitor-Serving Overlay Zone (CVSOZ). In addition, general text cleanup and revisions to the listing of permitted/conditionally-permitted uses within non-residential zones is also proposed.

Specifically, the City is proposing to streamline the approval process for conditionally-permitted uses within non-residential zones, as well as reassigning authority to a higher decision-making body for a small number of conditionally permitted uses within both residential and non-residential zones. Revisions to the P-M zone are also proposed as part of this LCP Amendment, and include revising Section 21.34.010 of the City's Zoning Ordinance to allow for greater flexibility in the types of land uses that could be located within the P-M zone, as well as adding new types of uses that could be permitted (either by right or conditionally) within the P-M zone. Also, clarification of language for permitted and conditionally permitted uses, updating of decision-making authority and pre-filing submittal requirements are also proposed. In addition, alterations to the development standards within the CVSOZ are also proposed, including the elimination of a required 600 foot separation between hotels and motels, and changing the preferred architectural style from "Contemporary Southwest" to "Spanish/Mediterranean". Finally, text revisions intended to clarify sections of the Zoning Ordinance relating to CUPs, along with the correction of inadvertent omissions/inclusions of certain uses within non-residential zones from previous Zoning Ordinance updates are also proposed.

Conditionally permitted uses (i.e. those uses requiring a CUP) possess unique characteristics that would make it impractical to automatically include those uses within the list of uses that are permitted by right within the various zoning designations. Typically such characteristics often relate to potentially higher levels of noise and parking demand, which can result from factors such as irregular hours of operation or onsite sales/consumption of alcohol. While such uses may not be completely incompatible with their surrounding uses, a CUP allows a local government to impose certain limitations on these conditionally permitted uses as a way of improving the compatibility of such uses with the existing adjacent properties for a period of time determined by that local government's designated approval body. This is accomplished through certain "conditions of approval" being established as part of an approved CUP, which must be upheld by the operators of that use throughout the lifetime of the use. If

any of those established conditions are not met by the use's operator, the local government has the ability to revoke the CUP and terminate the operation of that use.

A local government will assign a decision-making body to approve/deny a CUP application. The City currently has three decision-making bodies involved with the approval of CUP applications: the City Planner (who currently determines the outcome of Minor CUP applications), the Planning Commission (which reviews the majority of the CUP applications), and the City Council (which typically reviews the most controversial CUP applications). A CUP application's determination is appealable to the next highest decision-making body; with the City Planner being the lowest level of review, followed by the Planning Commission, and then the City Council. It would also be possible for a CUP application that was initially denied by the City Planner to be appealed to the Planning Commission, followed by a second appeal to the City Council should the Planning Commission also deny the project. However, a CUP application cannot be appealed to the decision-making body(ies) below the initial designated decision-making body, which is determined by the type of use.

## **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(s).

1) **Purpose and Intent of the Ordinance.** The City of Carlsbad is requesting an amendment to the City's Zoning Ordinance in order to implement revisions to the City's conditional use permitting review process/decision-making authority (as means of streamlining the permit process for applicants), as well as revisions to Section 21.34.010 for the P-M (Planned Industrial) zone and Chapter 21.208 (Commercial Visitor-Serving Overlay Zone), along with general text cleanup and elimination of errors relating to the language and specification of permitted/conditionally-permitted uses within non-residential zones.

### 2) **Major Provisions of the Ordinance.**

- Reassignment of decision-making authority in non-residential zones, to lower the decision-making authority for a number of conditionally-permitted uses (including athletic clubs and recreation facilities, aquaculture and aquaculture stands, non-restaurant drive-thru facilities, restaurants, bowling alleys, carwash facilities, and thrift shops). The highest decision-making authority would be the City Council, followed by the Planning Commission and then the City Planner.
- Elevation of decision-making authority, from Planning Commission to City Council review, for golf courses, hotels and motels, and outdoor theaters, stages, and amphitheaters within all zones (residential and non-residential) where said uses are conditionally permitted.

- Revisions to the Planned Industrial (P-M) Zone would involve:
  - Revising Section 21.34.010 (Intent and Purpose) of the P-M (Planned Industrial) zone to allow for greater flexibility in the types of uses that could be located within the P-M zone.
  - Includes the addition of “Retail, Accessory Use” as a new land use category, permissible by Minor Conditional Use Permit (MCUP), which is approved by the City Planner. This use would allow up to 20% of gross floor area, or 2,000 square feet (whichever is less), for such uses as tasting/sampling rooms, showrooms, and miscellaneous retail.
  - “Educational facilities-other” (such as educational services for trade, cosmetology, pet grooming, music, dance, martial arts, and gymnastics) would also be a new land use, permissible within the P-M Zone with a MCUP.
  - Includes “Breweries with accessory use” as a new land use category, permissible by CUP, and approvable by the City Council. This use would allow up to 20% of gross floor area, or 2,000 square feet (whichever is less), for tastings and retail sales.
  
- Revisions to the Commercial Visitor-Serving Overlay Zone (CVSOZ; Chapter 21.208 of the City of Carlsbad Municipal Code) include:
  - Clarification of language for permitted and conditionally permitted uses.
  - Updating the approval process to reflect the proposed changes in decision-making authority.
  - Updating the pre-filing submittal process.
  - Making corrections to the established development standards (Section 21.208.100), which includes eliminating a required 600 foot separation between hotels and motels, and replacing “Contemporary Southwest Architectural Style” with “Spanish/Mediterranean Architectural Style” as a preferred architectural theme.
  
- Revisions intended to clarify sections of the Zoning Ordinance relating to CUPs where the language is unclear, and to correct inadvertent omissions/inclusions of certain uses within non-residential zones from previous Zoning Ordinance updates. Notable uses proposed to be added to non-residential zones include:
  - “Hotels and Motels” within the O zone
  - “Aquaculture stands” within the C-2, C-M, and M zones
  - “Breweries” within the C-L, C-M, P-M, and M zones
  - “Breweries with retail accessory use” within the C-M, C-L, M, and P-M zones
  - “Educational facilities, other” within the C-M, P-M, and O zones
  - “Nightclubs and other establishments that play live/recorded music” within the C-2 zone

3) **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 LUPs (i.e. Mello I, Mello II, Village Area, East Batiquitos Lagoon, and West Batiquitos Lagoon LUPs). The most applicable LUP policies are as follows:

**Mello I**

**Policy 4 – Parking**

Parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.

**Visual/Land Resources**

Sections 30244, 30251 and 30252 of the Coastal Act address the visual resource issues. In response to these Sections of the Coastal Act, PRC Toups recommends several actions, including:

- Sign control
- Parking requirements  
[...]
- The purpose of these recommendations is to ensure that visual...resources are protected, preserved or where necessary mitigated prior to construction and that new development will not visually degrade the area. This is of particular concern to...land...adjacent to Interstate 5, a major coastal access route....

**Mello II**

**Policy 1-1: Allowable Land Uses (Mello II)**

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

**Policy 6-5: Need for 200 Additional Hotel-Motel Rooms and Visitor Serving Uses**

Approximately 40 acres of additional visitor-serving (hotel-motel and restaurant) uses should be established...Restaurants and other visitor-serving facilities also need to be provided ...

**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.

**Policy 7-13: Visual Access**

Visual access over more than 80% of the Carlsbad coastline is unobstructed because of public ownership. No future public improvements which would obstruct this visual access shall be permitted.

**East Batiquitos Lagoon**

**Policy 6: Scenic and Visual Qualities**

The scenic and visual qualities of the area are of great value to the region. Again, the focal point for these qualities is Batiquitos Lagoon. The viewshed to the lagoon and from the lagoon shoreline are important resources. Many of the requirements previously established by this document address visual quality components....

As noted in the foregoing policies, many of the respective certified LUPs for the City of Carlsbad contain policies that address the protection of public views, preservation of community character and the provision of adequate parking (which also relates to public access). One of the primary outcomes of the proposed amendment would be an expedited approval process for a number of uses that currently require a CUP within non-residential zones. Such uses have the potential to impact public views, community character or off-street parking demand. However, the City is not proposing to permit all of these uses by right, but rather seek to streamline the review process where possible. The City has selected land uses that have generated very little controversy and which are highly compatible within the underlying zoning designations and their permitted uses. Conversely, the proposed amendment would also result in the elimination of several uses that are presently incompatible with their surrounding uses, such as cemeteries within the Neighborhood Commercial (C-1) and Office (O) zones. Additionally, the amendment proposes to expedite the CUP process for recreation facilities, aquaculture, aquaculture stands, and restaurants, which are all visitor-serving or priority uses under the Coastal Act. Furthermore, the amendment does not propose to alter the existing development standards (established as part of the underlying zoning designations) for these conditionally permitted uses. Therefore, development standards will remain unchanged and the coastal development review process will ensure application of all the resource protection provisions of the certified LCP. As such, the proposed amendment should not result in any adverse impacts to community character, public views or coastal access.

Where the amendment proposes to elevate the CUP decision-making authority, from Planning Commission to City Council review, for golf courses, hotels and motels, and outdoor theaters, stages or amphitheaters, there are no material changes to the existing development standards being proposed. The change in decision-making authority reflects the City Council's desire to review certain specialized uses and is not expected to adversely impact coastal resources. This is because hotels and motels (a high priority use) will remain as permitted uses within the C-T (Commercial Tourist) zone, and, as part of the proposed amendment, these uses would also be added to the O (Office) zone as conditionally permitted uses.

Allowing for a greater flexibility in the types of uses that could be located within the P-M (Planned Industrial) zone, including the addition of new uses such as “Retail, accessory use” and “Educational facilities-other”, is not anticipated to conflict with the certified LUPs, and should not result in undesirable impacts to coastal resources. This is due to the fact that a CUP would still apply to the more parking-intensive uses, while other less parking-intensive uses (such as newspaper publishing and breweries without accessory retail use) would be permitted by right. Also, the proposed new uses would be compatible with the P-M zone, and would also adhere to the existing development standards of the subject zone. This means that building height, setbacks, lot coverage and the issuance of coastal development permits for non-exempt development would still apply. Therefore, coastal resources would continue to be protected by these standards.

Where the amendment does propose a modification to the development standards is the Commercial Visitor-Serving Overlay Zone (CVSOZ), under Section 21.208.100 of the City of Carlsbad Municipal Code. However, these modifications (which include the elimination of an existing 600 foot separation distance between hotels and motels, and a change from “Contemporary Southwest Architectural Style” to “Spanish/Mediterranean Architectural Style”) will not conflict with any of the certified LUPs. In fact, the removal of the 600 foot separation distance between hotels and/or motels could actually encourage the development of more overnight accommodations within the CVSOZ, in that an existing development constraint would be removed by the proposed amendment. Therefore, this proposed revision would be in compliance with Policy 6-5 of the Mello II LUP which asserts that additional restaurants and other visitor-serving facilities need to be provided.

The additional modifications involved with this amendment, which are primarily text revisions for language clarity, but also include the removal or addition of uses within non-residential zones in accordance with the LUPs, should not negatively impact coastal resources. This is due to the fact that the City is proposing to remove incompatible uses from non-residential zones, and then only adding uses which are compatible with the underlying zoning designations and their permitted uses. Examples of this effort would include the removal of golf courses and cemeteries from a number of ‘retail-focused’ commercial zones, along with the addition of visitor-serving uses (such as breweries with accessory retail, hotels and motels, and aquaculture stands) to numerous commercial and industrial zones. Furthermore, the amendment does not propose any modifications to the existing development standards for the underlying zoning designations. Consequently, the amendment should not result in any negative impacts to community character, public views, or coastal access.

Overall, the proposed changes to the Zoning Ordinance will maintain visual resources by assuring that only uses that are compatible with other permitted uses in the area will be allowed. In so doing, the character of the respective communities will be maintained, consistent with the policies of the applicable certified Land Use Plans. In addition, the proposed changes will not adversely impact the physical character of any site, in that the

existing development standards for all zoning designations, with the exception of the CVSOZ (which will experience only minor proposed changes, as previously described), will remain unchanged. Future development will continue to be subject to the existing Zoning Ordinance regulations (including parking requirements and the CDP review process for applicable development) and will also be required to meet all of the standards set forth in those regulations that address these issues. As such, no adverse visual resources or public access issues (as they relate to the provision of onsite parking) should result from the proposed amendment. Therefore, the proposed LCP amendment will have no significant adverse impacts on coastal resources, and the proposed amendment request is found to be consistent with the respective certified LUPs.

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

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. The Commission's Local Coastal Program (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 its review of an LCP or LCP amendment submittal, instead requiring the Commission to prepare a functional equivalent environmental analysis document consistent with its certified program.

At the local level, in connection with the revisions to its Zoning Ordinance, the City determined that the subject LCP amendment is exempt from environmental review pursuant to CEQA Section 15061(b)3, where it 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 City asserts that the changes proposed by this amendment are primarily procedural in nature, are not substantial, and will not significantly affect the existing development standards in the Zoning Ordinance; therefore, the project will not result in a significant effect on the environment.

Nevertheless, the Commission is required in an LCP submittal, such as in this case, to find that the approval of the proposed LCP, or LCP, as amended, does conform with CEQA. The proposed amendment would not result in any adverse impacts on coastal resources. Further, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms to the provisions of CEQA.

**RESOLUTION NO. 2013-192**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM (LCP) TO SIMPLIFY AND STREAMLINE THE DEVELOPMENT REVIEW PROCESS BY REASSIGNING THE APPROVAL AUTHORITY FOR CONDITIONAL USE PERMITS TO THE LOWEST APPROPRIATE DECISION-MAKER IN THE NONRESIDENTIAL ZONES, TO AMEND THE TEXT OF THE ZONING ORDINANCE TO PROVIDE GREATER FLEXIBILITY FOR A VARIETY OF CONDITIONAL USES IN THE NONRESIDENTIAL ZONES, AND TO AMEND THE COMMERCIAL VISITOR-SERVING OVERLAY ZONE TO ADDRESS MINOR MISCELLANEOUS AMENDMENTS RELATING TO DECISION-MAKING AUTHORITY FOR CONDITIONAL USES.

CASE NAME: CUP CODE AMENDMENTS  
CASE NO.: LCPA 09-02

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 May 1, 2013, hold a duly noticed public hearing as prescribed by law to consider Zone Code Amendment (ZCA 09-03) as referenced in Planning Commission Resolution No. 6961, Local Coastal Program Amendment (LCPA 09-02), as referenced in Planning Commission Resolution No. 6962; and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 6961 and 6962 recommending to the City Council that ZCA 09-03 and LCPA 09-02 be approved; and

WHEREAS, the City Council of the City of Carlsbad, on the 23rd day of July, 2013, held a duly noticed public hearing to consider the General Plan 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 relating to the General Plan Amendment.

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

EXHIBIT NO. 1

APPLICATION NO.  
**CAR-MAJ-2-13A**

(CUP Code Amendments)



Resolution  
California Coastal Commission



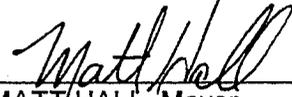
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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 23<sup>rd</sup> day of July, 2013, by the following vote to wit:

AYES: Council Members Hall, Packard, Wood, Blackburn and Douglas.

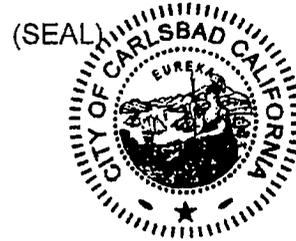
NOES: None.

ABSENT: None.

  
MATT HALL, Mayor

ATTEST:

  
BARBARA ENGLESON, City Clerk





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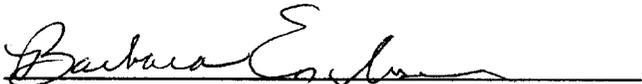
PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City  
of Carlsbad on the 27<sup>th</sup> day of August, 2013, by the following vote to wit:

AYES: Council Members Hall, Packard, Wood, Blackburn and Douglas.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

  
CELIA A. BREWER, City Attorney

  
MATT HALL, Mayor

ATTEST:  
  
BARBARA ENGLESON, City Clerk



**ZCA 09-03/LCPA 09-02  
CUP CODE AMENDMENTS**

**STRIKE-OUT/UNDERLINE**

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 6 below)

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

1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc.
Golf courses		<u>23</u>	

EXHIBIT NO. 3

APPLICATION NO.

**CAR-MAJ-2-13A**

(CUP Code Amendments)

Strikeout/Underline



California Coastal Commission

ZCA 09-03/LCPA 09-02  
CUP CODE AMENDMENTS

STRIKE-OUT/UNDERLINE

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 6 below)
- "CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)
- 1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
- 2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
- 3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
- "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 as follows:

Use	P	CUP	Acc
Golf courses		<u>23</u>	

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses (see note 5, below)		23	

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses		23	

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses (see note 2, below)		23	

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-Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Planning commission hearing process-Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = City council hearing process-Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
"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 as follows:

Table with 4 columns: Use, P, CUP, Acc. Row 1: Golf courses, [blank], 23, [blank]

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-Minor Conditional Use Permit (Process One,) pursuant to Chapter 21.42 of this title.
2 = Planning commission hearing process-Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = City council hearing process-Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
"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 as follows:

Table with 4 columns: Use, P, CUP, Acc. Row 1: Golf courses, [blank], 23, [blank]

**AMENDMENTS TO CHAPTER 21.18**

**21.18.020**

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 3-2 below)
- "CUP" indicates use is permitted with approval of a conditional use permit. (See note 3-2 below)
- 1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
- 2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
- 3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
- "Acc" indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities)(see note 1, below)(defined: Section 21.04.020)			x
<del>Aquaculture (defined: Section 21.04.036)</del>		<u>2</u>	
Banks/financial services (no drive-thru)	x		
Biological habitat preserve (subject to Section 21.42.010(B)(30))(defined: Section 21.04.048)		2	
<del>Campsites (overnight)(subject to Section 21.42.140(B)(40))</del>		<u>2</u>	
Cemeteries		3	
Child day care center (subject to Chapter 21.83)(defined: Section 21.04.086)		1	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		<u>2</u> <u>1</u>	
<del>Delicatessen (defined: Section 21.04.106)</del>	x		
Educational facilities, other (defined: Section 21.04.137)		<u>1</u>	
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
<del>Delicatessen (defined: Section 21.04.106)</del>		<u>1</u>	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: 21.04.148.4)	x		
Greenhouses (2,000 square feet maximum)	x		
Greenhouses >2,000 square feet (subject to Section 21.42.140(B)(70))		1	

Use	P	CUP	Acc
Golf courses (see note 2, below)		2	
Medical uses (excluding hospitals), including offices for medical practitioners, clinics, and incidental laboratories and pharmacies (prescription only)	x		
Mobile buildings (subject to Section 21.42.140(B)(90))(defined: Section 21.04.265)		2 <sub>1</sub>	
Office uses, (may include incidental commercial uses such a blueprint services, photocopy services and news-stands)	x		
Packing/sorting sheds (600 square feet maximum)	x		
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Parking facilities (primary use)(i.e., day use, short-term, non-storage)		2 <sub>1</sub>	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Radio/television/microwave/broadcast station/tower		2	
Satellite TV antennae (subject to Section 21.53.130 through 21.53.150)(defined: Section 21.04.302)			x
Schools (business, vocational, and for such subjects as dance, drama, cosmetology, music, martial arts, etc.)	x		
<u>Services, provided directly to consumers, and focusing on the needs of the local neighborhood, including, but not limited to, grooming, dry cleaning, and tailoring services</u>		1	
Signs, subject to Chapter 21.41 (defined: Section 21.04.305)			x
Temporary building/dg-/trailer (construction)(subject to Section 21.53.110)	x		
Transit passenger terminals (bus and train)		2	
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)		1	
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	

## Notes:

1. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.
2. ~~A conditional use permit is not required a golf course if it is approved as part of a master plan for a planned community development.~~
- 3.2. 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.

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

Table B  
Uses Permitted When the R-P Zone Implements the  
"RMH" or "RH" General Plan Land Use Designations

"P" indicates use is permitted.

"CUP" indicates use is permitted with approval of a conditional use permit.

1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.)(see notes 1 and 2, below)(defined: Section 21.04.020)			x
Agricultural crops	x		
Animal keeping (household pets)(subject to Section 21.53.084)			x
Animal keeping (wild animals)(subject to Section 21.53.085)			x
Aquaculture (defined: Section 21.04.036)		2	
Bed and breakfasts (subject to Section 21.42.140(B)(25))(defined: Section 21.04.046)		1	
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	
Child day care center (subject to Chapter 21.83)(defined: Section 21.04.086)		1	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – nonprofit; business, civic, professional, etc. (defined: Section 21.04.090)		2	
Dwelling, one-family (see note 3, below)(defined: Section 21.04.125)	x		
Dwelling, two-family (see note 4, below)(defined: Section 21.04.130)	x		
Dwelling, multiple-family (subject to Section 21.53.120 if more than 4 units are proposed)(defined: Section 21.04.135)	x		
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
Family day care home (large)(subject to Chapter 21.83)(defined: Section 21.04.147)			x
Family day care home (small)(subject to Chapter 21.83)(defined: Section 21.04.148)			x
Golf courses (see note 5, below)		2	

Use	P	CUP	Acc
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)	x		
Greenhouses (2,000 square feet maximum)	x		
Greenhouses >2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Home occupation (subject to Section 21.10.040)			x
Housing for senior citizens (subject to Chapter 21.84)	x		
Mobile buildings (subject to Section 21.42.140(B)(90))(defined: Section 21.04.265)		2 <sub>1</sub>	
Mobile home (see note 3 and 6 <sub>5</sub> , below)(defined: Section 21.04.266)	x		
Packing/sorting sheds (600 square feet maximum)	x		
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Parking facilities (primary use)(i.e., day use, short-term, non-storage)		2 <sub>1</sub>	
Professional care facilities (defined: Section 21.04.295)		2	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Residential care facilities (serving six or fewer persons)(defined: Section 21.04.300)	x		
Residential care facilities (serving more than six persons)(subject to Section 21.42.140(B)(125))(defined: Section 21.04.300)		2	
Satellite TV antennae (subject to Section 21.53.130 through 21.53.150)(defined: Section 21.04.302)			x
Second dwelling unit (accessory to a one-family dwelling only),(subject to Section 21.10.030)(defined: Section 21.04.303)			x
Signs (subject to Chapter 21.41)(defined: Section 21.04.305)			x
Supportive housing (serving six or fewer persons)(defined: Section 21.04.355.1)	x		
Supportive housing (serving more than six persons)(subject to Section 21.42.140(B)(125))(defined: Section 21.04.355.1)		2	
Temporary bldg./trailer (real estate or construction)(subject to Sections 21.53.090 and 21.53.110)	x		
Time-share projects (subject to Section 21.42.140(B)(155))(Section 21.04.357)		2	
Transit passenger terminals (bus and train)		2	
Transitional housing (serving six or fewer persons)(defined: Section 21.04.362)	x		
Transitional housing (serving more than 6 persons)(subject to Section 21.42.140(B)(125))(defined: Section 21.04.362)			
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	

## Notes:

- Private garages (defined: Section 21.04.150) shall accommodate not more than two cars per dwelling unit.
- When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Section 21.04.165).

3. One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of October 28, 2004, and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
4. A two-family dwelling shall not be permitted within the RH land use designation.
- ~~5. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.~~
- 6.5. Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C Section 5401 et. seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses		<u>23</u>	
Hotels and Motels (subject to Section 21.42.140(B)(80))		<u>23</u>	

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses (see note 5 below)		23	

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"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 as follows:

Use	P	CUP	Acc
Golf courses (see note 4 below)		<u>23</u>	

## AMENDMENTS TO CHAPTER 21.25

### 21.25.010

Section 21.25.010(1) (C-F, Community Facilities zone, Intent and Purpose) is proposed to be amended as follows:

The intent and purpose of the C-F, eCommunity Facilities, zone is:

- (1) To ensure that all master plans and residential specific plans (i.e., specific plans which include residential units) reserve community facility sites of adequate size for uses which benefit the community as a whole by satisfying social/religious/institutional/human service needs;

### 21.25.040

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

Table A  
Uses-Permitted Uses

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Adult and/or senior day care and/or recreation facility (private or non-private)		<u>2</u>	
Athletic fields		2	
<del>Charitable service (private/semi-private)</del>		<u>2</u>	
<del>Child day care center (subject to the requirements of Chapter 21.83)-(defined: Section 21.04.086)</del>	x		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
<del>Civic associations (e.g., League of Women Voters, etc.)</del>		<u>2</u>	
Clubs - nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		<u>2</u>	
<u>Educational institutions or schools, public/private (defined: Section 21.04.140)</u>		<u>2</u>	
<del>Fraternal associations and lodges (except college fraternities/sororities)</del>		<u>2</u>	

Use	P	CUP	Acc
Mobile buildings (subject to Section 21.42.140(B)(90))-(defined: Section 21.04.265)		<u>21</u>	
Office area (see note 2 below)			x
Religious reading room (separate from church)		1	
Satellite television antennae (subject to Sections 21.53.130 through 21.53.150)(defined: Section 21.04.302)			x
Signs (subject to Chapter 21.41)			x
Social clubs (noncommercial)		3	
Veterans' organizations (including meeting facilities)		<u>21</u>	
Welfare and charitable services organizations (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler's Aid)		<u>21</u>	
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)		<u>21</u>	

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.

## AMENDMENTS TO CHAPTER 21.26

21.26.010

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accountants	x		
<u>Adult and/or senior daycare and/or recreation facility (private/non-private)</u>		1	
<del>Airports</del>		<del>3</del>	
Alcoholic treatment centers		2	
Amusement parks		3	
<del>Aquaculture (defined: Section 21.04.036)</del>		<del>2</del>	
Arcades – coin-operated (subject to Section 21.42.140(B)(15))(defined: Section 21.04.091)		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	x		
Attorneys	x		
<u>Banks and other financial institutions without drive-thru facilities</u>	<u>x</u>		
Bakeries	x		
Barbershops or beauty parlors	x		
Biological habitat preserve (subject to Section 21.42.140(B)(30))(defined: Section 21.04.048)		2	
Book or stationery stores	x		
<del>Bowling alley (subject to Section 21.42.140(B)(35))(defined: Section 21.04.057)</del>		<del>2</del>	
<del>Campsites (overnight)(subject to Section 21.42.140(B)(40))</del>		<del>2</del>	
<del>Car wash (subject to Section 21.42.140(B)(45))</del>		<del>2</del>	
Cemeteries		3	
Child day care centers, subject to the provisions of Chapter 21.83 of this title	x		

Use	P	CUP	Acc
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		1	
Columbariums, crematories, and mausoleums, and mortuaries (not within a cemetery)		2	
Delicatessen (defined: Section 21.04.106)	x		
Doctors, dentists, optometrists, chiropractors and others practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and x-ray laboratories	x		
Dress-making or millinery shops	x		
Drive-thru facility (excluding not-restaurants)		21	
Drugstores	x		
Dry goods or notion stores	x		
Educational facilities, other (defined: Section 21.04.137)	x		
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
Engineers, architects and planners	x		
Fairgrounds		3	
Farmworker housing complex, small (subject to Section 21.10.25)(defined: Section 21.04.148.4)		1	
Florist shops	x		
Fortunetellers, as defined in Section 5.50.010(c)	x		
Gas stations (subject to Section 21.42.140(B)(65))		2	
Golf courses		2	
Greenhouses >2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Grocery or fruit stores	x		
Hardware stores	x		
Hospitals (defined: Section 21.04.170)		2	
Hospitals (mental)(defined: Section 21.04.175)		2	
Hotels and motels (subject to Section 21.42.140(B)(80))		23	
Institutions of a philanthropic or eleemosynary nature, except correctional or mental	x		
Jewelry stores	x		
Laundries or clothes cleaning agencies	x		
Laundromats	x		
Liquor store (subject to Section 21.42.140(B)(85))(defined: Section 21.04.203)		2	
Meat markets	x		
Mobile buildings (subject to Section 21.42.140(B)(90))(defined: Section 21.04.265)		21	
Mortuaries		2	
Outdoor dining (incidental)(subject to Section 21.26.013)(defined: Section 21.040.290.1)			x
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Paint stores	x		
Parking facilities (primary use)(i.e., day use, short-term, non-storage)		1	
Pawnshops (subject to Section 21.42.140(B)(105))		3	

Use	P	CUP	Acc
Pet supply shops	x		
Pool halls, billiards parlors (subject to Section 21.42.(B)(110))(defined: Section 21.04.292)		2	
Private clubs, fraternities, sororities and lodges, excepting those where the chief activity of which is a service customarily carried on as a business	x		
Public meeting halls, exhibit halls, and museums		2	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Racetracks		<del>2</del>	
Radio/television/microwave/broadcast station/tower		2	
Realtors	x		
Recreation Facilities		<del>2</del>	
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	
Religious reading room (separate from church)		<u>1</u>	
Residential uses (subject to Section 21.26.015 of this title)	x		
Restaurants (bona fide public eating establishment)(defined: Section 21.04.056)	x		
Restaurants (excluding drive-thru restaurants), tea rooms or cafes (excluding dancing or entertainment and on-sale liquor)	x		
Satellite television antennae (subject to Section 21.53.130 through 21.53.150)(defined: Section 21.04.302)	*		<u>x</u>
Shoe stores or repair shops	x		
Signs (subject to Chapter 21.41)	*		<u>x</u>
Stadiums		3	
Tailors, clothing or wearing apparel shops	x		
Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Theaters (motion picture or live) – indoor)		2	
Theaters, stages, amphitheaters – outdoor		<del>2</del>	
Thrift shops (subject to Section 21.42.140(B)(150))		<del>2</del>	
Transit passenger terminals (bus and train)		2	
Veterinary clinic/animal hospital (small animals)(defined: Section 21.04.378)		1	
Welfare and charitable service (private or semi-private) with no permanent residential uses (i.e., Good Will, Red Cross, Traveler's Aid)		<u>1</u>	
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	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		<u>1</u>	
Zoos (private)(subject to Section 21.42.140(B)(170))(defined: Section 21.04.400)		2	

## Notes:

- 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 21.27

21.27.020

Table A of Section 21.27.020 (O, 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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accountants	x		
Administrative and executive offices	x		
Advertising agencies	x		
Airports		3	
Alcoholic treatment centers		2	
Aquaculture (defined: Section 21.04.036)		2	
Architects, planners and engineers	x		
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses		2	
Attorneys	x		
Banks and other financial institutions without drive-thru facilities	x		
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	
Child day care center (subject to Chapter 21.83)(defined: Section 21.04.086)	x		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – non-profit, business, civic, professional, etc. (defined: Section 21.04.090)		1	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Commercial artists	x		
Company and corporate headquarters	x		
Delicatessen (defined: Section 21.04.106)	x	1	

Use	P	CUP	Acc
Dentists, doctors, chiropractors and other incidental related uses such as pharmacies (prescription only), biochemical, x-ray laboratories, medical offices and clinics (excluding hospitals)	x		
Drive-thru facility (not excluding restaurants)		<u>2</u> <u>1</u>	
Educational facilities, other (defined: Section 21.04.137)		1	
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
Electronic data processing and record keeping services	x		
Fairgrounds		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)		1	
General contractor (offices only, no equipment or material storage)	x		
Golf courses		<u>2</u>	
Government offices	x		
Greenhouses >2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Hospitals (defined: Section 21.04.170)		2	
Hospitals (mental)(defined: Section 21.04.175)		2	
Hotels and motels (subject to Section 21.42.140(B)(80))		<u>3</u>	
Insurance agencies and services	x		
Labor union offices (no hiring halls)	x		
Management consultants	x		
Mobile buildings (subject to Section 21.42.140(B)(90))(defined: Section 21.04.265)		<u>2</u> <u>1</u>	
Offices, business and professional, including incidental commercial facilities such as blueprint and photocopy shops and duplicating services	x		
Outdoor dining (incidental)(subject to Section 21.26.013)(defined: Section 21.04.290.1)			x
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Parking facilities (primary use)(i.e., day use, short-term, non-storage)	*	<u>1</u>	
Photographers	x		
Public meeting halls, exhibit halls, and museums		<u>2</u>	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Radio/television/microwave/broadcast station/tower		2	
Real estate and related services	x		
Recreation facilities		<u>2</u> <u>1</u>	
Restaurants (bona fide public eating establishment)(subject to Section 21.42.140(B))(defined: Section 21.04.056)		<u>2</u> <u>1</u>	
Satellite television antennae (subject to the provisions of Sections 21.53.130 through 21.53.150 of this code)	*		<u>x</u>
Signs (subject to the provisions of this chapter and Chapter 21.41)	*		<u>x</u>
Stadiums		3	
Stockbrokers	x		
Title and trust companies	x		
Transit passenger terminals (bus and train)		2	
Travel agencies	x		

Use	P	CUP	Acc
Veterinary clinic/animal hospital (small animals)(defined: Section 21.04.378)		1	
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	

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.

**AMENDMENTS TO CHAPTER 21.28**

**21.28.010**

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
- 2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
- 3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
- "Acc" indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Adult and/or senior day care and/or recreation facility (private or non-private)		1	
Airports		3	
Alcoholic treatment centers		2	
Amusement parks		3	
Any use permitted in the C-1 zone	x		
Aquaculture (defined: Section 21.04.036)		21	
Aquaculture stands (display/sale)(subject to Section 21.42.140.B.10)		1	
Arcades – coin-operated (subject to Section 21.42.140(B)(15)) (defined: -Section 21.04.091)		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	x		
Auto repairing	x		
Bars, cocktail lounges (subject to Section 21.42.140(B)(20)) (defined: Section 21.04.041) (see note 1 below)		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.48)		2	
Blueprinting, photocopying, and duplicating services	x		
Bowling alley (subject to Section 21.42.140(B)(40))—(defined: Section 21.040.057)		21	
Campsites (overnight) (subject to Section 21.42.140(B)(40))		3	
Car wash (subject to Section 21.42.140(B)(45))		21	
Cemeteries		3	

Use	P	CUP	Acc
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		1	
Columbariums, <del>crematories</del> , and mausoleums (not within a cemetery)		2	
Commercial printing and photoengraving	x		
Delicatessen (defined: -Section 21.04.106)	x		
Drive-thru facilities ( <del>not excluding restaurants</del> )		21	
Educational facilities, other (defined: -Section 21.04.137)	x		
Educational institutions or schools, public/private (defined: -Section 21.04.140)		2	
Fairgrounds		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: 21.04.148.4)		1	
Gas stations (subject to Section 21.42.140(B)(65))		2	
Golf courses		2	
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Hospitals (defined: Section 21.04.170)		2	
Hospitals (mental)-(defined: -Section 21.04.175)		2	
Hotels and motels (subject to Section 21.42.140(B)(80))		23	
Liquor store (subject to Section 21.42.140(B)(85))—(defined: Section 21.04.203)		21	
Mobile buildings (subject to Section 21.42.140(B)(80))—(defined: Section 21.04.265)		21	
Mortuaries		2	
Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound (see note 1 below)		3	
Outdoor dining (incidental)(subject to Section 21.26.013)(defined: Section 21.04.290.1)			x
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Parking facilities (primary use)(i.e., day uses, short-term, non-storage)		1	
Pawnshops (subject to Section 21.42.140(B)(105))		3	
Pet shops	x		
Pool halls, billiard parlors (subject to Section 21.42.140(B)(110)) (defined:- Section 21.04.292)		2	
Public meeting halls, exhibit halls, and museums		2	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: -Section 21.04.297)		2	
Racetracks		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		21	
Recycling collection facilities, large (subject to Chapter 21.105)(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 collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		2	

Use	P	CUP	Acc
Religious reading room		<u>1</u>	
Residential uses (subject to Section 21.28.015 of this title)	x		
Retail, wholesale, or service businesses catering directly to the consumer	x		
Satellite television antennae (subject to the provisions of Sections 21.53.130 through 21.53.140)(defined: Section 21.04.302)of this code	*		<u>x</u>
Signs (subject to the provisions of Chapter 21.41)	*		<u>x</u>
Stadiums		3	
Tattoo parlors (subject to Section 21.42.140(B)(150))		3	
Theaters (motion picture or live) – indoor		2	
Theaters, stages, amphitheaters – outdoor		<u>23</u>	
Thrift shops (subject to Section 21.42.140(B)(150))		<u>21</u>	
Transit passenger terminals (bus and train)		2	
Upholstering shops	x		
Veterinary clinic/animal hospital (small animals)-(defined:- Section 21.04.378)		1	
Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler's Aid)		<u>1</u>	
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))		1-/2	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		<u>1</u>	
Zoos (private)(subject to Section 21.42.140(B)(170))(defined: Section 21.04.400)		2	

## Notes:

- 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 21.30

21.30.010

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 and 3 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See notes 2 and 3 below)

1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Adult businesses (subject to Chapter 21.43 of this title, and Chapter 8.60 of CMC Title 8)	x		
Airports		3	
Alcoholic treatment centers		2	
Amusement parks		3	
Any use permitted in other commercial zones is permitted in the C-M zone, (with exceptions as set out in note 1, below)	x		
Aquaculture (defined:- Section 21.04.091)		21	
Aquaculture stands (display/sale)(subject to Section 21.42.140.B.10)		1	
Arcades – coin-operated (subject to Section 21.42.140(B)(15)) (defined:- Section 21.04.091)		1	
Assembly of electrical appliances such as: —(A) electronic instruments and devices, (B) radios and phonographs, including manufacture of small parts, such as coils	x		
Auction houses or stores	x		
Auto storage/impound yards (i.e., overnight product storage)		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined:- Section 21.04.048)		2	
Boat building (limited to those craft which may be transported over a state highway without permit)	x		
Body and fender works, including painting	x		
Book printing and publishing	x		
Bookbinding	x		
Bowling alley (subject to Section 21.42.140(B)(35))—(defined: Section 21.04.057)		21	
Breweries	x		

Use	P	CUP	Acc
Breweries with retail accessory use, including tasting rooms, up to 20% of the gross floor area or the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 4 below)		3	
Building material storage yards	x		
Cabinet shops	x		
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Carpet cleaning plants	x		
Cemeteries		3	
Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas	x		
Child day care center (subject to Chapter 21.83)(defined: Section 21.04.086)		2	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Cleaning and dyeing plants	x		
Clubs – nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		1	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Delicatessen (defined:- Section 21.04106)	x		
Drive-thru facilities (not excluding restaurants)		21	
Dwelling on the same lot which a factory is located when such dwelling is used exclusively by a caretaker or superintendent of such factory and his family. When such dwelling is established, all required yards in the R-3 zone shall be maintained.	x		
Educational facilities, other (defined: Section 21.04.137)		1	
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
Fairgrounds		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: 21.04.148.4)		1	
Feed and fuel yards	x		
Frozen food lockers	x		
Gas stations; (subject to Section 21.42.140(B)(65))		2	
Glass studios, staining, edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes	x		
Golf courses		2	
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 21.04167)		3	
Hospital, industrial emergency (not full hospital or mental hospital)	x		
Kennels (defined: Section 21.04.195)		21	
Laboratories, experimental, motion picture, testing	x		
Laundries	x		
Lumber yards (no planing mills and burners)	x		
Machine shops	x		
Mini-warehouses/self-storage		2	
Mobile buildings (subject to Section 21.42.140(B)(90))-(defined: Section 21.04.265)		21	
Mortuaries		2	

Use	P	CUP	Acc
Musical instruments, manufacture of	x		
Newspaper/periodical printing and publishing	<u>x</u>	<u>2</u>	
Oil and gas facilities (on-shore)—(subject to Section 21.42.140(B)(70))		3	
Outdoor dining (incidental)—(subject to Section 21.26.013)(defined: Section 21.04.290.1)			x
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Parcel service delivery	x		
Parking facilities (primary use)—(i.e., day use, short-term, non-storage)		1	
Pawnshops (subject to Section 21.42.140(B)(105))		3	
Plumbing shops and plumbing shop supply yards	x		
Pool halls, billiard parlors (subject to Section 21.42.140(B)(110)) (defined:- Section 21.04.292)		2	
Public scales	x		
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined:- Section 21.04.297)		2	
Racetracks		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		<u>2</u> <sub>1</sub>	
Recreational vehicle storage (subject to Section 21.42.140(B)(120)) (defined:- Section 21.04.299)		1	
Recycling collection facilities, large (subject to Chapter 21.105) (defined:- Section 21.105.015)		<u>4</u> <sub>2</sub>	
Recycling collection facilities, small (subject to Chapter 21.105) (defined:- Section 21.105.015)		1	
Recycling process/transfer facility		2	
Restaurants (bona fide public eating establishment) (defined: Section 21.04.056)		<u>2</u> <sub>1</sub>	
Satellite antennae (>1 per use)—(defined:- Section 21.04.302)		1	
Satellite television antennae (subject to the provisions of Sections 21.53.130 through 21.53.140)(defined: Section 21.04.302) of this code	*		<u>x</u>
Sheet metal shops	x		
Signs (subject to the provisions of Chapter 21.41)	*		<u>x</u>
Stadiums		3	
Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Theaters (motion picture or live) – indoor		2	
Thrift shops (subject to Section 21.42.140(B)(150))		<u>2</u> <sub>1</sub>	
Tire rebuilding, recapping and retreading	x		
Transit passenger terminals (bus and train)		2	
Transit storage (ex. rolling stock)		2	
Veterinary clinic/animal hospital (small animals)—(defined:- Section 21.04.378)		1	
Wholesale businesses, storage buildings and warehouses	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)		<u>2</u>	

## Notes:

1. Any use permitted in the commercial zones is allowed in the C-M zone, except: (A) Hotels, ~~and 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.
3. For properties which are located within the boundaries of the Carlsbad Research Center (CRC) Specific Plan, please refer to the CRC Specific Plan for a list of allowable uses, setback requirements, etc.
4. The retail use shall be accessory to the permitted use and wholly contained within the building. All products for retail sale shall be produced, distributed and/or warehouses on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.

## AMENDMENTS TO CHAPTER 21.31

21.31.030

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 Uses

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities (see note 1; below)-(defined:- Section 21.04.020)			x
Adult and/or senior day care and/or recreation facility (private or non-private)		<u>2</u>	
Alcoholic treatment center		2	
<del>All uses permitted in Chapter 21.25 not otherwise listed herein (CF-Community Facilities Zone)</del>		<u>2</u>	
Arcades – coin-operated (subject to Section 21.42.140(B)(15)) (defined:- Section 21.04.041)		1	
Athletic clubs, gymnasiums, and health clubs	x		
<u>Banks and other financial institutions without drive-thru facilities</u>	<u>x</u>		
Bars, cocktail lounges (subject to Section 21.42.140(B)(20)) (defined:- Section 21.04.041)		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined:- Section 21.04.048)		2	
Bowling alley (subject to Section 21.42.140(B)(35))—(defined: Section 21.04.057)		<u>2</u>	
<u>Breweries with retail accessory use, including tasting rooms</u>		3	
Car wash (subject to Section 21.42.140(B)(45))		<u>2</u>	
Child day care centers (subject to Chapter 21.83)-(defined:- Section 21.04.086)	x		
Clubs – nonprofit, business, civic, professional, etc. (defined: sSection 21.04.090)		<u>2</u>	
<u>Delicatessen (defined: Section 21.04.106)</u>	<u>x</u>		
Drive-thru facilities ( <del>not excluding</del> restaurants)		<u>2</u>	

Use	P	CUP	Acc
Drug paraphernalia store (subject to Section 21.42.140(B)(55))		3	
Educational facilities, other (defined:- Section 21.04.137)-(see note 2; below)	x		
Escort service (subject to Section 21.42.140(B)(60))(defined: Section 21.04.141)		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)		1	
Gas stations (subject to Section 21.42.140(B)(65))		2	
Greenhouses > 2,000 square feet (subject to Section 21.42.130(B)(70))		1	
Kiosks, vending carts, and push carts (see note 1; below)			x
Liquor store (subject to Section 21.42.140(B)(85))-(defined: Section 21.04.203)		2 <del>1</del>	
Manufacturing/fabrication of goods (ancillary)-(subject to Section 21.31.070)-(see note 1; below)			x
Medical uses (excluding hospitals), including offices for medical practitioners, clinics, incidental laboratories, and pharmacies (prescription only)	x		
Mobile buildings (subject to Section 21.42.140(B)(90))-(defined: Section 21.04.265)		2 <del>1</del>	
News/ magazine stands (see note 1; below)			x
Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound		2	
Office uses, that provide services directly to consumers, including, but not limited to, banking, financial, insurance, and real estate services (see note 3; below)	x		
Outdoor dining (incidental)-(subject to Section 21.26.013)-(defined: Section 21.04.290.1)			x
Outdoor sales of seasonal agricultural goods (Christmas trees, pumpkins, and similar products)-(subject to Section 21.31.060.B) (see note 1, below)			x
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Pet shops/-pet supplies	x		
Plant nurseries and nursery supply		1	
Pool halls, billiard parlors (subject to Section 21.42.140(B)(110)) (defined:- Section 21.04.292)		2	
Public meeting halls, exhibit halls, and museums		2	
Public/quasi-public buildings and facilities and accessory utility buildings/-facilities (defined:- Section 21.04.297)		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		1	
Recycling collection facilities, large (subject to Chapter 21.105 of this title)-(defined:- Section 21.105.015)		2	
Recycling collection facilities, small (collection, temporary storage) (subject to Chapter 21.105 of this title;- See also Section 21.31.080 of this chapter)-(defined:- Section 21.105.015)		1	
Recycling, reverse vending machine (subject to Chapter 21.105 of this title. See also Section 21.31.080 of this chapter)-(defined: Section 21.105.015)-(see note 1; below)			x
Religious reading room (separate from church)		1	
Residential uses (subject to Section 21.31.065 of this title)	x		

Use	P	CUP	Acc
Restaurants, cafes, and coffee shops, including take-out only service ( <del>no</del> excluding drive-thru)	x		
Retail uses that provide goods sold directly to consumers, and focusing on the needs of the local neighborhood, including sales of liquor (see note 4, below)	x		
Satellite television antennas (subject to Sections 21.53.130 through 21.53.150)(defined: Section 21.04.302)	x		x
Services, provided directly to consumers, and focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services	x		
Signs (subject to Chapter 21.41 of this title)			x
Temporary building/trailer (construction)—(subject to Section 21.53.110)	x		
Theaters (motion picture or live) – indoor		2	
Theaters, stages, amphitheaters, outdoor		23	
Thrift shops (subject to Section 21.42.140(B)(150))		1	
Veterinary clinic/animal hospital (small animals)-(defined:- Section 21.04.378)		1	
Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler's Aid)		1	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		1	
Wireless communications facilities (subject to Section 21.42.140(B)(165))-(defined:- Section 21.04.379)		1-2	

## 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. No individual educational facility shall occupy more than ten thousand square feet of gross leasable 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 leasable 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 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

21.32.010

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Adult businesses (subject to Chapter 21.43 of this title, and Chapter 8.60 of CMC Title 8)	x		
Airports		3	
Alcoholic treatment centers		2	
Any industrial use not specifically permitted herein <del>must be reviewed as provided in Chapter 21.42 for a conditional use permit in order to locate industry in its proper and available location in the region and prevent conflict with the high degree of residential development existing in and around the city</del> may be considered by the City Planner.	<u>x</u>	*	
Any use permitted in the <u>C-1, C-2 and C-M zones</u> is permitted in the M zone, except child day care centers	x		
Aquaculture (defined:- Section 21.04.036)		<u>2</u>	
Aquaculture stands (display/sale)(subject to Section 21.42.140(B)(10))		1	
Auto storage/impound yards (i.e., overnight product storage)		2	
Auto wrecking yards (defined:- Section 21.04.040)		2	
Automobile painting. All painting, sanding and baking shall be wholly conducted within a building.	x		
Bakeries	x		
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined:- Section- 21.04.048)		2	
Body and fender works, including painting	x		
Book printing and publishing	x		
Bookbinding	x		

Use	P	CUP	Acc
Bottling plants	x		
Breweries	x		
Breweries with retail accessory use, including tasting rooms, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see Note 2 below)		3	
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs – nonprofit, business, civic, professional, etc.) (defined: Section 21.04.090)		1	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Creameries	x		
Dairy products manufacture	x		
Delicatessen (defined:- Section 21.04.106)	x		
Draying, freighting or trucking yards or terminals	x		
Drive-thru facilities (not excluding restaurants)		21	
Dumps (public)-(defined:- Section 21.04.110)		3	
Educational facilities, other (defined: Section 21.04.137)		1	
Educational institutions or schools, public/private (defined:- Section 21.04.140)		2	
Electric or neon sign manufacture	x		
Emergency Shelter, no more than 30 beds or persons (subject to Section 21.32.070)(defined: Section 21.04.140.5)	x		
Emergency Shelter, more than 30 beds or persons (subject to Section 21.32.070)(defined: Section 21.04.140.5)		3	
Fairgrounds		3	
Farmworker housing complex, large (subject to Section 21.10.125)(defined: Section 21.04.148.3)		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)	x		
Feed and fuel yards	x		
Food products manufacture, storage, and process of, except lard, pickles, sauerkraut, sausage or vinegar	x		
Fruit and vegetable canning, preserving, and freezing	x		
Fruit packing houses	x		
Furniture manufacture	x		
Garment manufacturers	x		
Gas stations (subject to Section 21.42.140(B)(65))		2	
Golf courses		2	
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	
Ice and cold storage plants	x		
Kennels (defined: Section 21.04.195)		21	
Lumber yards	x		
Machine shops	x		
Manufacture or prefabricated buildings	x		

Use	P	CUP	Acc
Mills, planing		2	
Mini-warehouse, self-storage		2	
Mobile buildings (subject to Section 21.42.140(B)(90))--(defined: Section 21.04.265)		<u>2</u>	
Mortuaries		2	
Newspaper/periodical printing and publishing	x	<u>2</u>	
Oil and gas facilities (on-shore)--(subject to Section 21.42.140(B)(95))		3	
Outdoor dining (incidental)--(subject to Section 21.26.013)--(defined: Section 21.04.290.1)			x
Packing/--sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Parking facilities (primary use)--(i.e., day use, short term, non-storage)		1	
Pawnshops (subject to Section 21.42.140(B)(105))		3	
Plastics, fabrication from	x		
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined:- Section 21.04.297)		2	
Racetracks		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		<u>2</u>	
Recreational vehicle storage (subject to Section 21.42.140(B)(120)) (defined:- 21.04.299)		1	
Recycling collection facilities, large (subject to Chapter 21.105) (defined:- Section 21.105.015)		2	
Recycling collection facilities, small (subject to Chapter 21.105) (defined:- Section 21.105.015)		1	
Recycling process/ transfer facility		2	
Rubber, fabrication of products made from finished rubber	x		
Satellite antennae (>1 per use)--(defined:- Section 21.04.302)		1	
Satellite television antennae (subject to Sections 21.53.130 through 21.53.150) (defined: Section 21.04.302)	x		<u>x</u>
Sheet metal shops	x		
Shoe manufacturing	x		
Signs (subject to Chapter 21.41)			<u>x</u>
Soap manufacture, cold mix only	x		
Stadiums		3	
Stone monument works	x		
Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Textile manufacture	x		
Thrift shops (subject to Section 21.42.140(B)(150))		<u>2</u>	
Tire rebuilding, recapping and retreading	x		
Transit passenger bus terminals (bus and train)		2	
Transit storage (ex. rolling stock)		2	
Truck steam cleaning equipment	x		
Veterinary clinic/animal hospital (small animals)--(defined:- Section 21.04.378)		1	
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	

Use	P	CUP	Acc
<del>Zoos (private) (subject to Section 21.42.140(B)(170)) (defined: Section 21.04.400)</del>		<u>2</u>	

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. The retail use shall be accessory to the permitted use and wholly contained within the building. All products for retail sale shall be produced, distributed and/or warehouses on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.

## AMENDMENTS TO CHAPTER 21.33

21.33.020

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Aquaculture (defined:- Section 21.04.036)		<u>21</u>	
Aquaculture stands (display/sale)-(subject to Section 21.42.140(B)(10))		<u>21</u>	
Athletic fields		2	
Barbeque and fire pits			x
Beaches and shoreline recreation, public	x		
Bicycle paths	x		
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 (may include accessory mausoleums and columbariums)		3	
Changing rooms			x
City picnic areas	x		
City playgrounds	x		
Clubhouses			x
Columbariums, crematoriums, and mausoleums (not within a cemetery)		2	
Cultural activities and facilities		<u>21</u>	
Educational institutions or schools, public/private (defined:- Section 21.04.140)		2	
Entertainment activities and facilities		<u>21</u>	
Fairgrounds		3	
Fallow lands	x		

Use	P	CUP	Acc
Farmworker housing complex, small (subject to Section 21.10.125)(defined: 21.04.148.4)	x		
Fencing			x
Field and seed crops	x		
Golf courses		23	
Greenhouses (2,000 square feet maximum)	x		
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B))		1	
Horse trails	x		
Horticultural crops	x		
Marinas		2	
Mobile buildings (subject to Section 21.42.140(B)(90))-(defined: Section 21.04.265)		21	
Open space and conservation easements	x		
Orchards and vineyards	x		
Other similar accessory uses and structures required for the conduct of the permitted uses			x
Packing/sorting sheds (600 square feet maximum)	x		
Packing/-sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	
Park, public (subject to Section 21.42.140(B)(100))		2	
Parking areas			x
Parks, public	*		
Pasture and rangeland	x		
Patios			x
Picnic areas (private)		21	
Playground equipment			x
Playgrounds (private)/ playfields (see note 2 below)		21	
Pool filtering equipment			x
Public access easement, non-vehicular	x		
Public lands	x		
Public restrooms			x
Public/quasi-public buildings and facilities and accessory utility buildings/-facilities (defined:- Section 21.04.297)		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		21	
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	
Scenic easements	x		
Signs (subject to Chapter 21.41)			x
Slope easements	x		
Stables/-riding academies		2	
Stadiums		3	
Stairways			x
Swimming pools (see note 2 below)		21	
Tennis courts (see note 2 below)		21	
Theaters, stages, amphitheaters – outdoor		2	
Transportation rights-of-way	x		
Tree farms	x		
Truck crops	x		
Vista points	x		

Use	P	CUP	Acc
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))		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. A conditional use permit is required unless the use is permitted in conjunction with another permit such as a Master Plan, Specific Plan, or Planned Development.

**21.33.060**

**21.33.060 Building Height**

No building or structure in the O-S zone district shall exceed twenty-five feet in height unless a higher elevation is approved by a minor conditional use permit issued by the ~~Planning Commission~~-City Planner.

**AMENDMENTS TO CHAPTER 21.34**

**21.34.010(1)**

Section 21.34.010(1) (Intent and Purpose, P-M Planned Industrial Zone) is proposed to be amended as follows:

The intent and purpose of this chapter is to accomplish the following:

- (1) Allow the location of business and light industries engaged primarily in research and/or testing, compatible light manufacturing, and business and professional offices; ~~when engaged in activities associated with corporate offices or in activities whose primary purpose is not to cater directly to the general public, allow and certain commercial/retail~~ uses which cater to, support, or and are accessory/ancillary to the uses allowed in this zone; and allow flexibility for other select uses (i.e., athletic clubs/gyms, churches, daycare centers, recreation facilities, etc.) when found to be compatible with the P-M zone through the issuance of a Conditional Use Permit.

**21.34.020**

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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accessory uses and structures where related and incidental to a permitted use			x
Accountants (see note 1 below)	x		
Administrative offices associated with and accessory to a permitted use	x		
Administrative offices (see note 1 below)	x		
Adult businesses (subject to Chapter 21.43 of this title and Chapter 8.60 of CMC Title 8)	x		
Advertising agencies (see note 1 below)	x		
Advertising – direct mail (see note 1 below)	x		

Use	P	CUP	Acc
Agricultural consultants (see note 1 below)	x		
Air courier service (see note 1 below)	x		
Airline offices, general offices (see note 1 below)	x		
Airports		3	
Alcoholic treatment centers		2	
Answering bureaus (see note 1 below)	x		
Appraisers (see note 1 below)	x		
Aquaculture (defined:- Section 21.04.036)		<u>21</u>	
Aquaculture stands (display/sale)(subject to Section 21.42.140(B)(10))		<u>1</u>	
Arbitrators (see note 1 below)	x		
Architect design and planners (see note 1 below)	x		
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses		<u>21</u>	
Attorney services (no legal clinics)-(see note 1 below)	x		
Attorney services (see note 1 below)	*		
Audio-visual services (see note 1 below)	x		
Auto storage/ impound yards (i.e., overnight product storage)		2	
Auto wrecking yards (defined:- Section 21.04.040)		2	
Banks and other financial institutions without drive-thru facilities	<u>x</u>		
Billing service (see note 1 below)	x		
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined:- Section 21.04.048)		2	
Blueprinters (see note 1 below)	x		
Book printing and publishing	x		
Bookbinding	x		
Bookkeeping service (see note 1 below)	x		
Breweries	<u>x</u>		
Breweries with accessory retail use, including tasting rooms, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 3 below)		<u>3</u>	
Building designers (see note 1 below)	x		
Building inspection service (see note 1 below)	x		
Burglar alarm systems (see note 1 below)	x		
Business consultants (see note 1 below)	x		
Business offices for professional and labor organizations (see note 1 below)	x		
Campsites (overnight) (subject to Section 21.42.140(B)(40))		<u>2</u>	
Cemeteries		<u>3</u>	
Child day care center (subject to Chapter 21.83)-(defined:- Section 21.04.086)		2	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Civil engineers (see note 1 below)	x		
Clubs – nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		<u>1</u>	
Collection agencies (see note 1 below)	x		
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Commercial artists (see note 1 below)	x		
Commodity brokers (see note 1 below)	x		
Communications consultants (see note 1 below)	x		

Use	P	CUP	Acc
Computer programmers (see note 1 below)	x		
Computer service (time-sharing)	x		
Computer systems (see note 1 below)	x		
Construction manager (see note 1 below)	x		
Corporate headquarters office (see note 1 below)	x		
Corporate travel agencies and bureaus (see note 1 below)	x		
Credit rating service (see note 1 below)	x		
Data communication service (see note 1 below)	x		
Data processing service (see note 1 below)	x		
Data systems consultants (see note 1 below)	x		
Delicatessen (defined:- Section 21.04.106)	x	4	
Diamond and gold brokers (see note 1 below)	x		
Display designers (see note 1 below)	x		
Display services (see note 1 below)	x		
Drafting services (see note 1 below)	x		
Drive-thru facilities (not excluding restaurants)		21	
Economics research (see note 1 below)	x		
Educational consultants (see note 1 below)	x		
Educational facilities, other (defined: Section 21.04.137)		1	
Educational institutions or schools, public/private (defined:- Section 21.04.140)		2	
Educational research (see note 1 below)	x		
Electric contractors (sales and administrative offices only)-(see note 1 below)	x		
Electronics consultants (see note 1 below)	x		
Emergency Shelter, no more than 30 beds or persons (subject to Section 21.32.070)(defined: Section 21.04.140.5)	x		
Emergency Shelter, more than 30 beds or persons (subject to Section 21.32.070)(defined: Section 21.04.140.5)		3	
Energy management consultants (see note 1 below)	x		
Engineering offices (see note 1 below)	x		
Environmental services (see note 1 below)	x		
Escrow service (see note 1 below)	x		
Estimators (see note 1 below)	x		
Executive search office (see note 1 below)	x		
Executive training consultants (see note 1 below)	x		
Export consultants	x		
Fairgrounds		3	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)		1	
Financial planners and consultants (see note 1 below)	x		
Fire protection consultants (see note 1 below)	x		
Foreclosure assistance (see note 1 below)	x		
Foundation-educational research (see note 1 below)	x		
Franchise services (see note 1 below)	x		
Fund-raising counselors (see note 1 below)	x		
Gas stations (subject to Section 21.42.140(B)(65))		2	
Gemologists (see note 1 below)	x		
General contractors (no equipment storage permitted)-(see note 1 below)	x		
Geophysicists (see note 1 below)	x		

Use	P	CUP	Acc
Golf courses		<u>2</u>	
Government contract consultants (see note 1 below)	x		
Government facilities and offices	x		
Governmental agencies (general and administrative offices only) (see note 1 below)	x		
Graphics designers (see note 1 below)	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	
Hotels and motels (subject to Section 21.42.140(B)(80))		<u>32</u>	
Human factors research and development (see note 1 below)	x		
Human services organization (administrative offices only)-(see note 1 below)	x		
Importers (see note 1 below)	x		
Incorporating agency (see note 1 below)	x		
Industrial medical (workers' comp.)-(see note 1 below)	x		
Information bureaus (see note 1 below)	x		
Insurance companies (administrative offices only)-(see note 1 below)	x		
Interior decorators and designers (no merchandise storage permitted)-(see note 1 below)	x		
Investigators (see note 1 below)	x		
Investment advisory (see note 1 below)	x		
Investment securities	x		
Kennels (defined: Section 21.04.195)		<u>21</u>	
Labor relations consultants (see note 1 below)	x		
Leasing services (see note 1 below)	x		
Lecture bureaus (see note 1 below)	x		
Literary agents (see note 1 below)	x		
Magazine subscription agents (see note 1 below)	x		
Mailing list service (see note 1 below)	x		
Management consultants (see note 1 below)	x		
Manufacturers agents (see note 1 below)	x		
Manufacturing and processing facilities	x		
Marketing research and analysis (see note 1 below)	x		
Message receiving services (see note 1 below)	x		
Mini-warehouses/self-storage		2	
Mobile buildings (subject to Section 21.42.140(B)(90))-(defined: Section 21.04.265)		<u>21</u>	
Mutual funds (see note 1 below)	x		
Newspaper/periodical printing and publishing	<u>x</u>	<u>2</u>	
Oil and gas facilities (on-shore)-(subject to Section 21.42.140(B)(95))		3	
On-site recreational facilities intended for the use of employees of the planned industrial zone	x		
Outdoor dining (incidental)(subject to Section 21.26.013)(defined: Section 21.04.290.1)			<u>x</u>
Packing/sorting sheds >600 square feet (subject to Section 21.42.140(B)(70))		1	

Use	P	CUP	Acc
Parking facilities (primary use)—(i.e., day use, short-term, non-storage)		1	
Patent searchers (see note 1 below)	x		
Pension and profit sharing plans (see note 1 below)	x		
Personal service bureau (see note 1 below)	x		
Photographic (industrial and commercial only) (see note 1 below)	x		
Printing services (see note 1 below)	x		
Product development and marketing (see note 1 below)	x		
Public meeting halls, exhibit halls, and museums		2	
Public relations services (see note 1 below)	x		
Public utility companies (see note 1 below)	x		
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined:- Section:- 21.04.297)		2	
Publicity services (see note 1 below)	x		
Publishers representatives (see note 1 below)	x		
Racetracks		2	
Radio communications (see note 1 below)	x		
Radio/television/microwave/broadcast tower		2	
Real estate brokers (commercial and industrial only)—(see note 1 below)	x		
Real estate developers (see note 1 below)	x		
Recording service (see note 1 below)	x		
Recreation facilities		2 <sup>1</sup>	
Recreational vehicle storage (subject to Section 21.42.140(B)(120)) (defined:- Section 21.04.299)		1	
Recycling collection facilities, large (subject to Chapter 21.105)(defined: 21.105.015)		2	
Recycling collection facilities, small (subject to Chapter 21.105 of this title)-(defined:- Section 21.105.015)		1	
Recycling collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		2	
Recycling process/-transfer facility		2	
Relocation service (see note 1 below)	x		
Repossessing service (see note 1 below)	x		
Research and testing facilities	x		
Research labs (see note 1 below)	x		
Residential uses in the P-M zone (subject to Section 21.42.140(B)(135))		3	
Restaurants (bona fide public eating establishment) —(defined: Section 21.04.056)		2 <sup>1</sup>	
Retail, accessory use, including tasting/sampling rooms, showrooms, miscellaneous retail, up to 20%, of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 3 below)		1	
Retail uses, primary use (see note 4 below)		2	
Retirement planning consultants (see note 1 below)	x		
Safety consultants (see note 1 below)	x		
Sales training and counseling (see note 1 below)	x		
Satellite antennae (>1 per use)-(defined:- Section 21.04.302)		1	
Satellite television antennae (subject to Sections 21.53.130 through 21.53.150)(defined: 21.04.302)	*		x
Searchers of records (see note 1 below)	x		

Use	P	CUP	Acc
Securities systems (see note 1 below)	x		
Security firms (see note 1 below)	x		
Signs (subject to Chapter 21.41)	*		x
Sound system consultants (see note 1 below)	x		
Space planning consultants (see note 1 below)	x		
Space research and developments (see note 1 below)	x		
Stadiums		3	
Stock and bond brokers (see note 1 below)	x		
Storage, wholesale, and distribution facilities	x		
Surveyors (see note 1 below)	x		
Tax service and consultants (no consumer oriented uses) (see note 1 below)	x		
Telephone cable companies (see note 1 below)	x		
Telephone systems (see note 1 below)	x		
Title companies (see note 1 below)	x		
Tour operators (see note 1 below)	x		
Trademark consultants (see note 1 below)	x		
Transit passenger terminals (bus and train)		2	
Translators and interpreters (see note 1 below)	x		
Trust companies (see note 1 below)	x		
Veterinary clinic/-animal hospital (small animals)-(defined:- Section 21.04.378)		1	
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	

## Notes:

1. Business and professional offices which are primarily not retail in nature, ~~do not cater to the general public, and do not generate walk-in or drive-in traffic,~~ and are incidental to compatible with the industrial uses in the vicinity.
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.
3. The retail use shall be accessory to the permitted primary use and wholly contained within the building. All products for retail sale shall be produced, distributed, and/or warehoused on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.
4. A primary retail use shall cater to or support the industrial and office uses in the P-M zone.

**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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accessory uses and structures			x
Airports		3	
<del>Alcoholic treatment centers</del>		<del>2</del>	
<del>Aquaculture (defined: Section 21.04.036)</del>		<del>2</del>	
<del>Aquaculture stands (display/sale)—(subject to Section 21.42.140(B)(10))</del>		<del>2</del>	
<del>Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.048)</del>		<del>2</del>	
<del>Campsites (overnight) (subject to Section 21.42.140(B)(40))</del>		<del>2</del>	
<del>Cemeteries</del>		<del>3</del>	
<del>Columbariums, crematories, and mausoleums (not within a cemetery)</del>		<del>2</del>	
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	
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)	x		
Floriculture	x		
Generation of electrical energy, primary, by a government entity or by a company authorized or approved for such use by the California Public Utilities Commission outside the City's Coastal Zone only	x		

Use	P	CUP	Acc
Generation of electrical energy, accessory, by a government entity or by a company authorized or approved for such use by the California Public Utilities Commission in or outside the City's Coastal Zone and limited to a generating capacity of fewer than 50 megawatts. Generating capacity of 50 megawatts or more is prohibited in the Coastal Zone			x
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)		21	
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	*		
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 Sections 21.53.130 through 21.53.150 of this code)(defined: 21.04.302)	*		x
Signs, (subject to the provisions of Chapter 21.41)	*		x
Stadiums		3	
Transit passenger terminals (bus and train)		2	
Transmission of electrical energy if conducted by a government entity or by a company authorized or approved for such use by the California Public Trades Commission	x		
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.

## 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~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

## AMENDMENTS TO CHAPTER 21.39

21.39.020

Table A of Section 21.39.020 (L-C, Limited Control 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.

"CUP" indicates use is permitted with approval of a conditional use permit.

1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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

Use	P	CUP	Acc
Accessory uses and structures (see note 4 below)			X
Animals and poultry – small (less than 25)-(see note-21 below)	x		
Cattle, sheep, goats, and swine production (see note-32 below)	x		
Crop production	x		
Dwelling, single-family (farm house)			X
Family day care home (large and small)-(defined: Section 21.04.147)(subject to Chapter 21.83-of this title)	*		X
Family day care home (small)(defined: Section 21.04.148) (subject to Chapter 21.83)			X
Farmworker housing complex, small (subject to Section 21.10.125)(defined: Section 21.04.148.4)	x		
Floriculture	x		
Greenhouses, less than (2,000 square feet maximum)	x		
Guest house			X
Horses, private use	x		
Mobile home (see note 5 below)			X
Nursery crop production	x		
Other uses or enterprises similar to the above customarily carried on in the field of agriculture	x		
Produce/flower stands for display and sale of products produced on the same premises (see note 34 below)	x		
Satellite television antennae (subject to Sections 21.53.130 through 21.53.150)(defined: 21.04.302)			X
Signs (subject to Chapter 21.41)			X
Tree farms	x		
Truck farms	x		

Use	P	CUP	Acc
Wildlife refuge	X		

## Notes:

1. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
2. Cattle, sheep, goats, and swine production: Provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Said animals shall not be located within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
3. Produce/flower stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.
4. Accessory uses/structures: include, but are not limited to, private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.
5. Mobile home: Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

## AMENDMENTS TO CHAPTER 21.42

## 21.42.140.B.80(a)

Section 21.42.140.B.80(a) (Minor Conditional Use Permits and Conditional Use Permits, Development standards and special regulations, "Hotel and motel uses") is proposed to be amended as follows:

- a. The application for a conditional use permit shall include the submittal of an architectural theme, colored elevations and a site plan.

## 21.42.140.B.90(b)

Section 21.42.140.B.90(b) (Minor Conditional Use Permits and Conditional Use Permits, Development standards and special regulations, "Mobile Buildings") is proposed to be amended as follows:

- b. The occupancy shall be limited to a five-year term, unless extended by the planning commission-appropriate decision-maker.

## AMENDMENTS TO CHAPTER 21.53

## 21.53.140(e)(3)(A)

Section 21.53.140(e)(3)(A) (Uses Generally, Satellite television antenna- Generally) is proposed to be amended as follows:

(A) In the PM, CM and M zones, more than one satellite antenna per use may be permitted with a minor conditional use permit. Installation of said antennae shall comply with subsections 21.53.130(e)(1) and 21.53.130(e)(2) listed above.

AMENDMENTS TO CHAPTER **21.208**

**21.208**

The list of sections in Chapter 21.208 (Commercial/Visitor-Serving Overlay Zone) is proposed to be amended as follows:

**Sections:**

- 21.208.010 Intent and purpose.
- 21.208.020 Definitions.
- 21.208.030 Boundaries—Exceptions—Applicability.
- 21.208.040 Permitted uses.
- 21.208.050 Uses permitted by conditional use permit.
- 21.208.060 Prohibited uses.
- 21.208.070 ~~Approval process~~ Decision-making authority.
- 21.208.080 ~~Preliminary review-filing~~ submittal and meeting—Application for CUP conditional use permit.
- 21.208.090 Project site notification.
- 21.208.100 Development standards.
- 21.208.110 Required findings.
- 21.208.120 Performance monitoring condition.
- 21.208.130 Existing uses, building permits and business licenses.
- 21.208.140 Administrative enforcement powers.
- 21.208.150 Administrative notice, hearing, and appeal procedures.
- 21.208.160 Judicial enforcement.
- 21.208.170 Remedies not exclusive.
- 21.208.180 Severability.

**21.208.010**

Section 21.208.010 (Commercial/Visitor-Serving Overlay Zone, Intent and purpose) is proposed to be amended as follows:

**21.208.010 Intent and purpose.**

The intent and purpose of the commercial/visitor-serving overlay zone is to supplement the underlying zoning by providing additional regulations for commercial/visitor-serving uses which require a conditional use permit in the underlying zone. The overlay zone is intended and designed to:

- A. Control the location, operation and appearance of newly proposed commercial/visitor-serving uses within the overlay zone to prevent the over-proliferation of certain uses as well as to ensure high quality appearance and operation;
- B. Maximize public disclosure about new commercial/visitor-serving use proposals located within the overlay zone;
- C. Design compatibility, vehicular circulation and shuttle bus/alternative transportation options into commercial/visitor-serving uses within the overlay zone;
- D. Provide for the review of building materials and colors and establish architectural criteria that discourages the use of corporate, standardized building forms, materials and styles;
- E. Formalize the use of conditional use permits for all commercial/visitor-serving uses within the overlay zone and emphasize the aspects of performance monitoring and enforcement;
- F. ~~Establish the city council as the final decision-maker for commercial/visitor-serving uses in the overlay zone;~~

~~GF.~~ Require commercial/visitor-serving conditional uses as listed in the Planned Industrial (P-M) Chapter of this title for underlying P-M zoned properties within the overlay zone to be subject to the conditional use permit requirements and provisions of this chapter, except that such uses shall be consistent with the intent and purpose of the P-M zone ~~whose primary purpose is not to cater directly to the general public, and allows certain commercial uses which cater to, and are ancillary to the uses allowed in the P-M zone; and~~

G. Establish procedures in the overlay zone to provide for effective code enforcement.

21.208.040

Section 21.208.040 (Commercial/Visitor-Serving Overlay Zone, Permitted uses) is proposed to be amended as follows:

**21.208.040 Permitted uses.**

~~Commercial/visitor-serving uses are permitted uses, in the overlay zone, if they meet the requirements of this chapter. The only p~~Permitted uses in the overlay zone which are not subject to the provisions of this chapter are the residential, industrial and office commercial/visitor-serving uses authorized as permitted uses by the zoning of the underlying zone, which are not subject to the provisions of this chapter. Those uses shall be developed subject to the development standards and entitlement process required by their underlying zoning. In addition, a roadside stand for the display and sale of products produced on the same premises ~~is an allowed a~~ permitted use provided that the floor area shall not exceed two hundred square feet and is located a minimum of twenty feet from any street, highway or city right-of-way.

21.208.050

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

**21.208.050 Uses permitted by a conditional use permit.**

Commercial/visitor-serving uses which require a conditional use permit in the underlying zone 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 the 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-permitted~~ permitted uses (other than commercial/visitor-serving uses), Chapter 21.42, not this chapter, shall apply ~~ies~~.

21.208.060

Section 21.208.060 (Commercial/Visitor-Serving Overlay Zone, Prohibited uses) is proposed to be amended as follows:

**21.208.060 Prohibited uses.**

Notwithstanding any underlying zoning provision, the following uses are prohibited in the overlay zone:

- A. Stand-alone liquor stores where the retail sale of liquor and/or alcoholic beverages is the primary form of business;
- B. The outdoor storage or display of merchandise, goods or services for sale; and
- C. Except as authorized pursuant to Chapter 8.17 and/or 8.32 of this code, or a conditional use permit issued pursuant to this chapter, no person shall sell or offer to sell goods,

merchandise or services from, or by means of, any temporary display, vehicle, platform, wagon or pushcart upon any public street, privately owned property, public parking lot, city right-of-way or sidewalk within the overlay zone; and,

**21.208.070**

Section 21.208.070 (Commercial/Visitor-Serving Overlay Zone, Approval process) is proposed to be amended as follows:

**21.208.070 Approval process Decision-making authority.**

The decision-making authority for all conditionally-permitted commercial/visitor-serving uses shall be determined by the underlying zone. Notwithstanding Section 21.54.040, the city council may approve, conditionally approve or disapprove a conditional use permit within the overlay zone after the planning commission has considered the application and made a recommendation to the council pursuant to Chapter 21.54 and the special procedures added by this chapter. The conditional use permit may be approved for a limited period of time, and shall be subject to monitoring and enforcement pursuant to this chapter.

**21.208.080**

Section 21.208.080 (Commercial/Visitor-Serving Overlay Zone, Pre-filing submittal and meeting—Application for conditional use permit) is proposed to be amended as follows:

**21.208.080 Pre-filing Preliminary review submittal and meeting—Application for CUP conditional use permit.**

A. If it is determined that a conditional use permit is required for a commercial/visitor-serving use within the overlay zone, Prior to filing an application for a conditional use permitfor a commercial/visitor serving use within the overlay zone, the applicant shall make a pre filing project submittalsubmit an application for a preliminary review —and then subsequently attend a pre-filing preliminary review meeting.

1. Pre-FilingPreliminary review submittal. The applicant shall file a written pre-filing submittal—preliminary review application and shall follow the submittal requirements in accordance with the planning department's division's preliminary review process accompanied by the applicable fee therefor, as established by the city council by resolution. The submittal shall demonstrate compliance with this chapter, including the proposal of an architectural style as required by Section 21.208.100(F).

2. Pre-FilingPreliminary review mMeeting. Within thirty days of the applicant's pre-filing preliminary review submittal, the enforcement officialCity Planner shall respond with a written city response letter, thoroughly analyzing the proposal, establishing issues for resolution, and setting a time, date and place to conduct a pre-filing meetingpreliminary review meeting wherein the owner and/or agent, staff planner and staff engineer would attend to discuss any outstanding issues or questions. subject to the following:

a) Required attendance: applicant or applicant's agent, staff planner and staff engineer;

b) Optional attendance: city manager or designated representative, any designated representative from a city department or division with an interest in, or concern with, the proposed commercial/visitor serving development.

3. Primary purpose: discuss the city response letter, identify issues to be resolved and establish final application requirements.

B. Good faith participation in the pre-filing preliminary review meeting; is necessary for the submittal of a formal conditional use permit application.

C. Upon completion of the ~~pre-filing~~ preliminary review submittal and meeting, the applicant may file a formal application for a ~~CUP~~ conditional use permit pursuant to Chapters ~~21.50 and 21.54~~ 21.42. The application shall be accompanied by application(s) for any other required discretionary entitlement for the project (including, but not limited to, a coastal development permit). Application for, and approval of, a ~~CUP~~ conditional use permit pursuant to this chapter shall satisfy all requirements for a site development plan for the project if such is required by the underlying zoning. If not otherwise required, in addition to the application requirements for a conditional use permit (including special requirements in this chapter) formal conditional use permit application exhibits subject to this chapter shall show the following:

1. All State and Uniform Building Code requirements for disabled parking spaces and related pathways;
2. All proposed rooftop equipment, mechanical enclosures and any Uniform Building Code requirements relating to rooftop access, ladders or other rooftop structural features.

**21.208.100(A)(2b)**

Section 21.208.100.A.2b (Commercial/Visitor-Serving Overlay Zone, Development standards, Time Share Projects) is proposed to be amended as follows:

**21.208.100(A)(2b) Development standards.**

b. An interim parking/unit marketing plan which will address the initial sales efforts to sell time share units and the corresponding need to provide additional interim parking while sales are ongoing. ~~Unless otherwise specified in the underlying zone, the interim parking/unit marketing plan shall be approved by the applicable decision-making authority the city council as one of the approving project exhibits and shall indicate where interim parking is to be provided, the amount of spaces involved, adequate screening and landscaping, and the conversion or integration of the interim parking site into the overall time share project.~~

**21.208.100(F)(2) and  
21.208.100(F)(3)**

Sections 21.208.100.F.2 and 21.208.100.F.3 (Commercial/Visitor-Serving Overlay Zone, Development Standards, Architectural Style) are proposed to be amended as follows:

2. ~~Contemporary Southwest~~ Spanish/Mediterranean Architectural Style. This style involves the use of Spanish/mission style clay roof tiles on a rectangular building form, white stucco walls, arches and arched doorways with wooden beams, low pitched roofs, multi-paned windows and the use of glazed/decorative tiles and tile paving.

3. Alternative Architectural Styles. An alternative architectural style may be proposed on a conditional use permit application if it is specifically supported by the enforcement official at the conclusion of the ~~pre-filing~~ preliminary review procedures outlined in Section 21.208.080. This alternative architectural style may accommodate a reasonable version of a user's corporate architectural style, provided the corporate architectural elements do not dominate the building design so as to create incompatibility in the area; or detract from the overlay zone's objective of ensuring high quality appearances for commercial/visitor-serving uses. ~~Final approval of the proposed alternative architectural style is by the city council as part of the conditional use permit review.~~

**21.208.100(H)(2)**

Section 21.208.100(H)(2) (Commercial/Visitor-Serving Overlay Zone, Use separation standards, Motels/Hotels) is proposed to be deleted as follows:

~~2. Commercial/visitor serving motel and hotel uses shall maintain a minimum separation of six hundred feet; business hotels or motels located on P-M zoned property serving the adjacent industrial office area, and not the general public, are not subject to the separation standard. Use separation standards shall be measured from proposed building edge to existing, or approved, building edge. Separation distances shall be measured at points of closest proximity to reveal minimum separation involved. Individual motel or hotel buildings that comprise one motel or hotel use are not subject to the six hundred foot separation standard. For project sites of six acres and larger: Up to two motels or hotels may be located onsite provided that a minimum setback of two hundred feet shall be provided from any public street(s) adjacent to the project site; and the two motel or hotel uses/structures have a minimum separation of one hundred fifty feet. All motel/hotel structures, regardless of project site acreage, shall maintain a minimum separation of six hundred feet from any residentially zoned property line.~~

**21.208.110(D)**

Section 21.208.110(D)( Commercial/Visitor-Serving Overlay Zone, Required findings) is proposed to be amended as follows:

D. For gas stations, motel, hotel or restaurant uses on a planned industrial zoned property: That the proposed use is commercial in nature and therefore subject to the overlay zone; however, the proposed use shall be ~~is~~ consistent with the intent and purpose of the P-M zone ~~whose primary purpose is not to cater directly to the general public, and allows certain commercial uses which cater to, and are ancillary to the uses allowed in the P-M zone.~~

**21.208.130**

Section 21.208.130(Commercial/Visitor-Serving Overlay Zone, Existing uses, building permits and business licenses) is proposed to be amended as follows:

For existing uses that propose a change in use, apply for a building permit or apply for a new business license, the provisions of this chapter shall not apply provided that all of the following criteria are met: the proposal is consistent with the uses allowed by the site development plan or specific plan, if any, applicable to the subject site; the proposal does not invoke a higher parking standard pursuant to Section 21.208.100(A) of this chapter; and, the proposal does not involve an increase of greater than two hundred square feet to existing square footage. For such proposals, the additional two hundred square feet of area shall be parked subject to the parking standards of this chapter. Existing structures that propose demolition and redevelopment may be rebuilt to the same square footage as allowed by a valid entitlement prior to the effective date of the ordinance codified in this chapter, or up to an additional two hundred square feet, without being subject to the requirements of this chapter, provided there is no increase in the degree of nonconformity with regards to building setbacks, parking or signage. If a higher parking standard, or more than two hundred square feet of increased square footage is involved for commercial/visitor-serving uses which require a conditional use permit in the underlying zone, the new, or intensified, portion of the existing use shall be subject to all of the procedures, standards and conditional use permit requirements of this chapter ~~the approval of a minor conditional use permit consistent with the standards of this chapter~~. Existing sign programs and related sign permits are not subject to the provisions of this overlay zone, except that if any existing use proposes an amendment to its existing, approved sign program to increase overall signage allowance, or to increase or alter approved sign locations, then the entire sign program including existing signs shall be subject to the sign standards of Section 21.208.100 (B) of this chapter pursuant to the normal processing of such sign program amendment.

## AMENDMENTS TO CHAPTER 21.209

21.209.040

The legend of Table A of Section 21.209.040 (CR-A/OS, Cannon Road-Agricultural/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.

"CUP" indicates use is permitted with approval of a conditional use permit.

1 = ~~Administrative hearing process~~ Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = ~~Planning commission hearing process~~ Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = ~~City council hearing process~~ Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

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