

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

October 25, 2005

Thu 6a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT NO. 1-05D (TEMPORARY BLDGS.) for Commission Meeting of
November 14-16, 2005**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 25, 2005. The amendment submittal includes four separate components. Carlsbad LCP Amendment #1-05A (Yamamoto), B (Kelly Corporate Center) and C (North Coast Calvary) have been acted on by the Commission. A one-year time extension was granted on June 10, 2005. As such, the last date for Commission action on this final component D (Temporary Buildings) is July 24, 2006.

SUMMARY OF AMENDMENT REQUEST

The proposed LCP amendment would modify the certified City of Carlsbad LCP Implementation Plan to add definitions to clarify the difference between mobile buildings and modular buildings. The proposal also contains revisions to the certified Conditional Use Permit ordinance to allow temporary use of mobile buildings in all zones with approval of a CUP and subject to specified provisions that allow the use for a five year term, subject to extension by the Planning Commission, prohibit permanent foundations, require building materials to screen the temporary foundation and require that all such buildings meet all applicable local, state and federal codes. The amendment would also delete the existing section of the ordinance currently allowing the temporary use of trailers or mobile homes for commercial offices in all zones except residential, subject to a CUP, as duplicative.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed revisions to allow placement of temporary mobile buildings in all zones subject to a conditional use permit do not result in any conflicts with the certified Land Use Plan policies. The placement of temporary structures in the coastal zone would also require a coastal development permit to assure consistency with applicable policies contained in the certified LCP which are not modified by this amendment.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 3.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. 1-05D (Temporary Buildings) may be obtained from Sherilyn Sarb at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. However, the City did not seek permit authority at that time. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment request affects all LCP segments.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

I. MOTION

I move that the Commission reject the City of Carlsbad Implementation Plan Amendment #1-05D as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a NO vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

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

A. AMENDMENT DESCRIPTION

The proposed LCP amendment would modify the certified City of Carlsbad LCP Implementation Plan to add definitions to Section 21.04 Definitions, for mobile buildings and modular buildings to clarify the difference between the two; the primary difference being modular buildings are on a permanent foundation, whereas, mobile buildings are not. The proposal also would revise the certified Conditional Use Permit (CUP) ordinance, Section 21.42, to allow temporary use of mobile buildings in all zones with approval of a CUP and subject to specified conditions contained in 21.42.010(2)(N). The conditions would allow the mobile building to be occupied by the permitted use for five years, subject to extension by the Planning Commission; prohibit installation on permanent foundations; require wood or stucco siding with skirting to screen the chassis, wheels and temporary foundation; and require that all mobile buildings meet all applicable local, state and federal codes including but not limited to building height and setbacks.

The amendment would also delete the existing section of the ordinance currently allowing the temporary use of trailers or mobile homes for commercial offices in all zones except residential, subject to a CUP. This section will be replaced by the proposed section allowing mobile buildings, as defined, in all zones including residential, subject to a CUP. There are also clean-up revisions that change the section numbers for definitions of "lot width" and "motel" and corresponding references to those section numbers in the CUP ordinance. These changes are de minimis and raise no conflicts with Chapter 3 policies.

B. FINDINGS FOR APPROVAL

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

a) Purpose and Intent of the Ordinance. Chapter 21.04 Definitions defines terms used in the Carlsbad municipal code, which is the certified Carlsbad LCP Implementation Plan. The certified Chapter 21.42 of the municipal code addresses Conditional Uses which are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones defined in the municipal code. The code provides the authority for the location and operation of these uses shall be subject to review and issuance of a conditional use permit. In granting the permit, certain safeguards to protect the health, safety and general welfare may be required as conditions of approval.

b) Major Provisions of the Ordinance. The proposed LCP amendment would add definitions of "mobile building" and "modular building" as sections 21.04.265 and 21.04.270 respectively to help clarify the difference between the two types of structures. The proposed revisions to the CUP ordinance would then establish a process to regulate mobile buildings through the CUP process. Modular buildings are considered the same as any standard building and regulated as such.

Mobile buildings include structures on a permanent chassis, transportable in one or more sections, for human occupancy for various uses and having a temporary foundation system. Potential uses include industrial, professional, commercial, educational, or temporary housing (e.g. farmworker or transitional housing). A mobile building requires vehicle registration, but does not include a recreational trailer, mobile homes, manufactured home, or prefabricated home but may include a commercial coach or trailer coach.

Modular buildings include structures on a permanent chassis, transportable in one or more sections on a separate trailer, for human occupancy for various uses and having a permanent foundation. Potential uses include industrial, professional or commercial purposes. Modular building does not include mobile offices, mobile homes, manufactured home, prefabricated home, commercial coach or trailer coach. For

purposes of permitted uses in each zone, modular buildings are considered the same as any standard building.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The proposed revisions to the chapters of the municipal code addressing Definitions and Conditional Uses provide for regulation of modular buildings in the same way as standard structures. The proposal also establishes conditions of approval of mobile buildings in all zones through the conditional use permit process. No modifications to the applicable policies in the certified LCP Land Use Plan are proposed. Such policies would remain the standard of review for installation of both types of buildings through the coastal development permit process.

The proposed conditions of approval for mobile buildings address the temporary nature of the proposed use and the visual impact of such mobile structures. To improve the appearance of the structures, the mobile buildings must have wood or stucco siding and the temporary foundation system must be screened from view.

Regarding the protection of visual resources, Policy 8-1 of the certified Mello II LUP requires new development be sited and designed to protect existing views and panoramas and includes the following:

Policy 8-1

The Scenic Preservation Overlay Zone should be applied where necessary throughout the Carlsbad Coastal Zone to assure maintenance of existing views and panoramas. Sites considered for development should undergo individual review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area. The Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize any alterations to topography.

In addition, Section 21.40.135 of the City's certified LCP Implementation Plan would be applicable to both mobile and modular buildings and states, in part:

Within the coastal zone, existing public views and panorama shall be maintained. Through the individualized review process, sites considered for development shall be conditioned so as to not obstruct or otherwise damage the visual beauty of the coastal zone. In addition to the above, height limitations and see-through construction techniques should be employed. Shoreline development shall be built in clusters to leave open areas around them to permit more frequent views of the shoreline. Vista points shall be incorporated as a part of larger projects.

Regarding protection of sensitive biological resources, the Mello II LUP policies provide the following:

3-1.2 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

As stated, the installation of mobile and modular buildings in the coastal zone would remain subject to these policies, and others, through the coastal development permit process which is not being modified with the proposed LCP amendment. In addition, as proposed, a condition of approval of a CUP for mobile buildings requires compliance with all applicable local, state and federal codes, including but not limited to building height and setbacks. Therefore, these structures are subject to the same standards as permanent development and the sensitive resource, visual resource and public access protection policies of the certified LCP would apply. Therefore, the Commission finds the proposed revisions to the LCP Implementation Plan to address placement of modular and mobile buildings are adequate to carry out the certified Land Use Plans.

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

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, those CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The proposed implementation plan amendments will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

RECEIVED

MAR 29 2005

1 CALIFORNIA
2 COASTAL COMMISSION
3 SAN DIEGO COAST DISTRICT

ORDINANCE NO. NS-746

4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
5 CARLSBAD, CALIFORNIA, AMENDING VARIOUS SECTIONS
6 OF TITLE 21 OF THE CARLSBAD MUNICIPAL CODE AND
7 ADDING SECTIONS 21.04.263 AND 21.04.273 TO THE
8 CARLSBAD MUNICIPAL CODE TO DEFINE MOBILE AND
9 MODULAR BUILDINGS AND PROVIDE FOR TEMPORARY
10 PLACEMENT OF MOBILE BUILDINGS BY CONDITIONAL USE
11 PERMIT.

12 CASE NAME: TEMPORARY BUILDINGS
13 CASE NO.: ZCA 04-03

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

15 Section 1: That Title 21, Chapter 21.04 is amended by the addition of

16 Section 21.04.263 to read as follows:

17 "Lot width" means the horizontal distance of the line constituting the required
18 front yard setback, as required in certain zone classifications. For those zone classifications
19 without required front yards, the lot width is the horizontal distance between the side lot lines
20 measured at right angles to a line comprising the depth of the lot at a point midway between the
21 front and rear lot lines. All lots located on the inside of a curve of a public street whose rear
22 property line is at least twenty feet less in length than the front property line shall have their lot
23 width calculated, for the purpose of computing required side yard setbacks, using the average
24 width of the lot.

25 Section 2: That Title 21, Chapter 21.04, Section 21.04.265 is amended to

26 read as follows:

27 "Mobile building" means a structure constructed on a permanent chassis
28 transportable in one or more sections, designed and equipped for human occupancy for
29 industrial, professional, commercial, educational, or temporary housing (e.g. farmworker or
30 transitional housing) purposes to be used primarily with a temporary foundation system. A
31 "mobile building" requires vehicle registration from the state Department of Transportation
32 pursuant to the state Vehicle Code and requires registration and title from the state Department
33 of Housing and Community Development pursuant to the state Health and Safety Code.
34 "Mobile building" does not include a recreational trailer, mobile homes, manufactured home, or
35 prefabricated home but may include a commercial coach or trailer coach.

36 Section 3: That Title 21, Chapter 21.04 is amended by the addition of

37 Section 21.04.270 to read as follows:

38 "Modular building" means a structure not constructed on a permanent chassis,
39 transportable in one or more sections on a separate trailer, designed for human occupancy for
40 industrial, professional, or commercial purposes to be placed upon a permanent foundation. A
41 "modular building" is constructed in prefabricated sections and its construction and assembly is
42 subject to the California Building, Electrical, Mechanical, and Plumbing Codes. "Modular
43 building" does not include mobile offices, mobile homes, manufactured home, prefabricated
44 home, commercial coach, or trailer coach. For the purposes of permitted uses in each zone,
45 "modular building" is considered the same as any standard building.

EXHIBIT NO. 1
CARLSBAD LCPC
NO. 1-05D
City Council
Resolution

1 Section 4: That Title 21, Chapter 21.04 is amended by the addition of
2 Section 21.04.273 to read as follows:
3

4 "Motel" means a group of attached or detached buildings containing individual
5 sleeping or living units where a majority of such units open individually and directly to the
6 outside, and where a garage is attached or a parking space is conveniently located to each unit,
7 all for the temporary use by automobile tourist or transients, and such word shall include motor
8 lodges. An establishment shall be considered a motel when it is required by the Health and
9 Safety Code of the state of California to obtain the name and address of the guests, the make,
10 year and license number of the vehicle and the state in which it was issued.

11 Section 5: That Title 21, Chapter 21.08, Section 21.08.020 is amended by
12 the amendment of the amendment of "TABLE A PERMITTED USES" in Subsection
13 21.08.020.B to insert the following into Table A in alphabetical order (headings not included):
14

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

15 Section 6: That Title 21, Chapter 21.10, Section 21.10.020 is amended by
16 the amendment of "TABLE A PERMITTED USES" in Subsection 21.10.020.B to insert the
17 following into Table A in alphabetical order (headings not included):
18

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

19 Section 7: That Title 21, Chapter 21.12, Section 21.12.020 is amended by
20 the amendment of "TABLE A PERMITTED USES" in Subsection 21.12.020.B to insert the
21 following into Table A in alphabetical order (headings not included):
22

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

23 Section 8: That Title 21, Chapter 21.16, Section 21.16.020 is amended by
24 the amendment of "TABLE A PERMITTED USES" in Subsection 21.16.020.B to insert the
25 following into Table A in alphabetical order (headings not included):
26

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

27 ///

1 Section 9: That Title 21, Chapter 21.18, Section 21.18.020 is amended by
 2 the amendment of "TABLE A PERMITTED USES" and "TABLE B PERMITTED USES" in
 3 Subsection 21.18.020.D to insert the following into Table A and Table B in alphabetical order
 4 (headings not included):

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

7 Section 10: That Title 21, Chapter 21.22, Section 21.22.020 is amended by
 8 the amendment of "TABLE A PERMITTED USES" in Subsection 21.22.020.B to insert the
 9 following into Table A in alphabetical order (headings not included):

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

11 Section 11: That Title 21, Chapter 21.24, Section 21.24.020 is amended by
 12 the amendment of "TABLE A PERMITTED USES" in Subsection 21.24.020.B to insert the
 13 following into Table A in alphabetical order (headings not included):

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

16 Section 12: That Title 21, Chapter 21.37, Section 21.37.020 is amended by
 17 the amendment of "TABLE A PERMITTED USES" in Subsection 21.37.020.B to insert the
 18 following into Table A in alphabetical order (headings not included):

USE	P	CUP	Acc
Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	

21 Section 13: That Title 21, Chapter 21.42, Section 21.42.010 is amended by
 22 the amendment of Subsection 21.42.010(11)(A) to read as follows:

- 23 (A) Hotel and Motel uses as defined in Sections 21.04.185 and 21.04.273 of this
 code, subject to the following conditions:
 24 (i) The application for a conditional use permit shall include the submittal of an
 architectural theme, colored elevations and site plan for review by the planning commission.
 25 (ii) When adjoining residentially zoned property, hotels and motels under this
 section must comply with the following provisions:
 26 (a) Front yard setbacks, buildings -- twenty-five feet or same distance as
 existing buildings or adjoining lots; driveway or parking area -- ten feet; outdoor recreational
 27 amenities -- ten feet;

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(b) A six-foot-high masonry wall shall be constructed along all property lines which are adjacent to residentially zoned properties (except where prohibited by approved driveways).

Section 14: That Title 21, Chapter 21.42, Section 21.42.010 is amended by the addition of Subsection 21.42.010(2)(N) to read as follows:

(N) Temporary use of mobile buildings, as defined in Section 21.04.265 of this code, subject to the following conditions:

(i) The mobile building shall be occupied by a permitted or conditional use allowed in the zone in which it is placed. The occupancy shall be limited to a five-year term, unless extended by the Planning Commission.

(ii) Newly placed mobile buildings shall not be installed on permanent foundations.

(iii) All mobile buildings shall have wood or stucco siding and must be installed with skirting to screen the chassis, wheels, and temporary foundation system.

(iv) All mobile buildings must meet all applicable local, state, and federal codes including, but not limited to: manufacturer's certificate of origin, current and valid registration tags, adequate accessibility for disabled persons, temporary foundation system design and installation, utility connections, and zoning requirements such as building height and setbacks.

Section 15: That Title 21, Chapter 21.42, Section 21.42.010(5)(S) is hereby repealed.

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-4- CARLSBAD LOPA # 1-05D₅
EX 1

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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 8th day of March 2005, and thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 15th day of MARCH 2005, by the following vote, to wit:


AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

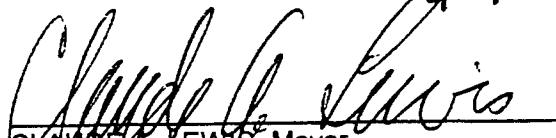
NOES: None

ABSENT: None

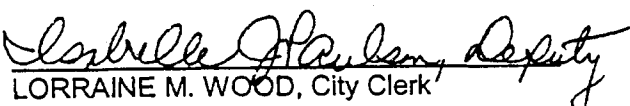
ABSTAIN: None

APPROVED AS TO FORM AND LEGALITY


RONALD R. BALL, City Attorney 3/16/05.


CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)

1 PLANNING COMMISSION RESOLUTION NO. 5805

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING
4 APPROVAL OF AN AMENDMENT TO THE IMPLEMENTING
5 ORDINANCE OF THE CARLSBAD LOCAL COASTAL
6 PROGRAM TO DEFINE MOBILE AND MODULAR
7 BUILDINGS AND PROVIDE FOR TEMPORARY
8 PLACEMENT OF MOBILE BUILDINGS BY CONDITIONAL
9 USE PERMIT.

CASE NAME: TEMPORARY BUILDINGS

CASE NO: LCPA 04-18

10 WHEREAS, California State law requires that the Local Coastal Program,
11 General Plan, and Zoning designations for properties in the Coastal Zone be in conformance; and

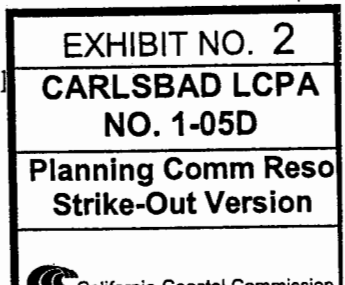
12 WHEREAS, City of Carlsbad, "Developer," has filed a verified application for
13 an amendment to the Local Coastal Program implementing ordinance; and

14 WHEREAS, said verified application constitutes a request for a Local Coastal
15 Program Amendment as shown on Exhibit "X" dated January 5, 2005, attached to Planning
16 Commission Resolution No. 5696 and incorporated herein by reference, as provided in Public
17 Resources Code Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title
18 14 of the California Code of Regulations of the California Coastal Commission Administrative
19 Regulations; and

20 WHEREAS, the Planning Commission did on the 5th day of January 2005, hold
21 a duly noticed public hearing as prescribed by law to consider said request; and

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

25 WHEREAS, State Coastal Guidelines requires a six week
26 for any amendment to the Local Coastal Program.
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1 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
2 Commission of the City of Carlsbad, as follows:

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- 4 A) That the foregoing recitations are true and correct.
- 5 B) At the end of the State mandated six week review period, starting on **November**
6 **18, 2004** and ending on **December 29, 2004**, staff shall present to the City
7 Council a summary of the comments received.
- 8 C) That based on the evidence presented at the public hearing, the Commission
9 **RECOMMENDS APPROVAL** of **TEMPORARY BUILDINGS – LCPA 04-**
10 **18** based on the following findings, and subject to the following conditions:

11 **Findings:**

- 12 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
13 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
14 of the Carlsbad Local Coastal Program, in that **no construction is proposed with this**
15 **amendment and all future placement of mobile buildings within the Coastal Zone**
16 **would be subject to discretionary review and a Coastal Development Permit to**
17 **ensure consistency with Local Coastal Program policies.**
- 18 2. That the proposed amendment to the implementing ordinance of the Carlsbad Local
19 Coastal Program is required to bring it into consistency with **the City's Zoning**
20 **Ordinance.**
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CARLSBAD LCPA # 1-05D

EX 2

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1 PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning
2 Commission of the City of Carlsbad, held on the 5th day of January 2005, by the following
3 vote, to wit:
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5 AYES: Chairperson Segall, Commissioners Baker, Cardosa, Dominguez,
6 Heineman, Montgomery and Whitton

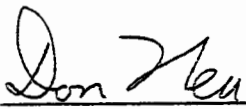
7 NOES:

8 ABSENT:

9 ABSTAIN:

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12 _____
13 JEFFRE N. SEGALL, Chairperson
14 CARLSBAD PLANNING COMMISSION

15 ATTEST:

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17 _____
18 DON NEU
19 Assistant Planning Director
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CARLSBAD LCRA # 1-05D
EX 2

ZCA 04-03/LCPA 04-18 - REDLINE/STRIKEOUT VERSION

~~21.04.265~~ **21.04.263** Lot width.

"Lot width" means the horizontal distance of the line constituting the required front yard setback, as required in certain zone classifications. For those zone classifications without required front yards, the lot width is the horizontal distance between the side lot lines measured at right angles to a line comprising the depth of the lot at a point midway between the front and rear lot lines. All lots located on the inside of a curve of a public street whose rear property line is at least twenty feet less in length than the front property line shall have their lot width calculated, for the purpose of computing required side yard setbacks, using the average width of the lot."

21.04.265 Mobile building.

"Mobile building" means a structure constructed on a permanent chassis transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, commercial, educational, or temporary housing (e.g. farmworker or transitional housing) purposes to be used primarily with a temporary foundation system. A "mobile building" requires vehicle registration from the state Department of Transportation pursuant to the state Vehicle Code and requires registration and title from the state Department of Housing and Community Development pursuant to the state Health and Safety Code. "Mobile building" does not include a recreational trailer, mobile homes, manufactured home, or prefabricated home but may include a commercial coach or trailer coach.

21.04.270 Modular building.

"Modular building" means a structure not constructed on a permanent chassis, transportable in one or more sections on a separate trailer, designed for human occupancy for industrial, professional, or commercial purposes to be placed upon a permanent foundation. A "modular building" is constructed in prefabricated sections and its construction and assembly is subject to the California Building, Electrical, Mechanical, and Plumbing Codes. "Modular building" does not include mobile offices, mobile homes, manufactured home, prefabricated home, commercial coach, or trailer coach. For the purposes of permitted uses in each zone, "modular building" is considered the same as any standard building."

~~21.04.270~~ **21.04.273** Motel.

"Motel" means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourist or transients, and such word shall include motor lodges. An establishment shall be considered a motel when it is required by the Health and Safety Code of the state of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the state in which it was issued."

Subsection 21.08.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.10.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

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Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.12.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.16.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.18.020.D , "TABLE A" and TABLE B" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.22.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.24.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.37.020.B , "TABLE A PERMITTED USES" to include the following in alphabetical order:

Mobile building, subject to Sec. 21.42.010(2)(N) (defined: Sec. 21.04.265)		X	
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Subsection 21.42.010(11)(A) to read as follows:

"(A) Hotel and Motel uses as defined in Sections 21.04.185 and 21.04.270 21.04.273 of this code, subject to the following conditions:

(i) The application for a conditional use permit shall include the submittal of an architectural theme, colored elevations and site plan for review by the planning commission.

(ii) When adjoining residentially zoned property, hotels and motels under this section must comply with the following provisions:

(a) Front yard setbacks, buildings -- twenty-five feet or same distance as existing buildings or adjoining lots; driveway or parking area -- ten feet; outdoor recreational amenities -- ten feet;

(b) A six-foot-high masonry wall shall be constructed along all property lines which are adjacent to residentially zoned properties (except where prohibited by approved driveways)."

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21.42.010(2)(N) to read as follows:

"(N) Temporary use of mobile buildings, as defined in Section 21.04.265 of this code, subject to the following conditions:

(i) The mobile building shall be occupied by a permitted or conditional use allowed in the zone in which it is placed. The occupancy shall be limited to a five-year term, unless extended by the Planning Commission.

(ii) Newly placed mobile buildings shall not be installed on permanent foundations.

(iii) All mobile buildings shall have wood or stucco siding and must be installed with skirting to screen the chassis, wheels, and temporary foundation system.

(iv) All mobile buildings must meet all applicable local, state, and federal codes including, but not limited to: manufacturer's certificate of origin, current and valid registration tags, adequate accessibility for disabled persons, temporary foundation system design and installation, utility connections, and zoning requirements such as building height and setbacks."

Section 21.42.010(5)(S) of the Carlsbad Municipal Code is hereby repealed.

~~(S) Temporary uses of trailers or mobile homes for commercial offices under the following conditions:~~

~~i. The occupancy shall not exceed one year after the issuance of the permit unless otherwise extended by the planning commission. The conditional use permit shall not be extended unless construction of the structure intended for occupancy by applicant has begun and reasonable progress toward completion is being made.~~

~~ii. The method of placement of the trailer, the landscaping and other design aspects shall be approved as part of the conditional use permit.~~

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