

CALIFORNIA COASTAL COMMISSION

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May 30, 2002

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO
KERI AKERS, COASTAL PROGRAM ANALYST**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT NO. 1-2002A (Planned Development Ordinance) (For
Public Hearing and Possible Commission Action at the Meeting of June
10-14, 2002)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The City of Carlsbad is requesting that its certified Local Coastal Program (LCP) be amended by revising the City's Planned Development Ordinance (PDO) to include development standards and procedures that will address development of small-lot single-family and multiple-family residential units, encourage development of more liveable neighborhoods, and promote neighborhood compatibility for proposed infill development or redevelopment. (See **Exhibit 1**.) The City has also adopted an amended City Council Policy 44 (Neighborhood Design Guidelines – **Exhibit 2**) and a new City Council Policy for Liveable Neighborhoods (**Exhibit 3**) to support the regulations in the PDO, which are incorporated into the LCP by reference. The provisions of the amendment will be applied citywide, and will potentially affect the following segments of the certified Carlsbad LCP: Mello I, Mello II, Village Redevelopment Area, East Batiquitos Lagoon, and West Batiquitos Lagoon. A planned development may be permitted in any residential zone or combination of zones consistent with the requirements of the PDO.

The City's 1-2002 amendment package was filed on April 22, 2002, pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Code of Regulations. Three site-specific zone changes were also included in the amendment package, and will be presented to the Commission at a later date. The PDO amendment is going forward at the June 2002 hearing at the request of the City of Carlsbad.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment as submitted. The PDO amendment is consistent with the City of Carlsbad's certified LCP land use plan (LUP), in that it does not conform with and is adequate to carry out the LUP's policies. It will not negatively impact coastal resources.

The PDO facilitates clustering of development on environmentally or topographically constrained land, so that development can be sited on the most suitable portions of the site away from sensitive resources. This is accomplished primarily by allowing smaller lot sizes than would ordinarily be allowed in the underlying zone, although the development must still conform to the minimum and maximum allowable density, or total number of lots, that the zone requires for the property as a whole. Clustering of development on smaller lots promotes the establishment of large, contiguous areas of open space for recreational purposes and/or habitat conservation, and encourages infill development in appropriate urban areas.

In general, the PDO encourages protection of environmentally sensitive habitat areas (ESHA) by locating development away from these areas. The PDO does not supersede or conflict with the provisions of existing protections for sensitive areas, such as the Hillside Development Ordinance, the Growth Management Plan, the Coastal Resource Overlay Zone, and the draft Habitat Management Plan, and will function as a useful tool in implementation of these plans.

The appropriate resolutions and motions can be found on Page 4. The findings for approval of the amendment begin on Page 5.

BACKGROUND

Carlsbad Local Coastal Program (LCP)

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

Planned Development Ordinance

The primary intent of the Planned Development (PD) permit process, as contained in Chapter 21.45 of the Carlsbad Municipal Code, is to provide a method for clustering property development on environmentally and/or topographically constrained sites, where site conditions preclude development of the entire property as a standard single-family subdivision. For urban infill areas, a PD may also allow small subdivisions to be

created with single-family residential lots containing less than 7,500 square feet, condominium ownership in multiple-unit buildings, and conversion of existing residential development to condominiums.

When the PDO was adopted in 1982, the primary objective at that time was to encourage clustered development of both attached and detached housing on environmentally constrained land, through the use of less restrictive development standards for minimum lot size, building setbacks and street widths. However, a lack of specificity and restrictions on its application made it an attractive option for developers pursuing housing on less constrained and infill sites as well. According to information provided by the City, since its inception 20 years ago, the PD process has become the preferred development tool for residential developers within the City. As a result, almost 90 percent of all residential development within the City is now processed pursuant to the PDO, in order to achieve maximum residential density on land which is not highly constrained. The corresponding lack of standards for neighborhood design, neighborhood compatibility and interconnectivity of new developments has resulted in a residential subdivision pattern that produces isolated, walled developments.

Approximately one-third of the City's residentially designated land remains to be developed. Since the adoption of the PDO in 1982, other City ordinances and plans intended to protect the natural environment have been created, such as the Hillside Ordinance, the Growth Management Plan, the Coastal Overlay Zone, and the draft Habitat Management Plan, which more clearly and directly accomplish the citywide goals of protecting steep hillside and environmentally sensitive habitat areas (ESHA). At this time, the City is taking the opportunity through this amendment to update and strengthen the PDO by incorporating standards for more liveable communities and a more traditional neighborhood character, with a new focus of protection and preservation of quality of life as well as protection of the environment.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Keri Akers** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW

A. STANDARD OF REVIEW

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified land use plan (LUP). 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.

B. PUBLIC PARTICIPATION

The City has held both Planning Commission and City Council hearings with regard to the subject amendment request. Each of these local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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 just prior to the resolution.

A. RESOLUTION I. (Resolution to approve certification of the City of Carlsbad LCP Amendment #1-2002A [Planned Development Ordinance], as submitted)

MOTION I

I move that the Commission reject the City of Carlsbad LCP Amendment #1-2002A [Planned Development Ordinance], as submitted.

Staff Recommendation

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program 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 I

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 Plan, 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 on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III **FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LCP
AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

As stated in the City's planning commission report, the main objectives of the proposed amendment are to provide clear and detailed development standards and procedures for the development of small-lot, single-family and two-family/multiple family ownership residential units, modify residential development and design standards to achieve more liveable neighborhoods and homes that are in better scale to lot sizes, and provide compatibility with existing neighboring development. Through this amendment, the City is attempting to address various community concerns and public safety issues related to these matters.

As previously noted, the original purpose of the PDO was to encourage clustered housing development on environmentally constrained land, through the use of less restrictive development standards for minimum lot size, building setbacks and street widths. However, a lack of specificity and restrictions on its application made it an attractive option for developers pursuing housing on less constrained and infill sites as well. As a result, almost 90 percent of all residential development within the City is now processed pursuant to the PDO, in order to achieve maximum residential density on land which is not highly constrained. The corresponding lack of standards for neighborhood design, neighborhood compatibility and interconnectivity of new developments has resulted in a residential subdivision pattern that produces isolated, walled developments.

Approximately one-third of the City's residentially designated land remains to be developed. At this time, the City is taking the opportunity through this amendment to update and strengthen the PDO by incorporating standards for more liveable communities and a more traditional neighborhood character, with a new focus of protection and preservation of quality of life as well as protection of the environment.

The existing PDO has been revised to provide clear, detailed and unambiguous standards for clustered residential development in new subdivisions and small-lot infill development. The proposed amendment to the PDO will not affect any other sections of the City's certified LCP. The amended ordinance includes a provision that if a conflict is identified between the regulations of the PDO and the City's certified LCP, the regulations of the LCP shall prevail.

1. Purpose and Intent of the Ordinance. The purpose and intent of the PDO permit process is to provide a method for clustering property development on environmentally and/or topographically constrained sites, where site conditions preclude development of the entire property as a standard single-family subdivision. For urban infill areas, a PD may also allow small subdivisions to be created with single-family residential lots containing less than 7,500 square feet, condominium ownership in multiple-unit buildings, and conversion of existing residential development to condominiums. Application of the PD process allows effective use of potential density on constrained sites which would otherwise be limited by underlying zoning requirements for minimum lot size.

The amendment would revise the Purpose and Intent section of the PDO to provide six main objectives for the PD process, as summarized:

- Recognition of the need for a diversity of housing product types;
- Acknowledgement that preserving environmentally or topographically constrained land justifies clustered housing;
- Establishment of a process to develop single-family lots smaller than otherwise allowed by the underlying zone;
- Development of small-lot subdivisions in existing R-1 neighborhoods when compatible with adjacent land uses;
- Development of small-lot subdivisions in multi-family zones (R-3, RD-M) as an alternative product type to attached housing; and
- Recognition that additional community amenities should be provided in exchange for relief from compliance with standard residential zoning regulations.

The means for achieving these objectives is largely provided in the existing PDO and has not been significantly changed. One exception is the final, sixth objective, which has been connected to expanded standards that address the liveable communities requirement.

2. Major Provisions of the Ordinance. The amendment revises the existing PDO to encourage development of more liveable neighborhoods, and promote neighborhood compatibility for proposed infill development or redevelopment, while continuing to provide a means for clustered development at appropriate urban densities.

The existing PDO does not require adjacent existing development to be considered when applying the PD process to infill development. The revised PDO specifies that single-family lots smaller than 7,500 square feet (the minimum lot size of the R-1 zone) are only permitted in an R-1 zone when the project site is contiguous to a higher intensity land use or an existing project of comparable or higher density. The revised PDO also provides additional limitations on two-family and multifamily development in the R-1 zone. These limitations on infill development are incorporated into the PDO to ensure that new housing in existing neighborhoods that is permitted through the PD process will be compatible with existing neighborhoods and land uses.

Requirements for street width, street design and trees in residential subdivisions have been revised to allow narrower streets with parking on both sides, required parkways for car/pedestrian separation, and appropriate street landscaping. These measures are intended to slow traffic, increase pedestrian safety and provide a more pleasant visual effect. To accommodate the parkway design within existing lot designs, the required minimum front yard setback will be reduced from an average of 15 feet to 12 feet. Front-loading garages are required to have a 20-foot setback. Corresponding development standards provide increased side yard setback requirements and more specific requirements for distance between multifamily structures.

Previously, the PDO did not require amenities such as front porches, open courtyards or balconies. Under the revised PDO, at least 50% of newly built homes in a PD must contain one or more of these features, to increase liveability and enhance visual appeal. Front porches will be allowed to encroach 4 feet into the front yard setback. The majority of garages must be recessed, in order to break up the massiveness and single-plane effect of a typical home with a front-loading garage. The total percentage of homes in a PD that will be permitted to have front-loading 3-car garages is reduced from 75% to 12.5%. Standards for recreational amenities associated with common areas and private areas has been revised to provide, on average, larger private rear yards for single-family homes and larger patios and balconies for multifamily homes. Additionally, at least 15% of new homes must be single story. Prior to the revisions, there was no limitation on the percentage of two-story homes that could be built in a PD.

Two companion City Council policies have been adopted in support of the PDO amendment, which are incorporated into the LCP by reference. These are the Principles for the Development of Liveable Neighborhoods, and an amendment to the existing Small Lot Architectural Guidelines. The policies are intended to assist developers, staff and the public in understanding the concepts of a liveable neighborhood design, and in creating liveable neighborhoods by strengthening existing design policies for building mass and articulation. These requirements will be applied to all new single-family and two-family development proposals; formerly, they were applied only to small-lot, high-density planned developments.

Although the existing PDO provides building height and setback requirements, it does not include a lot coverage standard which would control the massiveness and visual impacts of very large homes on small lots in established neighborhoods. The revised PDO establishes a new lot coverage standard of 40 percent for two-story homes, 50 percent for one-story homes, 50 percent for two-story homes on lots less than 5,000 square feet, and 60 percent for multiple family units. The PDO also increases the minimum single family lot size from 3,500 to 5,000 to acknowledge these new requirements and promote appropriate development intensity. The purpose of these changes is to ensure that infill development or redevelopment in established neighborhoods will be compatible in terms of lot coverage, building mass and external appearance, and to provide enhanced liveability, pedestrian safety, visual interest and connectivity in new subdivisions.

3. Adequacy of Ordinance to Implement the Certified LUP. The standard of review for LCP implementation submittals or amendments is their consistency with and adequacy to carry out the provisions of the certified LUP. In the case of the subject LCP amendment, the City's Municipal Code serves as the Implementation Program for the LCP. The PDO is contained within Chapter 21.45 of the City's Municipal Code.

The revised PDO will continue to support existing provisions in the certified LCP land use plans for protection of steep hillsides, environmentally sensitive habitat areas (ESHA), concentration of development and prevention of sprawl. All of the land use segments in the certified LCP contain provisions for resource protection. These include drainage and erosion controls, protection of steep slopes with native vegetation (dual-criteria slopes), and protection of wetland and riparian resources. The revised PDO is consistent with the LUPs, and is adequate to ensure that the provisions of the LUPs are carried out.

B. COASTAL RESOURCES AND HABITAT PROTECTION

The PD permit process is intended to work within existing residential zoning designations, and does not supersede the minimum or maximum allowable density set for a particular zone. A PD permit is not required when proposed development meets both the density requirements and the minimum lot size requirements of the underlying zone. The PD process, therefore, is voluntarily entered into by a developer to maximize the number of residential units that can feasibly be built on highly-constrained properties or urban infill properties, where minimum lot sizes established by the underlying zone would normally prevent full development of potential density. For any individual property, it is the underlying zoning, and not the PD designation, that ultimately continues to determine the total amount of development (intensity) that may be permitted on a property. The ultimate impact of the PD process on a citywide basis will depend upon the total number of developments and type of developments that choose to utilize it.

The primary purpose of the PD process is to provide a tool for specifying *where* development should be located on constrained sites regardless of potential density, in order to maximize development potential and protect environmental resources. As previously stated, the PD process does not supersede existing requirements of the LUP and other adopted measures for resource protection, and requires conformance with density requirements of underlying zoning.

The changes to minimum lot sizes and setbacks may decrease the maximum number of units that could potentially be built on an infill property or in a new subdivision, based solely upon maximum potential buildout allowed by underlying zoning. As noted, overall permitted density or maximum number of lots is not affected, and development must still be consistent with other provisions of the underlying zoning designation and the resource protection policies contained in the LCP. These requirements will continue to be supported in the revised PDO.

The PD process also encourages concentrated development and urban infill by allowing small-lot development where appropriate in developed urban neighborhoods, as an

alternative to multifamily or condominium-style development. No changes to zoning standards or zone designations are proposed as part of this amendment, and no impacts such as decreased affordable housing or increased environmental impacts are anticipated to occur as a result of its approval. The PDO is not anticipated to create any conflicts with the LCP's existing policies or plans.

For PDs in infill areas, additional design requirements will ensure that the PD process minimizes impacts to neighbors and promotes healthy, liveable neighborhoods while reducing urban sprawl. For those PDs on constrained properties, the effect of the PDO will continue to be a potential increase in feasible density due to clustered housing design, up to the maximum already allowed by zoning. However, the provisions of the Resource Protection Ordinance (RPO) will still continue to apply, and it may not always be possible to obtain maximum density on a particular property. For this reason, the PD process must continue to be applied with the understanding that maximum density is not permitted by right and without regard to the presence of resources which may be protected by the LCP, but may be allowed on those properties where the intensity is suitable to the surroundings and environmental impacts prohibited by the LCP will not result. In order to determine the feasible development potential of a site, the actual developable area should first be defined, based upon limiting factors such as onsite environmentally sensitive habitat areas (ESHA) and topographical constraints, appropriate buffers and setbacks, and brush management requirements. The PDO as amended will continue to require all development to be consistent with all provisions of the Resource Protection Ordinance, which may sometimes result in less density than would otherwise be allowed apart from the RPO.

Approval of the PDO amendment will likely provide a greater overall benefit to existing coastal neighborhoods and new coastal developments, will support existing density and land use requirements in the LUP, and will continue to protect coastal resources and sensitive areas in conjunction with and subject to the requirements of the RPO and the certified LCP. Based upon the above findings, the Commission can support the requested amendment, as submitted.

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

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

Nevertheless, the Commission is required in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the LCP, or LCP, as amended, conforms to CEQA provisions. The proposed Planned Development Ordinance amendment will not result in an intensity of land use incompatible with the surrounding development, and on balance

will result in clustered development and maximize protection of coastal resources. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

CITY COUNCIL ORDINANCE NO NS-612

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A ZONE CODE AMENDMENT FOR A COMPREHENSIVE AMENDMENT TO THE PLANNED DEVELOPMENT ORDINANCE CHAPTER 21.45, TITLE 21, OF THE CARLSBAD MUNICIPAL CODE

CASE NAME: AMENDMENT TO PLANNED DEVELOPMENT ORDINANCE

CASE NO: ZCA 01-01

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

SECTION 1: That Title 21, Chapter 21.45 is amended to read as follows:

TITLE 21
PLANNED DEVELOPMENTS
CHAPTER 21.45

- 21.45.010 Intent and Purpose
- 21.45.020 Applicability
- 21.45.030 Definitions
- 21.45.040 Permitted Zones and Uses
- 21.45.050 Application and Permit Procedures
- 21.45.060 General Development Standards
- 21.45.070 Small-lot, Single-Family and Two-Family Dwelling Development Standards
- 21.45.080 Multiple-Dwelling Development Standards
- 21.45.090 Residential Additions and Accessory Uses
- 21.45.100 Amendments to Permits
- 21.45.110 Conversion of Existing Buildings to Planned Developments
- 21.45.120 Expiration, Extension, Revisions
- 21.45.130 Proposed Common Ownership Land or Improvements
- 21.45.140 Maintenance
- 21.45.150 Failure to Maintain
- 21.45.160 Model Homes
- 21.45.170 Restriction on Reapplication for a Planned Development Permit

21.45.010 Intent and Purpose

The purpose of the Planned Development ordinance is to:

- A. Recognize the need for a diversity of housing and product types;
- B. Provide a method for clustered property development that recognizes that the impacts of environmentally and topographically constrained land preclude the full development of a site as a standard single-family subdivision;
- C. Establish a process to approve the following: separate ownership of dwelling units with lots or exclusive use areas of less than 7,500 square feet in size, or as otherwise allowed by the underlying zone; condominium ownership in multiple-unit buildings, and conversion of existing, residential development to condominiums;
- D. Allow the development of small-lot subdivisions in existing R-1 neighborhoods when the proposed site is contiguous to a higher intensity land use or an existing project of comparable or higher density;
- E. Permit the development of small-lot subdivisions in multi-family zones as an alternative product type to attached dwelling units, and;
- F. Encourage and allow more creative and imaginative design by including relief from compliance with standard residential zoning regulations. To offset this flexibility in development standards, planned developments are required to incorporate amenities and features not normally required of standard residential developments.

21.45.020 Applicability

- A. A planned development permit is required for the development of single-family lots or exclusive use areas of less than 7,500 square feet or as otherwise allowed by the underlying zone, attached condominiums, and the conversion of existing residential development to condominiums. These

1 regulations do not apply to attached residential units proposed for inclusion as part of a commercial
2 development project.

3 B. Any application for a planned development permit that was deemed complete prior to the
4 effective date of the ordinance reenacting this chapter, shall not be subject to the amended provisions
5 of this chapter but shall be processed and approved or disapproved pursuant to the ordinance superseded
6 by the ordinance codified in this chapter.

7 C. Enlargement of buildings that are legally non-conforming is permitted provided that such
8 enlargement does not increase the floor space more than 40% of that existing prior to such enlargement
9 and that the new addition complies with the new setback and lot coverage requirements of this chapter.

10 D. If there is a conflict between the regulations of this chapter and any regulations approved
11 as part of the City's certified local coastal programs, a redevelopment master or specific plan, the
12 regulations of the local coastal program, or the master or specific plan shall prevail.

13 E. A planned development permit shall apply to residential projects only. The City Council,
14 Planning Commission or Planning Director, as provided in this chapter may approve a permit for a
15 planned development in any residential zone or combination of zones subject to the requirements thereof
16 except as they may be modified in accord with this chapter. When approved, a planned development
17 permit shall become a part of the zoning regulations applicable to the subject property.

18 F. In granting a planned development permit, the Planning Commission or City Council may
19 modify the plan or impose such conditions as it deems necessary to protect the public health, safety and
20 general welfare. Any development standards of the underlying zone in which the property is situated,
21 including yards, parking, coverage, signs, fences and walls, may be modified by the Planning
22 Commission or City Council as necessary to accomplish the purposes of this chapter."

23 21.45.030 Definitions

24 Whenever the following terms are used in this chapter, they shall have the meaning established by this
25 section:

26 A. "Condominium project" means a common interest subdivision defined by Sections 1350-
27 1376 of the California Government Code.

28 B. "Driveway (SF)" means an improved surface on private property intended for vehicular
access from a public/private street to open/enclosed parking for a detached single-family home.

C. "Driveway (Project)" means an improved surface on private property intended for shared
vehicular access from a public/private street to open/enclosed parking for two or more residential units.

D. "Duplex" means two homes on one lot attached by a common wall and under common
ownership. Duplex may be converted to individual ownership with approval of a planned development
permit.

E. "Net pad area" means the building pad of a lot excluding all natural or manufactured
slopes greater than three feet in height except intervening manufactured slopes between split-level pads
on a single lot.

F. "Planned development" means a form of development usually characterized by a unified
site design for a number of housing units, clustering buildings, and providing common open space,
recreation and streets.

G. "Twin-home" means two homes attached by a common wall where each home and lot or
exclusive use area has separate ownership.

21.45.040 Permitted Zones and Uses.

A. Permitted Zones. The Planning Director, Planning Commission or City Council may
approve a permit for a planned development in the R-1, R-2, R-3, RD-M, R-W and P-C residential zones
or combination of zones subject to the requirements of this chapter. When approved, a planned
development permit shall become the zoning regulations applicable to the subject property.

B. Permitted Uses. In addition to any principal use, accessory use, transitional use or
conditional use permitted in the underlying zone, planned developments that are proposed in the
following residential zones may include the following residential uses listed in Table A, Permitted
Residential Uses below:

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Table A

Permitted Residential Uses

Zone	Single-family Detached Dwelling	Two-Family Dwelling	Multiple Dwelling
R-1	X (1)	X (2)	N/A
R-2	X	X	X (2)
R-3	X	X	X
RD-M	X	X	X
P-C (3)	X	X	X
Accessory Uses (4)	X	X	X

- (1) When the project site is contiguous to a higher intensity land use or an existing project of comparable or higher density.
- (2) Only permitted when the proposed project site is contiguous to a lot or lots zoned R-3, R-T, R-P, C-1, C-2, C-M or M, but in no case shall the project site consist of more than one lot nor be more than 90 feet in width, whichever is less.
- (3) Permitted uses shall be consistent with the master plan.
- (4) Refer to Table F for specific uses.

21.45.050 Application and Permit

The application for a planned development permit shall be made in writing on the form provided by the Planning Department. The application shall include a site plan, building elevations and floor plans addressing all development standards and design requirements as contained in this chapter and shall be accompanied by the required fee in an amount specified by City Council resolution. The application for a planned development shall state whether the applicant intends to develop the project as a planned development or condominium project and the proposed method of land division (i.e., postage stamp lots, air-space condominiums).

A. Processing Procedures. Table B, Required Processing Procedures, identifies required procedures for Minor (4 or fewer dwelling units) and Major (5 or more dwelling units) permits.

Table B
Required Processing Procedures

Topic	Minor	Major
Decision-Making Body or Official	Planning Director	Planning Commission (up to 50 DU); Council City (more than 50 DU)
Map Required	Minor Subdivision Map (See Title 20, Chapter 20.24)	Major Subdivision Map (See Title 20, Chapter 20.21)
Required Findings	See Section 21.45.050(B)	See Section 21.45.050(B)
Public Notice Required	See Title 20, Chapter 20.24, Section 20.24.115	Chapter 21.54, Section 21.54.060(1)
Public Hearing Required	No	Yes
Appeals	See Chapter 21.54, Section 21.54.140	See Chapter 21.54

B. Required Findings. The Planning Director, Planning Commission or City Council shall approve or conditionally approve a planned development permit only if it finds that both of the following facts exist.

1. The proposed project complies with all applicable development standards included within this chapter.
2. The proposed project density, site design and architecture are compatible with surrounding development

21.45.060 General Development Standards.

All planned developments shall comply with the general development standards specified in Table C below. Specific standards applicable to small-lot, single-family/two-family dwelling and multiple-dwelling condominium projects can be found in Tables D and E, respectively.

Table C

General Development Standards Applicable to All Planned Developments

Density	Per the underlying General Plan designation. When two or more general plan land use designations exist within a planned development, the density may not be transferred from one general plan designation to another without a general plan amendment.								
Arterial Setbacks	All dwelling units and accessory structures adjacent to any arterial road shown on the Circulation Element of the General Plan shall maintain the following minimum setbacks from the right-of-way: <table style="margin-left: 40px;"> <tr> <td>Prime Arterial</td> <td>50 Feet</td> </tr> <tr> <td>Major Arterial</td> <td>40 Feet</td> </tr> <tr> <td>Secondary Arterial</td> <td>30 Feet</td> </tr> <tr> <td>Carlsbad Boulevard</td> <td>20 Feet</td> </tr> </table> <p>An average of 50% of the required setback area that is located closest to the arterial shall be landscaped to enhance the streetscene and buffer homes from traffic on adjacent arterials. Project perimeter walls shall not be located in the landscaped buffer. The landscaped buffer shall contain a minimum of one 24" box tree for every 30 lineal feet of street frontage. This arterial landscape setback shall be commonly-owned and maintained by the homeowners' association.</p>	Prime Arterial	50 Feet	Major Arterial	40 Feet	Secondary Arterial	30 Feet	Carlsbad Boulevard	20 Feet
Prime Arterial	50 Feet								
Major Arterial	40 Feet								
Secondary Arterial	30 Feet								
Carlsbad Boulevard	20 Feet								
Building Setbacks	All setbacks shall be measured from the property line, from the back of sidewalk or from the edge of the project driveway, whichever is closest to the structure.								
Permitted Intrusions into Setbacks	Projecting architectural features, which do not increase the useable living area of a dwelling unit, (including, but not limited to, cornices, eaves, belt courses, sills, buttresses and fireplaces) may intrude up to 2 feet into required building setbacks.								
Visitor Parking/ On Private/Public Streets	<ul style="list-style-type: none"> • 10 units or less: 1 space for each 2 units or fraction thereof • 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 units above 10 • In cases where a fractional parking space is required, the required number of spaces shall be rounded to the nearest highest whole number. • Visitor parking may be provided: (1) along both sides of a minimum 34-foot wide private/public street or (2) in perpendicular bays. When visitor parking is provided on-street, not less than 24 lineal feet per space, exclusive of driveway entrances and driveway aprons, shall be provided for each parking space, except where parallel parking spaces are located immediately adjacent to driveway aprons, then 20 lineal feet may be provided. 								
Driveways	<ul style="list-style-type: none"> • Visitor parking must be provided in parking bays. 								
Private Streets	Minimum 34 feet wide (curb-to-curb) with parkways (minimum 5.5' wide) and sidewalks (minimum 5' wide) on both sides of the street.								
Public Streets	Minimum 34 feet wide (curb-to-curb) with parkways (minimum 7' wide) and sidewalks (minimum 5' wide) on both sides of the street.								
Parkways with Street Trees	Minimum 5.5 feet wide parkways are required along both sides of private streets. For small-lot, single-family and two-family projects, a minimum of one street tree (24 inch box) per lot is required to be planted in the parkway along all streets. For multi-family projects, street trees shall be spaced no further apart than 30 feet on center within the parkway. Tree species should be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption.								
Driveway (Project)	<ul style="list-style-type: none"> • Minimum 24 feet wide with no parking permitted in travel way. • Additional width may be required for maneuvering area in front of garages, carports or uncovered parking spaces or to provide transition to a driveway approach. • No more than 20 single-family/two-family dwelling units shall be located along a single-entry driveway. • Parkways/sidewalks may be required. • Driveways in motor courts shall be constructed of concrete. • All driveways/motor courts shall be accented with enhanced pavement treatment. 								
Dwelling Unit Setback from Open Parking	All dwelling units shall be set back a minimum 5 feet from open parking areas.								

1 2 3 4 5 6 7 8 9 10 11 12 13 14	Screening of Parking Areas	All open parking areas shall be screened from adjacent residences and public rights-of-way by either a view-obscuring wall or landscaping.
15 16 17 18 19 20 21	Community Recreational Space	All projects of more than 10 dwelling units shall provide 200 square feet of centralized, community recreational space per unit. Projects with 25 or fewer units shall provide passive <u>or</u> active recreation facilities; projects with more than 25 units shall provide both passive <u>and</u> active recreational facilities with a minimum of 75 percent of the area allocated for active facilities. Projects of more than 50 units shall provide recreation facilities for a variety of age groups. Examples of recreation facilities include, but are not limited to, the following: <u>Active:</u> Swimming pool with cabana, children's playground equipment, spa, tennis court, racquetball court, volleyball court, basketball court, recreation rooms or buildings, horseshoe pits, pitch and putt, grassy play areas a minimum of 100 feet by 100 feet and any other facility deemed by the Planning Director to satisfy the intent of providing active recreational facilities. <u>Passive:</u> Benches, barbecues, community gardens, or grassy play areas with a slope of less than 5%. <ul style="list-style-type: none"> • Credit for indoor recreation facilities shall not exceed 25% of the required centralized community recreation area. • Required recreation areas shall not be located in any required front yard and may not include any driveways, parking areas, walkways, storage areas, or any slopes of 5% or greater. • For single-family or two-family projects of 50 units or more, at least 25 percent of the common recreation space must be provided as pocket parks. Pocket park lots must have a minimum width of 50 feet and be located at strategic locations such as street intersections (especially "T-intersections") and where open space vistas may be achieved.
22	Recreation Area Parking	1 space for each 15 residential lots or fraction thereof for lots located more than 1,000 feet from a centralized community recreation center lot.
23	Lighting	Lighting adequate for pedestrian and vehicular safety shall be provided.
24	Utilities	Separate utility systems shall be provided for each unit.
25 26 27 28	Recreational Vehicle Storage	<ul style="list-style-type: none"> • Required for projects with 25 or more units • 20 square feet per unit exclusive of area required for driveways and approaches • Developments located within master plans or residential specific plans may have this requirement met by the common RV storage area provided by the master plan or residential specific plan. • The storage of recreational vehicles shall be prohibited in the front yard setback and on any public or private streets or any other area visible to the public. A provision containing this restriction shall be included in the covenants, conditions and restrictions for the project. All RV storage areas shall be landscaped to screen vehicles to the maximum extent feasible.
	Storage Space	480 cubic feet of separate storage space per unit. If all storage for each unit is located in one area, the space may be reduced to 392 cubic feet. This space shall be separately enclosed for each unit and be conveniently accessible to the outdoors. The space may be designed as an enlargement of the required covered parking structure provided it does not extend into the area of the required parking stall. This requirement is in addition to closets and other indoor storage areas.
	Antennas	Each project shall have a master antenna and/or a cable television hookup. Antennas are permitted subject to the provisions of Chapter 21.53 of this code and any applicable federal regulations.

21.45.070 Small-lot, Single-family and Two-Family Dwelling Development Standards

A. In addition to the General Development Standards found in Table C, planned developments that include single-family or two-family dwelling product types shall comply with the following development standards found in Table D, Small-Lot, Single-family and Two-Family Dwelling Development Standards.

Table D
Small-Lot, Single-Family and Two-Family Dwelling Development Standards

Standard	Requirement
Livable Neighborhood Policy	Must comply with City Council Policy 66, Principles for the Development of Livable Neighborhoods
Architectural Requirements	<ul style="list-style-type: none"> • Must comply with City Council Policy 44, Neighborhood Architectural Design Guidelines.
Minimum Lot Size or Exclusive Use Area	<ul style="list-style-type: none"> • <u>Single-family</u> - 5,000 SF; except that lots sizes less than 5,000 SF to a minimum lot size of 3,500 SF may be used when the site has a general plan designation of RMH or RH and when unique circumstances such as one of the following exists: <ol style="list-style-type: none"> 1) The project is for lower-income or seniors housing; 2) The site is located west of Interstate 5; 3) The dwelling units are designed with alley-loaded garages; or 4) The site is either located contiguous to a Circulation Element roadway or within 1200 feet of a commuter rail/ transit center, commercial center or employment center. • <u>Two-family</u> - 3,750 SF when developed as a twin home; 7,500 SF when developed as a duplex.
Maximum Lot Coverage	<ul style="list-style-type: none"> • 2 story homes - Lots equal to or greater than 5,000 SF, 40% of the net pad area; lots less than 5,000 SF, 50% of the net pad area • 1 story homes - 60% of the net pad area • Porches with no livable space above the porch and porte-cocheres no more than 20 feet in width and 6 feet in depth are exempt from lot coverage requirements.
Minimum Lot Width ⁽¹⁾	<ul style="list-style-type: none"> • Single-family on lots equal to or greater than 5,000 SF - 50 feet; • Single-family on lots less than 5,000 - 40 feet, 35 feet on cul-de-sac • Two-family - 35 feet when developed as a twin home; 70 feet when developed as a duplex.
Maximum Building Height	Maximum 30 feet and two stories if a minimum roof pitch of 3/12 is provided or 24 feet and two stories if less than a 3/12 roof pitch.
Minimum Front Setback: <ul style="list-style-type: none"> • From a private or public street ⁽²⁾ • From a driveway (project) 	<ul style="list-style-type: none"> • Covered front porch - 8 feet • Residence - 12 feet average ⁽³⁾, 10 feet minimum • Side-entry garage - 10 feet • Direct entry garage - 20 feet • Residence - 8 feet, fully landscaped • Garage - 5 feet • Garages facing directly onto a project driveway shall be equipped with an automatic garage door opener.
Minimum Street Frontage	On sharply curved streets or cul-de-sacs - 35 feet. This frontage may be reduced to a minimum of 25 feet if adequate guest parking (that does not directly back onto the street) is provided near the end of the cul-de-sac in parking bays or another acceptable manner. Such lots must reach a width of 35 feet at some point near the middle of the lot.
Minimum Street Side-Yard Setback	10 feet; 20 foot setback required for garages that face a street side yard

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Standard	Requirement
Garages	<ul style="list-style-type: none"> • On a project basis, garages for single-family or two-family homes dwelling units shall be sited as follows. ¹⁴ <ol style="list-style-type: none"> a. For a project with 3 floor plans: <ul style="list-style-type: none"> ▪ A minimum of 33% of all units shall include garages that are recessed a minimum of 5 feet behind the front house façade; ▪ An additional 33% of all units shall include garages that are located a minimum of 30 feet behind the front property line; ▪ A maximum of 33% of all units may be side-loaded or project 6 feet forward of the front house façade provided that the garages do not exceed 50% of the total house frontage. b. For a project with 4 or more floor plans: <ul style="list-style-type: none"> ▪ A minimum of 50% of all units shall include garages that are recessed a minimum of 5 feet behind the front house façade; ▪ An additional 25% of all units shall include garages that are located a minimum of 30 feet behind the front property line; ▪ A maximum of 25% of all units may be side-loaded or project 6 feet forward of the front house façade provided that the garages do not exceed 50% of the total house frontage. c. No more than 20% of the total project units may include three-in-a-row car garages that directly face the street. Three-in-a-row garages that directly face the street are defined as garages having space for three cars whether constructed as 3 one-car garages located adjacent to each other or constructed as a two-car garage separated from a one-car garage with all garage doors directly parallel to the street. The garages must have a plane change of a minimum of 18 inches between the two-car and one-car garages. This configuration must also break the roof plane with a design element such as a gable or trellis. <p>Garages that are recessed 20 feet back from the forward-most plane of the house are exempt from this provision. Such garages may occur only when they do not exceed 40% of the width of the home along the street frontage.</p> <p>In special circumstances, when lots less than 5,000 square feet in size are permitted in a planned development, three-in-a-row car garages may not be used. Tandem garages are exempt from this requirement.</p> <ul style="list-style-type: none"> • 25% of all driveways for non-alley-loaded projects must be designed as "Pasadena" driveways with grass or enhanced pavement in the middle • Driveways for side-loaded garages must incorporate enhanced pavement to improve appearance.

(1) Lot width is measured 20' behind the front property line.

- 1 (2) Setbacks are applicable to streets that include parkways and sidewalks along both sides. For existing streets without
2 parkways, the front setback shall be as follows: Front porch - 15'. Residence - 15' (average), 10' (minimum). Side-entry
3 garage - 10'. Direct entry garage - 20'.
4 (3) The average front-yard setback is determined by adding together all of the unit front-yard setbacks (the setback for each unit
5 should be measured from that element of each building, excluding projections, that is located closest to the front property line
6 and dividing that total by the total number of project units.
7 (4) Garage standards do not apply to alley loaded projects

21.45.080 Multiple-Dwelling Development Standards

8 A. In addition to the General Development Standards found in Table C, planned
9 developments that include multiple-dwelling units shall comply with the following development standards
10 listed in Table E, Multiple-Dwelling Development Standards.

11 Table E
12 Multiple-Dwelling Development Standards

Standards	Requirement
Livable Neighborhood Policy	Must comply with City Council Policy 66, Principles for the Development of Livable Neighborhoods
Maximum Lot Coverage	60% on a project basis
Maximum Building Height	35 feet
Minimum Building Setbacks <ul style="list-style-type: none"> • Private or public street ⁽¹⁾ • Driveway (Project) 	<ul style="list-style-type: none"> • To front porch - 11 feet • To residential structure- 15 foot average ⁽²⁾ • To street side yard - 10 feet • To side entry garage - 10 feet • To direct entry garage - 20 feet • Residence - 8 feet, fully landscaped • Garage - 5 feet • Garages facing directly onto a driveway shall be equipped with an automatic garage door opener.
Architectural Design Elements	<ul style="list-style-type: none"> • There shall be at least 3 separate building planes on all building elevations. The minimum offset in planes shall be 18 inches and shall include but not be limited to building walls, windows, and roofs. • Building facades shall incorporate a minimum of four of the following types of design elements: <ol style="list-style-type: none"> a. Covered front porches (may count toward meeting recreation space requirements); b. A variety of roof planes; c. Windows and doors recessed a minimum of 2 inches; d. Paned windows and doors; e. Exposed roof rafter tails; f. Window and door lintels; g. Dormers; h. Accent and varied shape windows; i. Exterior wood elements; j. Raised stucco trim around windows and doors; k. Accent materials such as brick, stone, shingles, wood or siding, and; l. Knee braces

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(1) Setbacks are applicable to streets that include parkways and sidewalks along both sides. For existing streets without parkways, the front setback shall be as follows: Front porch - 16 feet, residence - 20 foot minimum, side-entry garage - 10 feet, direct entry garage - 20 feet.
(2) The average front yard setback is determined by adding together all of the unit front yard setbacks (the setback for each unit should be measured from that element of each building, excluding projections, that is located closest to the front property line) and dividing that total by the total number of project units.

Standards	Requirement
Minimum Building Separation	20 feet average with a minimum of 10 feet between structures. No structures (i.e.: stairs, stairwells, balconies etc.) are permitted encroach into this setback.
Resident Parking	<ul style="list-style-type: none"> One 12 feet x 20 feet car garage and 1 covered or uncovered space per unit Studio units – 1.5 spaces: 1 covered per unit
Visitor Parking	<ul style="list-style-type: none"> 10 units or less: 1 space for each 2 dwelling units or fraction thereof 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 dwelling units above 10 Visitor parking spaces must be located no more than 150 ft. as measured in a logical walking path from the entrance of the unit it could be considered to serve. Visitor parking must be provided in parking bays.
Compact Parking	For projects of more than 25 units, up to 25 percent of visitor parking may be provided as compact spaces (8 feet by 15 feet). No overhang is permitted into any required setback area or over sidewalks less than 6 feet wide.
Recreational Space:	
<ul style="list-style-type: none"> Private Common 	<ul style="list-style-type: none"> Projects of 1-10 dwelling units – 15 ft. x 15 ft. patio or 120 sq. ft. of balcony area. Projects of more than 10 dwelling units - 10 ft. x 10 ft. patio or 6 ft. x 10 ft. balcony Projects of more than 10 dwelling units - See General Standards, Table C

21.45.090 Residential Additions and Accessory Uses
A. Residential Additions and Accessory Uses. Table F includes a listing of Residential Additions and Accessory Use Standards that are permitted based on the type of residential use, the type of permit required and the required development standards.

Table F
Residential Additions/Accessory Use Standards

Type of Residential Use	Type of Accessory Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Remarks	Required Permit
Single-family (SF), Two-family (TF)	Attached/detached Patio Covers	20 feet	5 feet to posts with a permitted 2 foot overhang	5 feet to posts with a permitted 2 foot overhang	Open or lattice-top patio covers may be located within the required private recreation space.	Building
SF	Garages, Workshops	20 feet	5 feet	5 feet	See (2)	Residential Addition
SF, TF	Front yard Arbors	5 feet	5 feet	NA	Open trellises or arbors not greater in size than 4 ft. x 6 ft. x 10 ft or 4 ft. x 10 ft. x the width of the driveway if used over a driveway	Building

Type of Residential Use	Type of Accessory Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Remarks	Require d Permit
SF, TF	Tool Sheds, Decks over 30 inches in height	20 feet	5 feet	5 feet	See (1)	Building
SF, TF	Porte-cochere	Must observe same setbacks as home	Must observe same setbacks as home	NA		Residenti al Addition
SF, TF	Room Additions, Other Habitable Structures	Must comply with all developme nt Standards of Section 21.45.070			See (1), (2)	Residenti al Addition
SF	Second Dwelling Units	Must comply with all developme nt standards of Sections 21.10.015 and 21.45.070.			See (2), (3)	Second Dwelling Unit
SF	Guest Houses	Must comply with all developme nt standards of Section 21.45.070			See (2), (3)	Residenti al Addition
SF, TF	Pool, Spa	20 feet	5 feet – pool 2 feet – spa	5 feet – pool 2 feet – spa	Equipment may be placed in required yards subject to Building Code. requirements	Building
SF, TF	Satellite Antenna	NA	NA	NA	NA	See Sections 21.53.1 40, 21.45.0 60

(1) Maximum building height is 14 feet with a 3:12 roof pitch or 10 feet with less than a 3:12 roof pitch.

(2) Minimum 10-foot separation required between habitable structures.

(3) Must be architecturally compatible with the existing structure.

B. Residential Addition Permit. Application for a Planned Development Residential Addition Permit (PDRAP) shall be made in accordance with the procedures set forth in this subsection.

1. Application Process. An application for a Planned Development Residential Addition Permit may be made by the owners of the property or an authorized agent. The application for a Residential Addition Permit shall be made in writing on the form provided by the Planning Department

1 and shall be accompanied by the required fee. The application shall include amended exhibits, graphics,
2 statements or other information as specified by the Planning Director.

3 2. Noticing. Upon the acceptance of a complete application and payment of the
4 required fees, the Planning Director shall notify at least 15 days prior to a decision on an application
5 by mail or personal delivery, all property owners as shown on the latest equalized assessment role
6 located within 100 feet from the property line of the subject property.

7 a. Written Objections. Any person so notified may file written objections or a
8 written request to be heard within 10 days after the mailing or personal delivery of the notice. If a written
9 request to be heard is filed, the Planning Director shall schedule a hearing and provide written notice to
10 the applicant and the person who requested the hearing at least five days prior to the hearing. The
11 hearing is not a public hearing and may be informal.

12 b. Notice of Decision. Notice of the Planning Director's decision on a Residential
13 Addition Permit shall be mailed to the applicant within five days of the date of the decision. The Planning
14 Director may approve or conditionally approve the request if all of the required standards are met. If a
15 hearing is held, he shall render his decision within 10 days after the conclusion of the hearing. The letter
16 shall also be sent to any person who requested notice or appeared at the hearing.

17 c. Appeal. Any decision of the Planning Director pursuant to this section may be
18 appealed by any person to the Planning Commission in accordance with Chapter 21.54, Section
19 21.54.140 of this code.

20 21.45.100 Amendments to Permits.

21 A. Amendments to a permit may be initiated by the property owner or an authorized agent or
22 by motion of the City Council, as follows:

23 1. Minor Amendment. A project revision may be considered and approved as a Minor
24 Amendment only if all of the following findings are made:

25 a. Density. The proposed revision does not increase the density (i.e. the addition of
26 units), decrease the density by more than 10%, or change the boundary of the subject property.

27 b. Addition of New Land Use. The proposed revision does not involve the addition
28 of a new land use not shown on the original permit (e.g. adding a commercial use to a residential project,
replacing single-family units with attached residential units, vice versa for each example, etc)

c. Rearrangement of Land Uses. The proposed revision does not rearrange
major land uses within the development (e.g., it does not exchange the locations of single-family units
with attached units).

d. Compliance with Standards. The proposed revision does not create changes of
greater than 10% provided that compliance will be maintained with the applicable development standards
of the Carlsbad Municipal Code as follows:

1) Per individual lot or structure basis: Yards, setbacks, coverage or height
(except that height reductions of more than 10% are permitted);

2) On an aggregate project basis: Parking, open space, recreation or
landscaping areas.

e. Application Process. The application for a Minor Amendment shall be made in
writing on the form provided by the Planning Department and shall be accompanied by the required fee.
The application shall include amended exhibits, graphics, statements or other information as may be
required to explain and justify the request.

f. Notice. If the Planning Director considers the amendment minor in nature the
Planning Director shall give written notice by mail or personal delivery to all property owners within 300
feet of the subject property, as shown on the latest equalized assessment role, at least 15 days prior to a
decision on an application.

g. Appeal. Otherwise, Any decision of the Planning Director pursuant to this section
shall be processed, heard, and determined in accordance with Section 21.54.140 of this code.

2. Major Amendment. An application for a Major Amendment of a Planned
Development Permit shall be processed, heard and determined in the same manner as an application for
a Planned Development Permit. When necessary, the amendment shall be accompanied by an
amendment to the corresponding parcel map or tentative map.

21.45.110 Conversion of Existing Buildings to Planned Developments

A. Applicability. Any application for a condominium conversion, shall not be subject to the
amended provisions of this chapter but shall be processed and approved or disapproved pursuant to
ordinance in effect at the time that the original project was approved or constructed.

B. Building Plans and Gas/Electric Plan. An application for conversion of an existing structure to

1 a planned development shall include building plans indicating how the building relates to present building
2 and zoning regulations and where modifications will be required. Also, the application shall include a
3 letter from San Diego Gas and Electric explaining that the plans to connect the gas and electric system to
4 separate systems are acceptable.

5 C. Notice to Tenants. In addition to all other required findings for a subdivision, the City Council
6 shall find that:

7 1. First Notice. Each of the tenants of the proposed condominium or planned
8 development project has been or will be given 180 days written notice of intention to convert prior to
9 termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision
10 shall not alter or abridge the rights or obligations of the parties in performance of their covenants,
11 including, but not limited to the provisions of services, payment of rent or the obligations imposed by
12 Section 1941, 1941.1 and 1941.2 of the Civil Code.

13 2. Right to Contract for Purchase. Each of the tenants of the proposed condominium or
14 planned development project has been or will be given notice of an exclusive right to contract for the
15 purchase of their respective units upon the same terms and conditions that such units will be initially
16 offered to the general public at terms more favorable to the tenant. The right shall run for a period of not
17 less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2
18 of the Business and Professions Code, unless the tenant gives prior written notice of his intention not to
19 exercise the right.

20 3. Relocation assistance. The subdivider shall provide relocation assistance equal to
21 one month's rent to any residential tenant who relocated from the building to be converted after receipt
22 from the subdivider of the notification required by this chapter, except when the tenant has given notice of
23 his intent to vacate prior to receipt of the notification from the subdivider. Relocation assistance shall be
24 provided no later than 15 days following the subdivider's receipt of notification from the tenant of the
25 tenant's intent to vacate unless other arrangements are made in writing between the tenant and the
26 subdivider.

27 21.45.120 Expiration, Extension and Revisions

28 A. The expiration, extension or revision of a planned development of four or less lots or units
shall be governed by the provision of Section 20.24.160, 20.24.180 and 20.24.080 of this code.
The expiration, extension or revision of a planned development of five or more lots or units shall be
governed by the provisions of Sections 20.12.100, 20.12.110 and 20.12.120 of this code regarding the
expiration, extension or revision of a tentative map.

21.45.130 Proposed Common Ownership Land or Improvements

A. Where a planned development contains any land or improvement proposed to be held in
common ownership, the applicant shall submit a declaration of covenants, conditions and restrictions
(CC&Rs) with the final map. Such declaration shall set forth provisions for maintenance of all common
areas, payment of taxes and all other privileges and responsibilities of the common ownership. The
CC&Rs shall include provisions prohibiting the homeowners' association from quitclaiming land in an
Association easement for ownership to private property owners thus allowing the homeowners to privatize
a common area for his/her own use. The CC&RS shall be reviewed by and subject to approval of the
Planning Director.

21.45.140 Maintenance

A. All private streets, walkways, parking areas, landscaped areas, storage areas, screening
sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not
dedicated to public use shall be maintained by the property owners. Provisions acceptable to the
Planning Director shall be made for the preservation and maintenance of all such improvements prior to
the issuance of building permits.

21.45.150 Failure to Maintain

A. Public Nuisance. All commonly-owned lots, improvements and facilities shall be preserved
and maintained in a safe condition and in a state of good repair. Any failure to so maintain is unlawful
and a public nuisance endangering the health, safety and general welfare of the public and a detriment to
the surrounding community.

B. Removal of Public Nuisance. In addition to any other remedy provided by law for the
abatement, removal and enjoinder of such public nuisance, the Public Works Director may, after giving
notice, cause the necessary work of maintenance or repair to be done. The costs thereof shall be
assessed against the owner or owners of the project.

C. Notice of Maintenance Required. The notice shall be in writing and mailed to all persons

1 whose names appear on the last equalized assessment roll as owners of real property within the project
2 at the address shown on the assessment roll. Notice shall also be sent to any person known to the Public
3 Works Director to be responsible for the maintenance or repair of the common areas and facilities of the
4 project under an indenture or agreement. The Public Works Director shall also cause at least one copy of
5 such notice to be posted in a conspicuous place on the premises. No assessment shall be held in abeyance
6 for failure to post or mail or correctly address any notice.

7 D. Commence Work Within 30 Days of Notice. The notice shall particularly specify the work
8 required to be done and shall state that if the work is not commenced within 30 days after receipt of such
9 notice and diligently and without interruption prosecuted to completion, the City shall cause such work to
10 be done, in which case the cost and expense of such work, including incidental expenses incurred by the
11 City, will be assessed against the property or against each separate lot and become a lien upon such
12 property.

13 E. Expiration of Thirty-Day Period. If upon the expiration of the thirty-day period provided for in
14 subsection (D), the work has not been done, or having been commenced, is not being performed with
15 diligence, the Public Works Director shall proceed to do such work or cause such work to be done. Upon
16 completion of such work, the Public Works Director shall file a written report with the City Council setting
17 forth the fact that the work has been completed and the cost thereof, together with a legal description of
18 the property against which the cost is to be assessed. The Public Works Director shall thereafter give
19 notice in writing to the owners of the project in the manner provided in subsection (C) of the hour and
20 place that the City Council will pass upon the Public Works Director's report and will hear any protests
21 against the assessments. Such notice shall also set forth the amount of the proposed assessment.

22 F. Hearing. Upon the date and hour set for the hearing, the City Council shall hear and consider
23 the Public Works Director's report and any protests before proceeding to confirm, modify or reject the
24 assessments.

25 G. Confirmation of Assessment. A list of assessment as finally confirmed by the City Council
26 shall be sent to the city treasurer for collection. If any assessment is not paid within 10 days after its
27 confirmation by the City Council, the City Clerk shall cause to be filed in the office of the county recorder
28 of the county a notice of lien, in a form approved by the City Attorney.

H. Notice of Lien. From and after the date of recordation of such notice of lien, the amount of
the unpaid assessment shall be a lien on the property against which the assessment is made, and such
assessment shall bear interest at the maximum rate allowed by law until paid in full. The lien shall
continue until the amount of the assessment and all interest thereon has been paid. The lien shall have
priority according to law.

21.45.160 Model Homes

A. Except for model homes, building permits for construction within the proposed planned
development shall not be issued until a final subdivision map has been recorded for the project. A
maximum of six model home units may be constructed prior to recordation of the final map, provided that
adequate provision acceptable to the Planning Director and City Attorney are made guaranteeing removal
of such complex if the final map is not recorded.

21.45.170 Restriction on Reapplication for Planned Development Permit

A. No application for a Planned Development Permit on the same property or essentially the
same property for which a permit has been denied by the City Council shall be accepted within 12 months
of such denial. This provision may be waived by the affirmative vote of a majority of the City Council.

SECTION II: That the findings of the Planning Commission as set forth in Planning
Resolution 4958 constitute the findings of the City Council.

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

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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council held on the 11th day of DECEMBER, 2001, and thereafter.

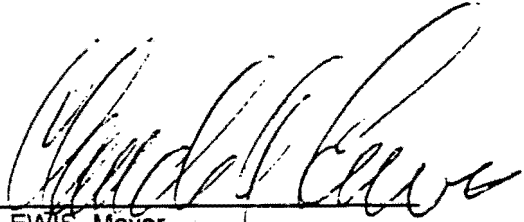
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad, held on the 18th day of DECEMBER, 2001, by the following vote, to wit:

AYES: Council Members Lewis, Kulchin, Finnila, Nygaard, Hall

NOES: None

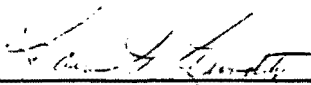
ABSENT: None

ABSTAIN: None



CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk
KAREN R. KUNDTZ, Assistant City Clerk
(SEAL)

COUNCIL POLICY STATEMENT

Policy No. 44
Date Issued 12/11/01
Effective Date 12/11/01
Cancellation Date _____
Superseded No. 44
Dated 10/10/89
Dated 08/26/97

General Subject: NEIGHBORHOOD ARCHITECTURAL DESIGN GUIDELINES

Specific Subject: ESTABLISHMENT OF ARCHITECTURAL DESIGN GUIDELINES FOR THE DEVELOPMENT OF LIVABLE NEIGHBORHOODS

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

PURPOSE AND INTENT:

The purpose and intent of the architectural guidelines is to ensure that a variety of architectural elements are incorporated into single-family homes and two-family structures so that they: a) are visually interesting, b) have sufficient building articulation to reduce their bulk and mass, c) are in scale to their lot size, and d) strongly contribute to the creation of livable neighborhoods.

APPLICABILITY:

- Single-family home remodels that cumulatively increase the useable living area (floor area) more than 40% shall comply with architectural guidelines 3, 7, 13 and 14.
- A new individual single-family home shall comply with architectural guidelines 4, 5, 7, 13, and 14 (regardless of stated percentages) and one architectural guideline from numbers 1 through 3.
- New single-family and two-family residential projects of 2-4 homes shall comply with architectural guidelines 4, 5, 7, 13, and 14 (regardless of stated percentages) and one architectural guideline from numbers 1 through 3.
- New single-family and two-family residential projects of 5 or more homes shall comply with all of the architectural guidelines.

PROCEDURES:

1. Applicants for discretionary project applications or residential building permits shall design projects/homes so that they comply with the guidelines. Each applicant shall provide documentation demonstrating compliance with this policy concurrent with the submittal of development/building permit applications, whichever occurs first. If an applicant wishes to propose an architectural style that complies with the Purpose and Intent of this policy and yet cannot comply with the requirements of the guidelines, the applicant may request deviations from any of the architectural guidelines to achieve an architectural design or style of equally superior quality. All such requests shall be fully justified specifying how the Purpose and Intent of this policy is being achieved.
2. Staff shall review projects/building permits for compliance with the guidelines and provide recommendations to the decision-makers regarding:
 - a. Project compliance with the policy;
 - b. Whether or not any requested deviations are justified; and,
 - c. Whether or not the purpose and intent of the policy would still be achieved if a deviation is granted.

3. Decision-makers shall determine, on a case-by-case basis, whether the project complies with the intent of the policy to create livable neighborhoods.

ARCHITECTURAL GUIDELINES:

1. A minimum of 15% (see Note #1 below) of the total number of homes shall be single-story structures. Single-story is defined as a maximum plate-line of 15 feet and a maximum building height of 20 feet. Lofts are permitted subject to CMC Section 21.04.330. As an alternative to encourage homes with alley-loaded garages, a minimum of 20% of the homes shall be single-story for the front 20% of the home (overall depth of house times 20%).
2. A maximum of 20% of the total number of homes are exempt from the requirement to have a single-story building edge.
3. The remaining 65% of the total number of homes shall comply with one of the following guidelines:
 - The home shall have a single-story building edge with a depth of not less than 8 feet and shall run the length of the building along one side except for tower elements. The roof covering the single-story element shall incorporate a separate roof plane and shall be substantially lower than the roof for the two-story element. Porches and porte-cochere elements shall qualify as a single-story edge. Houses with courtyards that are a minimum of 15 feet wide located along the side of the house and setback a minimum of 15 feet from the property line are not required to have a single-story building edge.
 - The home shall have a single-story building edge with a depth of not less than 5 feet and shall run the length of the building along one side. The roof of the single-story element shall be substantially lower than the roof for the two-story element of the building.
 - The home shall have a single-story building edge with a depth of not less than 3 feet for 40% of the perimeter of the building.
4. For at least 66% of the homes in a project, there shall be at least three separate building planes on street side elevations of lots with 45 feet of street frontage or less and four separate building planes on street side elevations of lots with a street frontage greater than 45 feet. Balconies and covered porches qualify as a building plane.

The minimum offset in planes shall be 18 inches and shall include, but not be limited to, building walls, windows, porches and roofs. The minimum depth between the faces of the forward-most plane and the rear plane on the front elevation shall be 10 feet. A plane must be a minimum of 30 sq. ft. to receive credit under this section.
5. Rear elevations shall adhere to the same criteria outlined in Number 4 above for front elevations except that the minimum depth between front and back planes on the rear elevation shall be 3 feet. Rear balconies qualify as a building plane.
6. For at least 66% of the homes in a project, one side elevation shall have sufficient offsets or cutouts so that the side yard setback averages a minimum of 8.5 feet.
7. At least 66% of exterior openings (door/windows) on every home in the project shall be recessed or projected a minimum of 2 inches and shall be constructed with wood, vinyl or colored aluminum window frames (no mill finishes).
8. Fifty percent (50%) of the homes shall be designed with a covered front porch, open courtyard, or balcony (each with a minimum area of 60 square feet) located at the front of the dwelling. The front

and sides of porches shall be open except for required and/or ornamental guardrails. A variety of roof elements shall be provided over porches. Porches may not be converted to living space.

9. Floor plans in a project shall exhibit a variety of roof ridges and roof heights within a neighborhood.
10. Seventy-five percent (75%) of the homes must have a front entry to the home that is clearly visible from the street. Walkways from the front door to the street are encouraged.
11. For projects of 30 or more dwelling units, a minimum of 3 different floor plans shall be provided. Each floor plan should have at least 3 different front elevations and 3 different exterior color schemes.
12. Chimneys and chimney caps shall be in scale with the size of the home. No more than 2 chimneys shall be allowed for homes on lots in planned developments having an area less than 7,500 square feet.
13. In addition to the previous requirements, a minimum of 4 of the design elements, such as those listed in Table "A" below, shall be incorporated into the front building façade(s) of the home.
14. If any elevation of the home is adjacent to and visible from a Circulation Element roadway, such elevation is also required to include 4 design elements such as those listed in Table "A" below.

Table A
DESIGN ELEMENTS

- | | |
|-----------------------------|---|
| • Knee braces | • Varied window shapes |
| • Exposed roof rafter tails | • Dormers |
| • Arched elements | • Columns |
| • Window and door lintels | • Exterior wood elements |
| • Towers | • Accent materials such as brick, stone, shingles, wood or siding |

Note #1: Fractional units of .5 or greater shall be rounded up to the next whole number and located in a manner to achieve the best project design as determined by the project planner. When a percentage of units is described in the guidelines, the intent is to have that percentage spread throughout the entire project.

COUNCIL POLICY STATEMENT

Policy No.	66
Date Issued	12/11/01
Effective Date	12/11/01
Cancellation Date	_____
Supersedes No.	_____

General Subject: LIVABLE NEIGHBORHOODS

Specific Subject: PRINCIPLES FOR THE DEVELOPMENT OF LIVABLE NEIGHBORHOODS

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

POLICY:

The City wishes to establish principles for the development of livable neighborhoods. Livable neighborhoods have a sense of identity and community where residents are encouraged to walk instead of using their cars; where homes are in scale to the size of their lots; where streets are pedestrian-friendly with walkways to common destinations such as schools, parks, stores, and transit; where houses are interesting to look at with strong architectural elements; and where open spaces form focal points, gathering places, and recreational spaces for a variety of age groups.

1. Building Facades, Front Entries, Porches

Facades create interest and character and should be varied and articulated to provide visual interest to pedestrians. Clearly identifiable front doors and porches enhance the street scene and create opportunities for greater social interaction within the neighborhood. Building entries and windows should face the street. Front porches, bay windows, courtyards and balconies are encouraged.

2. Garages

Homes should be designed to feature the residence as the prominent part of the structure in relation to the street. A variety of garage configurations should be used to improve the street scene. This may include tandem garages, side-loaded garages, front-loaded garages, alley-loaded garages and recessed garages.

3. Street Design

An interconnected, modified (grid) street pattern should be incorporated into project designs when there are no topographic or environmental constraints. Interconnected streets provide pedestrians and automobiles many alternative routes to follow, disperse traffic and reduce the volume of cars on any one street in the neighborhood. Streets should be designed to provide both vehicular and pedestrian connectivity by minimizing the use of cul-de-sacs.

The street network should also be designed to create a safer, more comfortable pedestrian and bicycling environment. Local residential streets should have travel and parking lanes, be sufficiently narrow to slow traffic, provide adequate access for emergency and service vehicles and emergency evacuation routes for residents and include parkways with trees to form a pleasing canopy over the street. Local residential streets are the public open space in which children often play and around which neighborhoods interact. Within this context, vehicular movement should be additionally influenced through the use of City-accepted designs for traffic calming measures.

4. Parkways

Street trees should be planted in the parkways along all streets. Tree species should be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption.

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5. Pedestrian Walkways

Pedestrian walkways should be located along or visible from all streets. Walkways (sidewalks or trails) should provide clear, comfortable and direct access to neighborhood schools, parks/plazas and transit stops. Primary pedestrian routes should be bordered by residential fronts, parks or plazas. Where street connections are not feasible (at the end of cul-de-sacs), pedestrian paths should also be provided.

6. Centralized Community Recreation Areas

Park or plazas, which serve as neighborhood meeting places and as recreational activity centers should be incorporated into all planned unit developments. As frequently as possible, these parks/plazas should be designed for both active and passive uses for residents of all ages and should be centrally-located within the project. Parks and plazas should be not be sited on residual parcels, used as buffers from surrounding developments or to separate buildings from streets.