

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

**Thu 7b**

September 18, 2003

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF CARLSBAD DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. 3-03 (Second Units)** (For Commission review at its
meeting of October 7 - 10, 2003)

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs (LCP). Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

The City of Carlsbad has submitted an LCP amendment package which includes as one component revisions to permit process requirements for Second Dwelling Units consistent with amended State Government Code Section 65852.2 of the certified zoning ordinance. The zoning ordinance is the certified Implementation Plan for the City of Carlsbad LCP. State Government Code Section 65852.2 was recently amended to streamline the permitting requirements for the development of second dwelling units throughout the state. The City's zone code currently requires the approval of a Second Dwelling Unit permit as well as a Minor Coastal Development permit for second dwelling units that are proposed within the coastal zone. A Minor Coastal Development permit is an administrative permit (subject to Planning Director approval) that requires public notice and allows any public notice recipient to request an administrative public hearing before the Planning Director to discuss the second dwelling unit application. The City's zone code, as proposed, would be amended to require Minor Coastal Development permits for second dwelling units in the coastal zone, but to delete the provisions that allow for a public hearing or appeal of the Director's decision to the Planning Commission. This component has been separated from the major LCP amendment submittal and is being processed as a de minimis LCP amendment.

The City Council resolutions that approve and convey the proposed de minimis LCP amendment are attached. The amendment was properly noticed through newspaper publication and direct mail and there are no known interested parties. The amendment request (LCPA #2-03) was received in the Commission office on June 27, 2003 and includes three separate components. The subject component was renumbered as LCPA #3-03 and is being processed as a de minimis LCP amendment.

Following is a summary of the proposed changes along with a brief explanation of the purpose for or intent of the change and a reason why it is de minimis pursuant to Section 30514 of the Coastal Act.

DISCUSSION

In 1996, the California Coastal Commission approved LCPA 95-01, which adopted the City's Second Dwelling Unit Ordinance as implementing zoning and added affordable housing policies to the City's six LCP segments to encourage and enable the development of affordable housing (including second dwelling units) in the coastal zone. The certified ordinance allows second dwelling units within all single-family and multi-family zones (which are developed with single family residences) subject to approval of a discretionary Minor Coastal Permit and/or a discretionary Second Dwelling Unit permit by the Planning Director.

Consistent with State Government Code Section 65852.2, the proposed amendment adds a new zone code Section 21.201.085, Minor Coastal Permits for Second Dwelling Units, which clarifies the permitting process (Minor Coastal Permit only, with no public hearing or local appeal rights) for second dwelling units in the Coastal Zone. Decisions on permits for second dwelling units in the Commission appeals area would remain subject to appeal to the Coastal Commission. In that the amendment only modifies the permit procedures for second dwelling units proposed in the coastal zone and does not change the substantive review standards for a second dwelling unit, the amendment is adequate to carry out the certified land use plan. The proposed de minimis changes do not change land uses or have any potential for impact to coastal resources. All proposed de minimis modifications are consistent with Chapter 3 of the Coastal Act.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. 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 an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the de minimis LCP amendment, as submitted, can be supported.

DETERMINATION

The Executive Director determines that the City of Carlsbad LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION:

I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

RESOLUTION NO. 2003-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND VARIOUS CHAPTERS AND SECTIONS OF TITLE 21, THE CARLSBAD ZONE CODE, AND TO REVISE THE CITY'S PERMIT PROCESS REQUIREMENTS FOR SECOND DWELLING UNITS TO COMPLY WITH AMENDED STATE GOVERNMENT CODE SECTION 65852.2.

CASE NAME: SECOND DWELLING UNITS ORDINANCE AMENDMENT

CASE NO.: LCPA 03-02

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

WHEREAS, the Planning Commission did on May 21, 2003, hold a duly noticed public hearing as prescribed by law to consider Local Coastal Program Amendment 03-02 and adopted Planning Commission Resolution No. 5415 recommending to the City Council that it be approved; and

WHEREAS, the City Council did on the 17th day of June 2003 hold a duly noticed public hearing as prescribed by law to consider the proposed amendment to the Local Coastal Program and;

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

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

1. That the above recitations are true and correct.
2. That the findings of the Planning Commission in Resolution No. 5415 constitute the findings of the City Council in this matter.
3. That the Local Coastal Program Amendment, LCPA 03-02, is approved as shown in Planning Commission Resolution No. 5415 on file with the City Clerk and incorporated herein by reference .

EXHIBIT NO. 1
APPLICATION NO.
CARLSBAD DEMINUIS
LCPA No. 3-03
COUNCIL RESOLUTION
California Coastal Commission

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. *(Notwithstanding the preceding, this ordinance shall not be*
5 *effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

6 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
7 Council on the _____ day of _____ 2003, and thereafter.

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
9 Carlsbad on the _____ day of _____ 2003, by the following vote, to wit:

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAIN:

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17 _____
CLAUDE A. LEWIS, Mayor

18 ATTEST:

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20 _____
LORRAINE M. WOOD, City Clerk

21 (SEAL)
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING TITLE 21 OF THE CARLSBAD MUNICIPAL CODE BY AMENDING VARIOUS CHAPTERS AND SECTIONS TO ALLOW SECOND DWELLING UNITS PROPOSED OUTSIDE OF THE COASTAL ZONE TO BE CONSIDERED MINISTERIALLY WITHOUT DISCRETIONARY REVIEW OR A PUBLIC HEARING AND SECOND DWELLING UNITS PROPOSED WITHIN THE COASTAL ZONE TO BE CONSIDERED AS MINOR COASTAL DEVELOPMENT PERMITS BUT WITHOUT A PUBLIC HEARING.

CASE NAME: SECOND DWELLING UNITS AMENDMENT
CASE NO.: ZCA 92-04(B)/LCPA 03-02

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

SECTION 1: That Title 21, Chapter 21.08 of the Carlsbad Municipal Code is amended by the amendment of Section 21.08.015 to read as follows:

21.08.015 Second dwelling units ~~by administrative permit.~~

Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the provisions of Section 21.10.015 of this title. The development standards of this zone shall apply. (Ord. NS-283 § 4, 1994)

SECTION 2: That Title 21, Chapter 21.09 of the Carlsbad Municipal Code is amended by the amendment of Section 21.09.025 to read as follows:

21.09.025 Second dwelling units ~~by administrative permit.~~

Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the provisions of Section 21.10.015 of this title. The development standards of this zone shall apply. (Ord. NS-283 § 5, 1994)

SECTION 3: That Title 21, Chapter 21.10 of the Carlsbad Municipal Code is amended by the amendment of Section 21.10.015 to read as follows:

21.10.015 Second dwelling units ~~by administrative permit.~~

(a) The public good is served when there exists in a city, housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for affordable rental housing. Therefore, it is in the public interest for the city to promote a range of housing alternatives in order to meet the affordable rental housing needs of its citizens. This section is intended to provide a rental-housing alternative by establishing a procedure to create new second dwelling units.

(b) The provisions of this section shall apply to single-family zones R-A, R-E and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones and lots within multifamily zones R-2, R-3, R-P, R-T, R-W and RD-M, which are family residences.

EXHIBIT NO. 2
APPLICATION NO.
CARLSBAD DEVELOPMENTS
LCPA NO. 3-03
STRIKE OUT/UNDERLINE OF ORDINANCE
California Coastal Commission

1 (c) ~~Second Dwelling Units.~~ Second dwelling units developed within the coastal zone
2 require an minor coastal development administrative permit issued according to the
3 provisions of Section 21.201.085 of this title and a building permit. Second dwelling units
4 developed outside of the coastal zone require a building permit.

5 (d) ~~(1) Application Submittal for an Administrative Permit.~~ The completed minor
6 coastal development permit and/or building permit application for a second dwelling unit
7 an administrative permit shall include the following information:

- 8 (1) ~~(A)~~ The name(s) of the owner(s);
9 (2) ~~(B)~~ The address of the dwelling units;
10 (3) ~~(C)~~ The assessor's parcel number;
11 (4) ~~(D)~~ Building elevations and a A general floor plan of the second dwelling unit;
12 (5) ~~(E)~~ A scaled drawing showing the lot dimension, the location of the primary and
13 second dwelling unit, location of all vehicular parking and the total square footage of both units;
14 ~~(F) The consent of the applicant to the physical inspection of the premises prior to the~~
15 ~~issuance of the administrative permit;~~

16 ~~(G) (6) Description and location of water and sanitary (sewer) services;~~
17 ~~(H) (7) An applicant-signed Affidavit of Compliance declaring aien that:~~
18 (a) the application for the second dwelling unit is not in conflict with existing
19 conditions, covenants and restrictions (CC and R's) applicable to the title of the subject
20 property;

21 (b) the property owner(s) shall reside in either the main dwelling unit or the
22 second dwelling unit unless "Owner" includes a lessee if the leases leasehold includes both
23 the main dwelling and the second dwelling unit;

24 (c) the property owners agree to rent the second dwelling unit at a monthly
25 rental rate which shall not exceed an amount equal to thirty percent of the gross monthly
26 income of a low-income household, adjusted for household size, at eighty percent of the
27 San Diego County median income. and

28 ~~(1) Any other information required by the planning director for a proper review of the~~
~~application.~~

~~(2) Administrative Permit Procedures. The administrative permit for a second dwelling~~
~~unit shall be processed as follows:~~

~~(A) An applicant requesting an administrative permit for a second dwelling unit shall so~~
~~indicate at the time the application is filed.~~

~~(B) Upon acceptance of a complete application and payment of the required fees for a~~
~~second dwelling unit, the planning director shall give written notice by mail or personal delivery~~
~~to all property owners within three hundred feet of the subject property, as shown on the latest~~
~~equalized assessment role, at least fifteen days prior to a decision on an application.~~

~~(C) Any person so notified may file written objections or a written request to be heard~~
~~within ten days after the mailing or personal delivery of the notice. If a written request to be~~
~~heard is filed, the planning director shall schedule a hearing and provide written notice to the~~
~~applicant and the request at least five days prior to the hearing. The hearing is not a public~~
~~hearing and may be informal.~~

~~(D) Notice of the planning director's decision on an administrative application for a~~
~~second dwelling unit shall be mailed to the applicant within five days of the date of the decision.~~
~~If a hearing is held, he shall render his decision within ten days of the conclusion of the hearing.~~

~~(E) The planning director shall announce his decision and findings by letter to the~~
~~applicant and the letter shall recite, among other things, the facts and reasons which in the~~
~~opinion of the planning director make the granting or denial of the administrative permit~~
~~necessary to carry out the provisions and general purpose of this title and whether the~~
~~administrative permit is granted or denied. It shall also notice such conditions and limitations as~~

1 the planning director may impose on the granting of a permit. The letter shall be sent to any
2 person who requested or appeared at the hearing.

3 ~~(F)~~ Approval by the planning director of an administrative permit for a second dwelling
4 unit shall be given only if the requirements of subsection (c)(3) are satisfied.

5 ~~(G)~~ Any decision of the planning director pursuant to this section may be appealed by
6 any person to the planning commission in accordance with Section 21.54.140 of this code.

7 ~~(H)~~ Amendments to administrative permits for second dwelling units may be considered
8 on the same criteria and under the same procedures as original applications pursuant to this
9 section.

10 ~~(3e) Review of an Administrative Permit.~~ In order to grant an administrative permit for a
11 second dwelling unit, **Second dwelling units shall comply with the following requirements**
12 **must be met:**

13 ~~(A)~~ The owner of the property must continually occupy either the main dwelling unit or
14 the second dwelling unit. For purposes of this subsection, "owner" includes a lessee if the
15 leasehold includes both the main dwelling and the second dwelling unit.

16 ~~(B)~~ (1) The second dwelling unit shall either be attached to the main dwelling unit and
17 located within the habitable area of the main dwelling unit or detached from the main dwelling
18 unit and located on the same lot as the main dwelling unit.

19 **(2) The second dwelling unit shall have a separate entrance.**

20 ~~(C)~~(3) The second dwelling unit must meet the setback, lot coverage, and other
21 development standards applicable to the zone, which are not addressed within this subsection.
22 In the coastal zone, any housing development processed pursuant to this chapter shall be
23 consistent with all certified local coastal program provisions, with the exception of density, or as
24 otherwise specified within this subsection.

25 ~~(D)~~(4) Attached second dwelling units shall conform to the height limits applicable to
26 the zone and detached second dwelling units shall be limited to one story, except that second
27 dwelling units constructed above detached garages shall be permitted, and shall conform to the
28 height limits applicable to the zone.

~~(E)~~(5) Garage conversions are prohibited unless replacement off-street garage parking
is provided concurrently and in compliance with the requirements of Chapter 21.44 of this title.

~~(F)~~(6) Second dwelling units shall not be permitted on a lot or parcel having guest or
accessory living quarters, or a residential care facility. Existing guest or accessory living
quarters may be converted into a second dwelling unit provided that all zoning and structural
requirements are met.

~~(G)~~(7) One additional paved off-street (covered or uncovered) parking space shall be
provided for the second dwelling unit and shall comply with the requirements of Chapter 21.44
of this title. The additional parking space may be provided through tandem parking (provided
that the garage is set back a minimum of twenty feet from the property line) or in the front yard
setback.

~~(H)~~(8) Adequate water and sewer capacity and facilities for the second dwelling unit
must be available or made available.

~~(I)~~(9) All necessary public facilities and services must be available or made available.

~~(J)~~(10) The second unit may be rented and shall not be sold separately from the main
dwelling unit unless the lot on which such units are located is subdivided. The lot upon which
the second unit is located shall not be subdivided unless each lot which would be created by the
subdivision will comply with the requirements of this title and Title 20; and further provided, that
all structures existing on each proposed lot will comply with the development standards
applicable to each lot.

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

1 ~~(L)(12)~~ The second dwelling unit shall be architecturally compatible with the main
dwelling unit, in terms of appearance, materials and finished quality and on sides adjacent to
2 streets, the appearance of a single family dwelling shall be retained.

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

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

6 ~~(O)~~ The planning director shall not approve the administrative permit unless he finds that
the second dwelling unit will not be materially detrimental to the public welfare or injurious to the
7 property or improvements in such vicinity and zone in which the property is located.

8 ~~(P)~~ The maximum monthly rental rate for a second dwelling unit shall be affordable to
low income households. The monthly rent shall not exceed an amount equal to thirty percent of
9 the gross monthly income of a low income household, adjusted for household size, at eighty
percent of the San Diego County median income.

10 ~~(Q)~~ The second dwelling unit shall have a separate entrance. (Ord. NS-402 § 8, 1997;
Ord. NS-283 § 3, 1994)

11 SECTION 4: That Title 21, Chapter 21.10 of the Carlsbad Municipal Code is
12 amended by the addition of section 21.10.110 to read as follows:

13 21.10.110 Severability.

14 If any section, subsection, sentence, clause phrase or part of this chapter is for any reason
found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall
15 not affect the validity of the remaining portions of this chapter, which shall be in full force and
effect. The City Council hereby declares that it would have adopted this chapter with each
16 section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any
one or more sections, subsections, sentences, clauses, phrases or parts be declared invalid or
17 unconstitutional.

18 SECTION 5: That Title 21, Chapter 21.12 of the Carlsbad Municipal Code is
19 amended by the amendment of section 21.12.015 to read as follows:

20 21.12.015 Second dwelling units ~~by administrative permit.~~

21 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
provisions of Section 21.10.015 of this title on lots which are developed with detached single-
22 family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

23 SECTION 6: That Title 21, Chapter 21.16 of the Carlsbad Municipal Code is amended by
the amendment of section 21.16.017 to read as follows:

24 21.16.017 Second dwelling units ~~by administrative permit.~~

25 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
provisions of Section 21.10.015 of this title on lots which are developed with detached single-
26 family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

1 SECTION 7: That Title 21, Chapter 21.18 of the Carlsbad Municipal Code is
2 amended by the amendment of section 21.18.046 to read as follows:

3 21.18.046 Second dwelling units ~~by administrative permit.~~

4 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
5 provisions of Section 21.10.015 of this title on lots which are developed with detached single-
family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

6 SECTION 8: That Title 21, Chapter 21.20 of the Carlsbad Municipal Code is
7 amended by the amendment of section 21.20.026 to read as follows:

8 21.20.026 Second dwelling units ~~by administrative permit.~~

9 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
10 provisions of Section 21.10.015 of this title on lots which are developed with detached single-
family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

11 SECTION 9: That Title 21, Chapter 21.22 of the Carlsbad Municipal Code is
12 amended by the amendment of section 21.22.016 to read as follows:

13 21.22.016 Second dwelling units ~~by administrative permit.~~

14 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
15 provisions of Section 21.10.015 of this title on lots which are developed with detached single-
family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

16 SECTION 10: That Title 21, Chapter 21.24 of the Carlsbad Municipal Code is
17 amended by the amendment of section 21.24.026 to read as follows:

18 21.24.026 Second dwelling units ~~by administrative permit.~~

19 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
20 provisions of Section 21.10.015 of this title on lots which are developed with detached single-
family residences. The development standards of this zone shall apply. (Ord. NS-283 § 7, 1994)

21 SECTION 11: That Title 21, Chapter 21.38 of the Carlsbad Municipal Code is
22 amended by the amendment of section 21.38.025 to read as follows:

23 21.38.025 Second dwelling units ~~by administrative permit.~~

24 Second dwelling units ~~are may be permitted by an administrative permit issued~~ according to the
25 provisions of Section 21.10.015 of this title in areas designated by a master plan for single-
26 family detached dwellings. For second dwelling units proposed on standard lots (minimum
seven thousand five hundred square feet in area) which are developed with detached single-
27 family residences, the development standards of Chapter 21.10 shall apply. For second
dwelling units proposed on substandard lots (less than seven thousand five hundred square
28

feet in area) which are developed with detached single-family residences. the development standards of Chapter 21.45 shall apply. (Ord. NS-283 § 6, 1994)

SECTION 12: That Title 21, Chapter 21.45 of the Carlsbad Municipal Code is amended by the amendment of section 21.45.090 to read as follows:

21.45.090 Residential additions and accessory uses.

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	Frontyard Setback	Sideyard 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	Frontyard Arbors	5 feet	5 feet	N/A	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
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.	N/A		Residential Addition
SF, TF	Room Additions, Other Habitable Structures	Must comply with all development Standards of Section 21.45.070			See (1), (2).	Residential Addition
SF	Second Dwelling Units	Must comply with all development standards of Sections 21.10.015 and 21.45.070.			See (2), (3).	Second Dwelling Unit Building

Table F, continued						
Residential Additions/Accessory Use Standards						
SF	Guest Houses	Must comply with all development standards of Section 21.45.070.			See (3).	(2) Residential Addition
SF, TF	Pool, Spa	20 feet	5 feet for pool, 2 feet for spa.	5 feet for pool, 2 feet for spa.	forments.	Building
SF, TF	Satellite Antenna	N/A	N/A	N/A	N/A	See Sections 21.53.140, 21.45.060

SECTION 13: That Title 21, Chapter 21.201 of the Carlsbad Municipal Code is amended by the amendment of section 21.201.085 to read as follows:

21.201.085 Minor coastal permits for Second Dwelling Units.

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

1. The development is consistent with Section 21.10.015 of this title and the certified local coastal program as defined in Section 30108.6 of the Coastal Act.

2. The development has no adverse effect individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

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

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

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

a. Any person requesting to be on the mailing list for the project or for coastal decisions; and

b. All property owners and residents within one hundred feet of the project perimeter; and

c. The Coastal Commission;

d. The applicant.

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

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

1 D. Minor coastal permits for Second Dwelling Units are not appealable to the
2 Planning Commission or City Council.

3 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
4 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be
5 published at least once in a publication of general circulation in the City of Carlsbad within
6 fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be*
7 *effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

8 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
9 Council on the _____ day of _____ 2003, and thereafter.

10 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
11 Carlsbad on the ____ day of _____ 2003, by the following vote, to wit:

12 AYES:

13 NOES:

14 ABSENT:

15 ABSTAIN:

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18 _____
19 CLAUDE A. LEWIS, Mayor

20 ATTEST:

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22 _____
23 LORRAINE M. WOOD, City Clerk

24 (SEAL)
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