

**CALIFORNIA COASTAL COMMISSION**

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



June 22, 2006

**Fri 13a****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  
AMENDMENT 3-05 A (Density Calculation) for Commission Meeting of July 12-  
14, 2006**

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**SYNOPSIS**

On September 16, 2005, the City of Carlsbad Local Coastal Program (LCP) Amendment #3-05A-C was filed in the San Diego District office. The amendment package involves three separate components and will affect both the land use and implementation plan portions of the certified Carlsbad LCP. LCPA #3-05A (Density Calculation) is addressed in this report and, and B (Shopping Center Zone) is addressed in a separate staff report for the July 2006 hearing. Carlsbad LCPA #3-05C (C-T Zone) will be scheduled at a later date.

The subject report only affects the certified Implementation Plan and the standard of review is consistency of the proposed changes with the certified Land Use Plan. A one-year time extension for Commission action on this LCP amendment was approved by the Commission in November 2005. The last day for Commission action is December 16, 2006.

**SUMMARY OF AMENDMENT REQUEST**

The proposed LCP Amendment #3-05A (Density Calculations) involves three changes to the Zoning Ordinance which serves as the LCP Implementation Plan. First, language would be added to Section 21.53.230 of the Zoning Ordinance, which addresses residential density calculations and residential development restrictions on open space and environmentally sensitive lands. The section would clarify how to determine the potential unit yield for a residential property, and would establish a provision to round-up or down when the allowable density for a site results in a fractional unit yield. Second, the requirement that no more than 50% of the portion of the site containing 25% to 40% slopes may be utilized for calculating allowable residential density is proposed to be relocated to the above section from Section 21.53.120(e). Third, the "agricultural labor housing" use is proposed to be removed from the permitted uses in the R-A zone to obtain consistency with the Conditional Uses chapter of the Zoning Ordinance.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the LCP amendment, as submitted. The proposal serves to clarify when the unit yield for residential density may be rounded up or down to the nearest whole number if applying the allowable density to the lot size results in a fractional unit yield. This provision will not affect application of the resource protection policies of the certified LCP to residential development proposals. The maximum density under the General Plan/LCP Land Use Plan designation will continue to be subject to site constraints and sensitive resources protection policies. No change to the allowable residential density as designated in the certified LCP Land Use Plan segments will occur. In addition, the other two proposals are essentially clean-up measures, as follows: the first would relocate a current Zoning Ordinance provision to a more sensible location without change; the second would strike agricultural labor housing as a permitted use in the RA zone, because the City recently approved a Zoning Ordinance revision, which was subsequently certified by the Coastal Commission, that made temporary farmworker housing allowable in all zones, except residential, subject to a conditional use permit.

The appropriate resolutions and motions begin on Page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 4.

**BACKGROUND**

The proposed amendment to the LCP Implementation Plan is part of a comprehensive effort by the City of Carlsbad to achieve consistency between the Carlsbad General Plan and the City's Zoning Ordinance. Not all General Plan policies are also part of the City's certified Local Coastal Program; however, the Zoning Ordinance does serve as the certified LCP Implementation Plan, thus, any amendments to the Zoning Ordinance also require an LCP amendment.

The proposed amendment to the Zoning Ordinance will affect residential development in all segments of the LCP. However, no portion of any previously certified LCP segment Land Use Plan is being amended.

**ADDITIONAL INFORMATION**

Further information on the Carlsbad LCP Amendment No. 3-05A may be obtained from Sherilyn Sarb, District Manager, at (619) 767-2370.

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**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.

**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 resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:**     *I move that the Commission reject the Implementation Program Amendment for the City of Carlsbad certified LCP 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 *City of Carlsbad LCP 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 CARLSBAD IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The proposed LCP Amendment #3-05A (Density Calculations) involves three changes to the Zoning Ordinance which serves as the LCP Implementation Plan. First, language would be added to Section 21.53.230 of the Zoning Ordinance which addresses residential density calculations and residential development restrictions on open space and environmentally sensitive lands. The language includes a provision to determine if residential unit yields shall, or may, be rounded up or down. The potential residential unit yield for a property, based on the minimum, growth management control point (GMCP), or maximum density of the applicable land use designation, is determined by multiplying the lot area (in acres) by the applicable density. The City currently has no written policy, with the exception of in the Inclusionary Housing Ordinance, to round up or down when the density for a property results in a fractional unit yield.

The proposed amendment includes rounding provisions for the unit yields calculated for each point of the density range including the “minimum”, “GMCP” or the “maximum” density. The GMCP is the midpoint of the density range and administered through the City’s Growth Management Plan which is not a part of the certified LCP. Because the City requirements for consistency with these densities are different, and in some cases rounding up may exceed the maximum of that point in the density range, the rounding provisions are proposed to be different for each point of the density range (See Exhibit 2). The proposed revisions only address the rounding policy when the density calculation results in a fractional unit yield. No change to the allowable residential density as designated in the certified LCP Land Use Plan segments will occur.

The second proposed revision is considered a minor correction. Section 21.53.120(e) of the Zoning Ordinance specifies the regulations for calculating density when there are slopes between 25% and 40% on a property. However, this subsection is located under

the section that lists the requirements for processing a site development plan for affordable housing and multiple-family housing projects. Section 21.53.230 lists the requirements for calculating residential density, and specifically, residential development restrictions on open space and environmentally sensitive lands. The proposal would relocate the identical language that specifies that no more than 50% of the portion of the site containing 25% to 40% slopes may be utilized for calculating allowable residential density to Section 21.52.230(d).

Third, the “agricultural labor housing” use is proposed to be removed from the permitted uses in the R-A zone to obtain consistency with the Conditional Uses chapter of the Zoning Ordinance. This is a correction to the Zoning Ordinance to be consistent with the recently approved LCP amendment that established “temporary agricultural farmworker housing” as a conditionally permitted use in all zones, except residential.

## **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.

### **1. Purpose and Major Provisions of the Density Calculation Ordinance.**

The most substantive portion of the subject LCP amendment are the changes being made to Section 21.53.230 of the Zoning Ordinance. This section is titled Residential density calculations, residential development restrictions on open space and environmentally sensitive lands. The purpose of the section is to establish how to determine the allowable residential density based on the number of dwelling units per developable acre of the property. In the City of Carlsbad, the following lands are considered to be undevelopable and are excluded from the acreage used to calculate density:

- a. Beaches
- b. Permanent bodies of water
- c. Floodways
- d. Natural slopes with inclination greater than 40%
- e. Significant wetlands
- f. Significant riparian or woodland habitats
- g. Land subject to power easements
- h. Land with other significant environment features determined by environmental review
- i. Railroad track beds

No residential development shall occur on any property listed above, unless the prohibition against development would constitute an unconstitutional deprivation of property. In addition, no more than 50% of the portion of the site containing 25% to 40% slopes may be utilized for calculating allowable residential density. There is further acknowledgement in this section that, within the coastal zone, the grading provisions of the Carlsbad LCP and the coastal resource protection overlay zone apply.

## **2. Adequacy to Implement the Certified LUP Segments.**

The proposed revisions to the Density Calculation section of the Zoning Ordinance have the potential to affect the number of units calculated as allowable on a particular property, only as it relates to rounding up or down of a fractional unit yield after density is calculated. The certified LCP implementation plan excludes the sensitive portion of the property from the calculation of density which significantly affects the unit yield for a constrained site. In addition, the number of allowable units pursuant to the certified Land Use Plan segments is always based on residential zone and density designation, the resource constraints on the site, and conformance with the resource protection policies of the LUP and the Zoning Ordinance. Thus, the proposed amendment will not result in any conflicts with and is adequate to carry out the certified Land Use Plan segments of the certified LCP.

The change to delete “agricultural labor housing” as a permitted use in the RA zone is consistent with the Commission’s action on LCP Amendment # 1-04F (Farmworker Housing) which allows “temporary agricultural farmworker housing” in all zones, except residential, as a conditional permitted use. This change remains consistent with and adequate to carry out the certified Land Use Plan segments of the certified LCP.

## **PART IV. 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 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 amendment 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.

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RESOLUTION NO. 2005-128

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA  
CARLSBAD, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO CLARIFY RESIDENTIAL DENSITY PROVISIONS.

CASE NAME: RESIDENTIAL DENSITY CLARIFICATION

CASE NO.: GPA 04-21/ZCA 04-11/LCPA 04-19

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

WHEREAS, the Planning Commission did on March 2, 2005, hold a duly noticed public hearing as prescribed by law to consider the General Plan Amendment (GPA 04-21), Zone Code Amendment (ZCA 04-11) and Local Coastal Program Amendment (LCPA 04-19) to clarify the residential density provisions in the General Plan and Zoning Ordinance.


WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 5846 and 5848 recommending to the City Council that GPA 04-21 and LCPA 04-19 be approved; and

WHEREAS, the City Council did on the 26th day of April 2005 hold a duly noticed public hearing as prescribed by law to consider the General Plan Amendment and Local Coastal Program Amendment, and;

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

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.
2. That the findings of the Planning Commission in Planning Commission Resolutions No. 5846 and 5848 constitute the findings of the City Council in
3. That the application for a General Plan Amendment shown in Planning Commission Resolution No. 5846, on file with the City of Carlsbad, California, and formally approved with GPA Batch No. 1 of 2005 comprised of GPA 01-03, GPA 04-05, GPA 04-07, GPA 04-09, GPA 04-14, GPA 04-16, GPA 04-18 and GP

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| EXHIBIT NO. 1   |
| <b>CARLSBAD LCPA #3-05A(Density Calculations)</b>   |
| Resolutions of Approval   |
| 1 of 8  |
|  California Coastal Commission |

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4. That the amendment to the Local Coastal Program (LCPA 04-19), is approved as shown in Planning Commission Resolution No. 5848, on file with the City Clerk and incorporated herein by reference.

5. That the approval of LCPA 04-19 shall not become effective until it is approved by the California Coastal Commission and the California Coastal Commission's approval becomes effective.


PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 26th day of April, 2005, by the following vote, to wit:

AYES: Council Members Hall, Kulchin, Packard, Sigafoose

NOES: None

ABSENT: Council Member Lewis

  
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CLAUDE A. LEWIS, Mayor  
MATT HALL, Mayor Pro-Tem

ATTEST:  
  
LORRAINE M. WOOD, City Clerk

(SEAL)



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**PLANNING COMMISSION RESOLUTION NO. 5848**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE ZONING ORDINANCE BY CLARIFYING THE PROVISIONS FOR CALCULATING RESIDENTIAL DENSITY, AND BY AMENDING "TABLE A PERMITTED USES" IN CHAPTER 21.08 (R-A ZONE) OF THE MUNICIPAL CODE FOR CONSISTENCY.  
CASE NAME: RESIDENTIAL DENSITY CLARIFICATION  
CASE NO.: LCPA 04-19

WHEREAS, the Planning Director has prepared an amendment to Title 21 of the Municipal Code (Zoning Ordinance) relating to residential density calculations; and

WHEREAS, the Zoning Ordinance is the implementing ordinance for the City of Carlsbad Local Coastal Program; and

WHEREAS, California State law requires that the Local Coastal Program and Zoning Ordinance be in conformance, and therefore, an amendment to the Local Coastal Program is required in conjunction with an amendment to the Zoning Ordinance (implementing ordinance) to ensure consistency between the two documents; and

WHEREAS, the City of Carlsbad, "Applicant," has filed a verified application for an amendment to the Local Coastal Program; and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit "X," dated March 2, 2005, attached to Planning Commission Resolution No. 5847 and incorporated herein by reference, as provided for in Public Resources Code-Section 30514 and Article 15, Subchapter 2, Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations (California Coastal Commission Regulations); and

WHEREAS, the Planning Commission did on the 2nd day of March 2005, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, analyzing the information submitted by

Ex. 1 3 of 8

1 staff, and considering any written comments received, the Planning Commission considered all  
2 factors relating to the Local Coastal Program Amendment; and

3 WHEREAS, in accordance with California Coastal Commission requirements, the  
4 Local Coastal Program Amendment was subject to a six-week public review period, starting on  
5 January 13, 2005 and ending on February 24, 2005, and the Planning Commission considered  
6 all comments received, if any.

8 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning  
9 Commission as follows:

- 10 A) That the foregoing recitations are true and correct.
- 11 B) That based on the evidence presented at the public hearing, the Planning
- 12 Commission hereby **RECOMMENDS APPROVAL** of **RESIDENTIAL**
- 13 **DENSITY CLARIFICATION - LCPA 04-19**, based on the following findings:

14 **Findings:**

- 15 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
- 16 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
- 17 of the **Mello I, Mello II, Agua Hedionda Lagoon, East Batiquitos Lagoon and West**
- 18 **Batiquitos Lagoon** segments of the Carlsbad Local Coastal Program not being amended
- 19 by this amendment, in that it **ensures consistency with the Carlsbad Zoning**
- 20 **Ordinance, and does not conflict with any coastal zone regulations, land use**
- 21 **designations or policies, with which development must comply.**
- 22 2. That the proposed amendment to the Carlsbad Local Coastal Program is required to
- 23 ensure consistency with the **proposed Zone Code Amendment (ZCA 04-11).**

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PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the 2nd day of March 2005, by the following vote, to wit:

AYES: Chairperson Segall, Commissioners Baker, Cardosa, Dominguez, Heineman, and Montgomery

NOES:

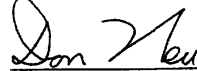
ABSENT: Commissioner Whitton

ABSTAIN:



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JEFFRE N. SEGALL, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:



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DON NEU  
Assistant Planning Director

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ORDINANCE NO. -NS-753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING TITLE 21 OF THE MUNICIPAL CODE BY AMENDING THE RESIDENTIAL DENSITY CALCULATION PROVISIONS IN THE ZONING ORDINANCE, AND BY AMENDING "TABLE A PERMITTED USES" IN CHAPTER 21.08 (R-A ZONE) OF THE MUNICIPAL CODE FOR CONSISTENCY.

CASE NAME: RESIDENTIAL DENSITY CLARIFICATION

CASE NO.: GPA 04-21/ZCA 04-11/LCPA 04-19

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

SECTION 1: That Section 21.08.020 of the Carlsbad Municipal Code is amended by deleting "Agricultural labor housing" from TABLE A PERMITTED USES.

SECTION 2: That Section 21.53.120(e) of the Carlsbad Municipal Code is deleted.

SECTION 3: That Section 21.53.230(d) of the Carlsbad Municipal Code is amended to read as follows:

(d) No more than fifty percent of the portion of a site containing twenty-five to forty percent slopes may be utilized for calculating allowable residential density. Residential development on slopes with an inclination of twenty-five to forty percent, inclusive, shall be designed to minimize the amount of grading necessary to accommodate the project. For projects within the coastal zone, the grading provisions of the Carlsbad local coastal program and Chapters 21.38 and 21.203 of the municipal code shall apply.

SECTION 4: That Title 21 of the Carlsbad Municipal Code is amended by the addition of Section 21.53.230(e) to read as follows:

(e) The potential unit yield for a property, based on the minimum, growth management control point (GMCP), or maximum density of the applicable General Plan land use designation, shall be subject to the following:

(1) Equation used to determine unit yield:  $\text{developable lot area (in acres)} \times \text{density} = \text{unit yield}$ .

(A) "Density" used in this calculation is the minimum, GMCP, or maximum density of the applicable General Plan land use designation;

(B) The resulting unit yield shall be subject to Table A, below.

(2) For purposes of this section:

(A) "Rounded-up" means rounding the fractional unit yield up to the next whole unit; and

(B) "Rounded-down" means rounding the fractional unit yield down to the previous whole unit, but not less than 1 unit.

(3) The information contained in Table A, below, shall not preclude the City from approving residential densities above the GMCP or maximum density of the applicable land use designation, subject to adopted City policies and regulations.

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TABLE A  
UNIT YIELD ROUNDING

| Density Used for Calculation | Unit Yield Includes a            | Provisions for Unit Yield Rounding |
|------------------------------|----------------------------------|------------------------------------|
| MINIMUM                      | fractional unit of .5 or greater | SHALL be rounded-up. <sup>1</sup>  |
|                              | fractional unit below .5         | MAY be rounded-down. <sup>2</sup>  |
| GMCP                         | fractional unit of .5 or greater | MAY be rounded-up. <sup>3</sup>    |
|                              | fractional unit below .5         | SHALL be rounded-down.             |
| MAXIMUM                      | fractional unit                  | SHALL be rounded-down.             |

<sup>1</sup> Unless the project density is allowed below the minimum of the density range, pursuant to the General Plan.

<sup>2</sup> Unit yields rounded-down pursuant to this provision that result in a density below the minimum density of the applicable land use designation shall be considered consistent with the General Plan.

<sup>3</sup> Subject to a fractional unit allocation from the "excess dwelling unit bank", and provided the maximum density of the applicable land use designation is not exceeded.

SECTION 5: That the findings of the Planning Commission as set forth in Planning Commission Resolution No. 5847 constitute the findings of the City Council.

EFFECTIVE DATE: This ordinance shall become effective thirty (30) 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. (Notwithstanding the preceding, this ordinance shall not become effective within the City's Coastal Zone until LCPA 04-19 is approved by the California Coastal Commission.)

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INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 26th day of April, 2005, and thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 10th day of May, 2005, by the following vote, to wit:

AYES: Council Members Hall, Kulchin, Packard, Sigafoose

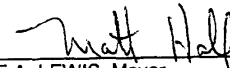
NOES: None

ABSENT: Council Member Lewis

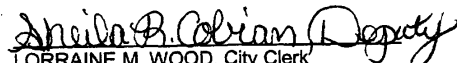
ABSTAIN: None

APPROVED AS TO FORM AND LEGALITY

  
RONALD R. BALL, City Attorney  
5.11.05.

  
CLAUDE A. LEWIS, Mayor  
MATT HALL, Mayor Pro-Tem

ATTEST:

  
LORRAINE M. WOOD, City Clerk

(SEAL)

Exhibit B

STRIKE-OUT/UNDERLINE VERSION OF  
ZCA 04-11 / LCPA 04-19 – RESIDENTIAL DENSITY CLARIFICATION

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Section 21.53.120(e) is proposed to be deleted:

~~(e) No more than fifty percent of the portion of a site containing twenty-five to forty percent slopes may be utilized for calculating allowable residential density. Residential development on slopes with an inclination of twenty-five to forty percent inclusive shall be designed to minimize the amount of grading necessary to accommodate the project. For projects within the coastal zone, the grading provisions of the Carlsbad Local Coastal Program shall apply.~~

Section 21.53.230 is proposed to be amended as follows:

21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.

(a) For the purposes of Titles 20 and 21 of this code, residential density shall be determined based on the number of dwelling units per developable acre of property.

(b) The following lands are considered to be undevelopable and shall be excluded from density calculation:

- (1) Beaches;
- (2) Permanent bodies of water;
- (3) Floodways;
- (4) Natural slopes with an inclination of greater than forty percent except as permitted pursuant to Section 21.95.120(B) of this code;
- (5) Significant wetlands;
- (6) Significant riparian or woodland habitats;
- (7) Land subject to major power transmission easements;
- (8) Land upon which other significant environmental features as determined by the environmental review process for a project are located;
- (9) Railroad track beds.

(c) No residential development shall occur on any property listed in subsection (b). Subject to the provisions of Chapters 21.33 and 21.110, the city council may permit limited development of such property if, when considering the property as a whole, the prohibition against development would constitute an unconstitutional deprivation of property. The planning commission or city council, whichever is the final decision-making body for a residential development may permit accessory facilities, including, but not limited to, recreational facilities, view areas, and vehicular parking areas, to be located in floodplains (subject to Chapter 21.110) and on land subject to major power transmission easements.

(d) No more than fifty percent of the portion of a site containing twenty-five to forty percent slopes may be utilized for calculating allowable residential density. Residential development on slopes with an inclination of twenty-five to forty percent, inclusive, shall be designed to minimize the amount of grading necessary to accommodate the projects within the coastal zone, the grading provisions of the Carlsbad local coastal Chapters 21.38 and 21.203 of the municipal code shall apply.


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|---|
| EXHIBIT NO. 2   |
| CARLSBAD LCPA<br>#3-05A(Density<br>Calculations)  |
| Strike-Out/Underline<br>Section 21.53.230   |
|  California Coastal Commission |

Exhibit B

(e) To determine the potential unit yield for a property, based on the minimum, growth management control point (GMCP), or maximum density of the applicable General Plan land use designation, the following information shall apply:

(1) Equation used to determine unit yield: developable lot area (in acres) x density = unit yield.

(A) “Density” used in this calculation is the minimum, GMCP or maximum density of the applicable General Plan land use designation;

(B) The resulting unit yield shall be subject to the information contained in Table A, below.

(2) For purposes of this section:

(A) “Rounded-up” means rounding the fractional unit yield up to the next whole unit; and

(B) “Rounded-down” means rounding the fractional unit yield down to the previous whole unit, but not less than 1 unit.

(3) The information contained in Table A, below, shall not preclude the City from approving residential densities above the GMCP or maximum density of the applicable land use designation, subject to adopted City policies and regulations.

**TABLE A  
UNIT YIELD ROUNDING**

| <u>Density Used for Calculation</u> | <u>Unit Yield</u>                       | <u>Provisions for Unit Yield Rounding</u> |
|-------------------------------------|---|---|
| <b>MINIMUM</b>                      | <u>fractional unit of .5 or greater</u> | <u>SHALL be rounded-up.<sup>1</sup></u>   |
|                                     | <u>fractional unit below .5</u>         | <u>MAY be rounded-down.<sup>2</sup></u>   |
| <b>GMCP</b>                         | <u>fractional unit of .5 or greater</u> | <u>MAY be rounded-up.<sup>3</sup></u>     |
|                                     | <u>fractional unit below .5</u>         | <u>SHALL be rounded-down.</u>             |
| <b>MAXIMUM</b>                      | <u>fractional unit</u>                  | <u>SHALL be rounded-down.</u>             |

<sup>1</sup> Unless the project density is allowed below the minimum of the density range, pursuant to the General Plan.

<sup>2</sup> Unit yields rounded-down pursuant to this provision that result in a density below the minimum density of the applicable land use designation shall be considered consistent with the General Plan.

<sup>3</sup> Subject to a fractional unit allocation from the “excess dwelling unit bank”, and provided the maximum density of the applicable land use designation is not exceeded.

Ex. 2  
Carlsbad LCPA #3-05A