

CALIFORNIA COASTAL COMMISSION

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September 24, 2003

Thu 7c

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF CARLSBAD DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. 4-03 (Senior 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 Senior 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. The Local Coastal Program Amendment amends the senior citizen housing regulations in the Carlsbad Zoning Ordinance on a citywide basis. The amendment involves the following:

- A. Incorporate regulations relating to housing for senior citizens from the California Civil Code, Federal Fair Housing Act and Federal Code of Regulations into the City's existing senior housing regulations;
- B. Relocate the senior housing regulations from Section 21.18.045 to a new chapter in the Zoning Ordinance, which will be dedicated solely to housing for senior citizens;
- C. Amend sections of the zoning ordinance to refer to the new housing for senior citizens chapter;
- D. Increase the resident parking requirement for housing for senior citizens from 1 resident parking space per every 2 units to 1 resident parking space per every unit;

- E. Increase the guest parking requirement for housing for senior citizens from 1 total guest parking space to 1 guest parking space per every 5 units;
- F. Amend existing senior housing regulations to consolidate the findings for a site development plan;
- G. Other minor amendments to existing regulations relating to housing for senior citizens to provide clarification and consistency with other code provisions; and
- H. Amend portions of the Planned Development regulations (Chapter 21.45) to specify what regulations are or are not applicable to housing for senior citizens.

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 #4-03 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

The proposed amendment was initiated to ensure that the City's senior housing regulations are consistent with State and Federal laws. Effective January 1, 2001, SB 2011 amended sections of the California Civil Code relating to housing for senior citizens, and in 1995, the Federal Fair Housing Act and Federal Code of Regulations were amended. The proposed amendment to the zoning ordinance incorporates the definitions and requirements as specified in the California Civil Code, and the provisions from Federal law pertaining to housing for senior citizens.

The amendments to the California Civil Code include various new or revised definitions, which included a revised definition for "senior citizen housing development." The amendments also include development requirements intended to ensure that housing is designed to meet the physical and social needs of senior citizens.

The amendment to the Federal Fair Housing Act and Federal Code of Regulations involves the deletion of a requirement for "significant facilities and services" to meet the needs of senior citizens in senior housing projects that permit persons 55 years of age or older.

There are approximately eight definitions from the Civil Code being added to the housing for senior citizens regulations. The most significant of these definitions is that of "senior citizen housing development," which now requires a development, which permits persons 55 years of age or older, to have at least 35 dwelling units to be considered senior citizen housing.

In addition to the definition for "senior citizen housing development," other definitions being added from the Civil Code primarily define who qualifies to occupy senior citizen housing

(i.e., "qualified resident," "qualified permanent resident" and "permitted health care resident").

Current regulations include definitions from federal law for housing for senior citizens. Those definitions are remaining, and are being incorporated with the new definitions from the Civil Code. As mentioned above, federal law was amended to no longer require "significant facilities and services" in housing projects that allow persons 55 years of age or older. The amendment changes the City's current definition of housing for senior citizens to reflect this change. However, rather than removing the requirement all together, the City approved a provision to encourage such facilities and services to meet the needs of senior citizens, but not require it. The standard has been moved from the definitions to the development standards section of the Housing for Senior Citizens chapter.

The format of the definitions has been modified not only to incorporate the definitions from state and federal law, but also to clarify that there are two different categories of housing for senior citizens. One category is housing that is occupied solely by persons 62 years of age or older. In this category, there is no provision in state or federal law to allow anyone under 62 years of age, with the exception of employees of the housing community, to occupy a unit.

The second category of housing for senior citizens is housing that is occupied by persons 55 years of age or older. In this category, state and federal law have established provisions and criteria to allow persons less than 55 years of age to occupy a unit. State law calls this type of housing a "senior citizen housing development," and requires that there be a minimum of 35 dwelling units. Federal law requires housing occupied by persons 55 years of age or older to ensure that at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older.

In addition to new and modified definitions, there are also approximately five new development standards for project design from the Civil Code being added to the City's regulations. The purpose of these requirements is to ensure that housing for senior citizens is designed to meet the physical and social needs of senior citizens. These standards require walkways to be designed to accommodate a wheelchair and be equipped with grab bars and sufficient lighting. Also, trash collection areas must be provided in a manner that requires a minimum of physical exertion by residents.

Current regulations require a development to comply with building codes and handicap access requirements. However, the Civil Code has added an additional standard to encourage the implementation of the principles of "Universal Design" in housing for senior citizens. These principles consist primarily of designing housing to be "adaptable" for handicap occupancy.

An adaptable dwelling unit has all accessible features that a fixed accessible unit has but allows some items to be omitted or concealed until needed so the dwelling unit can be better matched to individual needs when occupied. As the Civil Code encourages these design principles, the City's regulations are proposed to be amended to also encourage these design principles but not require them.

The Civil Code also requires housing for senior citizens to establish CC&Rs and other documents or written policies that set forth the limitations on occupancy or use on the basis of age. These requirements are also proposed to be added to the City's regulations. Requirements for CC&Rs or other written policies would become conditions of approval of a housing for senior citizens project.

The Planned Development regulations apply to single-family developments with lots or exclusive use areas of less than 7,500 square feet and condominiums. However, based on the current intent and purpose statement in the housing for senior citizens regulations, which states the regulations apply to "rental" and "for-sale" units, the City found the interpretation that "for-sale" housing for senior citizens (i.e., condominiums) is not subject to the Planned Development regulations. This finding was made in consideration of conflicts between the planned developments regulations and the housing for senior citizens regulations. Some of the development standards required for planned developments either conflicted with the housing for senior citizens regulations or did not make sense to require of a senior housing project. For instance, a planned development is required to provide 200 square feet of community recreational space (passive and active) per unit. In contrast, the common area required by the housing for senior citizens regulations is much less and is focused on the needs of senior citizens. Therefore, the City made the interpretation that the planned development regulations were not intended to apply to housing for senior citizens.

However, the City found the majority of the development standards required for planned developments would also be desirable for housing for senior citizens. For instance, a planned development is required to implement the City's Liveable Neighborhood Policy, which is intended to establish pedestrian-friendly neighborhoods and buildings designed to add interest and character to a neighborhood. There are only a few development standards required for planned developments that should not apply to for-sale housing for senior citizens. Therefore, the City found that the Planned Development chapter should be amended to specify what standards are or are not applicable to housing for senior citizens.

The City found the changes to the resident parking standards for housing for senior citizens to 1.5 spaces per every unit rather than 1 space per unit were based on the need to meet the parking needs of senior citizens on the average based on census information and surveys of the parking requirements of other jurisdictions. The proposed changes will have no impact, either individually or cumulatively, on coastal resources.

The amendment modifies the permit procedures and development standards for senior dwelling units proposed in the coastal zone. The proposed de minimis changes do not change land uses currently permitted in residential zones; housing for seniors is currently permitted in the R-3 Multiple family residential zone, the Residential Professional, Residential Tourist, Residential Waterway and the Residential Density-Multiple zone, all of which permit multiple family housing. Senior housing is also allowed in the Village Redevelopment Area and in the Planned Community zone subject to the applicable master plan in those areas. The amendment is adequate to carry out the certified land use plan and 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, conforms 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.

ZCA 02-04 / LCPA 02-08

**HOUSING FOR SENIOR CITIZENS ORDINANCE AMENDMENT
STRIKEOUT/UNDERLINE VERSION OF ZONING ORDINANCE TEXT AMENDMENT**

- Section 21.16.016 (R-3 Multiple-Family Residential Zone chapter) is proposed to be amended as follows:

21.16.016 Housing for ~~Senior citizens housing~~ by site development plan.

Housing for senior citizens may be permitted by site development plan issued according to the provisions of Section 21.18.045 of this code Chapter 21.84 of this title. The Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply.

- Section 21.18.045 (R-P Residential Professional Zone chapter) is proposed to be amended as follows:

21.18.045 Housing for ~~Senior citizens housing~~ by site development plan.

Housing for senior citizens may be permitted by site development plan issued according to the provisions of Chapter 21.84 of this title. Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply.

(a) ~~This section is intended to provide a mechanism and standards for the development of rental or for sale housing available to senior citizens.~~

(b) ~~The city may approve a site development plan for privately developed senior citizen housing on property in the R-P zone where the general plan applicable to such property permits residential uses. The provisions of this section shall apply to such permits.~~

(c) ~~Senior citizen housing projects shall meet the following requirements:~~

(1) ~~Senior housing projects should, whenever reasonably possible, be located consistent with the following locational guidelines:~~

(A) ~~The proposed project should be located in close proximity to a wide range of commercial retail, professional, social and community services patronized by senior citizens; or have its own private shuttle bus which will provide daily access to these services;~~

(B) ~~The proposed project should be located within two to three blocks of a bus or transit stop unless a common transportation service for residents is provided and maintained;~~

(C) ~~The proposed project should be located in a topographically level area; and~~

(D) ~~Development of a senior citizen housing project at the proposed location should not be detrimental to public health, safety and general welfare.~~

(2) ~~As used in this section, "housing for senior citizens" means housing:~~

(A) ~~Provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program;~~

(B) ~~Intended for, and solely occupied by, persons sixty two years of age or older; or~~

(C) ~~Intended and operated for occupancy by at least one person fifty five years of age or older per unit if the following factors are shown:~~

(i) ~~The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, it must be shown that such housing is necessary to provide important housing opportunities for older persons;~~

EXHIBIT NO.
APPLICATION NO.
Carlsbad DeMinimis
LCPA No. 4-03
(Senior Citizen Housing)
Strikeout/Underline
of LCP Amendment
Pages 1 - 16

~~(ii) That at least eighty percent of the units are occupied by or reserved for occupancy by at least one person fifty-five years of age or older per unit, and~~

~~(iii) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.~~

~~Significant facilities and services specifically designed to meet the physical or social needs of older persons include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, and accessible physical environment, emergency and preventative health care programs, congregate dining facilities, transportation to facilitate access to social services and services designed to encourage and assist residents to use the services and facilities available to them. The housing facility need not have all of these features to meet these requirements of this subsection.~~

~~(D) Upon the death or dissolution of marriage, or upon hospitalization or other prolonged absence of the qualifying resident, any qualified permanent resident, as defined by Section 51.3 of the California Civil Code, shall be entitled to continue his or her occupancy, residency or use of the restricted dwelling unit as a permitted resident.~~

~~(3) A senior citizen housing project shall observe the following development standards:~~

~~(A) All senior citizen housing projects are required to comply with all applicable development standards of the underlying zone, except those which may be modified as an additional incentive granted pursuant to Chapter 21.86 of this code;~~

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

~~(4) Parking for a senior citizen housing project shall be provided pursuant to Section 21.44.020(a) (9) and is subject to the following conditions:~~

~~(A) Whenever possible, parking spaces should be laid out at either a thirty, forty five or sixty degree angle;~~

~~(B) Required parking spaces shall be available to the tenants of the project at no fee.~~

~~(5) The senior citizen housing project shall observe the following design criteria:~~

~~(A) To the maximum extent feasible, architectural harmony, through the use of appropriate building height, materials, bulk and scale within the development and within the existing neighborhood and community shall be obtained;~~

~~(B) The building(s) shall be finished on all sides with similar roof and wall materials, colors and architectural accent features;~~

~~(C) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty-five dwelling units or fractional number thereof. At least one washer and one dryer shall be provided in every senior citizen housing project. Washers and dryers may be coin operated;~~

~~(D) Common areas shall be provided in the senior citizen housing project. The common areas that are provided shall be designed to make these areas useful and functional for residents. Examples of common areas include but are not limited to the following: a recreation social room, a common cooking and dining facility, passive open space and reading/TV rooms. The total amount of common area required in each senior housing project shall be no less than twenty square feet per dwelling unit. Common space excludes all stairwells and any balconies of less than forty square feet. The size of the recreation/community social room may be appropriately reduced if it is located adjacent to usable outdoor space. Adjacent toilet facilities for men and women shall be provided. Unless the building is serviced by an elevator, the recreation/community social room shall be located on the ground floor;~~

~~(E) A manager's unit is recommended to be included in every senior citizen housing project. If provided, the manager's unit shall be a complete dwelling unit and so designated on all plans. All senior citizen housing projects which do not have an on-site manager shall provide a posted phone number of the project owner or off site manager for emergencies or maintenance problems;~~

~~(F) All buildings exceeding two stories shall include elevators.~~

~~(6) Dwelling units in senior citizen housing projects shall observe the following requirements:~~

~~(A) Tubs shall be equipped with at least one grab bar;~~

~~(B) Tubs and/or showers shall be equipped with temperature regulating devices;~~

~~(C) Tub or shower bottom surfaces shall be slip resistant;~~

~~(D) Peepholes in entry doors;~~

~~(E) All projects are required to comply with Title 24 of the State Building Code (Disabled Access Regulations); and~~

~~(F) All senior citizen units must conform to the requirements of the applicable building and housing codes.~~

~~(7) Upon written request by an applicant, and in return for his agreement to develop and operate the senior citizen housing project in accordance with this section and Chapter 21.86 of this code (residential density bonus), the final decision making authority shall allow an increase in the number of dwelling units permitted per acre (density) subject to the following conditions:~~

~~(A) A minimum increase of twenty five percent over the growth control point of the applicable general plan designation or the otherwise maximum allowable residential dwelling unit density as specified by the applicable master plan or specific plan, at the time of application, consistent with Section 21.86 of this code;~~

~~(B) All senior citizen housing projects requesting a residential density bonus shall comply with the requirements of Chapter 21.86 of this code;~~

~~(C) Any senior citizen housing project constructed pursuant to this section and/or requesting a residential density bonus pursuant to Chapter 21.86, shall be required to comply with the inclusionary requirements for residential developments in Chapter 21.85 of this code. Not less than fifteen percent of all approved units in any senior citizen housing project shall be set aside for occupancy by and shall be affordable to lower income households.~~

~~(d) Application submittal and review is as follows:~~

~~(1) Preliminary Application. A developer of a senior citizen housing project shall submit a preliminary application prior to the submittal of a formal request for approval. The preliminary application shall include the following information:~~

~~(A) A brief description of the proposal including the total number of senior units, density bonus units and affordable senior units proposed;~~

~~(B) The zoning, general plan designations and assessors parcel number(s) of the project site;~~

~~(C) A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, building elevations, existing contours and proposed grading; and~~

~~(D) A letter identifying what specific incentives (i.e.; density bonus, standards modifications or financial incentives) are being requested of the city.~~

~~Within thirty days of receipt of the preliminary application by the planning department, the department shall provide to an applicant a letter identifying project issues of concern to staff, and the incentives or assistance that the planning director can support when making a recommendation to the final decision making authority.~~

~~(2) Application. The site development plan (SDP) application for a senior citizen housing project shall be processed along with all otherwise required project application(s) as provided herein with regard to the modification of existing standards or other additional incentives. If the application involves a request for direct financial incentives, then any action by the planning~~

commission on the application shall be advisory only, and the city council shall have the authority to make the final decision on the application.

~~(3) Submittal.~~

~~(A) The completed application for a senior citizen housing project requesting a density bonus, modification of development standards or other additional incentives shall include the following information:~~

~~(i) A legal description of the total site proposed for development including a statement of present ownership and present and proposed zoning;~~

~~(ii) A letter signed by the present owner stating how the project will comply with Government Code Section 65915 and stating what is being requested from the city. (i.e. density bonus, modification of development standards or other additional incentives);~~

~~(iii) Site plans and other supporting plans (i.e. a landscape plan, building elevations and floor plans) per the city's application submittal requirements;~~

~~(iv) A detailed vicinity map showing the project location and such details as the nearest market, transit stop, park or recreation center, medical facilities or other related uses and services likely to be patronized by senior citizens;~~

~~(v) A set of floor plans for each different type of unit indicating a typically furnished apartment, with dimensions of doorways, hallways, closets and cabinets;~~

~~(vi) A set of first floor plan or other floor showing any common areas and accommodations and;~~

~~(vii) A monitoring and maintenance plan.~~

~~(B) In the case of a request for a modification of development standards or other additional incentives, the applicant shall be required to submit a project pro forma for the proposed project to demonstrate that the standards modification and/or other requested incentive is necessary to make the project economically feasible.~~

~~(C) At the time of plan submittal for building permits, the applicant shall submit a set of detailed drawings for kitchens and bathrooms indicating counter and cabinet heights and depth, type of pulls, faucets, grab bars, tub and/or shower dimensions, and handicapped turn space where appropriate.~~

~~(4) Review. The planning director shall evaluate the request and make findings and recommendations based upon the following criteria:~~

~~(A) The senior citizen housing project helps achieve the city's senior and affordable housing goals as set forth in the housing element of the general plan;~~

~~(B) The density bonus and/or additional incentive(s) must be necessary to make the project economically feasible;~~

~~(C) The senior citizen housing project shall not result in density or design that is incompatible with other land uses in the immediate vicinity;~~

~~(D) The senior citizen housing project complies with the general plan, zoning, certified local coastal program and development policies of the city of Carlsbad, and is consistent with Chapter 21.86 of this title.~~

~~(5) Processing. All senior citizen housing projects shall be given priority in processing.~~

~~(e) Monitoring and enforcement of site development plan conditions.~~

~~(1) To assure compliance with the age requirement of this chapter, all applicants/owners of senior citizen housing projects shall be required to submit, on an annual basis, an updated list of all project tenants and their age to the city's housing and redevelopment department.~~

~~(f) This section is intended to comply with state and federal laws prohibiting age discrimination in housing. (Ord. NS 402 §§ 9, 10, 1997; Ord. NS 274 § 1, 1994)~~

- Section 21.20.025 (R-T Residential Tourist Zone chapter) is proposed to be amended as follows:

21.20.025 Housing for Senior citizens housing by site development plan.

Housing for Senior citizens may be permitted by site development plan issued according to the provisions of ~~Section 21.18.045 of this code~~ Chapter 21.84 of this title. The Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply.

- Section 21.22.015 (R-W Residential Waterway Zone chapter) is proposed to be amended as follows:

21.22.015 Housing for Senior citizens housing by site development plan.

Housing for Senior citizens may be permitted by site development plan issued according to the provisions of ~~Section 21.18.045 of this code~~ Chapter 21.84 of this title. The Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply.

- Section 21.24.025 (RD-M Residential Density-Multiple Zone chapter) is proposed to be amended as follows:

21.24.025 Housing for Senior citizens housing by site development plan.

Housing for Senior citizens may be permitted by site development plan issued according to the provisions of ~~Section 21.18.045 of this code~~ Chapter 21.84 of this title. The Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply.

- Section 21.44.020(a)(9) (Parking chapter) is proposed to be amended as follows:

(9) Housing for Senior Citizens Housing Projects – Minimum ~~one~~ 1.5 covered spaces per every ~~two~~ units, plus ~~one~~ 1 covered space for an onsite manager's unit (when provided) and ~~one~~ 1 guest parking space per every 5 units, subject to approval of a site development plan.

- The following definitions are proposed to be added and modified in Section 21.45.030 Definitions (Planned Developments chapter):

E. "Housing for senior citizens" is defined as specified in Section 21.84.020 of this code.

EF. "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.

FG. "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.

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

- An amendment to "Table A" of Section 21.45.040 Permitted zones and uses (Planned Developments chapter) is proposed as follows:

TABLE A
PERMITTED RESIDENTIAL USES

Zone	Single-family Detached Dwelling	Two- Family Dwelling	Multiple Dwelling
R-1	X (1) <u>(5)</u>	X (2) <u>(5)</u>	N/A
R-2	X <u>(5)</u>	X <u>(5)</u>	X (2) <u>(5)</u>
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 ninety feet in width, whichever is less.
- (3) Permitted uses shall be consistent with the master plan.
- (4) Refer to Table F for specific uses.
- (5) "Housing for senior citizens" is not permitted in R-1 and R-2 zones.

- An amendment to "Table C" of Section 21.45.060 General development standards (Planned Developments chapter) is as follows:

(Partial)

Table C

General Development Standards Applicable to All Planned
Developments

Visitor Parking	<p>1. 10 units or less: 1 space for each 2 units or fraction thereof.</p> <p>2. 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 units above 10.</p> <p><u>3. Housing for senior citizens: 1 space for each 5 units.</u></p> <p><u>34.</u> In cases where a fractional parking space is required, the required number of spaces shall be rounded to the nearest highest whole number.</p>
On Private/ Public Streets	<p>1. 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.</p>
Driveways	<p>1. Visitor parking must be provided in parking bays.</p>
Community Recreational Space	<p>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 or active recreation facilities; projects with more than 25 units shall provide both passive and 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:</p> <p>Active: 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</p>

	<p>planning director to satisfy the intent of providing active recreational facilities.</p> <p>Passive: Benches, barbecues, community gardens, or grassy play areas with a slope of less than 5%.</p> <ol style="list-style-type: none"> 1. Credit for indoor recreation facilities shall not exceed 25% of the required centralized community recreation area. 2. 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. 3. 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. <p><u>Note: These community recreational space requirements shall not apply to housing for senior citizens (refer to Chapter 21.84 of this code for common area requirements for housing for senior citizens).</u></p>
Recreation Area	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.
Parking	<u>Note: Housing for senior citizens is not required to be provided with recreation area parking.</u>
Recreational Vehicle Storage	<ol style="list-style-type: none"> 1. Required for projects with 25 or more units. 2. 20 square feet per unit exclusive of area required for driveways and approaches. 3. 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. 4. 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. <p><u>Note: Housing for senior citizens is not required to be provided with recreational vehicle storage. If no RV storage is provided for housing for senior citizens, the CC&Rs for the project shall clearly specify that RV storage is not available.</u></p>

- An amendment to "Table E" of Section 21.45.080 Multiple-dwelling development standards (Planned Developments chapter) is as follows:

(Partial)

Table E

Multiple-Dwelling Development Standards

Standards	Requirement
Resident Parking	<ol style="list-style-type: none"> 1. One 12 feet x 20 feet car garage and 1 covered or uncovered space per unit 2. Studio units - 1.5 spaces; 1 covered per unit 3. <u>Housing for senior citizens: 1.5 covered spaces per unit, plus one covered space for an onsite manager's unit (when provided).</u>
Visitor Parking	<ol style="list-style-type: none"> 1. 10 units or less: 1 space for each 2 dwelling units or fraction thereof. 2. 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 dwelling units above 10. 3. <u>Housing for senior citizens: 1 space for each 5 dwelling units.</u> 34. 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. 45. Visitor parking must be provided in parking bays.

- Section 21.86.020 Definitions (Residential Density Bonus or In-Lieu Incentives chapter) is proposed to amended as follows:

(21) "Qualifying resident" means a resident as defined in **Chapter 21.84 of this title and Section 51.2 of the California Civil Code.**

- Chapter 21.84 Housing for Senior Citizens is proposed to be added to the Zoning Ordinance as follows:

Chapter 21.84

Housing for Senior Citizens

21.84.010 Title.

21.84.020 Purpose.

21.84.030 Definitions.

21.84.040 Use Table.

21.84.050 Location Guidelines.

21.84.060 Development Standards and Design Criteria.

21.84.070 Inclusionary Housing Requirements and Density Bonus Provisions.

21.84.080 Application Process.

21.84.090 Findings for Approval.

21.84.100 Additional Requirements.

21.84.110 Monitoring and Reporting Requirements.

21.84.010 Title.

A. This chapter shall be known and may be cited and referred to as the "Housing for Senior Citizens Ordinance of the City of Carlsbad."

21.84.020 Purpose.

A. The purpose of the housing for senior citizens regulations is to:

1. Recognize the housing needs of senior citizens;
2. Provide a mechanism and standards for the development of rental or for-sale housing available to senior citizens;
3. Provide comprehensive standards and regulations to ensure housing is designed to meet the special needs of senior citizens (i.e. physical, social and economic needs);
4. Facilitate the establishment of housing for senior citizens within certain zones subject to the approval of a site development plan;
5. Comply with state and federal laws prohibiting age discrimination in housing; and
6. Provide standards and regulations for housing for senior citizens construed in accordance with California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and the Federal Code of Regulations Title 24 Sections 100.300 to 100.308.

21.84.030 Definitions.

A. For the purposes of this chapter, the terms used herein relating to the provision of housing for senior citizens are defined as follows:

1. Cohabitant. "Cohabitant" refers to persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.
2. Disability. "Disability" means any mental or physical disability as defined in Section 12926 of the Government Code.

3. Housing (Dwelling Unit). "Housing" or "dwelling unit" means any residential accommodation (rental unit or for-sale unit) designed for occupancy by a senior citizen or qualifying resident, and each unit having only one kitchen, excluding mobile homes in a "senior citizen housing development".

4. Housing Community. "Housing community" means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing community.

5. Housing for Senior Citizens. "Housing for senior citizens" means a housing community:

a. provided under any State or Federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist senior citizens (as defined in the State or Federal program); or

b. intended for, and solely occupied by, persons 62 years of age or older; or

c. intended and operated for occupancy by persons 55 years of age or older, and where the housing facility is consistent with the definition of a "senior citizen housing development".

6. Senior Citizen. "Senior citizen" means:

a. a person 62 years of age or older; or

b. a person 55 years of age or older in a "senior citizen housing development."

7. Senior Citizen Housing Development. "Senior citizen housing development" means:

a. a residential development developed, substantially rehabilitated, or substantially renovated, for persons 55 years of age or older, that has:

i. at least 35 dwelling units (rental or for-sale units); and

ii. at least 80 percent of the occupied dwelling units occupied by at least one person who is 55 years of age or older.

B. The following definitions shall only apply to a "senior citizen housing development":

1. Qualifying Resident. "Qualifying resident" means a person 55 years of age or older in a senior citizen housing development.

2. Qualified Permanent Resident. "Qualified permanent resident" means:

a. A person who meets both of the following requirements:

i. Was residing with the qualifying resident prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident; and

ii. Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident.

b. A disabled person or person with a disabling illness or injury who is a child or grandchild of the qualifying resident or a qualified permanent resident, who needs to live with the qualifying resident or qualified permanent resident because of the disabling condition, illness or injury.

3. Permitted Health Care Resident. "Permitted health care resident" means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. The care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.

21.84.040 Use Table.

A. Housing for senior citizens is permitted subject to the approval of a site development plan (SDP) in certain zones as indicated in the following table:

TABLE A
ZONES WHERE HOUSING FOR SENIOR CITIZENS IS PERMITTED

<u>Zone</u>	<u>Housing for Senior Citizens</u>
<u>R-3</u>	<u>SDP</u>
<u>R-P</u>	<u>SDP*</u>
<u>R-T</u>	<u>SDP</u>
<u>R-W</u>	<u>SDP</u>
<u>RD-M</u>	<u>SDP</u>
<u>V-R</u>	<u>**</u>
<u>P-C</u>	<u>**</u>

Note: Housing for senior citizens is prohibited in those zones not indicated.

* The city may approve a site development plan for housing for senior citizens on property in the R-P zone where the general plan applicable to such property permits residential uses.

** May be permitted subject to the standards of the controlling document (i.e., in V-R zone - Carlsbad Village Area Redevelopment Plan and Village Master Plan, and in P-C zone - applicable master plan) and the provisions of this chapter.

21.84.050 Location Guidelines.

A. Housing for senior citizens should, whenever reasonably possible, be located consistent with the following location guidelines:

1. The proposed project should be located in close proximity to a wide range of commercial retail, professional, social and community services patronized by senior citizens; or have its own private shuttle bus which will provide daily access to these services;

2. The proposed project should be located within a reasonable walking distance of a bus or transit stop unless a common transportation service for residents is provided and maintained;

3. The proposed project should be located in a topographically level area;
and

4. Development of housing for senior citizens at the proposed location should not be detrimental to public health, safety and general welfare.

21.84.060 Development Standards and Design Criteria.

A. Housing for senior citizens shall comply with all applicable development standards of the underlying zone, except those which may be modified herein or as an additional incentive granted pursuant to Chapter 21.86 of this code.

B. In the coastal zone, any project processed pursuant to this chapter and Chapter 21.86 of this code shall be consistent with all certified local coastal program provisions, with the exception of density.

C. Parking shall be provided as follows:

1. A minimum of 1.5 covered spaces per every unit, plus 1 covered space for an onsite manager's unit (when provided), and 1 guest parking space per every 5 units;

2. Whenever possible, parking spaces should be laid out at either a thirty, forty-five or sixty degree angle; and

3. Required parking spaces shall be available to residents of the project at no fee.

D. To the maximum extent feasible, architectural harmony, through the use of appropriate building height, materials, bulk and scale within the development and within the existing neighborhood and community shall be obtained.

E. The building(s) shall be finished on all sides with similar roof and wall materials, colors and architectural accent features.

F. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty-five (25) dwelling units or fractional number thereof. At least one washer and one dryer shall be provided in every project. Washers and dryers may be coin operated.

G. A manager's unit shall be provided in every project of 16 or more units (rental projects only). The manager's unit shall be a complete dwelling unit and so designated on all plans.

H. Housing for senior citizens shall be designed to encourage social contact by providing a minimum of one common room, which may include, but is not limited to, a recreation/social room, a common dining facility or a reading/TV room. Common open space shall also be provided, which may include, but is not limited to, community gardening areas or open landscaped areas with walkways and seating. Common areas shall be designed to ensure that they are useful and functional for residents, and shall comply with the following:

1. The minimum amount of common area required in each project shall be no less than twenty (20) square feet per dwelling unit;

2. Common space excludes all stairwells and any balconies of less than forty (40) square feet;

3. Unless the building is serviced by an elevator, common rooms shall be located on the ground floor; and

4. Adjacent toilet facilities for men and women shall be provided.

I. In addition to the common areas described above, additional services and programs are encouraged, but not required, to be included in all projects to meet the physical and social needs of senior citizens. Such desirable services and programs may include, but are not limited to, the following:

1. Social and recreational programs;

2. Continuing education, information and counseling services;

3. House cleaning/cooking

4. Inside/outside maintenance services;

5. Emergency and preventative health care programs/services; and

6. Transportation services.

J. Access to all common areas and housing units shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

K. Entrways, walkways, and hallways in the common areas, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

L. Walkways and hallways in the common areas shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking, and shall have lighting conditions that are of sufficient brightness to assist persons who have difficulty seeing.

M. Trash collection containers shall be provided in an easily accessible location and in manner that requires a minimum of physical exertion by residents. Trash collection containers shall also be completely screened and located as inconspicuously as possible. Trash enclosures shall be of similar colors and materials as the main building.

N. Dwelling units shall be provided with the following:

1. Tubs and/or showers equipped with, or adaptable for, at least one grab bar:
2. Tubs and/or showers equipped with temperature regulating devices;
3. Slip resistant tub and/or shower bottom surfaces; and
4. Peepholes in entry doors.

O. The design of housing for senior citizens should, to the extent practicable, implement the principles of Universal Design as currently established by the Center for Universal Design at the North Carolina State University, or any other residential design elements for seniors that may currently be established by the California Department of Aging. Universal Design principles encourage building design with accessible and adaptable features that are universally usable by most people regardless of their level of ability or disability. Examples of Universal Design are as follows:

1. A dwelling unit should be designed to be accessible or adaptable for disabled access:
2. An adaptable dwelling unit has all accessible features that a fixed accessible unit has but allows some items to be omitted or concealed until needed so the dwelling unit can be better matched to individual needs when occupied; and
3. In an adaptable unit, wide doors, no steps, knee spaces, control and switch locations, grab bar reinforcing and other access features must be built in. Grab bars, however, can be omitted and installed when needed. Knee space can be concealed by installing a removable base cabinet that can be removed when needed. Counter tops and closet rods can be placed on adjustable supports rather than fixed at lower heights as required for wheelchair users.

P. Housing for senior citizens shall comply with all applicable building and housing codes, and requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations of Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.

21.84.070 Inclusionary Housing Requirements and Density Bonus Provisions.

A. Any market-rate rental or for-sale project constructed pursuant to this chapter shall be required to comply with the inclusionary requirements for residential developments in Chapter 21.85 of this code.

B. Upon written request by an applicant, and in return for his agreement to develop and operate a project in accordance with this chapter and Chapter 21.86 of this code (residential density bonus), the final decision-making authority shall allow an increase in the number of dwelling units permitted per acre (density), provided the request for density bonus complies with the requirements of Chapter 21.86.

21.84.080 Application Process.

A. Preliminary Review Application – a preliminary review application may be submitted prior to the submittal of a formal application (note – if the project includes a request for a density bonus, a preliminary review application is required).

1. A preliminary review application shall include the following information:

a. A brief description of the proposal including the total number of senior units, density bonus units and affordable senior units proposed;

b. The general plan and zoning designations, and assessors parcel number(s) of the project site;

c. A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, existing contours and proposed grading; and

d. A letter identifying what specific incentives (i.e., density bonus, standards modifications or financial incentives) are being requested of the city, if any.

2. After review of the preliminary application, the planning department shall provide to an applicant a letter identifying project issues of concern to staff, and the incentives or assistance that the planning director can support when making a recommendation to the final decision-making authority.

B. Formal Application – a proposal to develop housing for senior citizens shall be processed under a site development plan (SDP) application in addition to any otherwise required application(s) (i.e., tentative maps, parcel maps, planned unit developments, etc.). The site development plan application shall be processed according to the provisions of Chapter 21.06 of this code, excluding Section 21.06.020 (b) (1), (2), (3) and (4). The findings for approval of a site development plan for housing for senior citizens are specified in Section 21.84.090 of this chapter.

1. A completed application shall include the following information:

a. A legal description of the total site proposed for development including a statement of present ownership and present and proposed zoning;

b. If a density bonus or other incentives are requested, a letter shall be submitted signed by the present owner stating how the project will comply with Government Code Section 65915 and stating what is being requested from the city, (i.e., density bonus, modification of development standards or other additional incentives); and

c. Site plans and other supporting plans (i.e., a landscape plan, building elevations and floor plans) as per the City's application submittal requirements;

d. A detailed vicinity map showing the project location and such details as the nearest market, transit stop, park or recreation center, medical facilities or other related uses and services likely to be patronized by senior citizens;

e. A set of floor plans for each different type of unit indicating a typically furnished apartment, with dimensions of doorways, hallways, closets and cabinets;

f. A floor plan of the first floor or other floor showing any common areas and accommodations;

g. Any additional information required as per the City's application submittal requirements.

2. If the project involves a request for financial incentives from the City, then any decision on such a request shall be made by the City Council upon recommendation from the Housing Commission. In addition, if the project involves a request for financial incentives then the City Council shall have the authority to make the final decision on the site development plan and other related development applications (i.e., tentative maps, parcel

maps, planned unit developments, etc.), after consideration of a recommendation from the Planning Commission.

3. At the time of plan submittal for building permits, the applicant shall submit a set of detailed drawings for kitchens and bathrooms indicating counter and cabinet heights and depth, type of pulls, faucets, grab-bars, tub and/or shower dimensions, and handicapped turn space where appropriate.

21.84.090 Findings for Approval.

A. A site development plan for housing for senior citizens shall be approved only if the following findings are made:

1. The project is consistent with the various goals, objectives, policies and programs of the General Plan, the provisions of Municipal Code Title 21 (Zoning Ordinance), the Local Coastal Program (if applicable), and/or the provisions of an applicable master or specific plan;

2. The project site is adequate in size and shape to accommodate the proposed project;

3. The project is properly related to and will not adversely impact the site, surroundings and environmental settings, and will not be detrimental to existing uses specifically permitted in the area in which the proposed project is to be located;

4. The project shall not result in density or design that is incompatible with other land uses in the immediate vicinity, and the project will provide and maintain all yards, setbacks, walls, fences, landscaping, and other features determined necessary to provide compatibility with existing or permitted future uses in the neighborhood;

5. The street system serving the proposed project is adequate to properly handle all traffic generated by the project; and

6. The request for a density bonus and/or additional incentive(s) is consistent with the provisions of Chapter 21.86 of this code. (This finding shall only apply to projects requesting a density bonus and/or additional incentives).

21.84.100 Additional Requirements.

A. No housing development constructed prior to January 1, 1985, shall fail to qualify as a "senior citizen housing development" because it was not originally developed or put to use for occupancy by senior citizens.

B. Any person who, on January 1, 1985, had the right to reside in, occupy, or use housing that is subject to the provisions for a "senior citizen housing development" in this chapter and California Civil Code Sections 51.2, 51.3 and 51.4, shall not be deprived of the right to continue that residency, occupancy, or use as the result of the implementation of this chapter.

C. Any person who is not 62 years of age or older, and who, on September 13, 1988, had the right to reside in, occupy, or use housing that is restricted to occupancy by persons 62 years of age or older, shall not be deprived of the right to continue that residency, occupancy or use as a result of the implementation of this chapter; provided that all new occupants are persons 62 years of age or older.

D. A developer of housing for senior citizens shall establish a homeowner's association, board of directors, or other governing body, and corresponding covenants, conditions and restrictions or other documents or written policy. Said CC&Rs or other documents or written policy shall be submitted to and approved by the Planning Director and

recorded prior to issuance of a building permit. At a minimum, the CC&Rs or other documents or written policy shall set forth the following:

1. Limitations on occupancy, residency or use on the basis of age:

a. Any such limitation shall not be more exclusive than to require that:

i. each person in residence in each dwelling unit be required to be 62 years of age or older; or

ii. in a "senior citizen housing development" each person in residence in each dwelling unit be required to be a senior citizen or qualifying resident, and that each other resident in the same dwelling unit may be required to be a qualified permanent resident, a permitted health care resident, or a person under 55 years of age whose occupancy is permitted under California Civil Code Section 51.3 (h) or Section 51.4 (b);

b. The limitations on occupancy may allow for occupancy of units by employees of the housing community (and family members residing in the same unit) who are under 62 years of age, or who do not qualify as a qualifying resident, provided they perform substantial duties directly related to the management or maintenance of the housing community;

c. The limitations on occupancy for housing that is intended for, and solely occupied by, persons 62 years of age or older, shall not be less exclusive than to require that the persons commencing any occupancy of a dwelling unit be 62 years of age or older, excluding occupancy by persons permitted pursuant to Section 21.84.100C. and D.1.b. above;

d. In a "senior citizen housing development", the limitations on occupancy may be less exclusive than stated above, but shall at least require that the persons commencing any occupancy of a dwelling unit include a qualifying resident who intends to reside in the unit as his or her primary residence on a permanent basis;

e. In a "senior citizen housing development", the limitation on occupancy may result in less than, but not less than 80 percent, all of the dwellings being actually occupied by a qualifying resident;

2. In a "senior citizen housing development", upon the death, dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any qualified permanent resident, as defined in this chapter and Section 51.3 of the California Civil Code, shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident. This provision shall not apply to a permitted health care resident;

3. In a "senior citizen housing development", a permitted health care resident shall be entitled to occupy a dwelling unit during any period that the person is actually providing live-in, long-term, or hospice health care to a senior citizen or qualifying resident for compensation, which includes the provision of lodging and food in exchange for care;

4. In a "senior citizen housing development", upon the absence of the qualifying resident, a permitted health care resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit only if: a) the qualifying resident became absent from the dwelling unit due to hospitalization or other necessary medical treatment and expects to return to his or her residence within 90 days from the date the absence began; and b) the absent qualifying resident, or an authorized person acting for the qualifying resident, submits a written request to the owner, HOA, board of directors, or other governing body stating that the qualifying resident desires that the permitted health care resident be allowed to remain in order to be present when the qualifying resident returns to reside in the

development. The HOA, board of directors, or other governing body may permit a permitted health care resident to remain for a period longer than 90 days, but not to exceed an additional 90 days;

5. In a "senior citizen housing development", for any person who is a qualified permanent resident, as defined in this chapter, whose disabling condition ends, the owner, HOA, board of directors, or other governing body may require the formerly disabled resident to cease residing in the development, subject to the provisions of California Civil Code Section 51.3 (b)(3);

6. In a "senior citizen housing development", CC&Rs or other documents or written policy shall allow temporary residency for a guest, who may be less than 55 years in age, of a qualifying resident, or qualified permanent resident, for periods of time, not less than 60 days in any year, that are specified in the CC&Rs or other documents or written policy.

E. CC&Rs or other documents or written policies applicable housing for senior citizens that contain age restrictions, shall be enforceable only to the extent permitted in California Civil Code Section 51.3, the Federal Fair Housing Act, and the Federal Code of Regulations Title 24 Sections 100.300 to 100.308, notwithstanding lower age restrictions contained in those documents.

21.84.110 Monitoring and Reporting Requirements.

A. To assure compliance with the age requirement of this chapter, all applicants/owners of housing for senior citizens shall be required to submit, on an annual basis, an updated list of all project tenants and their age to the City's Planning Department.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND ADDENDUM FOR A ZONE CODE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO AMEND TITLE 21 OF THE MUNICIPAL CODE BY REPEALING THE REGULATIONS FOR SENIOR CITIZEN HOUSING IN SECTION 21.18.045; ADDING CHAPTER 21.84 TO PROVIDE REGULATIONS FOR HOUSING FOR SENIOR CITIZENS THAT ARE CONSTRUED IN ACCORDANCE WITH CALIFORNIA CIVIL CODE SECTIONS 51.2, 51.3 AND 51.4, THE FEDERAL FAIR HOUSING ACT, AND THE FEDERAL CODE OF REGULATIONS TITLE 24 SECTIONS 100.300 TO 100.308; AMENDING VARIOUS SECTIONS OF TITLE 21 OF THE MUNICIPAL CODE TO REFERENCE CHAPTER 21.84; AMENDING THE PLANNED DEVELOPMENTS REGULATIONS IN CHAPTER 21.45 TO SPECIFY WHAT REGULATIONS ARE OR ARE NOT APPLICABLE TO HOUSING FOR SENIOR CITIZENS; AMENDING SECTION 21.44.020(a)(9) OF THE PARKING REGULATIONS TO INCREASE THE PARKING REQUIREMENT FOR HOUSING FOR SENIOR CITIZENS; AND AMENDING OTHER VARIOUS REGULATIONS RELATING TO HOUSING FOR SENIOR CITIZENS FOR CLARIFICATIONS AND CONSISTENCY.

CASE NAME: HOUSING FOR SENIOR CITIZENS
ORDINANCE AMENDMENT
CASE NO.: ZCA 02-04 / LCPA 02-08

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on April 16, 2003, hold a duly noticed public hearing as prescribed by law to consider a Negative Declaration, Zone Code Amendment and Local Coastal Program Amendment, and recommended their approval; and

WHEREAS, the City Council of the City of Carlsbad, on the 3rd day of JUNE, 2003, held a duly noticed public hearing to consider said Negative Declaration, Zone Code Amendment and Local Coastal Program Amendment, and at that time received recommendations, objections, protests, comments from all persons interested in or opposed to ZCA 02-04 and LCPA 02-08;

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

1. That the above recitations are true and correct.

EXHIBIT NO. 2
APPLICATION NO.
Carlsbad DeMinini
LCPA No. 4-03
(Senior Citizen Housing)
Council Resolution
California Coastal Commission

1
2 2. That the Negative Declaration and Addendum are adopted as shown on
3 Exhibit "ND" and Exhibit "NDA", attached hereto and made a part hereof, based information
4 presented at the public hearing and contained in Exhibit "PII", attached to Planning Commission
5 Resolution No. 5380 on file with the City Clerk and incorporated herein by reference.

6 3. That the findings of the Planning Commission, as specified in Planning
7 Commission Resolution No. 5380, are incorporated herein by reference and are the findings of
8 the City Council.

9 PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
10 of the City of Carlsbad, California, held on the 3rd day of JUNE
11 2003, by the following vote, to wit:

12 AYES: Council Members Lewis, Finnilla, Kulchin, Hall, Packard

13 NOES: None

14 ABSENT: None

15 ABSTAIN: None

16 
CLAUDE A. LEWIS, Mayor

17 ATTEST:

18 
LORRAINE M. WOOD, City Clerk

19 (SEAL)

