

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



DATE: June 11, 1997

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's actions, certifying Local Coastal Program Amendment No. 1-96G are legally adequate (for Commission review at its meeting of July 8-11, 1997)

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BACKGROUND

At its August 14, 1996 meeting, the California Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment 1-96G, amending the City's certified Land Use Plan and Implementation Plan. The amendment incorporated new standards addressing affordable housing in all six certified land use plan segments, and modified several associated portions of the certified Implementation Program as well. At the time of the hearing, the Commission adopted suggested modifications addressing many aspects of the overall amendment, to further define and clarify the various mandates for affordable housing programs, including senior housing, density bonuses, inclusionary housing and second dwelling units, as they relate to Coastal Act concerns.

By their action adopting Resolution No. 97-411 and Ordinance No. NS-402, the City Council acknowledged and accepted all of the Commission's suggested modifications. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of Carlsbad is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the California Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(1792A)

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July 14, 1997

Honorable Claude A. Lewis, Mayor  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Re: Certification of the City of Carlsbad's LCP Amendment 1-96G

Dear Mayor Lewis,

The California Coastal Commission has reviewed the City's Resolution No. 97-411 and Ordinance No. NS-402, together with the Commission's action on August 14, 1996, certifying the affordable housing portion of Amendment 1-96 to the City's Local Coastal Program. The amendment incorporated new standards addressing affordable housing in all six certified land use plan segments, and modified several associated portions of the certified Implementation Program as well.

In accordance with Section 13544 of the California Code of Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of July 8-11, 1997. By its action, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications addressing many aspects of the overall amendment, to further define and clarify the various mandates for affordable housing programs, including senior housing, density bonuses, inclusionary housing and second dwelling units.

In conclusion, I would like to extend our appreciation to you and all other elected or appointed officials, staff and concerned citizens for working in a cooperative fashion on this matter. We remain available to assist you and your staff in any way possible as you continue to implement the City's Local Coastal Program.

Sincerely,

Peter Douglas  
Executive Director

(1792A)

file copy

MAY 29, 1997

TO: CITY CLERK

FROM: Planning Director

**CLERICAL REVISION TO CITY COUNCIL ORDINANCE NO. NS-402**

On April 1, 1997 the City Council adopted Ordinance No. NS-402 (See Attachment "A") to accept the suggested modifications to Title 21 of the Carlsbad Municipal Code, which were approved by the California Coastal Commission (See Attachment "B"). Upon submittal of Ordinance No. NS-402 to the California Coastal Commission, it was brought to our attention that, there is an error on page 2, SECTION 5, Carlsbad Municipal Code Section 21.85.120(K) of the Ordinance. Specifically, the word "inclusionary" was inadvertently omitted from Section 21.85.120(k). Section 21.85.120(k) should read as follows:

21.85.120(k) Affordable housing standards.

In the coastal zone, any inclusionary housing development processed pursuant to this Chapter shall be consistent with all certified local coastal program provisions, with the exception of density.

In that the word "inclusionary" is included as part of the Coastal Commission's suggested modifications (See page 4, section 8, of Attachment "B") and the correction of the adopted City Council Ordinance to incorporate the word "inclusionary" will not change the meaning or intent of Section 21.85.120(k), the Carlsbad Assistant City Attorney has determined that it may be incorporated as a correction into City Council Ordinance No. NS-402 by the City Clerk.

  
for **MICHAEL J. HOLZMILLER**

MJH:CD:kr

ORDINANCE NO. NS-402

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 21) OF THE CARLSBAD MUNICIPAL CODE TO ACCEPT THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION.

CASE NAME: COASTAL COMMISSION MODIFICATIONS TO AFFORDABLE HOUSING ZONING PROVISIONS

CASE NO.: ZCA 91-05(A)/ZCA 91-06(A)/ZCA 92-02(A)/  
ZCA 92-04(A)/ZCA 93-05(A)/

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

SECTION 1: That Title 21, Chapter 21.86 of the Carlsbad Municipal Code is amended by the amendment of Section 21.86.020(18) to read as follows:

"21.86.020(18) Definitions

"Maximum allowable residential yield" means the maximum number of residential units permitted on the project site, which number of units is calculated by multiplying the net developable acreage of the project site times the growth management control point(s) for the project site's applicable residential General Plan designation(s). Within the coastal zone, all environmentally constrained lands identified pursuant to the coastal zoning ordinances and local coastal programs are considered to be undevelopable and shall be deducted from the total number of acres of a subject property."

SECTION 2: That Title 21, Chapter 21.86 of the Carlsbad Municipal Code is amended by the amendment of Section 21.86.030(d) to read as follows:

"21.86.030(d) Regulations for new residential construction.

In cases where a density increase of less than twenty-five percent (25%) is requested, including cases where a density increase is sought to satisfy inclusionary housing requirements, no reduction will be allowed in the number of target dwelling units required."

SECTION 3: That Title 21, Chapter 21.86 of the Carlsbad Municipal Code is amended by the addition of Subsection 21.86.060(i) to read as follows:

"21.86.060(i) Density bonus, equivalent in-lieu incentives and additional incentives.

In the coastal zone, any housing development processed pursuant to this Chapter shall be consistent with all certified local coastal program provisions, with the exception of density."

....

1 SECTION 4: That Title 21, Chapter 21.85 of the Carlsbad Municipal Code is  
2 amended by the amendment of Section 21.86.020(19) to read as follows:

3 "21.85.020(19) Definitions

4 "Net developable acreage (for base residential unit calculations)" means the total number  
5 of acres of a subject property minus those lands considered to be undevelopable, as listed in  
6 Section 21.53.230 of this code. Within the coastal zone, all environmentally constrained lands  
7 identified pursuant to the coastal zoning ordinances and local coastal programs are considered to  
8 be undevelopable and shall be deducted from the total number of acres of a subject property."

9 SECTION 5: That Title 21, Chapter 21.85 of the Carlsbad Municipal Code is  
10 amended by the addition of Section 21.85.120(k) to read as follows:

11 "21.85.120(k) Affordable housing standards.

12 In the coastal zone, any housing development processed pursuant to this Chapter shall be  
13 consistent with all certified local coastal program provisions, with the exception of density."

14 SECTION 6: That Title 21, Chapter 21.06 of the Carlsbad Municipal Code is  
15 amended by the amendment of Section 21.06.090 to read as follows:

16 "21.06.090 Development Standards.

17 Property in the Q zone shall be subject to the development standards required in the  
18 underlying zone and any applicable specific plans, except for Affordable Housing Projects as  
19 expressly modified by the site development plan. The site development plan for Affordable  
20 Housing Projects may allow less restrictive development standards than specified in the  
21 underlying zone or elsewhere provided that the project is in conformity with the General Plan  
22 and adopted policies and goals of the City, it would have no detrimental effect on public health,  
23 safety and welfare, and, in the coastal zone, any project processed pursuant to this Chapter shall  
24 be consistent with all certified local coastal program provisions, with the exception of density. In  
25 addition, the Planning Commission or the City Council in approving a site development plan  
26 may impose special conditions or requirements which are more restrictive than the development  
27 standards in the underlying zone or elsewhere that include provisions for, but are not limited to  
28 the following:"

29 SECTION 7: That Title 21, Chapter 21.53 of the Carlsbad Municipal Code is  
30 amended by the amendment of Section 21.53.120(c) to read as follows:

31 "21.53.120(c) Affordable housing multi-family residential projects - Site development  
32 plan required.

33 Development Standards. The development (both for multi-family residential and  
34 affordable housing) shall be subject to the development standards of the zone in which the  
35 development is located and/or any applicable Specific or Master Plan except for affordable

1 housing projects as expressly modified by the site development plan. The site development plan  
2 for Affordable Housing Projects may allow less restrictive development standards than specified  
3 in the underlying zone or elsewhere provided that the project is in conformity with the General  
4 Plan and adopted policies and goals of the City, it would have no detrimental effect on public  
5 health, safety and welfare, and, in the coastal zone, any project processed pursuant to this  
6 Chapter shall be consistent with all certified local coastal program provisions, with the exception  
7 of density. In addition, the Planning Commission or the City Council in approving a site  
8 development plan may impose special conditions or requirements which are more restrictive than  
9 the development standards in the underlying zone or elsewhere that include provisions for, but  
10 are not limited to the following:"

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12 SECTION 8: That Title 21, Chapter 21.10 of the Carlsbad Municipal Code is  
13 amended by the amendment of Section 21.10.015(c)(3)(C) to read as follows:

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15 "21.10.015(c)(3)(C) Second dwelling unit by administrative permit.

16 The second dwelling unit must meet the setback, lot coverage, and other development  
17 standards applicable to the zone, which are not addressed within this subsection. In the coastal  
18 zone, any housing development processed pursuant to this Chapter shall be consistent with all  
19 certified local coastal program provisions, with the exception of density, or as otherwise  
20 specified within this subsection."

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22 SECTION 9: That Title 21, Chapter 21.18 of the Carlsbad Municipal Code is  
23 amended by the addition of Section 21.18.045(c)(3)(B) to read as follows:

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25 "21.18.045(c)(3)(B) Senior citizen housing by site development plan.

26 In the coastal zone, any senior citizen housing project processed pursuant to this section  
27 and Chapter 21.86 of this code shall be consistent with all certified local coastal program  
28 provisions, with the exception of density."

SECTION 10: That Title 21, Chapter 21.18 of the Carlsbad Municipal Code is  
amended by the amendment of Section 21.18.045(d)(4)(D) to read as follows:

"21.18.045(d)(4)(D) Senior citizen housing by site development plan.

The senior citizen housing project complies with the general plan, zoning, certified Local  
Coastal Program and development policies of the City of Carlsbad, and is consistent with Section  
21.86 of this Title."

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1 EFFECTIVE DATE: This ordinance shall be effective thirty days after its  
2 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be  
3 published at least once in a publication of general circulation in the City of Carlsbad within  
4 fifteen days after its adoption.

5 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City  
6 Council on the 25th day of March 1997, and thereafter.

7 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
8 Carlsbad on the 1st day of April 1997, by the following vote, to wit:

9 AYES: Council Members Lewis, Finnilla and Hall

10 NOES: None

11 ABSENT: None

12 ABSTAIN: Council Members Nygaard and Kulchin

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CLAUDE A. LEWIS, Mayor

ATTEST:

  
ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)